



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

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

TOM BURNS, PLANNING DIRECTOR

August 1, 2007

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

Agenda Date: October 10, 2007  
APN: 087-053-51  
Application: 07-0339  
Item #: 16

**Subject: A public bearing to consider a proposal to rezone a single lot of record from the Special Use (SU) zone district to the Timber Production (TP) zone district.**

Members of the Commission:

On May 14, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 27 acre parcel from the Special Use (SU) zone district 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)<sup>1</sup>. 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.

<sup>1</sup> 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 being 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.

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. 07-0339 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 Cassady Bill Vaughan, dated June 22, 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

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WHEREAS, the Planning Commission has held a public hearing on Application No. 07-0339, involving property located on the west side of Highway 9, approximately ¼ mile north of the intersection with Mc Gaffigan Mill Road, 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 property from the Special Use (SU) 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 I**

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 west side of Highway 9, approximately ¼ mile north of the intersection with McGaffigan Road; 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 Supervisorshereby 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
1. 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 III**

**EXHIBIT A**

Chapter 13.10- Zoning Regulations of **the** Santa Cruz County Code is **hereby** amended by amending Section 13.10.2 10- 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>
087-053-51	Special Use (SU)	TP

**SECTION IV**

This ordinance shall take effect on the 31<sup>st</sup> 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:

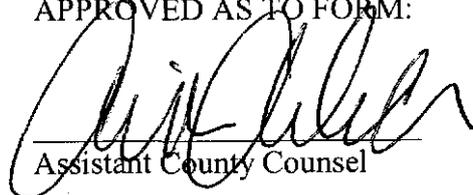
  
\_\_\_\_\_  
Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel  
Planning  
Assessor  
County

GIS

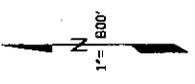
**EXHIBIT A**

**FOR TAX PURPOSES ONLY.**  
 THIS ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY FOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

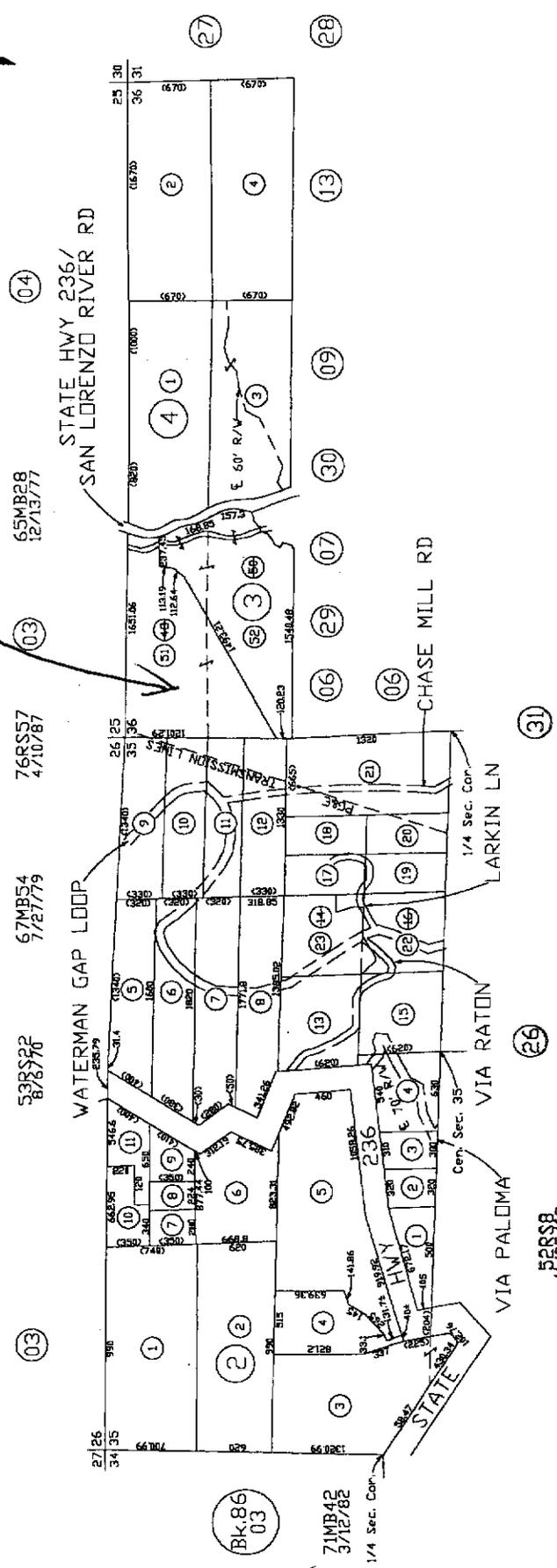
PDR. SECS. 35 & 36  
 T.8S., R.3W., M.D.B. & M.

