



COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

701 OCEAN STREET - 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX (831) 454-2131 TDD (831) 454-2123

TOM BURNS, PLANNING DIRECTOR

July 3, 2007

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Agenda Date: July 25, 2007
APN: 087-171-02; 087-161-49
Application: 07-0206
Item #: 14

Subject: A public bearing to consider a proposal to rezone two parcels from the Special Use (SU) and Residential Agriculture (RA) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On April 27, 2007: the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone two parcels with a total of 21 acres from the Special Use (SU) and Residential Agriculture (RA) zone districts to the Timber Production (TP) designation. The uses on the property consist of vacant rural acreage.

Background

This project qualifies for a rezoning under California Government Code Section 51113. This section allows a property owner to petition the County to rezone land to the TP zone. The requirements for this type of rezoning are listed in Government Code section 51113(c)1. The County may not place any additional requirements on this petition to rezone the property to TP. County Code Section 13.10.375(c) - "Zoning to the TP District" implements Government Code section 51113 and specifies the six criteria which must be met in order to rezone to TP.

1 c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels hereafter considered for zoning as timberland production under this section.

The criteria shall not impose any requirements in addition to those listed in this subdivision and in subdivision (d). The following shall be included in the criteria:

(1) A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.

(2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester.

The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(3) (A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.

(B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed.

Notwithstanding the provisions of Article 4 (commencing with Section

51130), if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the county general plan and whose primary use is other than timberland.

(4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

(5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

(d) The criteria required by subdivision (c) may also include any or all of the following:

(1) The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.

(2) The land shall be a certain site quality class or higher under

Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.

Agenda Date:

In accordance with County Code Section 13.10.375(c), the project meets the following six criteria for rezoning to Timber Production:

1. A map has been submitted with the legal description or assessor's parcel number of the property to be rezoned.
2. A Timber Management Plan, undated, prepared by a registered professional forester has been submitted for the property (Exhibit E).
3. The parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules for the district in which the parcel is located (see Exhibit E).
4. The parcel is timberland, as the entire parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually and is almost entirely located within a mapped Timber Resource area.
5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
6. The land area to be rezoned is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and is comprised of at least five acres in area.

This project qualifies for a statutory exemption (Exhibit D) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703).

Conclusion


All of the criteria have been met for rezoning this parcel to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations.


Recommendation

Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0206 based on the attached findings (Exhibit B).

EXHIBITS

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN Map
- C. Location, Current Zoning and General Plan Designation Maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan by Joseph Culver, RPF #2674 dated April 26, 2007.


Maria Porcila Perez
Project Planner
Development Review

Reviewed By: 
Mark Deming
Assistant Planning Director

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
the following Resolution is adopted

PLANNING COMMISSION RESOLUTION
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 07-0206, involving properties located on the east side of Quigg Way (adjacent to 540 Quigg Way) about .3 miles northeast of the intersection of Quigg Way and Highway 9, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing properties from the Special Use (SU) and Residential Agriculture (RA) zone district to the Timber Production zone district.

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

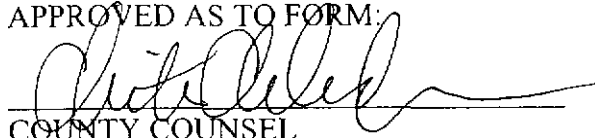
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2007; by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
MARK DEMING, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 13
OF THE SANTA CRUZ COUNTY CODE
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION 1

The Board of Supervisors finds that the public convenience: necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the timber resource property located on the east side of Quigg Way (adjacent to 540 Quigg Way) about .3 miles northeast of the intersection of Quigg Way and Highway 9; finds that the zoning to be established herein is consistent with all elements of the Santa Cruz County General Plan and the Santa Cruz County Code, as modified by the *Big Creek* decision; and finds and certifies that the project is subject to a statutory exemption under the California Environmental Quality Act.

SECTION II

The Board of Supervisors hereby adopts the Zoning Plan Amendment as described in Section III, and adopts the findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
- I. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
2. The character of development in the area where the land is located has changed or is *changing* to such a degree that the public interest will be better served by a different zone district; and
3. The property meets the requirements of Government Code section 51113 or 51113.5 and County Code Section 13.10.375(c).

SECTION 111

Chapter 13.10- Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.210- Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

| <u>Assessor's Parcel Number</u> | <u>Existing Zone District</u> | <u>New Zone District</u> |
|---------------------------------|-------------------------------|--------------------------|
| 087-161-49 | Residential Agriculture (RA) | TP |
| 087-171-02 | Special Use (SU) | TP |

SECTION IV

This Ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED THIS _____ day of _____ 2007, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairman of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

