

# 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 3, 2007

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

**Agenda Date: October 10, 2007**  
**APN: 100-031-32,35,36**  
**Application: 07-0349**  
**Item #: 17**

**Subject: A public hearing to consider a proposal to rezone 3 parcels from the Agriculture (A) 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 3 parcels totaling 31.4 acres from Agriculture (A) zone district to the Timber Production (TP) designation. The uses on the property consist of 2 parcels vacant rural acreage and one parcel containing a single family dwelling and accessory structures.

### 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**

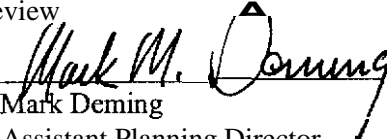
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0349 based on the attached findings (Exhibit B).

### **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, dated July 5, 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. 07-0349, involving property located on the west side of Vine Hill Road at the intersection with Thin Edge 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 Agriculture (A) 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.

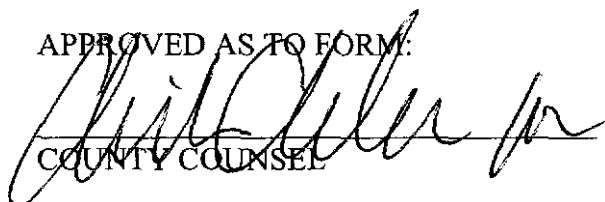
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

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**

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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 Vine Hill Road at the intersection with Thin Edge 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 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
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 13.10.210 - 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>
100-031-32,35,36	Agriculture (A)	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:

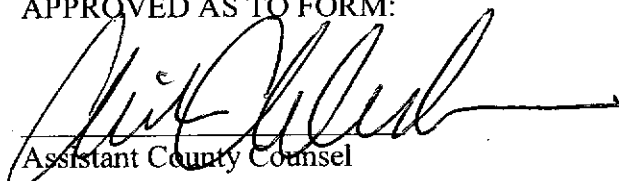
  
Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION:    County Counsel  
                         Planning  
                         Assessor  
                         County