Tax Area Code  
 90-103

87-05



*Parcel*



3435  
 312

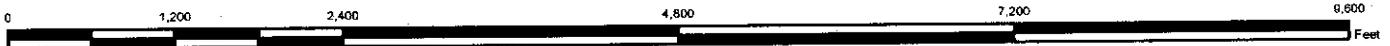
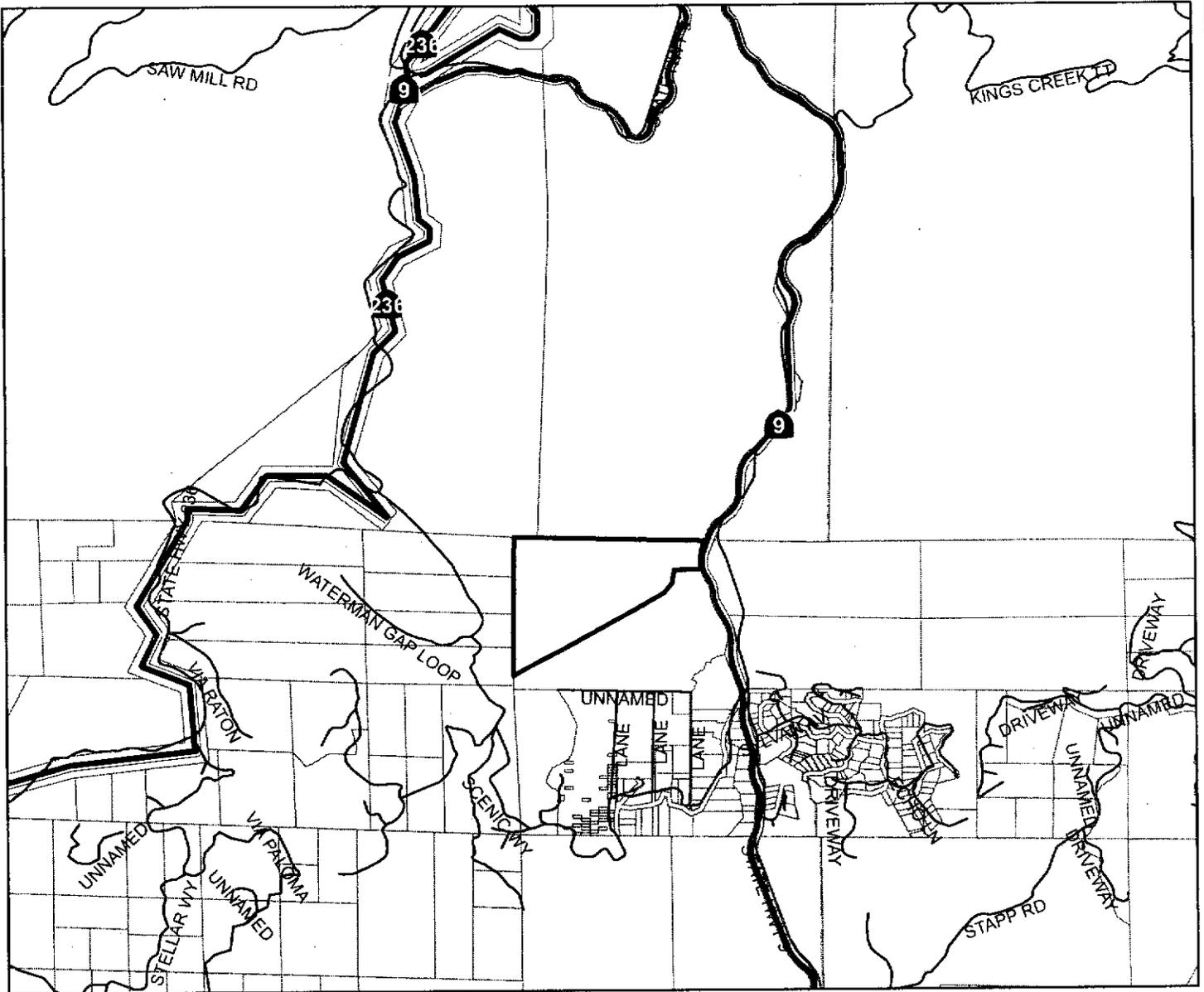
Official Return 2/17/00 nva  
 /20/01 nva changed page refs.

