



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

August 6, 2007

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

Agenda Date: October 10, 2007

APN: 095-081-13

Application: 07-0357

Item #: 18

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 an 11.8 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)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 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 *use* 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

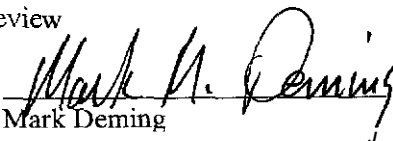
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0357 based on the attached findings (Exhibit B).

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 May 31, 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. 07-0357, involving property located at the end of a private road that branches southwest from Morrell Road, approximately 1 **mile** southwest of the intersection of Morrell Road and Old San Jose 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

EXHIBIT A

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 at the end of a private road that branches southwest from Morrell Road, approximately 1 mile southwest of the intersection of Morrell Road and Old San Jose 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 51 113 or 51 **113.5** and County Code Section 13.10.375(c).

EXHIBIT A

SECTION III

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>
095-081-13	Special Use (SU)	TP

SECTION IV

This ordinance shall *take* effect on the 31st day after the date of final passage

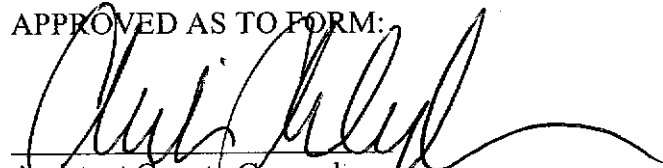
PASSED AND ADOPTED THIS _____ day of _____ 2007, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

EXHIBIT A
EXHIBIT A

FOR TAX PURPOSES ONLY

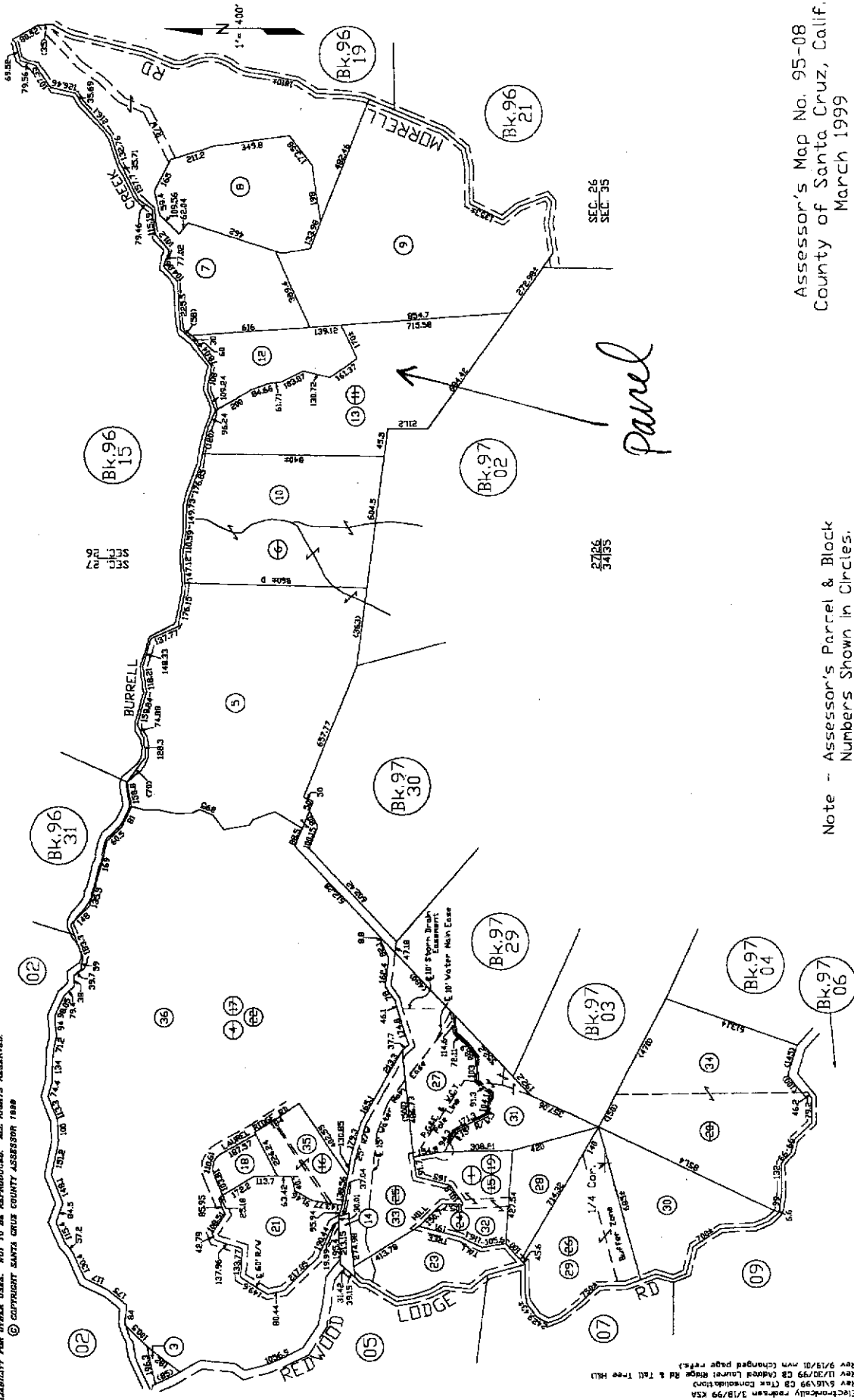
THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

