



# 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**

February 8, 2008

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

**Agenda Date:** March 12, 2008

**APN:** 086-141-09

**Application:** 07-0409

**Item #:** 12

**Time:** After 9 AM

**Subject: A public hearing 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 August 3, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 20-acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of a Residence.

### **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 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.

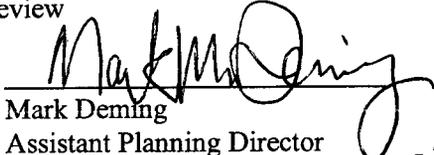
**Recommendation**

Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0409 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 Gary Paul July 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. 07-0409, involving property located on the north side of Bloom Grade, about ½ mile northwest of the intersection with West Hilton, 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**

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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 north side of Bloom Grade, about ½ mile northwest of the intersection with West Hilton; 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
2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
3. 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
4. The property meets the requirements of Government Code section 51113 or 51113.5 and County Code Section 13.10.375(c).

**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>
086-141-09	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:

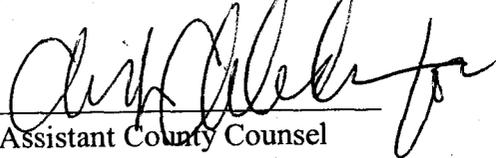
  
 Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION:   County Counsel  
                           Planning  
                           Assessor  
                           County