Assessor's Map No. 87-05  
 County of Santa Cruz Calif

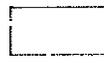
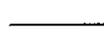
**EXHIBIT B**

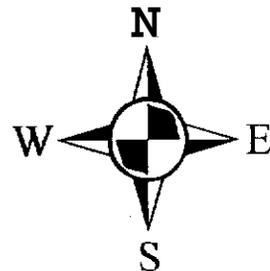


# Location Map



## Legend

-  APN 087-053-51
-  Assessors Parcels
-  Streets
-  State Highways

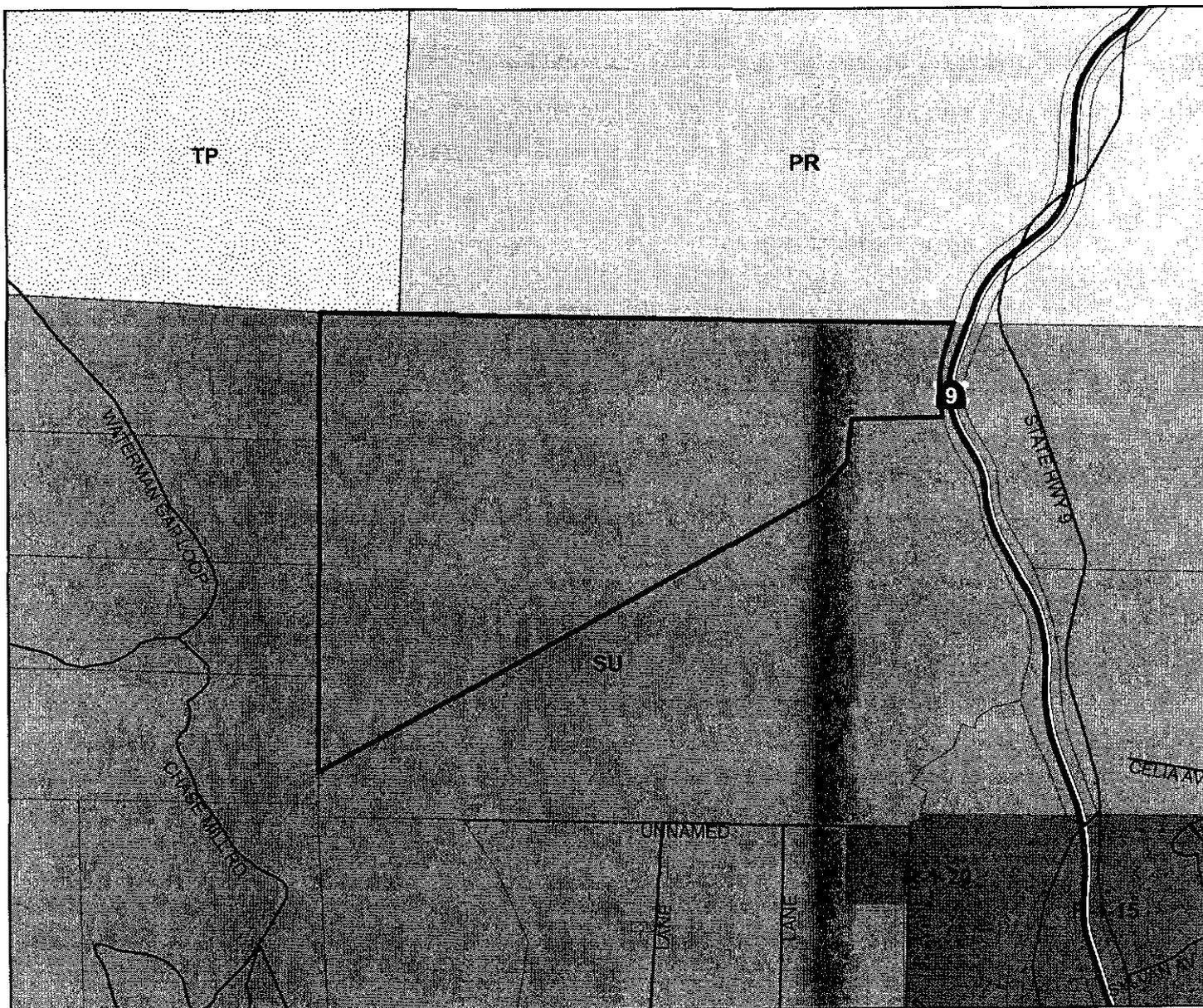


Map Created by  
 County of Santa Cruz  
 Planning Department  
 July 2007

# EXHIBIT C

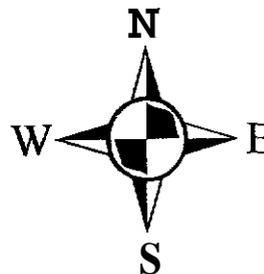


# Zoning Map



## Legend

-  Assessors Parcels
-  Streets
-  State Highways
-  SPECIAL USE (SU)
-  PARK (PR)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  TIMBER PRODUCTION (TP)