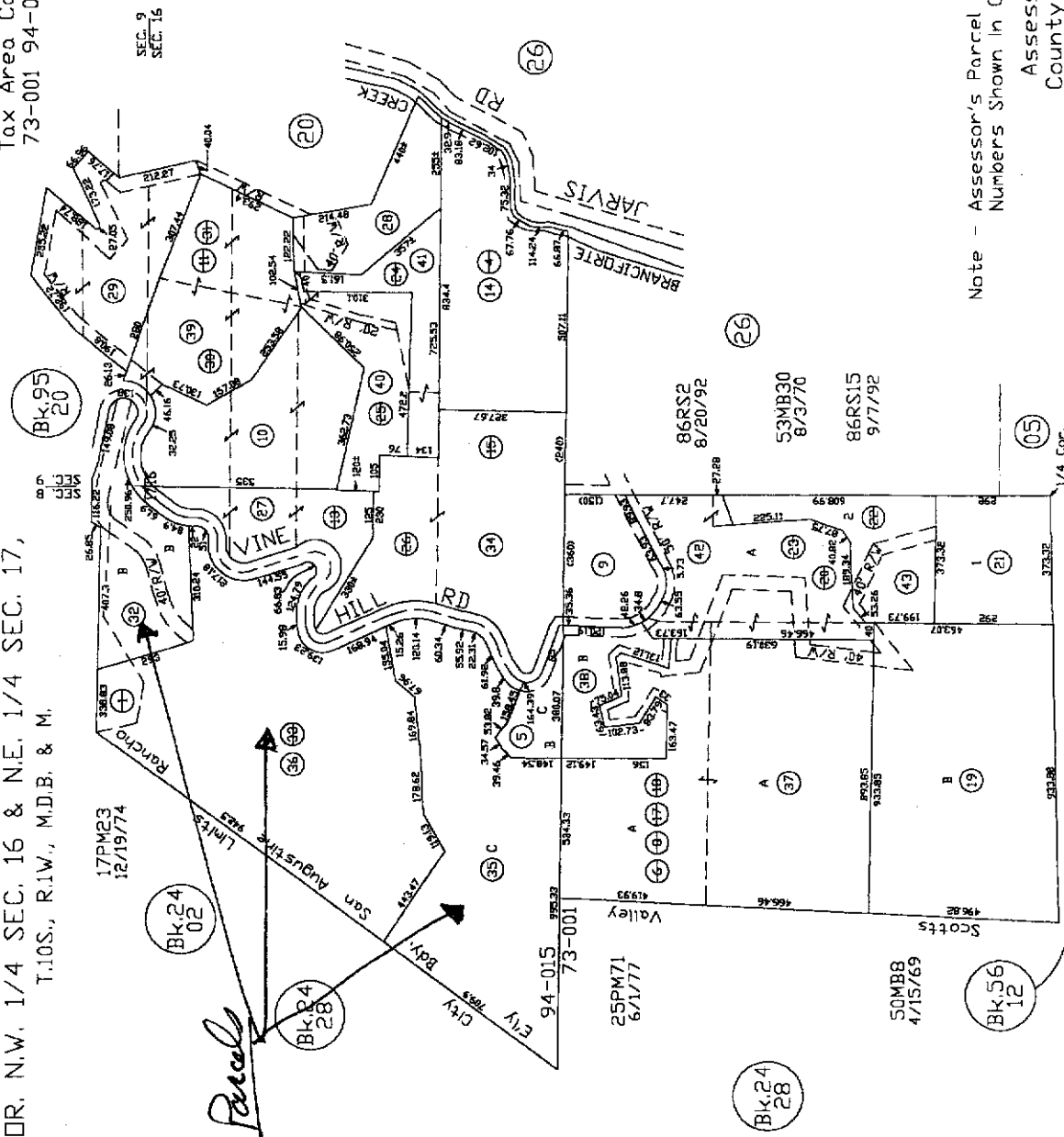
GIS

EXHIBIT A1

Tax Area Code  
73-001 94-015

POOR, N.W. 1/4 SEC. 16 & N.E. 1/4 SEC. 17,  
T.10S., R.1W., M.D.B. & M.

FOR TAX PURPOSES ONLY

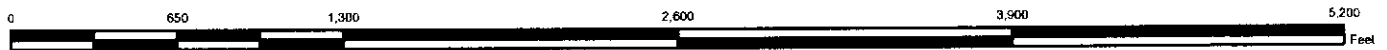
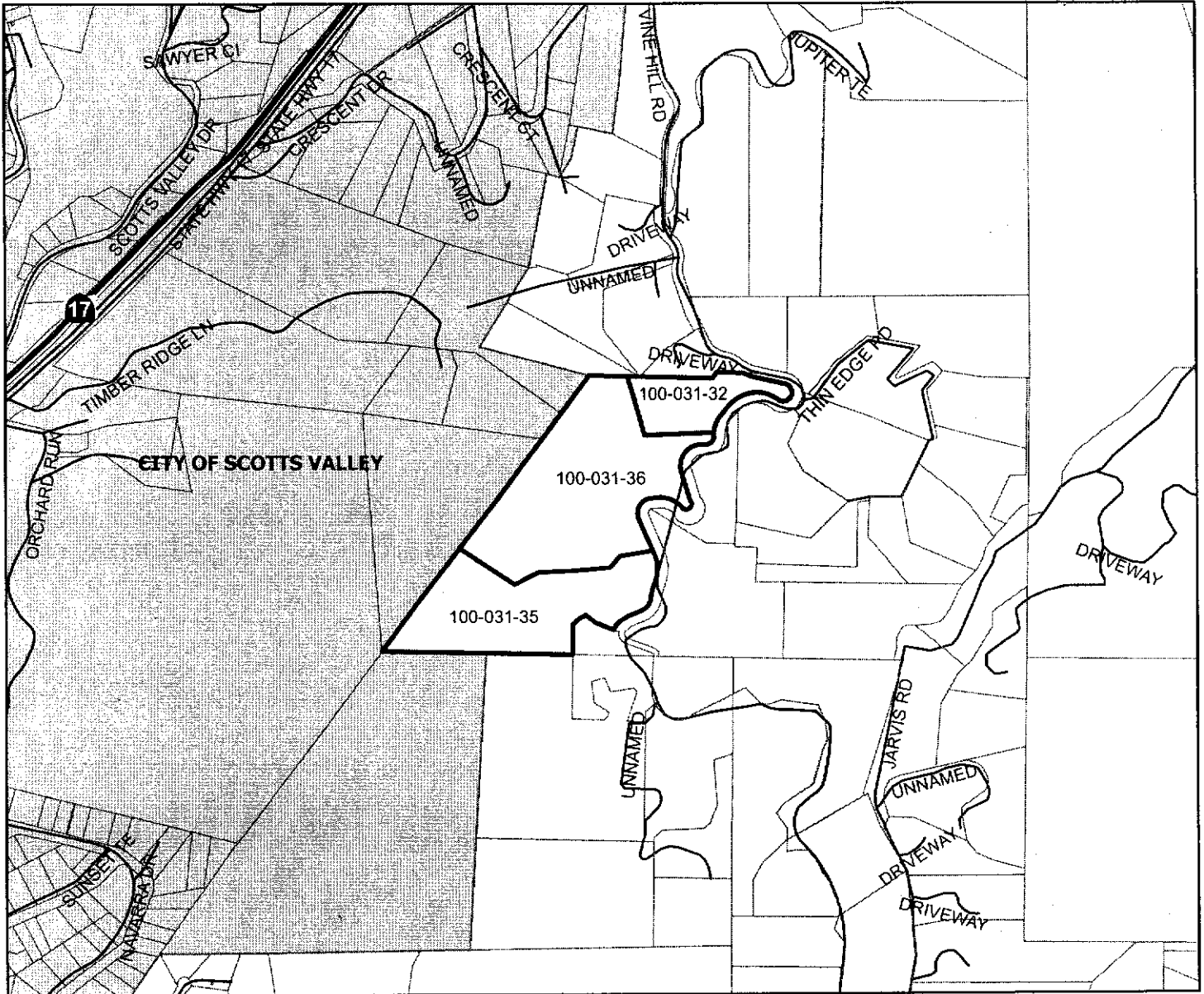