GIS



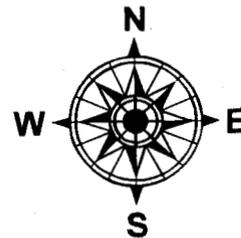


# Location Map



## LEGEND

-  086-141-09
-  Streets
-  State Highways
-  Assessors Parcels

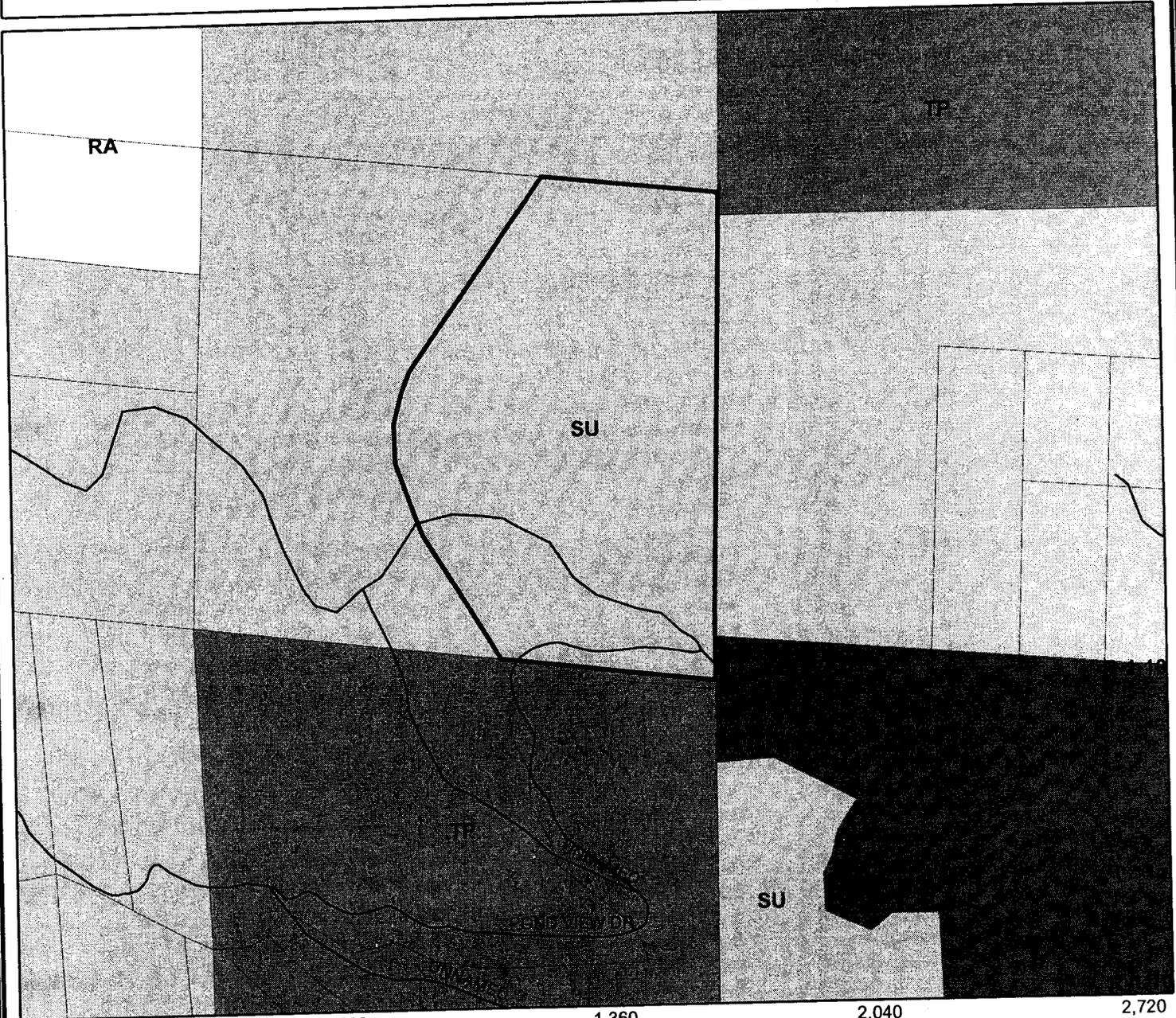


Map created by  
 County of Santa Cruz  
 Planning Department  
 August 2007

EXHIBIT C

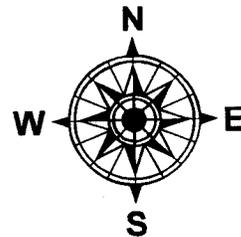


# Zoning Map



## LEGEND

-  086-141-09
-  Streets
-  Assessors Parcels
-  AGRICULTURE RESIDENTIAL
-  SPECIAL USE
-  TIMBER PRODUCTION