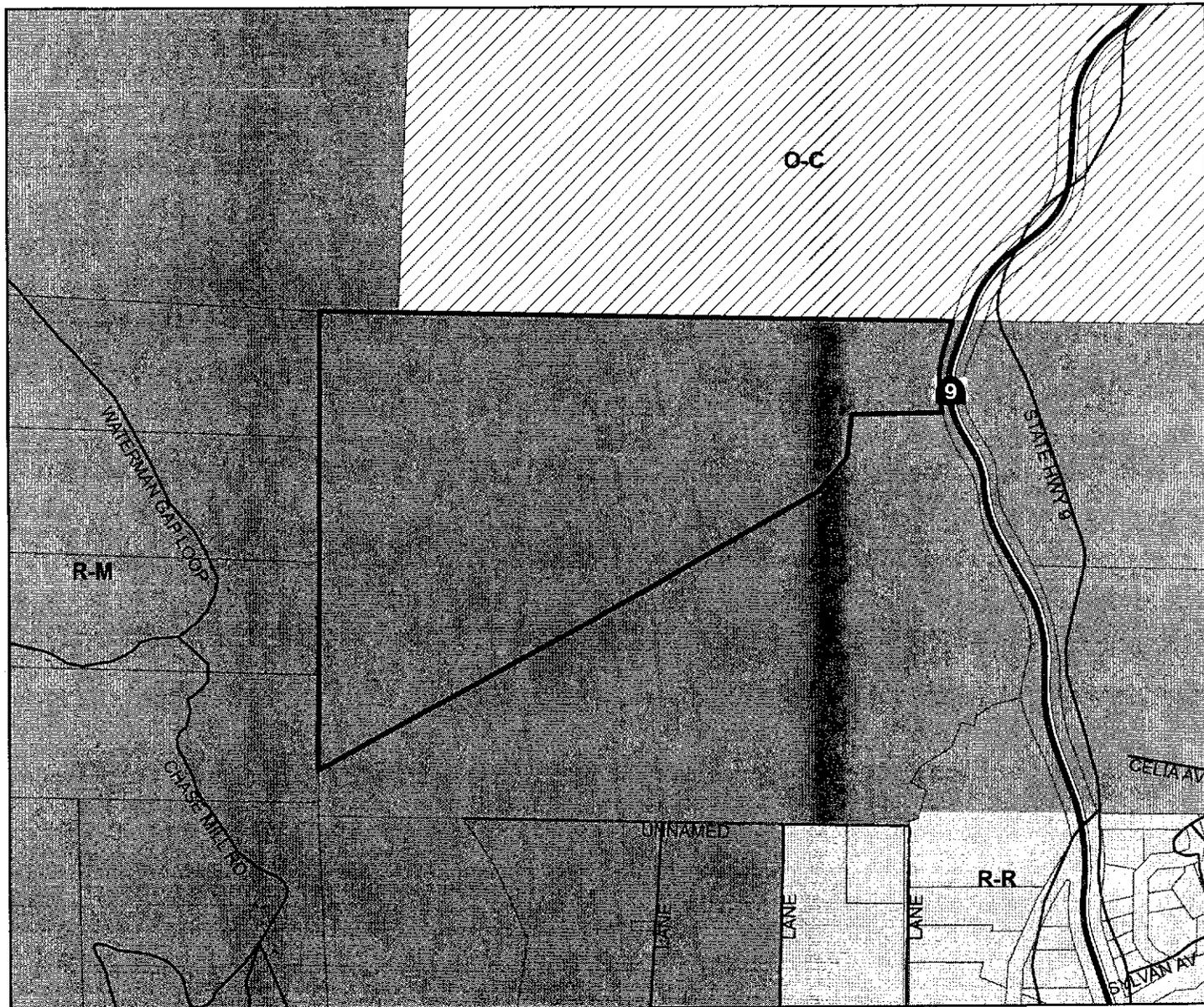


Map Created by  
County of Santa Cruz  
Planning Department  
July 2007

**EXHIBIT C**

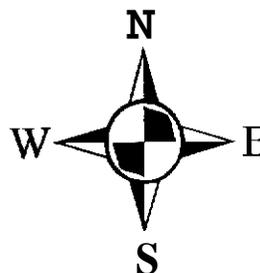


# General Plan Designation Map



## Legend

-  APN 087-053-51
-  Assessors Parcels
-  Streets
-  State Highways
-  Residential-Mountain(R-M)
-  Residential-Rural(R-R)
-  Resource Conservation (O-C)



Map Created by  
 County of Santa Cruz  
 Planning Department  
 July 2007

EXHIBIT C

# 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: 07-0339

Assessor Parcel Number: 087-053-51

Project Location: Property located on the west side of Highway 9, approximately ¼ mile north of the intersection with Mc Gaffigan Mill Road.

Project Description: Rezone a single parcel from the Special Use (**SU**) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Janet Leavitt

Contact Phone Number: (408) 352-4338

- 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 17031]

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

\_\_\_\_\_  
María Porcila Perez, Project Planner

Date: \_\_\_\_\_

8/13/07

**FOREST MANAGEMENT PLAN FOR  
JANET LEAVITT AND THOMAS FENKER  
APN# 087-053-51**

**PREPARED FOR:  
SANTA CRUZ COUNTY PLANNING**

**PREPARED BY:  
CASSADY BILL VAUGHAN  
REGISTERED PROFESSIONAL FORESTER #2685**

Stephen R. Staub  
Forester & Environmental Consultant