Note - Assessor's Parcel & Block Numbers Shown in Circles.






Assessor's Map No. 100-03  
County of Santa Cruz, Calif.  
Nov. 1998

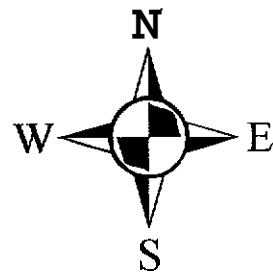


# Location Map



## Legend

-  Subject Parcels
-  Assessors Parcels
-  Streets
-  State Highways
-  City of Scotts Valley

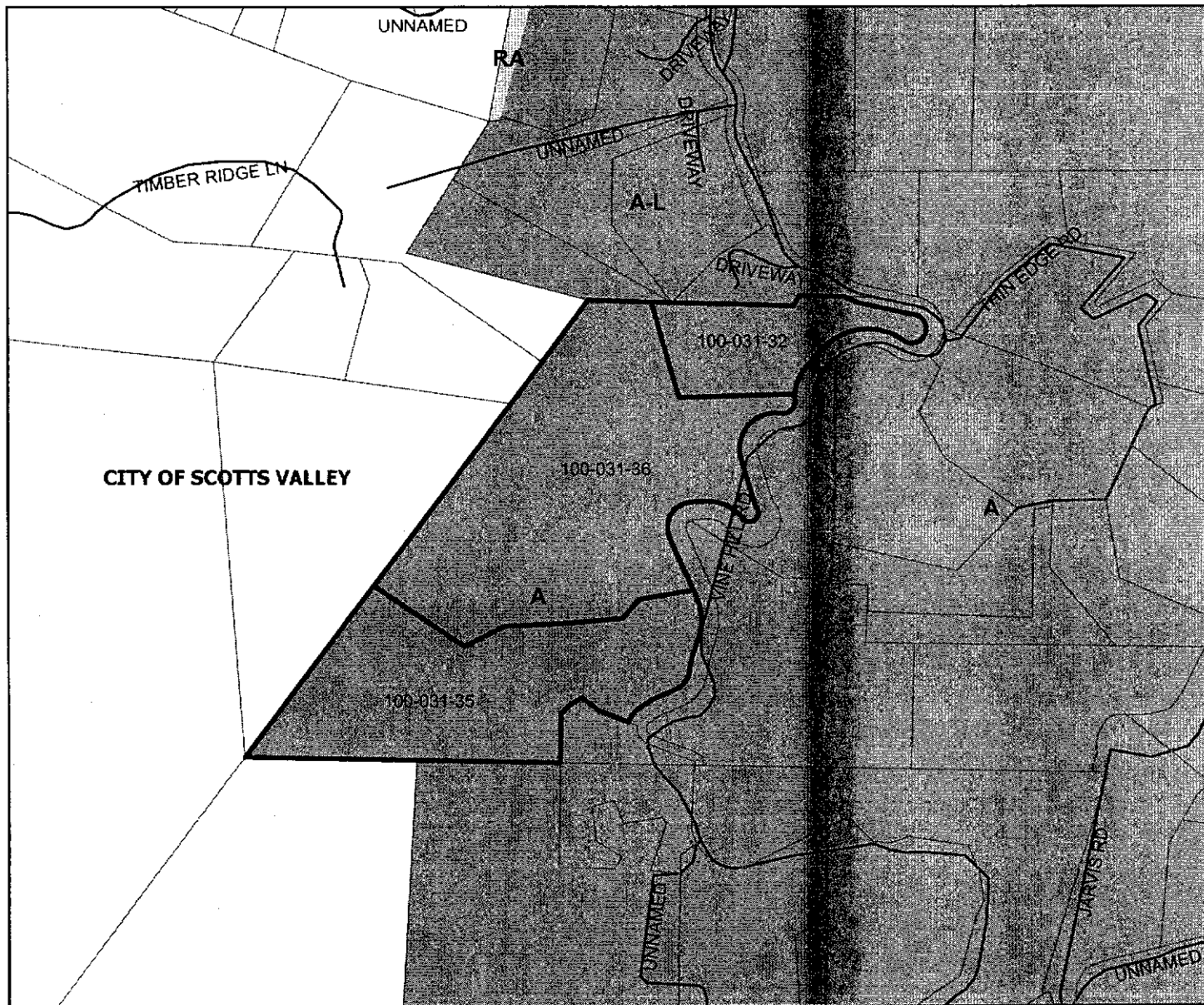


Map Created by  
County of Santa Cruz  
Planning Department  