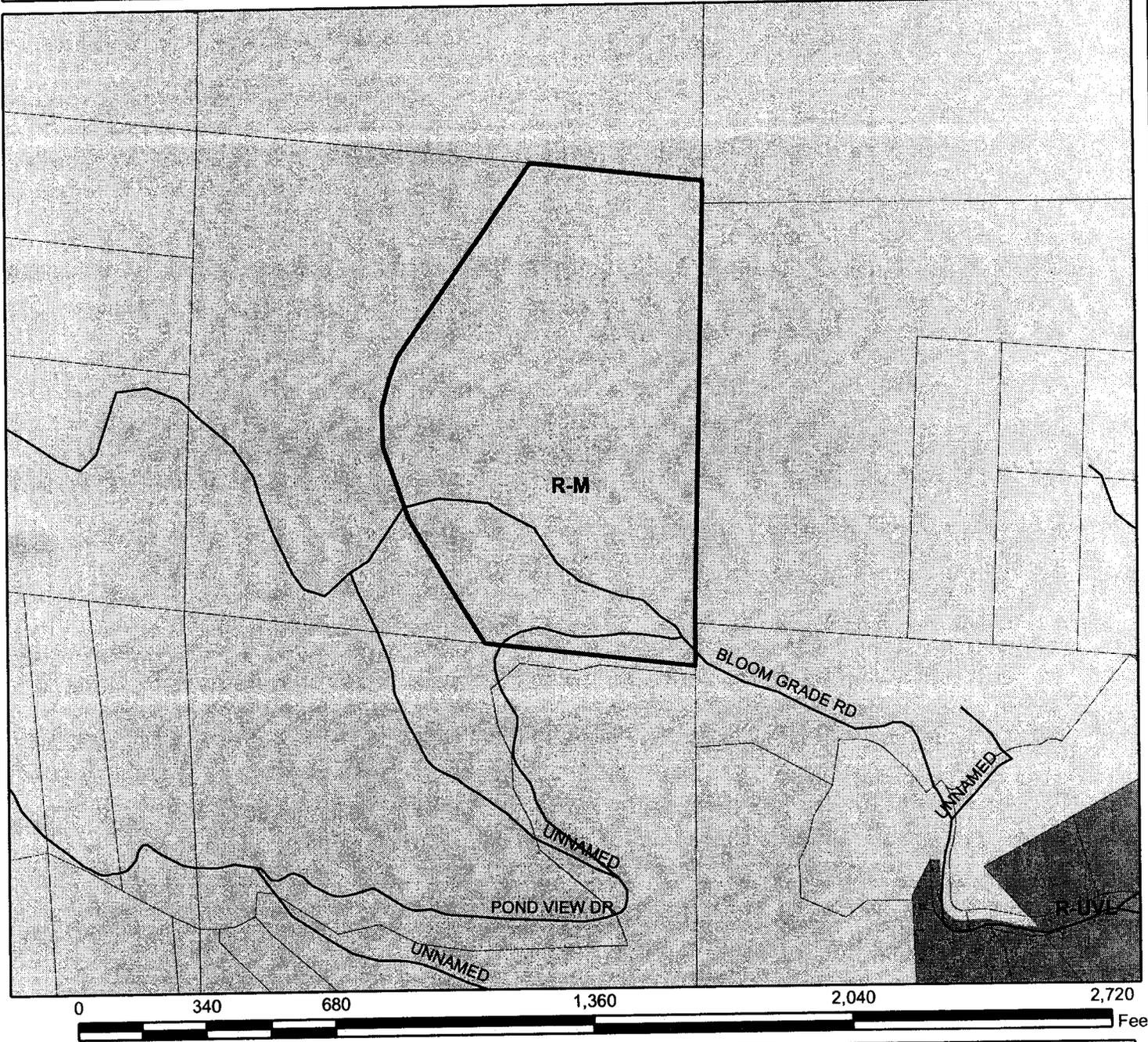


Map created by  
 County of Santa Cruz  
 Planning Department  
 August 2007

### EXHIBIT C

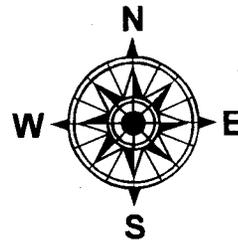


# General Plan Designation Map



## LEGEND

-  086-141-09
-  Streets
-  Assessor's Parcels
-  Residential-Mountain
-  Residential - Urban Very Low Density



Map created by  
 County of Santa Cruz  
 Planning Department  
 August 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: 07-0409

Assessor Parcel Number: 086-141-09

Project Location: Property located on the North side of Bloom Grade about ½ mile northwest of the intersection with West Hilton.

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

**Person or Agency Proposing Project: Peter A & Katherine Ann Eisenhart.**

**Contact Phone Number: (831) 338-0706**

- 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: \_\_\_\_\_

**Timber Management Plan**

**Lands of Eisenhart  
1300 Bloom Grade Road  
Santa Cruz County**

**Portion of Section 10  
Township 9 South  
Range 3 West  
Mount Diablo Base & Meridian**

**Report Prepared By  
Gary Paul, Consulting Forester  
July 26, 2007**

## **PREFACE**

In July, 2007, Gary Paul, Consulting Forester, was commissioned by Peter and Katherine Eisenhart to prepare a Timber Management Plan (TMP) for parcel 086-141-09. Mr. And Mrs. Eisenhart 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 field work and currently available resource data.

## **GENERAL PROPERTY DESCRIPTION**

The 20 acre property is located off of Bloom Grade Road, and is in the Hare Creek sub-watershed of the greater Boulder Creek watershed. The legal description of the property is Township 9 South, Range 3 West, portion of section 10. The current zoning is Special Use.

Soils on the property consist of the Ben Lomond-Catelli-Sur complex. The soils are moderately deep and well drained and formed in residuum derived from sandstone, schist and granite. These soils are well suited for the production of timber. Mean annual precipitation on the property is approximately 55 inches. The property ranges in elevation from 1000 feet to 1280 feet above sea level.

The property consists primarily of redwood trees of merchantable size. Hardwood species including live oak, tanoak, and madrone occupy the balance of the forest stand. Except for the home site and associated structures, 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. It appears that some smaller residual trees were left after the old growth was logged, which are larger than the average second growth timber, and exhibit marked fire damage.