County of Santa Cruz Planning Department  
Attn: Maria Perez  
701 Ocean Street, 4th Floor  
Santa Cruz, CA 95060

June 22, 2007

Re TPZ Rezoning of Assessor's Parcel #s 087-053-51

Maria,

This letter requests re-zoning of Santa Cruz County Assessor's Parcel # 110-271-51 (27 acres) from its current Special Use (SU) zoning to Timber Production (TP) zoning. The property is held jointly by Janet Leavitt and Thomas Fenker, and meets the following criteria:

- 1) The parcel meets the TPZ 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 for the Southern Subdistrict of the Coast Forest District (See attached Stocking Analysis).
- 2) The parcel meets the definition of "Timberland" per Section 51 104(f) of the Government Code (See attached Wood Fiber Analysis).
- 3) The parcel meets the permitted use requirements per County Code Section 23.20.372 (See attached Compatible Use Analysis).
- 4) Timber production has been the predominant land use on the property for the last century, and was logged most recently under a Timber Harvest Plan that was approved in 1996 [See attached THP Pages)
- 5) **At 27 acres**, the parcel meets the current minimum 5-acre size requirement for TP zoning

Also attached:

- 1) Assessor's Parcel Map.
- 2) Timber Harvest Plan # 1-96-04 SCR Work Completion Report and Map.
- 3) A check payable to the County of Santa Cruz in the amount of \$1,651