July 2007

EXHIBIT C

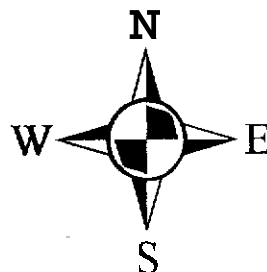


# Zoning Map



## Legend

-  Subject Parcels
-  Assessors Parcels
-  Streets
-  State Highways
-  City of Scotts Valley
-  AGRICULTURE (A)
-  AGRICULTURE RESIDENTIAL (RA)



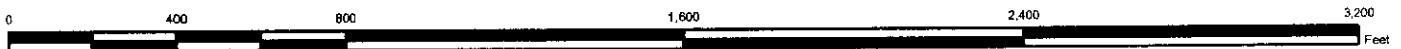
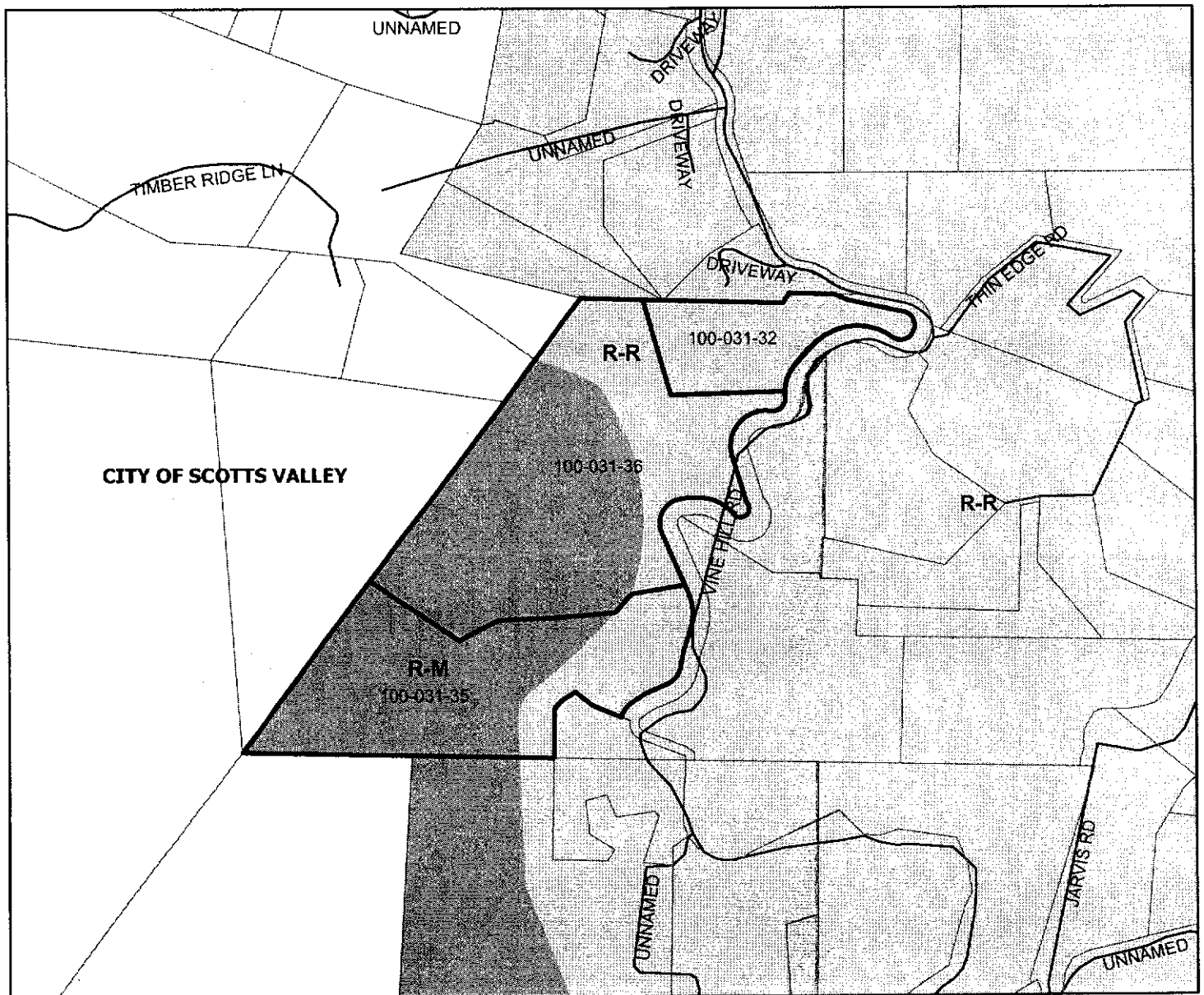
Map Created by  
County of Santa Cruz  
Planning Department  
July 2007