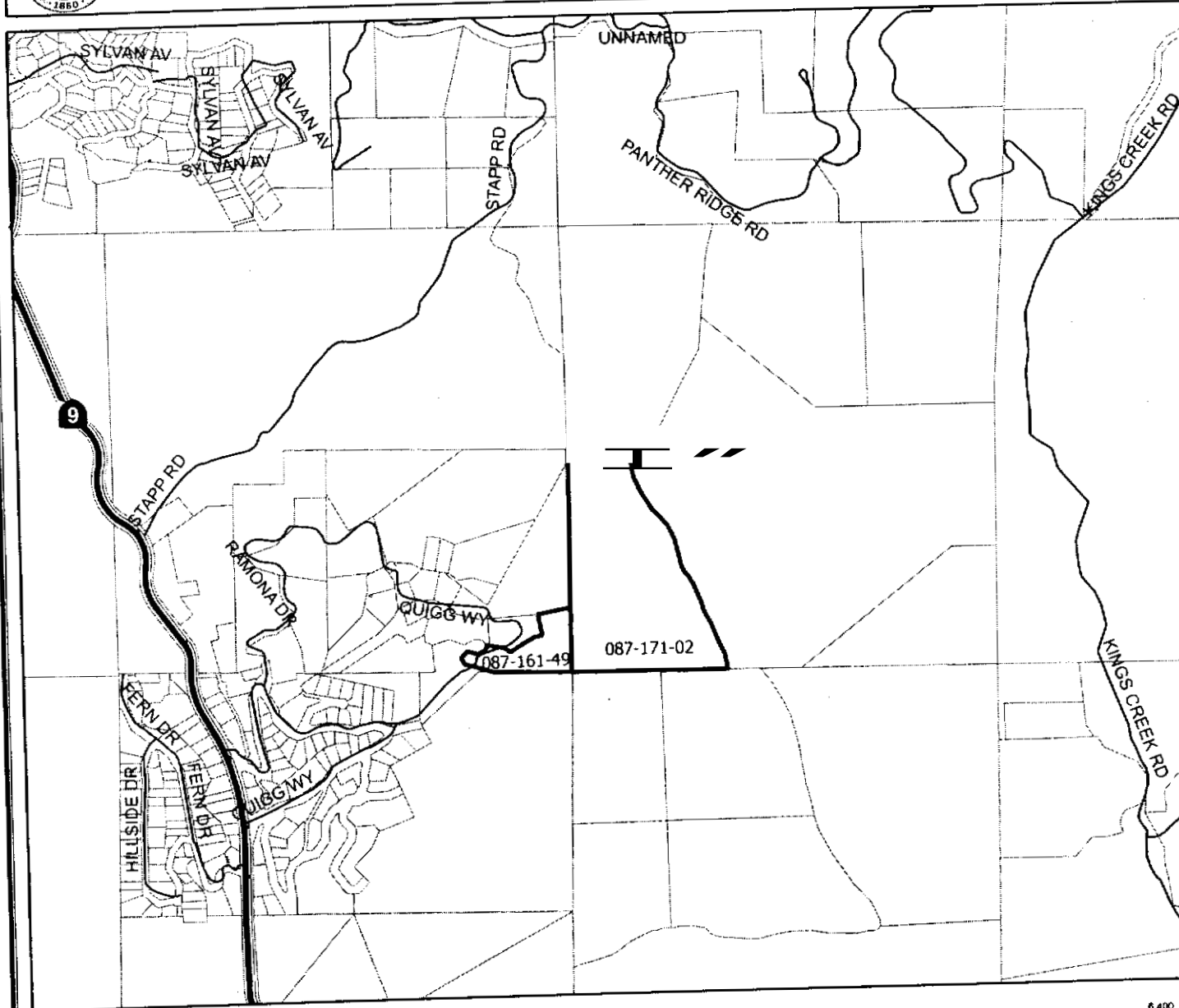
Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
 Planning
 Assessor
 County




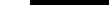
GIS

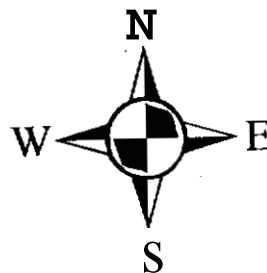


Location Map



Legend

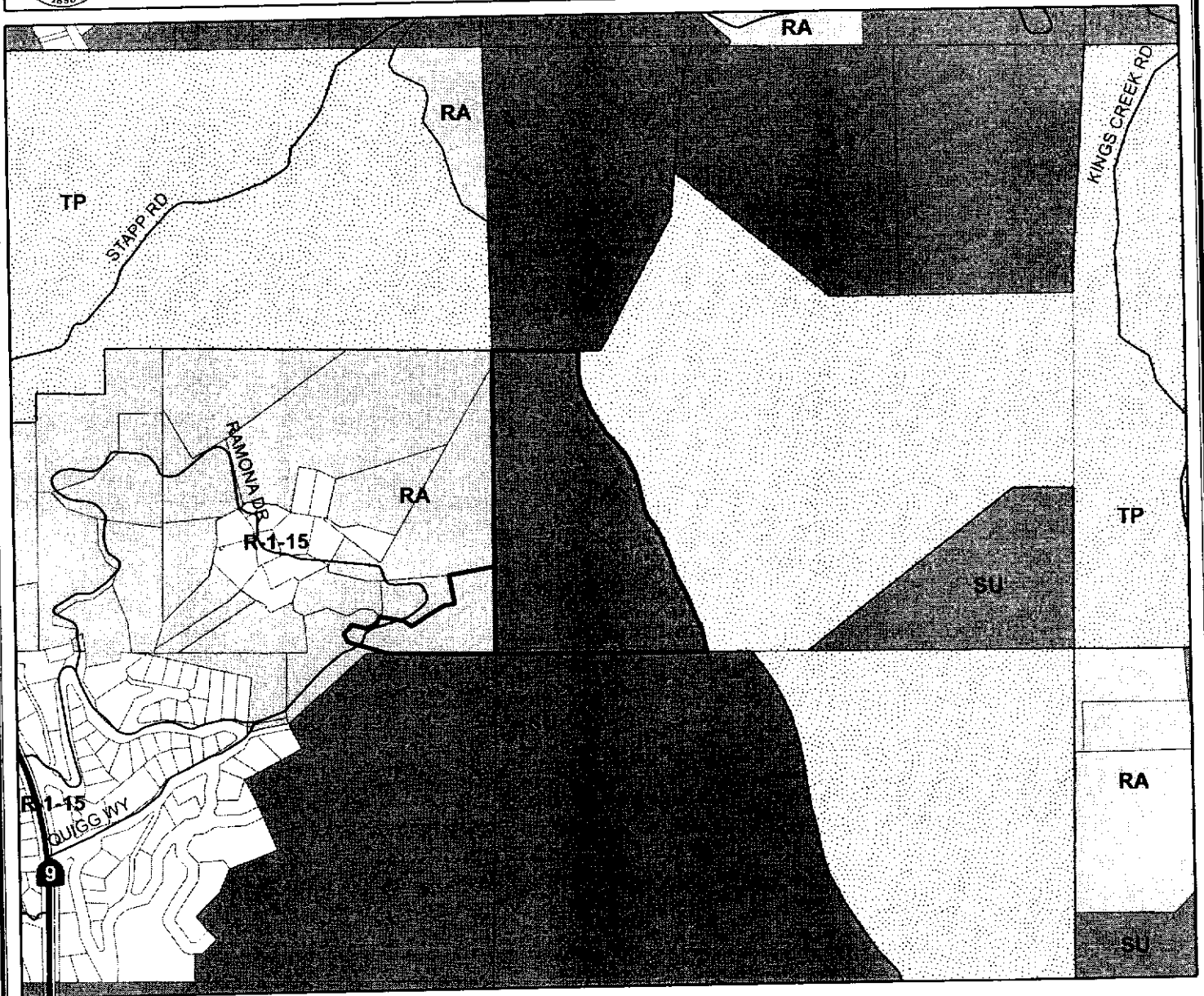
-  Subject Parcels
-  Assessors Parcels
-  Streets selection
-  State Highways