SOQUEL AUGMENTATION RANCHO

POR. SECS. 26, 27 & 34, T.9S., R.1W., M.D.B. & M.

Max Area Load
79-032

95-08



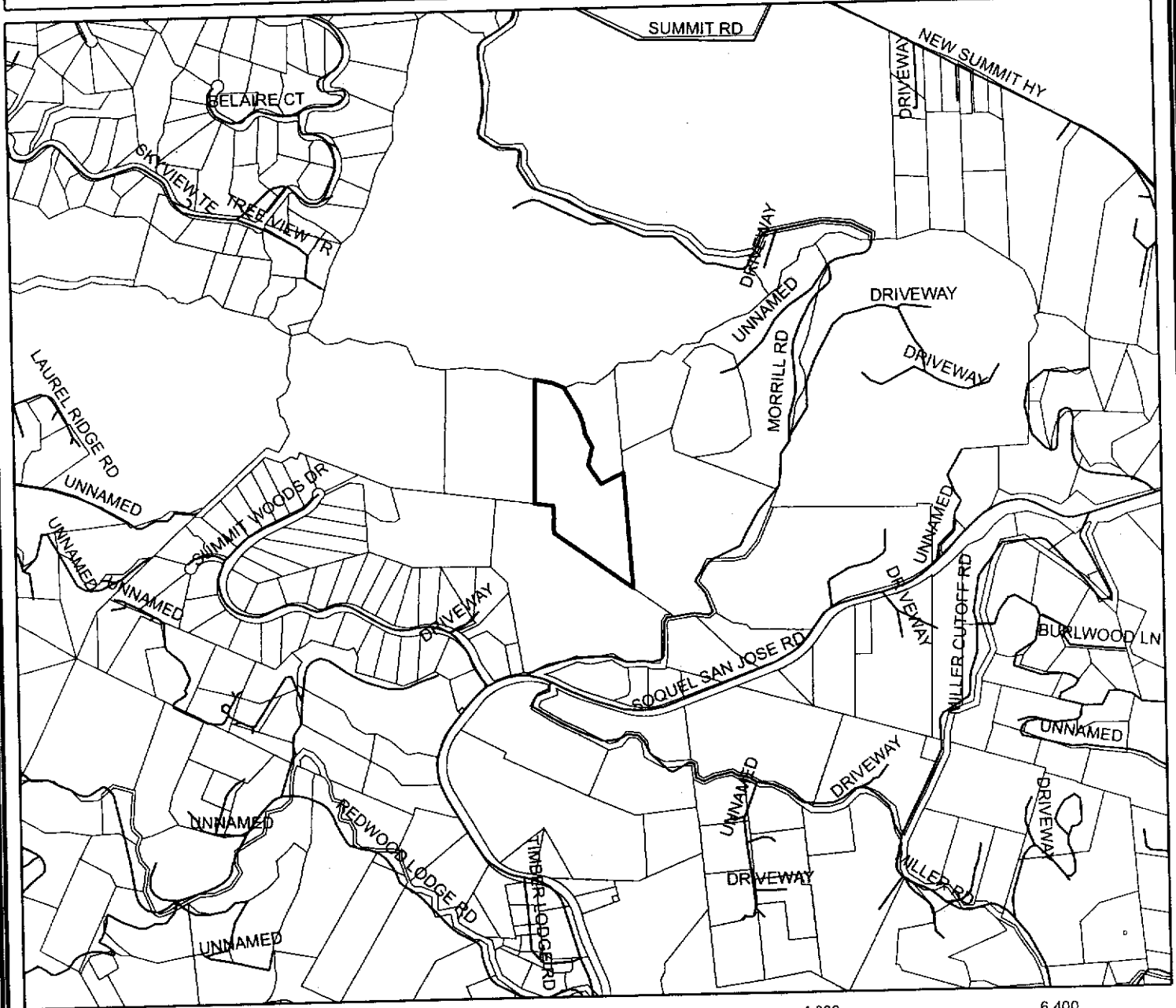
Assessor's Map No. 95-08
County of Santa Cruz, Calif.
March 1999