The Eisenharts purchased the property in the 1990's. The property has not been harvested since the turn of the century logging.

## **MANAGEMENT OBJECTIVES AND GOALS**

The Eisenharts intend to continue to reside on the property, and harvest the timber at some point in the future. In particular, since they reside there, the aesthetic condition of the property after harvest is of utmost importance.

An initial harvest would consist of a thinning cut, to improve spacing between the leave trees, and remove defective trees (other than those which are culls or mostly cull). These highly defective trees are the largest trees in the stand, and will provide wildlife habitat, and aesthetic variety for the property. A harvest of 40%-50% of the merchantable trees is recommended for the initial harvest to improve the overall growth rate. Subsequent harvests could occur at 10 to 20 year intervals, and would harvest the growth in the time interval selected.

### **RECOMMENDED LOGGING SYSTEM**

The recommended logging system for this property is to use ground based logging equipment such as tractors and log skidders. The road system serving the residence will be used for the logging operation. One landing would be constructed. The topography is moderate, and well suited to the construction of skid trails to remove timber in areas where no roads are present.

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

On July 19, 2007 a 16% timber inventory (16 plots of 1/5 acre size) 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 22 acres of forestland have the following approximate stand conditions:

Species composition	conifer 100% redwood
Basal area	183 square feet per acre
Gross volume/acre (redwood)	20,100 board feet
Gross overall property volume	558,000 board feet
Net overall property volume	402,300 board feet

The gross volume for redwood is reduced by visible defect (fire damage) and estimated defect (rot and other minor defects-10%), yielding the net volume stated.

Increment boring data gathered during the timber inventory combined with general tree growth rates in the Santa Cruz Mountains indicate that the redwood forest is growing at an approximate rate of 2.4% per year. A growth rate of 2.4% per year equates to an annual increase in the forest resource of 13,392 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 1,116 cubic feet over the entire property, or 56 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.

It is expected that a selective harvest will increase the growth rate to over 3%, after a first selective harvest, as the residual trees will have more growing space, and less competition from other trees.

## OTHER PROPERTY USES

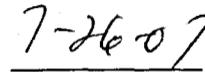
The property serves as the primary residence for the Eisenharts. They get their domestic water from a well.