Map Created by
County of Santa Cruz
Planning Department
May 2007

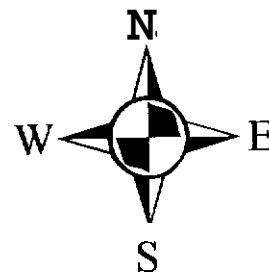


Zoning Map



Legend

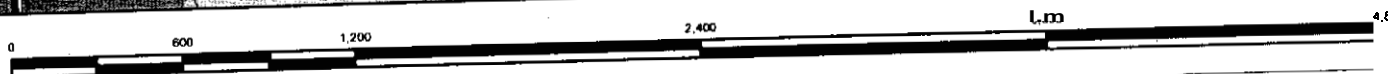
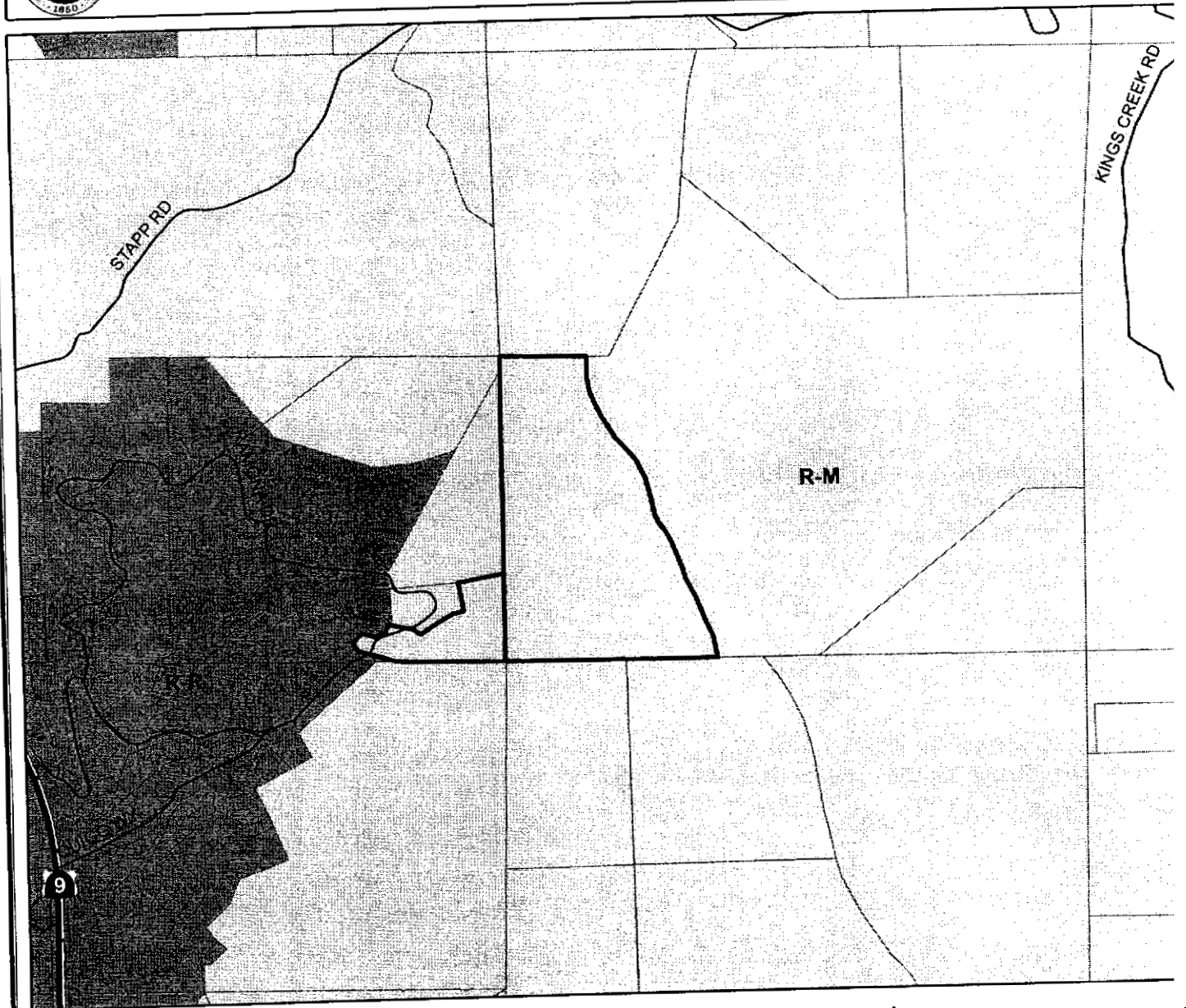
-  Subject Parcels
-  Streets selection
-  Assessors Parcels
-  State Highways
-  SPECIAL USE (SU)
-  AGRICULTURE RESIDENTIAL (RA)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  TIMBER PRODUCTION (TP)









