



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

February 8, 2008

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

Agenda Date: March 12, 2008
APN: 107-091-20, 107-081-23
Application: 07-0462
Item #: 18
Time: After 9 AM

Subject: A public hearing to consider a proposal to rezone two lots of record from the Agriculture with Open Space (A-O) designation to the Timber Production (TP) zone district.

Members of the Commission:

On August 27, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone 38 acres from the Agriculture with Open Space (A-O) zone district to the Timber Production (TP) designation. The uses on the property consist of a single family residence and orchard. The Open Space easement has been terminated.

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. 07-0462 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 Hildreth Forestry Consulting LLC, dated October 4, 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. 07-0462, involving property located on the south side of Rider Road, approximately 1,500 feet west of the intersection with Eureka Canyon 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 with Open Space Easement (A-O) zone district to the Timber Production (TP) 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 south side of Rider Road, approximately 1,500 feet west of the intersection with Eureka Canyon 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

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> |
|---------------------------------|-------------------------------|--------------------------|
| 107-081-20 | Agriculture with | |
| 107-081-23 | Open Space (A-O) | TP |

SECTION IV

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

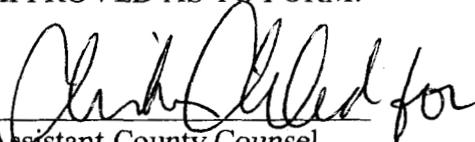
PASSED AND ADOPTED THIS ____ day of _____ 2007, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

FOR TAX PURPOSES ONLY

THIS ASSESSOR'S MAP IS PREPARED AS PER MAP ACT AND DOES NOT WARRANT ANY LIABILITY FOR ANY OTHER USE. SEE TO BE INFORMED. ALL RIGHTS RESERVED.
© COPYRIGHT 1997 BY SANTA CRUZ COUNTY ASSESSOR'S OFFICE

01

PDR. SEC. 2, T.11S., R.1E., &
PDR. SEC. 35, T.10S., R.1E., M.D.B. & M.

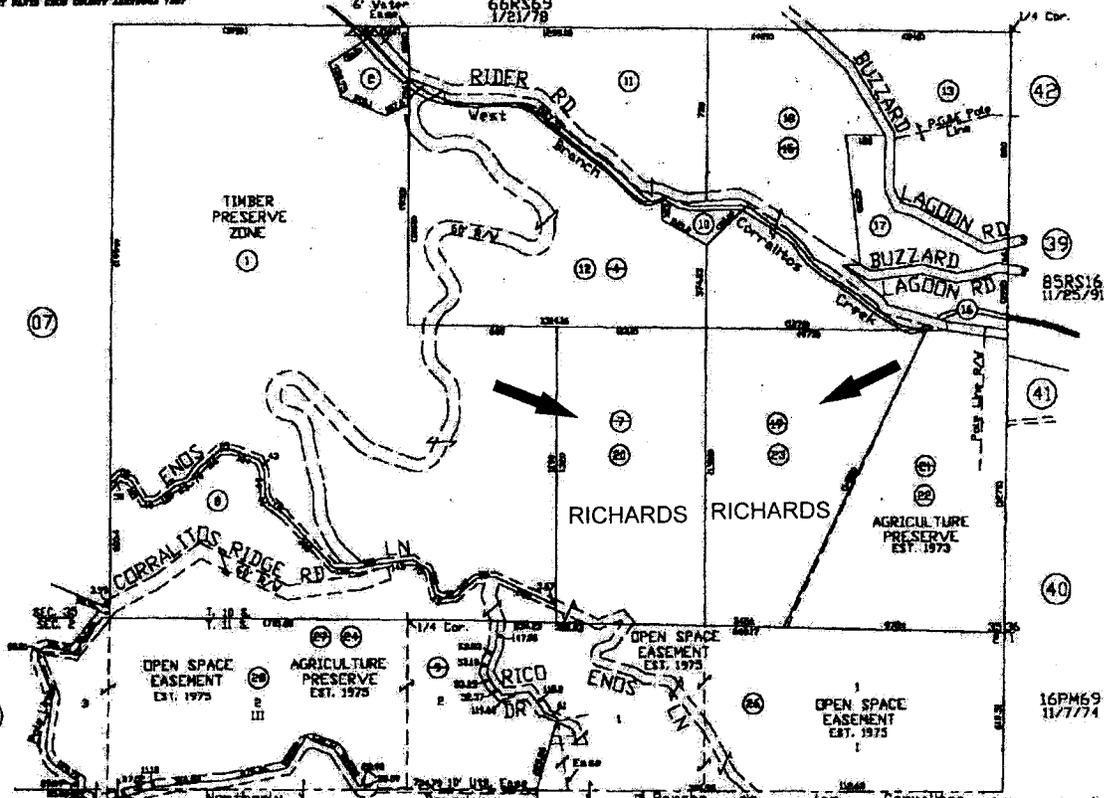
02

Tax Area Code
69-070

107-08

66RS69
1/21/78

1/4 Cor.