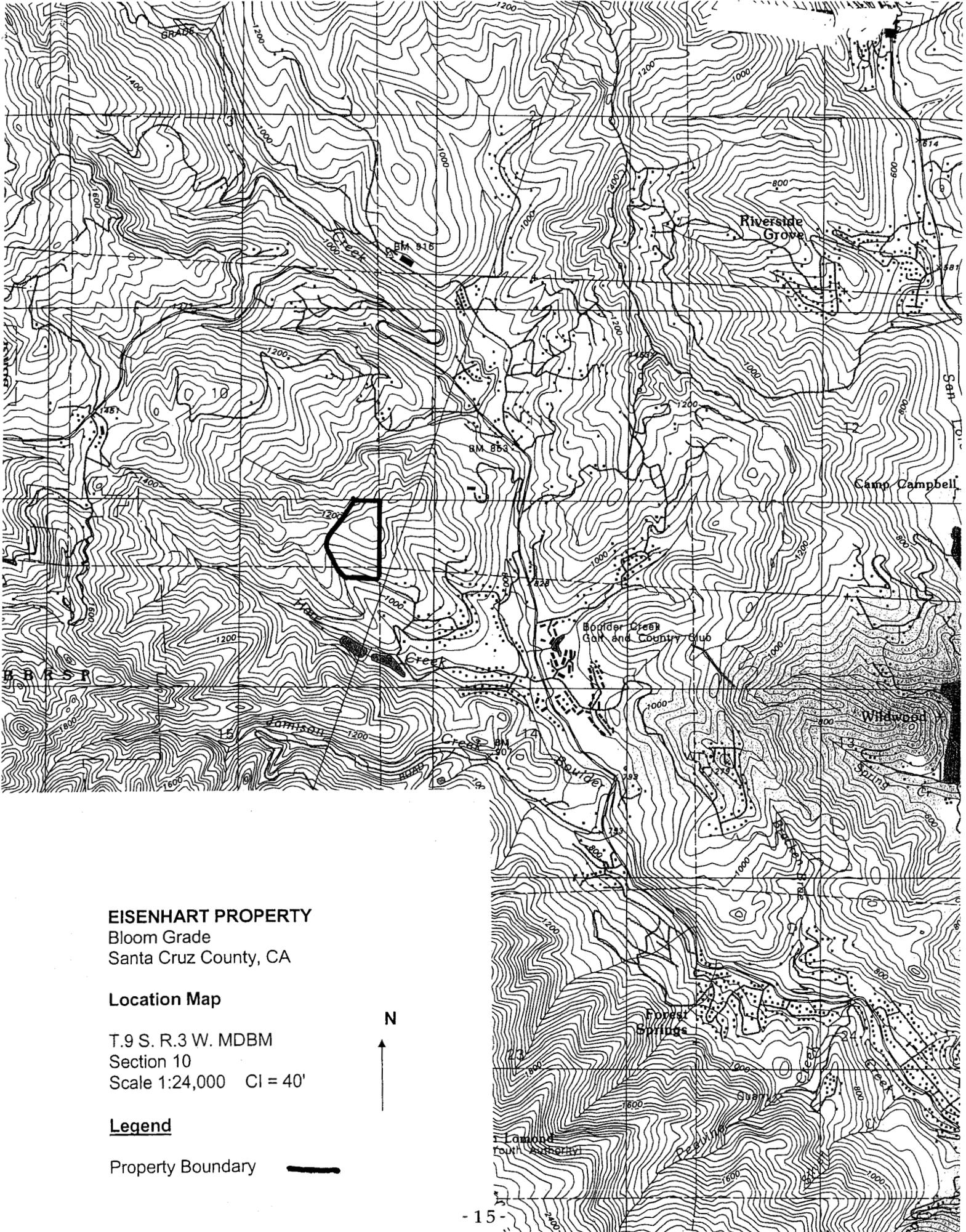
## CONCLUSION

The property is well suited for timber management into the future. The forest resource is currently healthy and experiencing a moderate growth rate. The growth rate is expected to increase after selective harvest. Current stocking levels meet the requirements of PRC 4561 with an average basal area of 183 square feet over the property. Average growth rates well exceed the required amounts 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:

  
\_\_\_\_\_  
Gary Paul  
Registered Professional Forester #1829

  
\_\_\_\_\_  
Date



**EISENHART PROPERTY**  
 Bloom Grade  
 Santa Cruz County, CA

**Location Map**

T.9 S. R.3 W. MDBM  
 Section 10  
 Scale 1:24,000 CI = 40'