Map Created by
County of Santa Cruz
Planning Department
May 2007

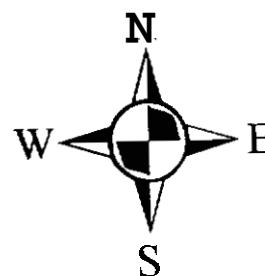


General Plan Designation Map



Legend

-  Subject Parcels
-  Streets selection
-  Assessors Parcels
-  State Highways
-  Residential-Mountain (R-M)
-  Residential-Rural (R-R)



Map Created by
County of Santa Cruz
Planning Department
May 2007

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 07-0206

Assessor Parcel Number: 087-161-49; 087-171-02

Project Location: Properties located on the east side of Quigg Way (adjacent to 540 Quigg Way) about .3 miles northeast of the intersection of Quigg Way and Highway 9.

Project Description: Rezone two parcels from the Special Use (SU) and Residential Agriculture (RA) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Kurt & Lynn Brumbaugh

Contact Phone Number: (831) 359-6255

- A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. ☐ **Ministerial Project** involving only the **use** of fixed standards or objective measurements without personal judgment.
D. ☒ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285). [Section 1703]

In addition, none of the conditions described in Section 15300.2 apply to this project.

Maria Porcila Perez, Project Planner

Date: 3 2007

Timber Management Plan

Lands of Brumbaugh

**540 Quigg Way
Santa Cruz County**

**Portions of Sections 31, 36
Township 8 South
Range 2, 3 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
April 26, 2007**

PREFACE

In April, 2007, Joseph Culver, Consulting Forester, was commissioned by Kurt Brumbaugh to prepare a Timber Management Plan for parcels 087-171-02 and 087-161-49. The contiguous parcels total approximately 21 acres and are evaluated under one Timber Management Plan. This management plan incorporates field work, information from a past management plan prepared by professional forester Gary Paul, and currently available resource data.

GENERAL DESCRIPTION OF PROPERTY

The subject property is located in the San Lorenzo River drainage, 4 1/2 miles north of Boulder Creek in Santa Cruz County, California. The property is located approximately 1/2 mile east of Highway 9 and is accessed off of Quigg Way, a private road. The property consists of two parcels that total 21 acres in size. APN 087-171-02 is located in Section 31, T.8 S, R.2 W., while APN 087-161-49 is located in Section 36, T.8 S., R.3 W. Currently, there is no residential structure on the property. Access and topography indicate that no permanent residence could be feasibly placed on the property.

Of the 21 total acres, 9.5 acres are in commercial timberland. Non-commercial redwood timberland occupies an additional 1.5 acres. This area is south facing, and is extremely low site, and access for harvest is difficult. There are 5 acres of hardwood type, primarily live oak and madrone, with the remaining 5 acres of the property comprised of chaparral.

The property has primarily a west facing aspect. The non-timbered portions of the property generally face south. Slopes range from moderate in the bowl to steep in most other locations besides the flatter ridge tops. Elevations range from 840 feet in the draw at the west side of the property to 1410 feet at the ridge in the northeast corner off the property. Seasonal watercourses flow off of the property towards the south west following heavy rainfall.

SOILS

The commercial forest is underlain by the Ben Lomond-Catelli-Sur complex. These soils are deep and well drained, with sandy loam surface soils of about 7-19 in thickness. Weathered sandstone is found at 37-46. Permeability is moderately rapid, and effective rooting depth is 20-40". Runoff is rapid to very rapid, and the erosion hazard is high to very high. These soils are well suited to timber production. Site index is 135 or low Site III.

The chaparral, *non-commercial* timber and hardwood vegetation types are underlain by the Sur-Catelli complex. This soil complex is moderately deep and somewhat excessively drained. The surface soil is stony sandy loam about 18 in thickness. Massive sandstone is at a depth of 35". Runoff is very rapid and the erosion hazard is very high. This soil is not suited for timber production due to lack of moisture holding capacity, which is exacerbated by the general south facing aspect of this soil type.