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





Electronically prepared 3/18/99 KSA
Rev 11/30/99 CS (Added Laurel Ridge Rd & Tall Tree Hill)
Rev 9/15/01 mm (changed page refs.)

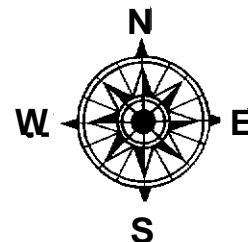


Location Map



LEGEND

-  APN: 095-081-13
-  Streets
-  Assessors Parcels
-  State Highways

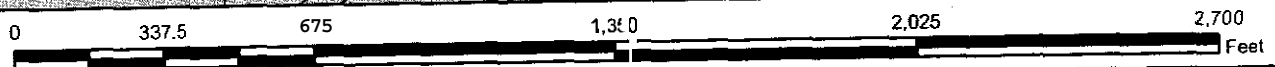
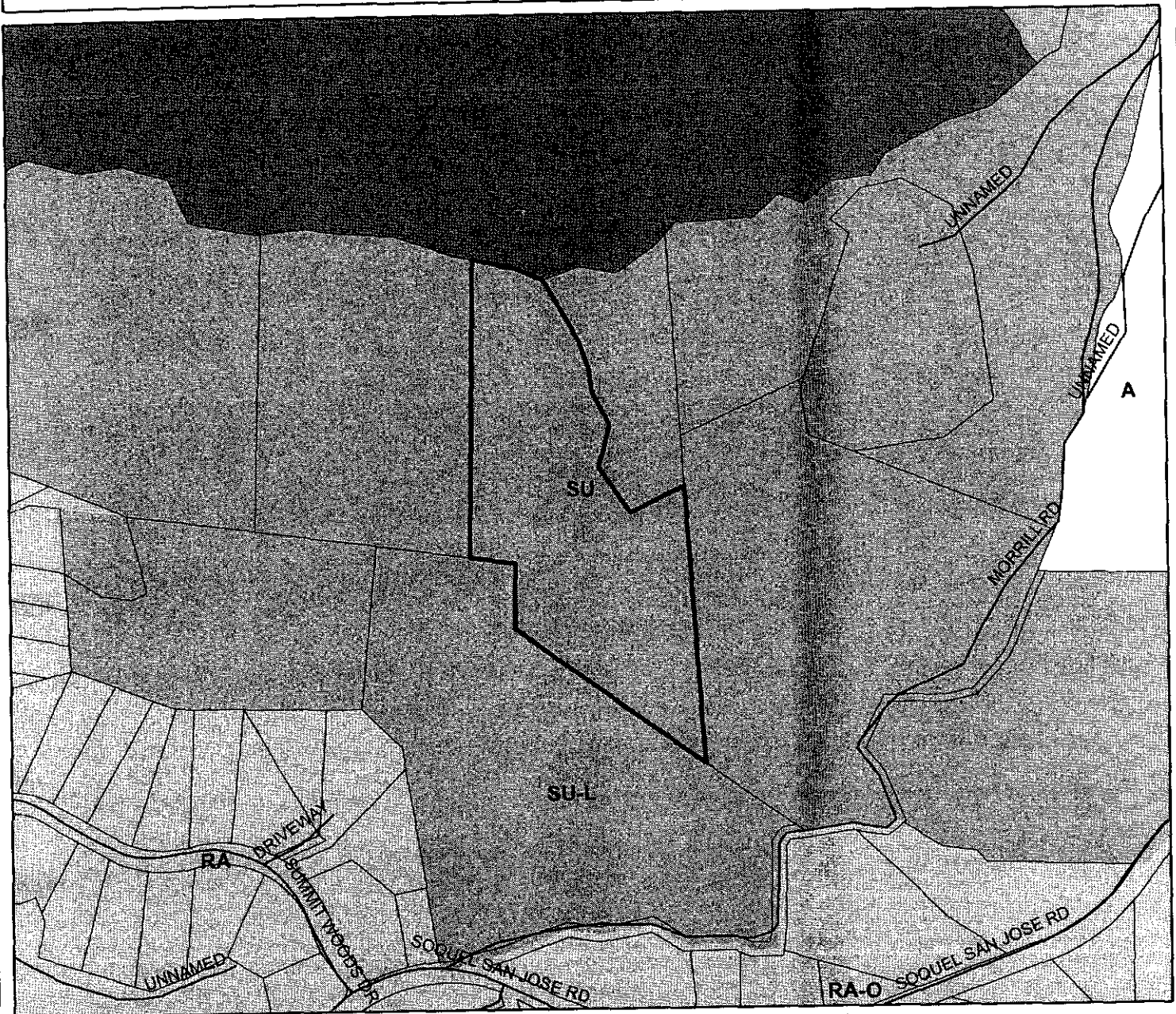