**Legend**

Property Boundary 

**EISENHART PROPERTY**

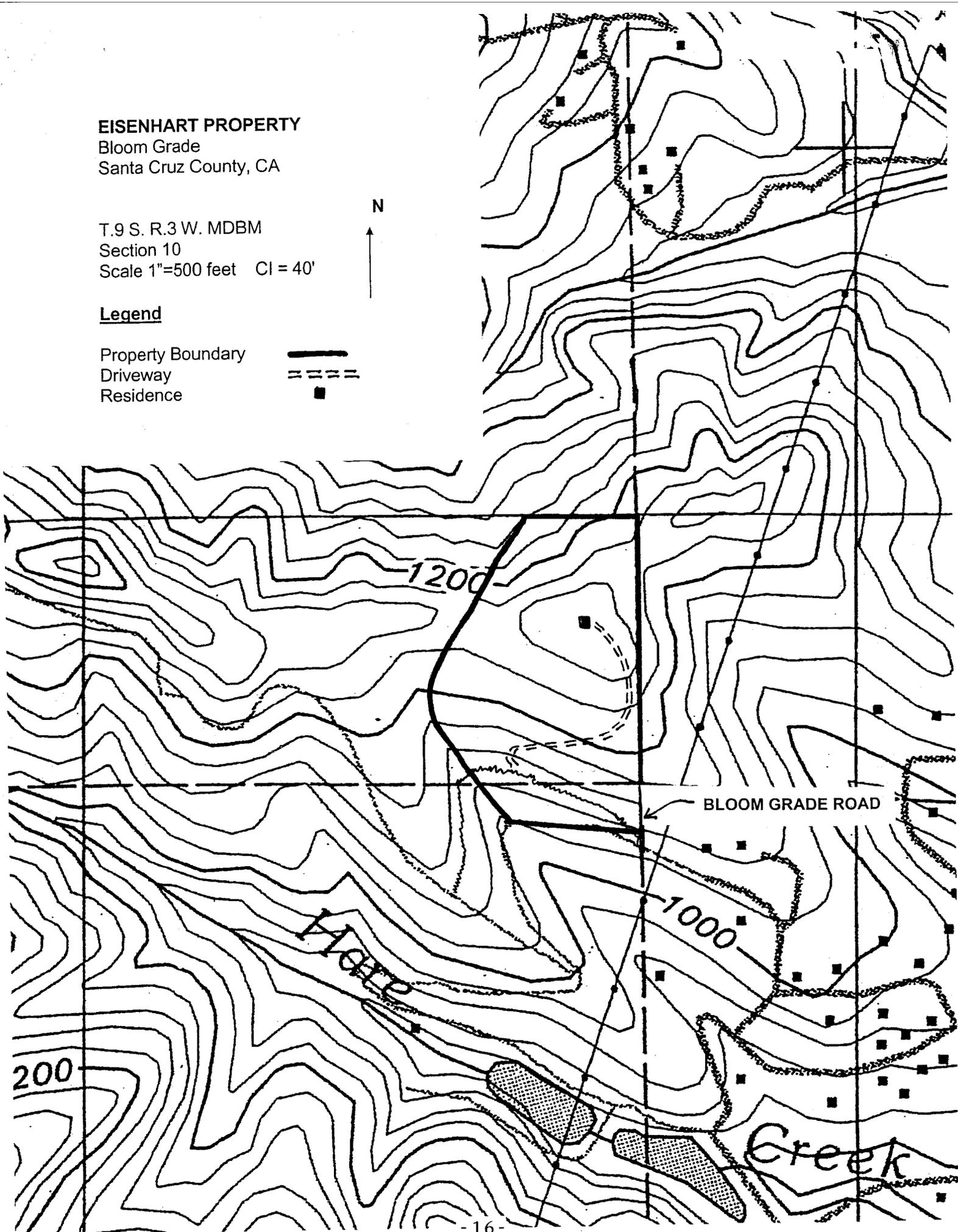
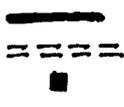
Bloom Grade  
Santa Cruz County, CA

T.9 S. R.3 W. MDBM  
Section 10  
Scale 1"=500 feet CI = 40'



**Legend**

Property Boundary  
Driveway  
Residence



RECORDING REQUESTED BY  
Founders Title Company  
123637-3

VOL. 4918 PAGE 169 69045

APN 086-171-30 / 086-171-60  
WHEN RECORDED MAIL TO

RE 5-2  
MI 1  
SF 3  
SM 70  
LN  
CO  
OP

RECORDED AT THE REQUEST OF  
FOUNDERS TITLE CO.  
OCT 29 1991  
8:00 AM  
RICHARD W. BEDAL, Recorder  
SANTA CRUZ COUNTY, Official Records

Name DEBORAH ZIMMER & ELINOR N. LEVINE  
Street Address 1007 Ocean Ave  
City & State Santa Monica, CA 90403

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### Grant Deed

ALL  
PTN.

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$...330.00...

- (  ) computed on full value of property conveyed, or
- ( ) computed on full value less value of liens and encumbrances remaining at time of sale.
- (  ) Unincorporated area: ( ) City of.....
- ( ) Realty not sold.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

PETER A. EISENHART and KATHERINE A. EISENHART, ALSO KNOWN AS KATHY A. EISENHART,  
HUSBAND AND WIFE

hereby GRANT(S) to DEBORAH ZIMMER, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY  
AS TO AN UNDIVIDED 1/2 INTEREST and ELINOR N. LEVINE, A MARRIED WOMAN AS HER SOLE AND  
SEPARATE PROPERTY AS TO AN UNDIVIDED 1/2 INTEREST, AS TENANTS IN COMMON

that property in SANTA CRUZ County, State of California, described  
as: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Mail tax statements to Grantee at address above

Date October 22, 1991

STATE OF CALIFORNIA }  
COUNTY OF Santa Cruz } SS.