**EXHIBIT C**



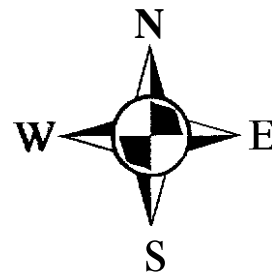


# General Plan Designation Map



## Legend

- Subject Parcels
- Assessors Parcels
- Streets
- State Highways
- City of Scotts Valley
- Residential-Mountain (R-M)
- Residential-Rural (R-R)



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: 07-0349

Assessor Parcel Number: 100-031-32,35, 36

Project Location: Property located on the west side of Vine Hill Road at the intersection with Thin Edge Road.

**Project Description: Rezone three parcels from the Agriculture (A) zone district to the Timber Production (TP) zone district.**

**Person or Agency Proposing Project: Richard & Christine Patton**

**Contact Phone Number: (831) 438-3945**

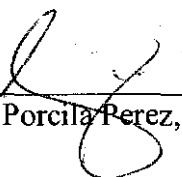
A. ☐ The proposed activity is not a project under CEQA Guidelines Section 15378

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: 8/13/07

**Timber Management Plan**

**Lands of Patton  
1521 Vine Hill Road  
Santa Cruz County**

**Portion of Sections 8, 9, 16, 17  
Township 10 South  
Range 1 West  
Mount Diablo Base & Meridian**

**Report Prepared By  
Joseph Culver, Consulting Forester  
July 5, 2007**

## **PREFACE**

In June 2007, Joseph Culver, Consulting Forester, was commissioned by Richard Patton to prepare a Timber Management Plan (TMP) for APN #'s 100-031-35, 100-031-36 and 100-031-32. According to county assessor's records the parcels total 26.1 acres. According to survey maps completed by Darling, Nielsen and Ingram in 1974, the parcels total approximately 31.4 acres in size. For purposes of the Timber Management Plan (TMP) the author shall consider the combined size of the parcels as 31.4 acres. Mr. Patton would like to rezone the contiguous parcels to Timber Production and the TMP will be part of the application packet submitted to the County of Santa Cruz. The management plan incorporates field work and currently available resource data.

## **GENERAL PROPERTY DESCRIPTION**

The parcels are located off of Vine Hill Road within the upper portions of the Branciforte Creek watershed. The legal description of the parcels is Township 10 South, Range 1 West, portion of sections 8, 9, 16, 17. Vine Hill Road defines the eastern boundary of all three parcels. The property generally slopes to the east towards Vine Hill Road. Slopes range from flat to 100% with the steepest portions directly above Vine Hill Road and along the upper slopes in the southwest portion of the property. Elevation ranges from 700 feet to 1,100 feet.

Soils underlying the parcels consist of the Nisene-Aptos complex. According to the Natural Resource Conservation Service the soil complex is well suited for the production of timber. The Nisene and Aptos soils are deep and well-drained. They formed in residuum derived from sandstone, siltstone or shale. Permeability of the soils is moderate. Effective rooting depth of the Nisene soil is 40 to 60 inches and 20-40 inches for the Aptos soil. Runoff is rapid, and the hazard of erosion is high.

Of the 31.4 acres in the combined parcels, approximately 19.3 acres are comprised of coniferous forest. The primary tree in this forest type is second growth redwood. As the stand has not been harvested since the original cutting approximately 120 years ago, the average tree size is large for the Santa Cruz Mountains. Furthermore, the initial harvest appears to have focused on removing high quality trees and subsequently there are a number of original growth redwood trees in the project area. Scattered Douglas-fir trees are intermixed throughout the forest but in much lower numbers than redwood trees. Within the coniferous forest the primary hardwood species is tanoak which grows between the redwood clumps and also as an understory species. Smaller amounts of bay and coastal live oak are also present in this forest type.