Sincerely,

  
Cassidy Bill Vaughan, RPF #2685

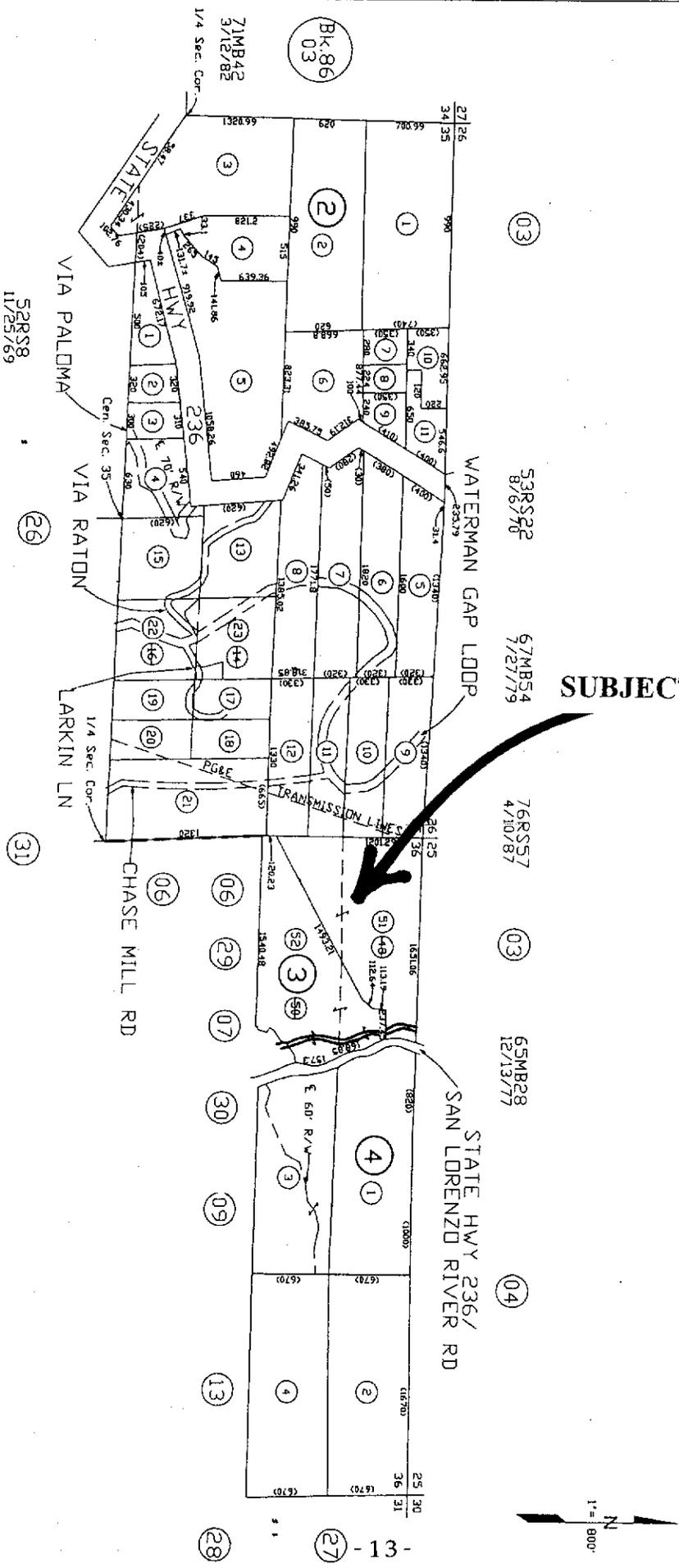
**FOR TAX PURPOSES ONLY**  
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**SUBJECT PARCEL**

SECS. 35 & 36  
 R.3.W., M.D.B. & M.

Tax Area Code  
 90-103

87-05



34/35  
 31/2

Electronically Redrawn 2/17/00 nvn  
 Rev. 8/30/01 nvn (changed page refs)

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

Assessor's Map No. 87-05  
 County of Santa Cruz, Calif  
 Foh pmm

## **STOCKING ANALYSIS**

**Background:** Government Code Section 51113(c)(3)(A) requires that a parcel meet the timber stocking standards set forth in Section 4561 of the Public Resources Code and Section 913.8(a)(1) of the California Code of Regulations (CCR). The timber stocking standards pertaining to CCR Section 913.8(a) are met if the timberland contains an average, minimum post-harvest basal area of at least 75 square feet/acre for Site III land. The requirements of PRC 4561 are less stringent.

**Analysis:** Field review suggests that the average dominant redwood trees on the property exhibit Site III characteristics. Site III is defined under CCR 1060 as lands capable of growing redwood trees of 130-154 feet in 100 years. The parcel was selectively harvested at least twice in the last 30 years, and has demonstrated its value as a timber production properly capable of sustaining periodic harvests while maintaining the minimum basal area requirements cited above.

## **WOOD FIBER ANALYSIS**

**Background:** Government Code Section 51113(c)(4) requires that parcels zoned timber production must meet the definition of "Timberland" which is defined in Government Code Section 51104(f) as: "Privately owned land, or land acquired for state purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre".

**Analysis:** Field review suggests that the parcel is capable of producing wood fiber in excess of 15 cubic feet/acre/year. Soil productivity analysis confirms this observation. The timberland soil type is the Lompico-Felton complex, which listed in the USDA Soil Survey (1980) as "well-suited to the production of redwood and Douglas-fir", and based on field review, is currently producing approximately 25-30 cubic feet of wood fiber/acre/year.