*Peter A. Eisenhart*  
PETER A. EISENHART

On October 28, 1991 before me, the undersigned,  
a Notary Public in and for said State, personally appeared  
Peter A. Eisenhart and

*Katherine A. Eisenhart*  
KATHERINE A. EISENHART

Katherine A. Eisenhart  
personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the persons whose name s are  
subscribed to the within instrument and acknowledged that  
they executed the same. Witness my hand and official seal.

Signature

*Leslie Seyffert*  
Leslie Seyffert

Name (Typed or Printed)



FOUNDERS TITLE COMPANY

ORDER NO. 123637-3

## EXHIBIT "A"

PARCEL ONE:

That parcel of land within "the Northeast one-quarter of the Southeast one-quarter of Section 11, T. 9 S., R. 3 W., M.D.B. & M." shown and delineated as "Parcel A" on that certain Parcel Map filed for record March 12, 1974, in Volume 14 of Parcel Maps, Page 63, Santa Cruz County Records.

Said land consists of the same parcels of said land as were first conveyed to Western Forest Development, Inc., by deed recorded June 20, 1972 in Book 2211, Page 358, Official Records of Santa Cruz County and to Penniman Title Company, Inc. by deed recorded July 16, 1974, in Book 2427, Page 188, Official Records of Santa Cruz County.

PARCEL TWO:

A portion of the land described as "the West half of the Northeast one-quarter of the Southeast one-quarter of (said) Section 11 in the Deed to Lloyd F. Lewis, recorded February 28, 1969, in Volume 1936, Page 588, Official Records of Santa Cruz County, more particularly bounded and described as follows:

BEGINNING at the Southeast corner of said land of Lewis;

THENCE from said point of beginning and along the East line of said land, North 210.00 feet;

THENCE leaving said East line, West 430 feet, more or less, to the centerline of a road 40 feet in width;

THENCE along the centerline of said road, South 1° 13' East 168.80 feet and South 53° 43' West 50 feet, more or less, to the South line of said land of Lewis;

THENCE along said South line, South 88° 26' 15" East 470 feet, more or less, TO THE POINT OF BEGINNING.

Said land is the same as was first conveyed to Fayn F. Wilson et ux, by deed recorded January 27, 1972, in Book 2169, Page 282, Official Records, Santa Cruz County.

PARCEL THREE:

Rights of way "over a road 40 feet in width...along the centerline of said right of way, (particularly described in the Instruments referred to hereafter.)"

Said rights of way are the same as were first (1.) conveyed to James Borgino, by Instrument recorded September 15, 1970 in Book 2041, Page 584; and (2.) reserved to James Borgino, by Instrument recorded September 16, 1970 in Book 2042, Page 7; and (3.) conveyed to Fayn F. Wilson et ux, by Instrument recorded January 27, 1972 in Book 2169, Page 282, Official Records of Santa Cruz County, as appurtenant to said Parcel Two and the larger tract of land from which it was subdivided.

FOUNDERS TITLE COMPANY

ORDER NO. 123637-3

EXHIBIT "A" Continued

PARCEL FOUR:

"A right of way over existing roads for ingress (to) and egress (from said Parcel Two) to be used in common with others."

Said "right of way" was first so described in the deed to Fayn F. Wilson and Elizabeth B. Wilson by instrument recorded February 11, 1972 in Book 2172, Page 629, Official Records of Santa Cruz County, as though appurtenant to said Parcel Two.

PARCEL FIVE:

"Non-exclusive easement(s) for ingress (to and) egress (from said Parcel One) and (for) public utilities (in and upon a strip of land) 50 feet in width (within) part of the East one-half of (said) Section 11, the centerline (of which is) more particularly described (in the Instrument referred to hereafter.)"

Said easements are the same as were first conveyed to John Leon, Jr. et ux and to Gerald W. Smith by Instrument recorded September 12, 1974, in Book 2442, Page 83, Official Records of Santa Cruz County, as appurtenant to said Parcel One.

Assessor's Parcel Numbers: 086-171-60 (Parcel One)  
086-171-30 (Parcel Two)