TIMBER STAND DESCRIPTION

The productive forested area on the property is primarily redwood. Occasional scattered Douglas fir saplings are found on the edges of the forest type, as it mixes into hardwoods and chaparral. Typical hardwood species are found intermixed within the timbered area, which include tanoak, live oak, and madrone. Approximately 70% of the overstory is occupied by conifers. No disease or insect problems were noted in the timber stand. The understory generally consists of small hardwoods and poison oak.

The age of the stand is 105-115 years old, being a result of clearcutting which took place in the years 1890-1900. The second growth stand which resulted grew vigorously for approximately 30-40 years. Growth slowed as the trees grew larger and closer together, and began competing for available water, nutrients, and sunlight. Growth rate was estimated to be 2% in 1996.

The timbered area of the property was selectively harvested in 1996, utilizing a tractor system. Approximately 40% of the total timber volume was removed, from about 40% of the trees over 18 DBH. Volume and spacing were the primary considerations in tree removal. The leave stand increased its growth rate to approximately 3% as a result of the 1996 harvest, due to increased spacing between the residual trees.

TIMBER STAND DATA

RPF Gary Paul conducted a 13% inventory on the timbered portion of the property in 1997. Data was compiled on stand composition, basal area, distribution and timber volume per acre. Over the past ten years the stand has grown at approximately 3% per year. Inserting this growth into the 1997 inventory data results in the following stand characteristics for 2007:

NET VOLUME PER ACRE BY DIAMETER CLASS* (Board Feet)

| 12-16" | 18-24" | 26-34" | 36"+ | Total |
|--------|--------|--------|------|-------|
| 1782 | 14365 | 10224 | 2707 | 29078 |

TOTAL NET VOLUME DIAMETER CLASS (Board Feet)

| 12-16" | 18-24" | 26-34" | 36"+ | Total |
|--------|--------|--------|-------|--------|
| 16929 | 136468 | 97128 | 25717 | 276242 |

BASAL AREA PER ACRE = 240 square feet

SPECIES COMPOSITION = 100% redwood

**Limitation: This data is based on a 13% field sample and an estimated growth rate for the previous ten years. This data should only be used as a guide for management purposes, and should not be extended or taken out of context for other purposes.*

General tree growth rates in the Santa Cruz Mountains combined with site specific conditions of this property indicate that the redwood forest is growing at an approximate rate of 3% per year. This equates to an annual growth rate of 8,287 board feet over the 9.5 acres of timber. Converting this value to cubic feet gives a current growth rate of 65 cubic feet per acre per year over the entire 21 acre parcel. This well exceeds the required average of 15 cubic feet per acre per year to classify a property as timberland.

MANAGEMENT OBJECTIVES AND GOALS

Mr Brumbaugh intends to continue to manage the property for high quality forest products, while enhancing the related values of aesthetics, wildlife, and recreation. As the previous selective harvest occurred 10 years ago the next harvest should occur within the ten years. Although State law allows for a harvest every 10 years, due to the small size of the timbered area it is recommended that the cutting cycle be maintained at a 15-20 year cycle to maximize the volume removed in each cycle, and to minimize neighborhood impacts and damage to planted seedlings. Future harvests should focus on the following objectives:

1. Prescribe and implement a forest improvement program *to* improve stocking, increase tree vigor and maximize growth.
2. Maintain a healthy and vigorous forest of well-spaced trees growing at the highest rates feasible considering the other values of the forest.
3. Maintain a high degree of aesthetic consideration during all aspects of forest management.
4. Improve wildlife habitat as part of continuing forest management.

CONCLUSION

The property is well suited for timber management. The property has been managed in the past through a selective harvest in 1997. Mr. Brumbaugh has indicated that he wants to continue to manage the timber resource and stand conditions warrant another harvest within the next five to ten years. Due to the smaller size of the property, future harvests should occur every 15 to 20 years. Current stocking levels meet the requirements of PRC 4561 with an average basal area of 260 square feet within the timbered portions of the property. Average growth rates well exceed the required amounts to classify the property as timberland. No residence is present on either parcel and current uses on the property appear to be in compliance with the Timber Production Zone uses set forth in section 13.10.372 of Santa Cruz County Code.

Timber Management Plan Prepared By:



Joseph Culver

Registered Professional Forester #2674

Brumbaugh Property

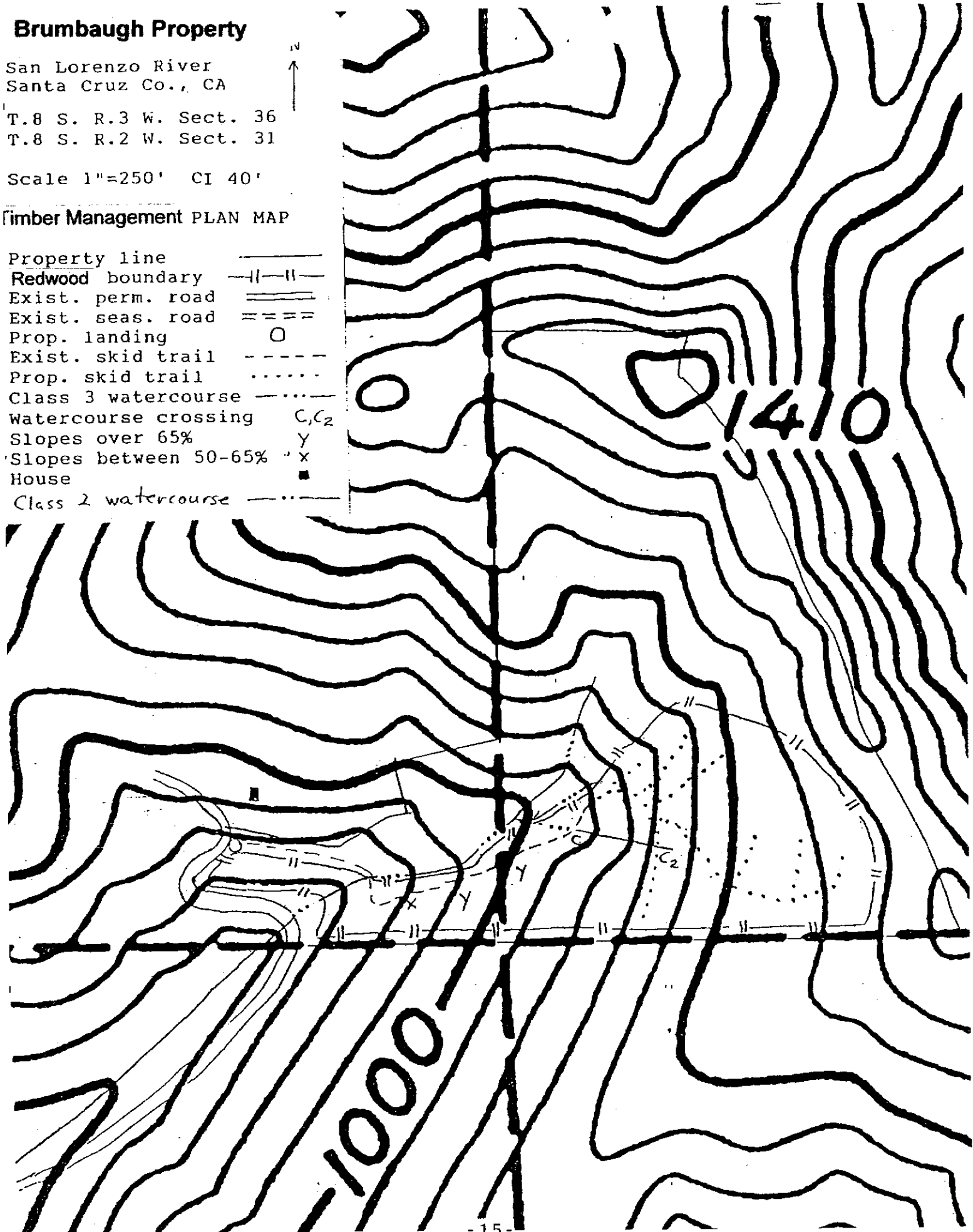
San Lorenzo River
Santa Cruz Co., CA

T.8 S. R.3 W. Sect. 36
T.8 S. R.2 W. Sect. 31

Scale 1"=250' CI 40'

Timber Management PLAN MAP

Property line —————
Redwood boundary —||—||—
Exist. perm. road ————
Exist. seas. road ————
Prop. landing ○
Exist. skid trail - - - - -
Prop. skid trail
Class 3 watercourse ————
Watercourse crossing C, C₂
Slopes over 65% Y
Slopes between 50-65% X
House ■
Class 2 watercourse —.....



Brumbaugh Property

San Lorenzo River
Santa Cruz Co., CA



T.8 S. R.3 W. Section 36

T.8 S. R.2 W. Section 31

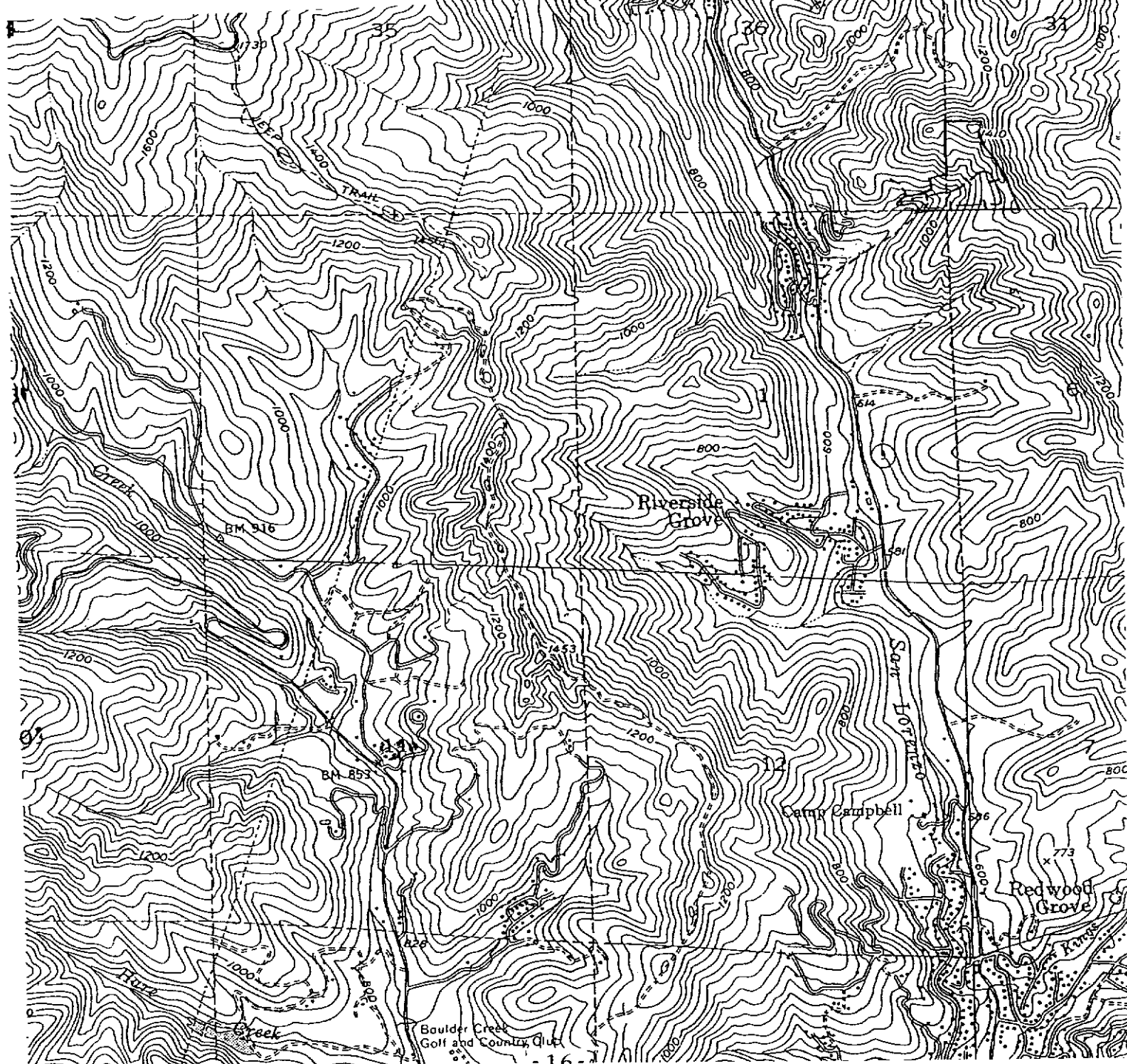
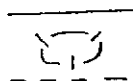
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LOCATION MAP