On 9.4 acres of the properties the conifer component disappears and the forest is comprised of hardwood species only. This hardwood forest is found on the upper slopes and in the northern portion of the project area. The primary species in the hardwood forest is coastal live oak, bay and madrone. Understory species include hedge nettle, hazel, sword fern, poison oak, and native bunch grasses.

The remaining 2.7 acres of the property contain the home site, associated structures and an orchard.

### **TIMBER HARVEST HISTORY**

The old-growth redwood logging in the Santa Cruz area, including this property, occurred around the turn of the last century. The harvest in the project area was not the typical clear cut associated with early logging in the region. Instead, it appears to have been a high grade harvest which focused on high quality trees. A number of original growth trees were not harvested. Many of these original growth trees have noticeable defects such as burned out butts and heavily twisted trunks. No commercial timber harvesting has occurred on the properties since the initial harvest.

### **MANAGEMENT OBJECTIVES AND GOALS**

Once the property is rezoned, Mr. Patton intends to manage the property for high quality forest products, while enhancing the related values of aesthetics and wildlife. As there has been no harvesting on the properties for over 100 years the next harvest should occur in the next 5 years. Future harvests should be spaced approximately 12-15 years apart and 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.
5. Maintain, and improve existing harvest infrastructure to **reduce** possible erosion.

### **RECOMMENDED LOGGING SYSTEM**

The recommended logging system for this property is to use ground based logging equipment such as tractors and log skidders. Some skid trails will have to be developed during the harvest permit process.

### **PRESENT AND FUTURE STAND CONDITIONS**

In June of 2007 an 8% timber inventory was conducted on the property to determine conifer volume per acre, species composition, basal area, stocking levels and stand

growth. Based on the stand data gathered from the inventory, the 19.3 acres of forestland have the following approximate stand conditions:\*

Species Composition	96% redwood. 4% Douglas-fir
Basal Area	208 square feet per acre
Gross Volume/acre	41,280 board feet
Gross Overall property volume	796,710 board feet

The volume per acre and overall property volume stated above are gross volumes. In general, the net volume for redwood and Douglas-fir will be about 15% less due to fire scar, rot and other minor defects in the standing timber. Factoring in the defect, the overall net conifer volume on the property is approximately 677,200 board feet.

Increment boring data gathered during the timber inventory combined with general tree growth rates in the Santa Cruz Mountains indicate that the growth of the coniferous forest has slowed down and is growing at an approximate rate of 1.4% per year. This slow growth rate is expected due to the closed in conditions of the forest and will increase following a selective harvest. A growth rate of 1.4% per year equates to an annual increase in the forest resource of 11,154 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 929 cubic feet over the entire property, or 30 cubic feet per acre per year. This well exceeds the required average of 15 cubic feet per acre per year to classify a property as timberland.

*'Limitation: This data is based on a 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.*

## **OTHER PROPERTY USES**

Parcel 100-031-36 contains the original home site built on the property in the 1930's (according to Mr. Patton). A number of outbuildings including a garage, workshop, pool house and office are clustered around the home. A barn and additional storage shed are located within the two acre clearing that surrounds the home site. The structures are all located outside of the timbered portion of the property and will not interfere with timber harvest operations. Parcels 100-031-32 and 100-031035 are vacant and contain no structures.

## **CONCLUSION**

The property is well suited for timber management into the future. The forest resource is currently healthy but growth rates have begun to decline due to overstocked stand conditions. Mr. Patton has indicated that he wants to manage the timber resource and stand conditions warrant a harvest in the near future.

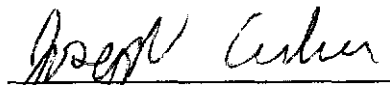
**TIMBER STOCKING:** To rezone a property to the "Timber Production" zoning a property must meet the timber stocking standards set forth in Section 4561 of the

Public Resources Code. Section **4561** states in part that "The average residual basal area, measured in stems inch or larger in diameter **is** at least 85 square feet per acre. Rock outcroppings and other areas not normally bearing timber shall not be considered as requiring stocking." The average residual basal area in the timbered portions of the property is 208 square feet and therefore meets the stocking standards.

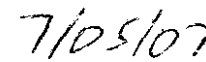
**TIMBERLAND:** To rezone a property to the "Timber Production" zoning a property must meet the definition of timberland. Section **51104** of the California Code states that "Timberland means privately owned land...capable of growing an average annual volume of wood fiber **of** at least 15 cubic feet per acre." The properties proposed for rezoning are capable **of** growing an annual average volume of wood fiber of 30 cubic feet per acre and therefore meet the definition of timberland.