## **COMPATIBLE USE ANALYSIS**

As discussed above, the predominant historic land use on the subject parcel has been timber production, which has proven to be compatible with a variety of past and current land uses. The parcel is bordered on the west by four parcels zoned Special Use, most of which have been selectively managed for timber production over the last 30 years. The two large parcels north of the property are largely open space lands, some managed for timber production, some for public recreation (though the west bank of the San Lorenzo adjoining this particular location is not directly accessible via public trails or roads). The two parcels east of the subject property are zoned Special Use and at least one was selectively harvested about 10 years ago. The parcel which adjoins the property to the south is zoned Special Use and is currently considering re-zoning to Timber Production, as it was logged under the THP# 1-96-04 SCR along with the subject parcel. The success of past harvests on the property and the absence of significant controversy suggest that timber production is compatible the parcel's largely rural setting.

RECEIVED

ORIGINAL + C.C. TO UNIT

DATE 5-28-97 INITIALS K

State of California  
Department of Forestry  
RM-71(3/86)

MAY 19 1997

COAST AREA OFFICE  
RESOURCE MANAGEMENT

ADMINISTRATIVE USE ONLY - Area \_\_\_\_\_  
( THP/EMERGENCY No. \_\_\_\_\_ )  
( Date Received MAY 19 1997 )  
( \_\_\_\_\_ )

TIMBER OPERATIONS WORK COMPLETION AND/OR STOCKING REPORT

(As per Div. 4, Chap. 8, Section 4585 and 4587 PRC, and Sections 1070-1075 Title 14, CAC)

CERTIFICATION BY TIMBER OWNER OR AGENT

I certify that the declaration, herein are true and correct to the best of my knowledge and belief. I am notifying the Department of Forestry of the status of compliance with the completion and stocking requirements of the Forest Practice Act and forest practice rules for Timber Harvesting Plan/Emergency Notice number: 1-96-0045CR

Check the appropriate boxes:

COMPLETION REPORT

Final completion report. All work on the plan was completed on (date): 4-15-97 and no further harvesting shall be conducted.

Annual completion report. On (date) \_\_\_\_\_ all work on a part of the plan as shown on an attached map was completed. Additional harvesting is anticipated on the remaining area of the plan.

STOCKING REPORT -The area declared as complete in this report or previously approved completion report meets all the stocking requirements of the Forest Practice Act and rules. The stocking status after completion of timber operations was determined by:

- One of the sampling procedures adopted by the Board of Forestry.
- Physical examination of the area by the timber owner or his agent after completion of timber operations and a waiver of sampling is requested.

This is a stocking report in the:  entire operating area;  part of the operating area.

A map indicating the area completed and/or stocked must be submitted with this report. Additional information can be found on the back of this form.