Property line

Redwood area

Quigg Way

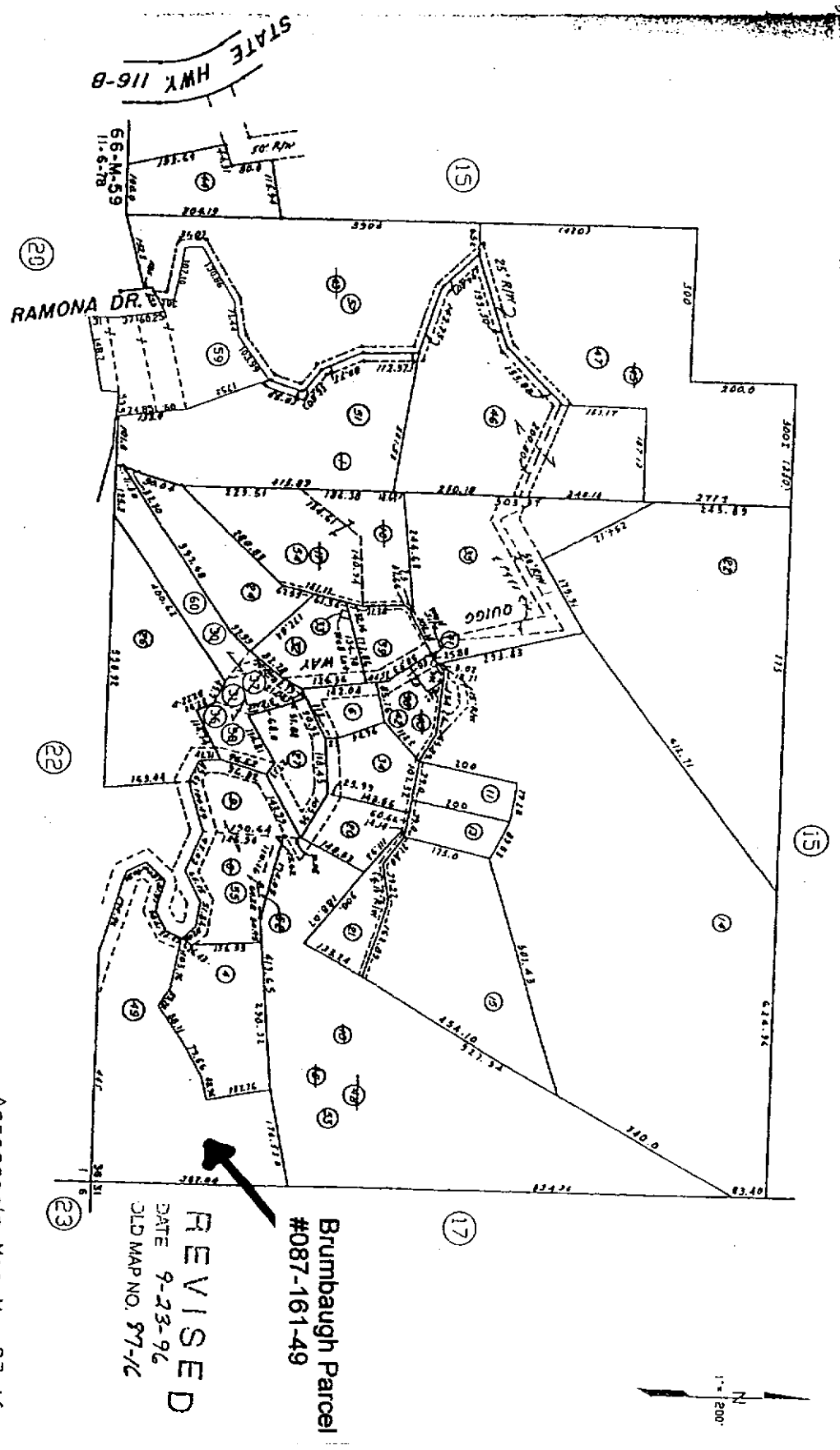


FOR TAX PURPOSES ONLY
 THIS MAP IS NOT A GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 SANTIAGO SANTA CRUZ COUNTY ASSESSOR 1984

PDR. SE. 1/4 SEC. 36,
 T.8S., R.3W., M.D.B.&M.