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

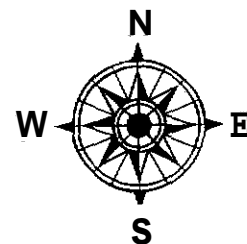


Zoning Map



LEGEND

- APN 095-081-13
- Streets
- Assessors Parcels
- AGRICULTURE**
- AGRICULTURE RESIDENTIAL
- SPECIAL USE
- TIMBER PRODUCTION

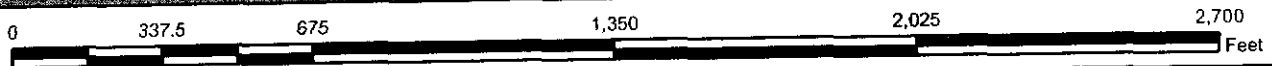
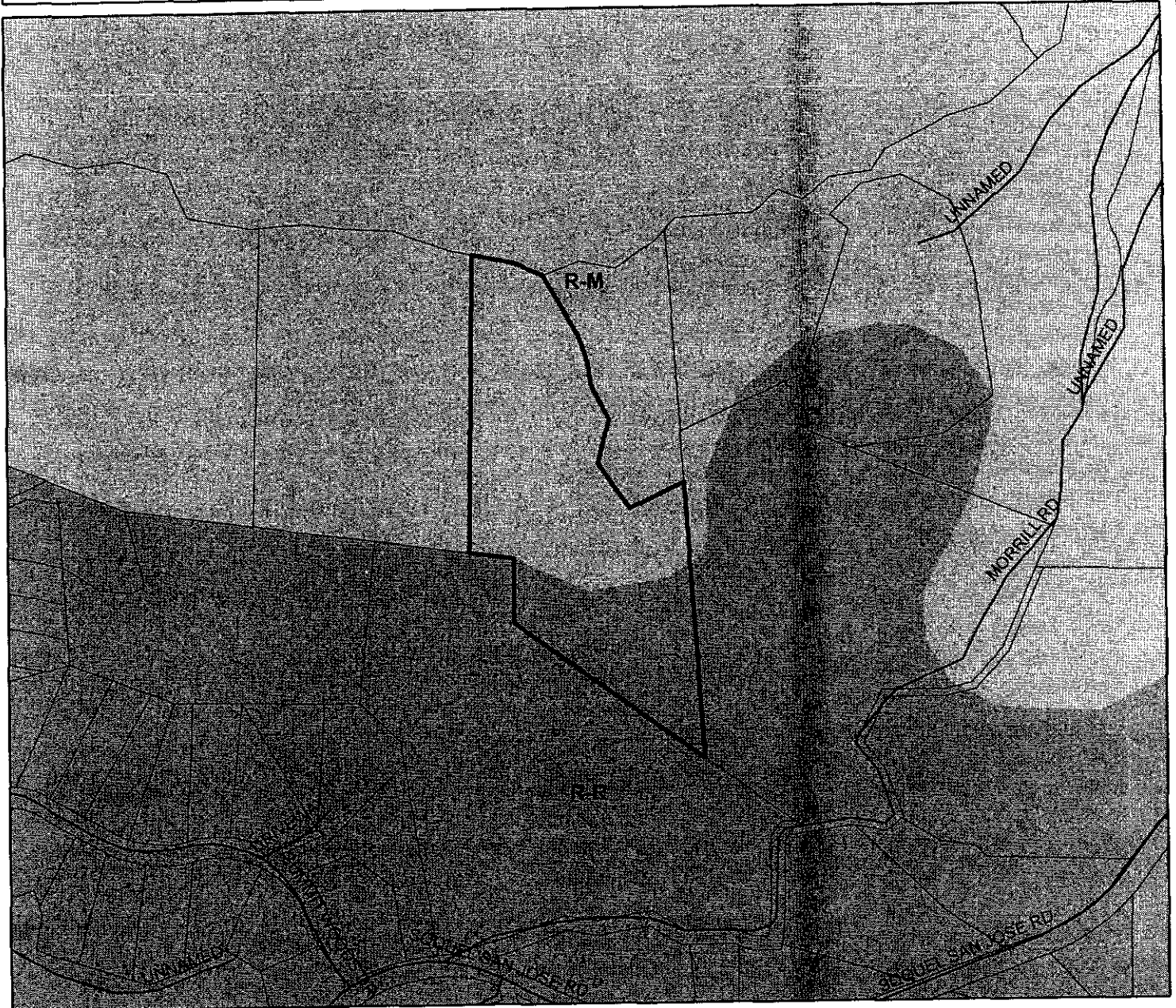