**COMPATIBLE USE:** Existing infrastructure **on** the properties does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

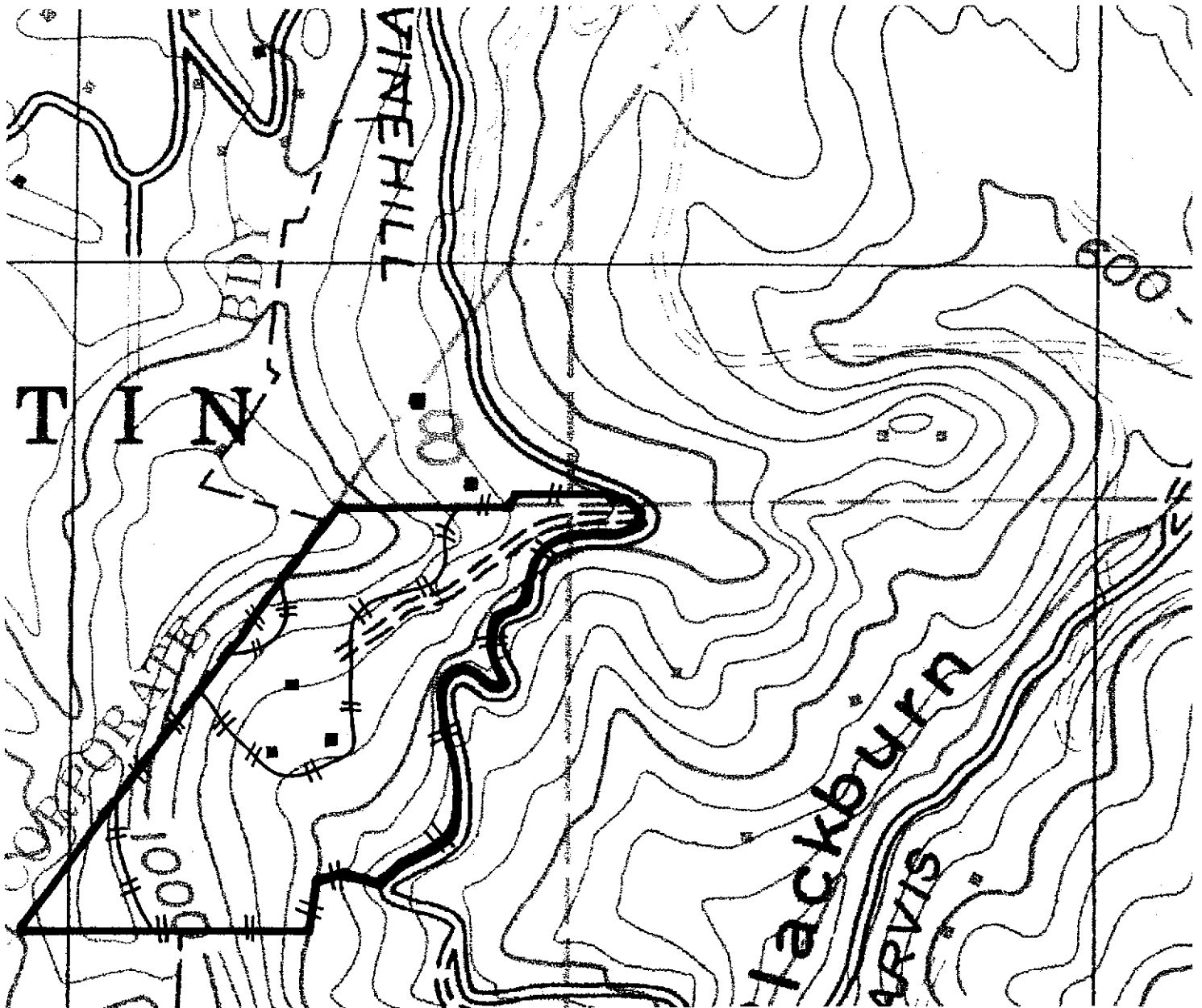
Timber Management Plan Prepared By:

  
\_\_\_\_\_  
Joseph Culver

Registered Professional Forester #2674

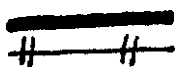
  
\_\_\_\_\_  
Date

**LANDS OF PATTON**  
**PLAN AREA MAP**  
SANTA CRUZ COUNTY  
T10S, R1W, SEC. 8, 9, 16, 17, MDB&M



**LEGEND**

PROPERTY BOUNDARY  
CONIFEROUS FOREST



STRUCTURE

SCALE: 1 INCH = 500 FEET

CONTOUR INTERVAL = 40 FEET





# FOR TAX PURPOSES ONLY

THE 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 1996

POR. N.W. 1/4 SEC. 16 & NE. 1/4 SEC. 17,  
T.10S, R.1W, M.D.B. & M.