Tax Area Code
 90-051

87-16



REVISED
 DATE 9-23-96
 OLD MAP NO. 97-16

Note - Assessor's Parcel Block &
 Lot Numbers Shown in Circles.
 Assessor's Map No. 87-16
 County of Santa Cruz, Calif.
 Mar. 1953

AX PURPOSES ONLY

P.O.R. S. 1/2 SEC. 31, T. 8 S., R. 2 W., M.D.B.A.M.

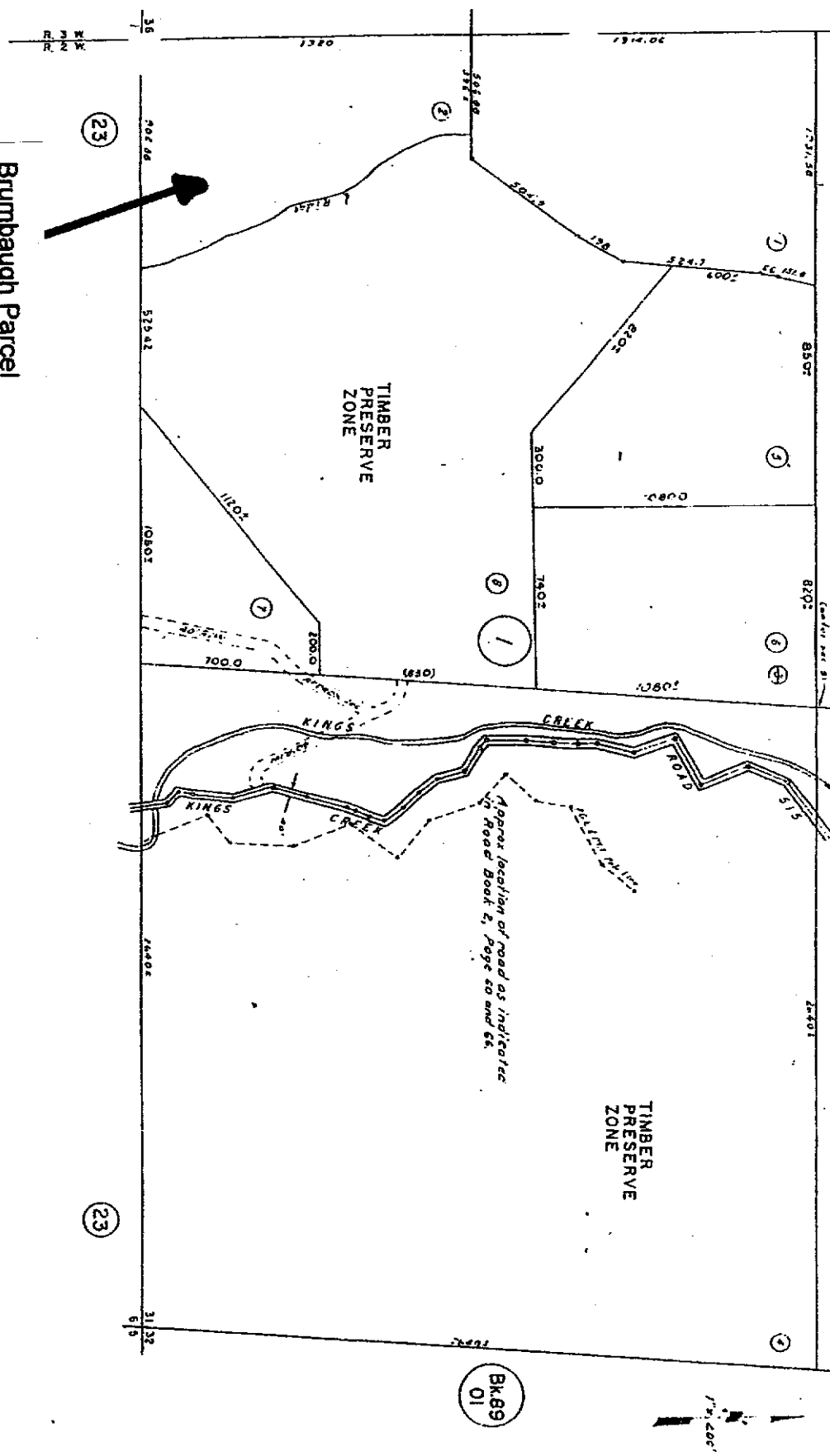
Tax Area Code 87-11
90-018

(28)

REVISED
DATE 8-26-81
LD MAP

(14)

This 1/2 Sec. line does not check with adjoining maps.
Definite information as to location is unavailable.



Brumbaugh Parcel
#087-171-02

Note - Assessor's Parcel Block 8
Lot Numbers Shown in Circles.

Assessor's Map No. 87-17
County of Santa Cruz, Calif.
Apr. 1953