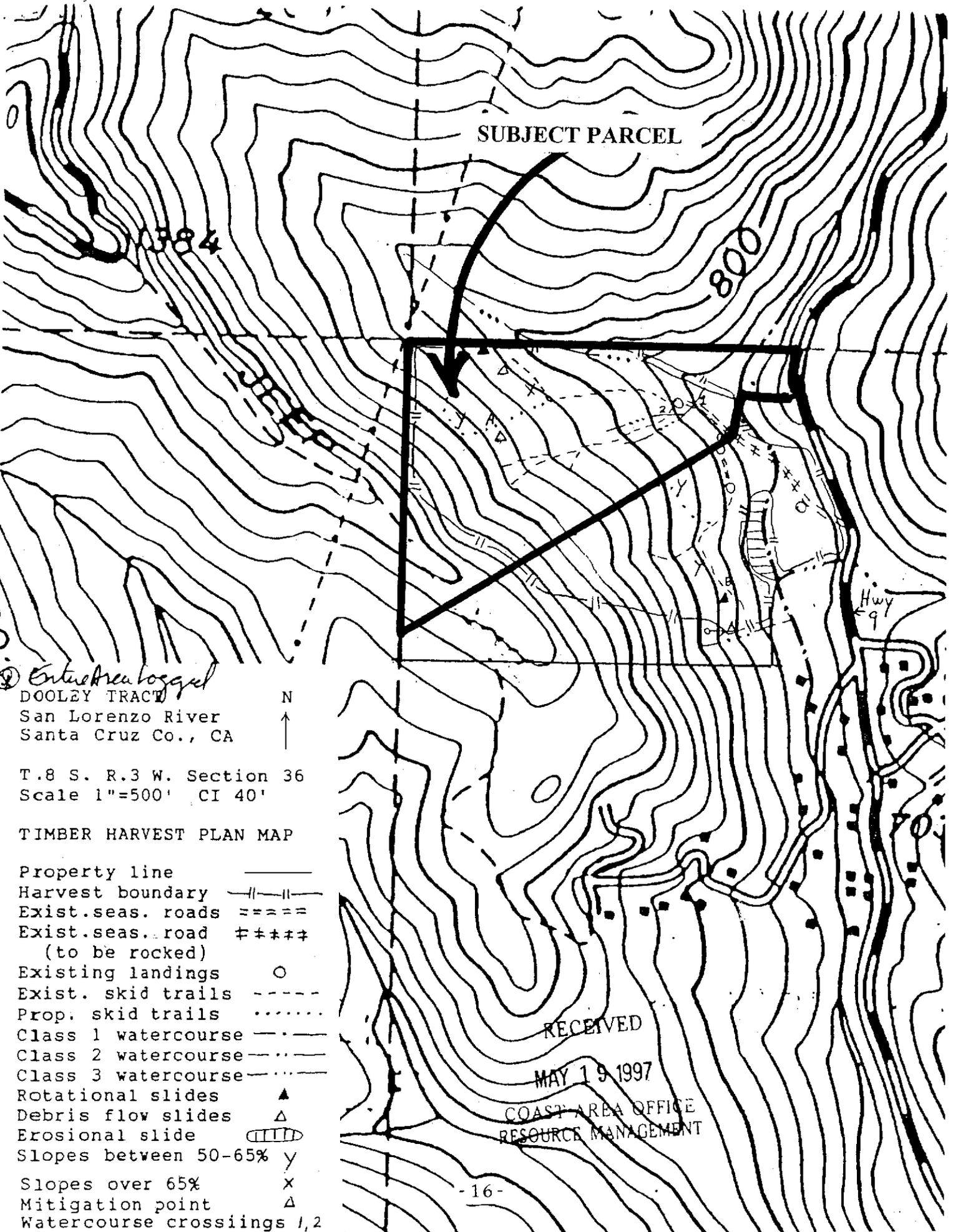
Signature: Gary Paul Date: 5-15-97 Print Name: Gary Paul  
 Address: 5521 Scotts Valley Dr #225 City, State, Zip Code: Scotts Valley, CA 95066  
 Telephone Number (Area Code): 408-438-8968 Registered Professional Forester Lic. No.: if appropriate 1829

DIRECTOR'S CERTIFICATION

- The Director has determined that all of the requirements of the Forest Practice Act and the forest practice rules have been completed except stocking for the area described in this report.
- The area described by this report has been found to meet all of the requirements of the Forest Practice Act and forest practice rules including stocking.
- The area described by this report has been found NOT to be in compliance with the Forest Practice Act and forest practice rules. See attached documents for further information.
- The Director has determined that the stocking requirements of the Forest Practice Act and forest practice rules HAVE NOT been met. See attached documents for further information.

DIRECTOR, DEPARTMENT OF FORESTRY

By: Jeffrey Holmes Signature: JEFFREY HOLMES  
 Title: Forester I RPF# 2561 Date: 5/15/97  
 CDF STOCK NO. 7540-130-0618



SUBJECT PARCEL

1384

800

Hwy 9

Entire Area Logged

DOOLEY TRACT  
San Lorenzo River  
Santa Cruz Co., CA



T.8 S. R.3 W. Section 36  
Scale 1"=500' CI 40'

TIMBER HARVEST PLAN MAP

- Property line —————
- Harvest boundary —||—||—
- Exist. seas. roads == == ==
- Exist. seas. road # # # # #  
(to be rocked)
- Existing landings ○
- Exist. skid trails - - - - -
- Prop. skid trails . . . . .
- Class 1 watercourse — — — — —
- Class 2 watercourse - - - - -
- Class 3 watercourse — — — — —
- Rotational slides ▲
- Debris flow slides △
- Erosional slide ▭▭▭▭
- Slopes between 50-65% Y
- Slopes over 65% X
- Mitigation point △
- Watercourse crossings 1,2

RECEIVED

MAY 19 1997

COAST AREA OFFICE  
RESOURCE MANAGEMENT