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

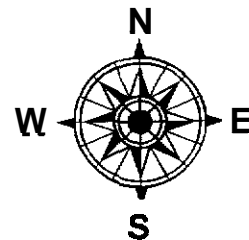


General Plan Designation Map



LEGEND

-  APN: 095-081-13
-  Streets
-  Assessors Parcels
-  Residential-Mountain
-  Residential-Rural



Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT

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: 07-0357

Assessor Parcel Number: 095-081-13

Project Location: Property located at the end of a private road that branches southwest from Morrell Road, approximately 1 mile southwest of the intersection of Morrell Road and Old San Jose Road.

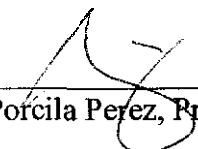
Project Description: Rezone a single parcel from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Dennis & Candy Pelphrey

Contact Phone Number: (408) 353-3538

- 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.



Maria Porcila Perez, Project Planner

Date: _____

8/14/07

EXHIBIT D

Timber Management Plan

**Lands of Pelphrey
Laurel Creek Property
Santa Cruz County**

**Portion of Section 26
Township 9 South
Range 1 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
May 31, 2007**

PREFACE

In May 2007, Joseph Culver, Consulting Forester, was commissioned by Dennis Pelphrey to prepare a Timber Management Plan (TMP) for parcel 095-081-13. Mr. Pelphrey would like to rezone the property to Timber Production and the TMP will be part of the application packet submitted to the County of Santa Cruz. The management plan incorporates information from the previous timber harvest plan, field work and currently available resource data.

GENERAL PROPERTY DESCRIPTION

The property is located off of Morrell Cutoff within the Laurel Creek Watershed which is part of the of the Soquel Creek watershed. The legal description of the property is Township 9 South, Range 1 West, portion of section 26. The northern boundary of the property is defined by Laurel Creek. The property slopes steeply to the north towards Laurel Creek.

Soils on the property consist of the Ben Lomond-Felton Complex and the Lompico-Felton Complex. The soils are deep and well drained and formed in residuum derived from sandstone and granite. Both soil complexes are well suited for the production of timber. Mean annual precipitation on the property is approximately 45 inches. The property ranges in elevation from 960 feet to 1280 feet above sea level.

The parcel is 11.8 acres in size. The parcel has not been harvested since the original clearcut over approximately 100 years ago. The canopy of the forest comprised primarily of coastal redwood and Douglas-fir is mostly filled in and little sunlight reaches the forest floor. The redwood typically grows in clumps around harvested old growth stumps. Douglas-fir trees are scattered around the property at the rate of approximately 3 trees per acre. Hardwood species are interspersed on the property between the coniferous trees. Tanoak is the dominant hardwood tree, but lesser amounts of coastal live oak, pacific madrone and bay are also present. Understory vegetation is minimal on the property due to the closed in forest canopy and consists primarily of tanoak seedlings, hazel, various ferns, clover and poison oak. The entire property is forested.