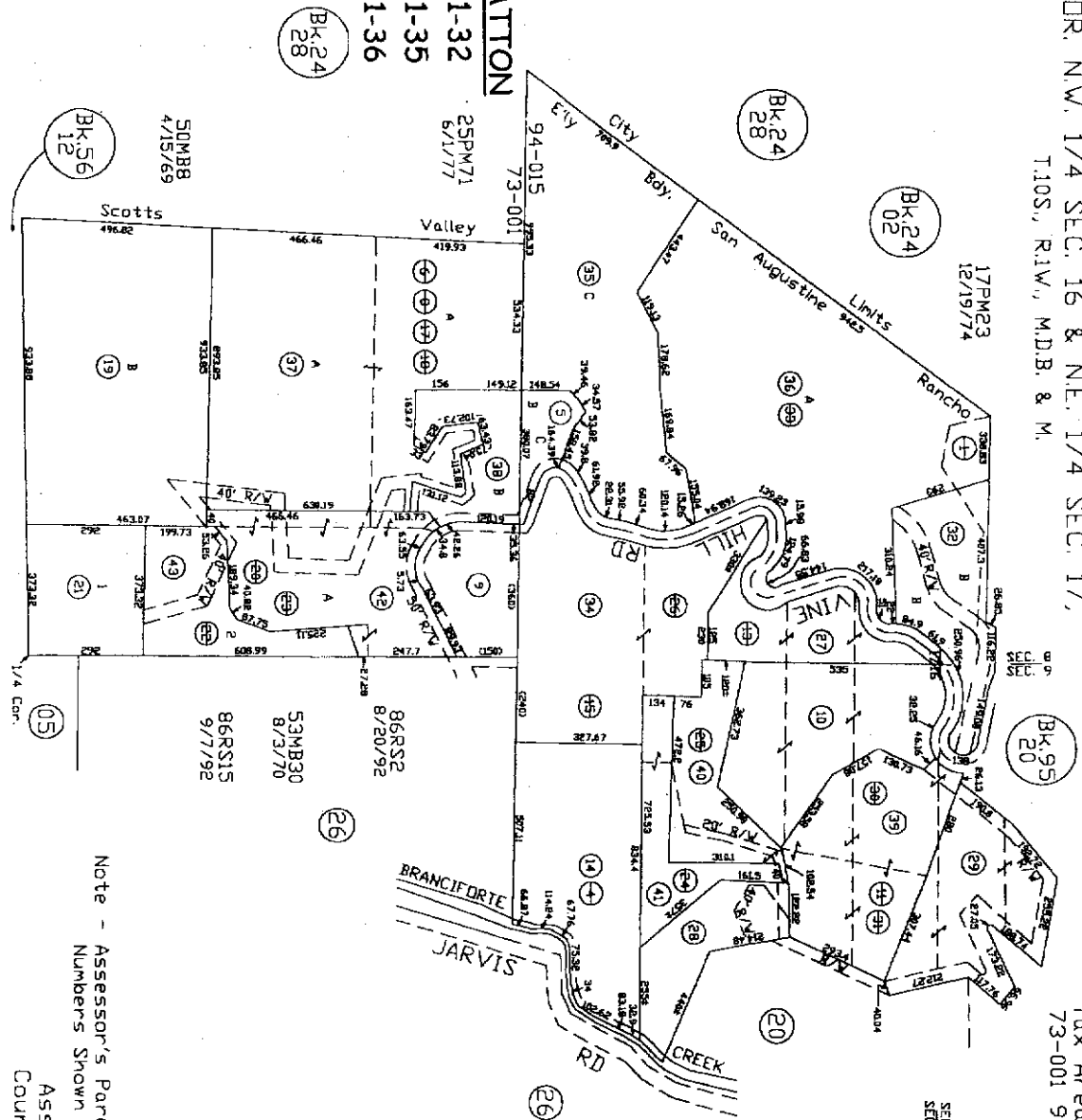
100 Area Code  
73-001 94-015

100-U3

## LANDS OF PATTON

APN# 100-031-32  
APN# 100-031-35  
APN# 100-031-36

chronically redrawn 11/3/98 KSA  
1. 9/25/02 am (changed page refs.)  
2. 5/17/02 am (TCA Change)



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

Assessor's Map No. 100-03  
County of Santa Cruz, Calif