TIMBER HARVEST HISTORY

The old-growth redwood logging in the Santa Cruz area, including this property, occurred around the turn of the century. As was common throughout the area, this clearcut logging was often followed by fire, usually intentionally set to burn bark and slash. Fire scars on the old-growth stumps are evidence of this fire activity.

Under the ownership of Mr. Peiphrey, a timber harvest plan was prepared and approved in 1992 to allow for a selective harvest. For various reasons, however, the property was not logged under the permit and has not been logged since.

MANAGEMENT OBJECTIVES AND GOALS

Mr. Pelphrey recognizes that the property has a valuable resource and would like to manage the property for high quality forest products, while enhancing the related values of aesthetics and wildlife. The forest stand has **closed in** on itself and the property should **be** harvested within the next few years to improve tree spacing and growth. The initial harvest should remove approximately 50% of the larger trees. Future harvests should be spaced approximately 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.

RECOMMENDED LOGGING SYSTEM

As the property has not been harvested since the original clearcut approximately 100 years ago, little infrastructure exists. Appropriate harvesting infrastructure would have to be developed during preparation of a Timber Harvest Plan.

PRESENT AND FUTURE STAND CONDITIONS

On May 24, 2007 a 12% timber inventory was conducted on the property to determine conifer volume per acre, species composition, basal area, and stocking levels. Based on the stand data gathered from the inventory, the 11.8 acres of forestland have the following approximate stand conditions:

Species Composition	86% redwood , 14% Douglas-fir
Basal Area	300 square feet per acre
Gross Volume/acre (redwood)	48,980 board feet
Gross Volume/acre (Douglas-fir)	7,920 board feet
Gross Overall property volume	671,420 board feet

The volume per acre and overall property volume stated above are gross volumes. In general, the net volume for redwood will be about 10% less due to fire scar, rot and other minor defects in the standing timber. The defect in the Douglas-fir is higher due to the presence of conk in many of the butt logs and is estimated at 16%. With these factors in mind the overall net conifer volume on the property is approximately 598,670 board feet.

Growth rates on the property have diminished in recent years as the forest **has** closed in on itself and more trees are competing for the same amount of sunlight, soil nutrients and water. Because of this, increment boring data was not collected on the stand. A more representative value for the growth rate capability of the property would be based on a stand following a selective harvest. This stand would have a

lower stocking level per acre but a higher percentage growth rate due to increased tree spacing.

Under this scenario, if 50% of the current larger trees were harvested, the stocking per acre would be reduced to approximately 25,000 Board feet but the growth rate percentage would increase to approximately 3%. This value is based on similar stands in the general area that have similar growth rates. In fact, a piece of timberland owned by Mr. Pelphrey two miles south of this property has been selectively harvested and has a current growth rate of 3.4%, as measured through increment boring samples.

A post-harvest growth rate of 3% per year on lands averaging 25,000 board feet to the acre would equate to an annual increase in the forest resource of 8,850 board feet over the entire property. Converting this figure to cubic feet shows that the property is capable of growing wood fiber at a rate of 738 cubic feet over the entire property, or 63 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.

OTHER PROPERTY USES

No home or structure is present on the property. A seasonal road is located in the northern portion of the property. The property is used for forest growth, watershed and wildlife.

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. Pelphrey has indicated that he wants to manage the timber resource and stand conditions warrant a harvest in the near future. Current stocking levels meet the requirements of PRC 4561 with an average basal area of 300 square feet over the property. Growth rate capability of the forest resource well exceeds the required amount to classify the property as timberland. 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

5/31/07
Date

LANDS OF PELPHREY
SITE MAP

Laurel

200

BM

SAN JOSE

15

OLD

1457

1600

BM

1434

Burdett

BM 1502

LEGEND

PROPERTY BOUNDARY

SEASONAL ROAD

CLASS III WATERCOURSE

Scale 1 inch = 500 feet

Contour Interval = 40 feet

N

**Redwood
Lodge**

-15-

FOR TAX PURPOSES ONLY

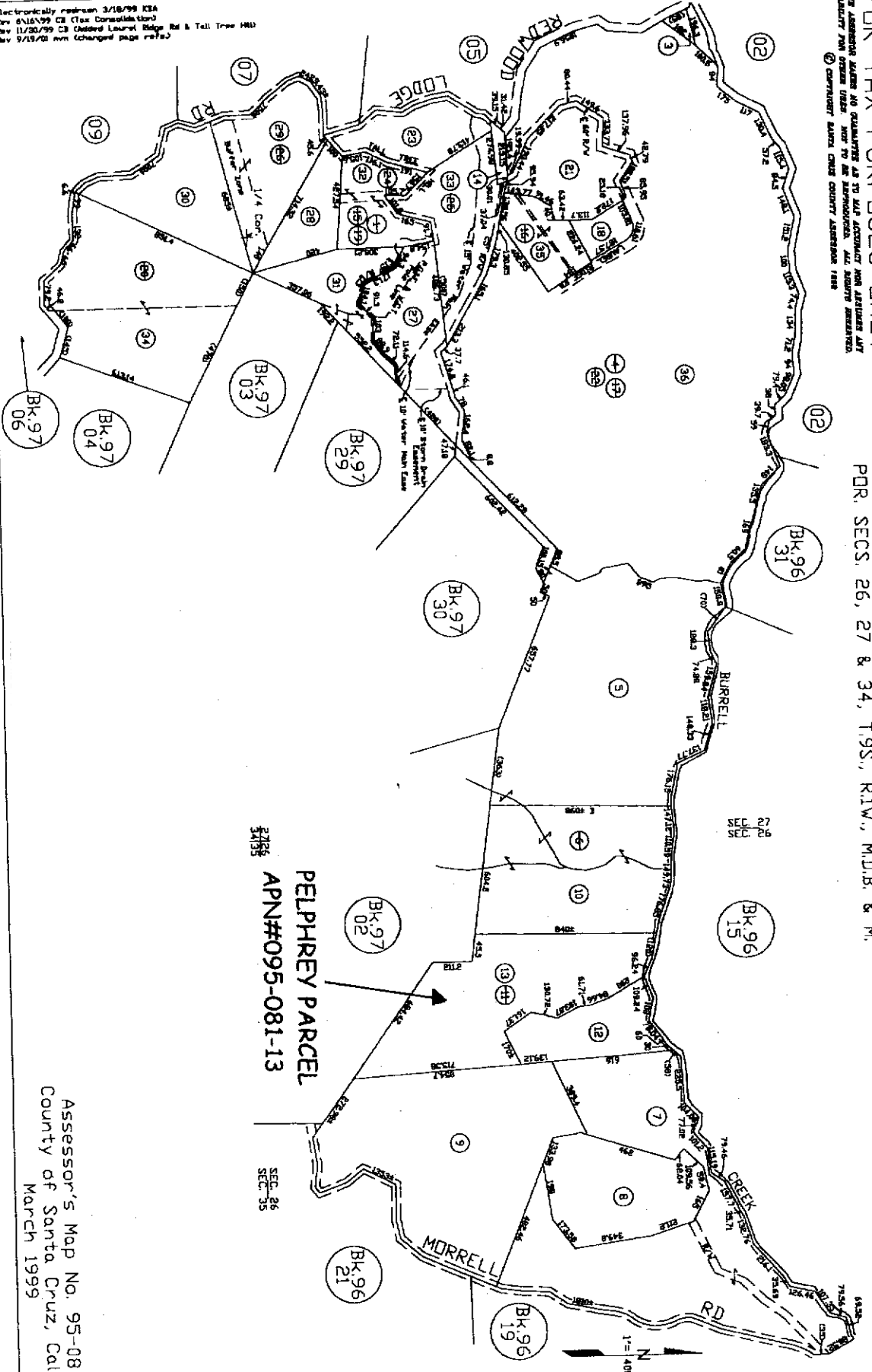
THE ASSASSIN'S MAPS ARE QUALIFIED AS TO MAP ACCURACY FOR PURPOSES OF TAX LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED, AND SHOULD BE REPRODUCED BY THE COUNTY OF SANTA CRUZ COUNTY ASSASSIN 1999

SDQUEL AUGMENTATION RANCH
POR. SECS. 26, 27 & 34, T.9S, R.1W, M.D.B. & M.

Tax Area Code
79-032

95-08

Electronically redrawn 3/16/99 KSA
Rev 6/16/99 C3 (Tax Consolidation)
Rev 11/20/99 C3 (Updated Lateral Ridge Rd & Tall Tree Hill)
Rev 9/15/00 rev (changed page refs.)



Assessor's Map No. 95-08
County of Santa Cruz, Calif.
March 1999