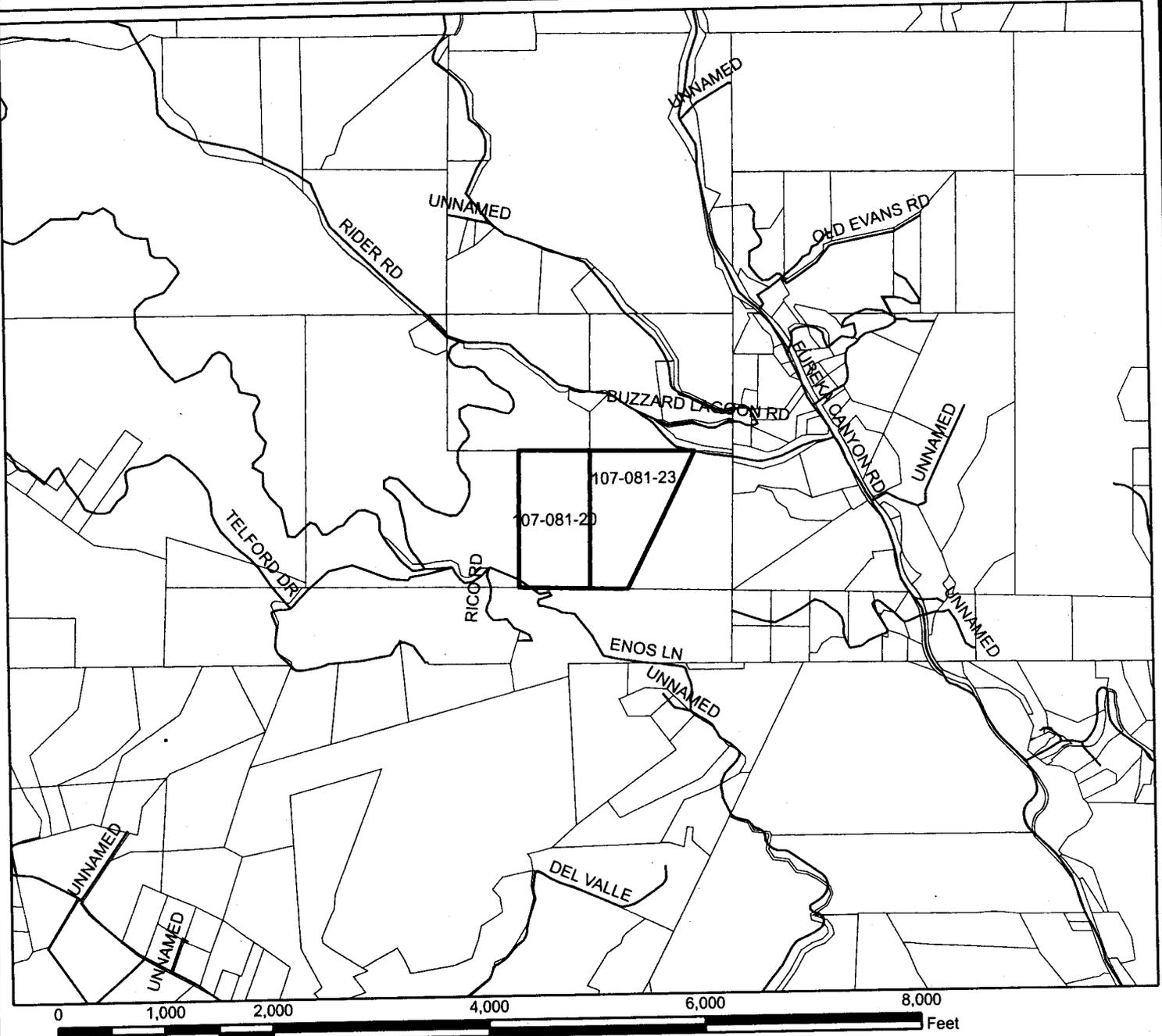
19PM16
7/23/75

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

Assessor's Map No. 107-08
County of Santa Cruz, Calif.
Dec. 1997

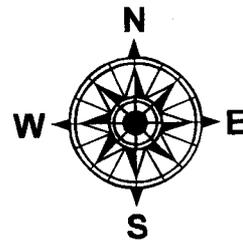


Location Map



LEGEND

-  APN: 107-081-23
-  APN: 107-081-20
-  Assessors Parcels
-  Streets

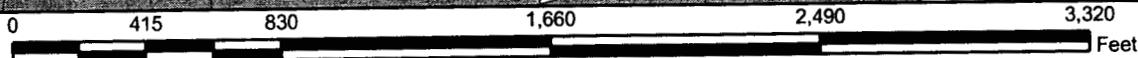
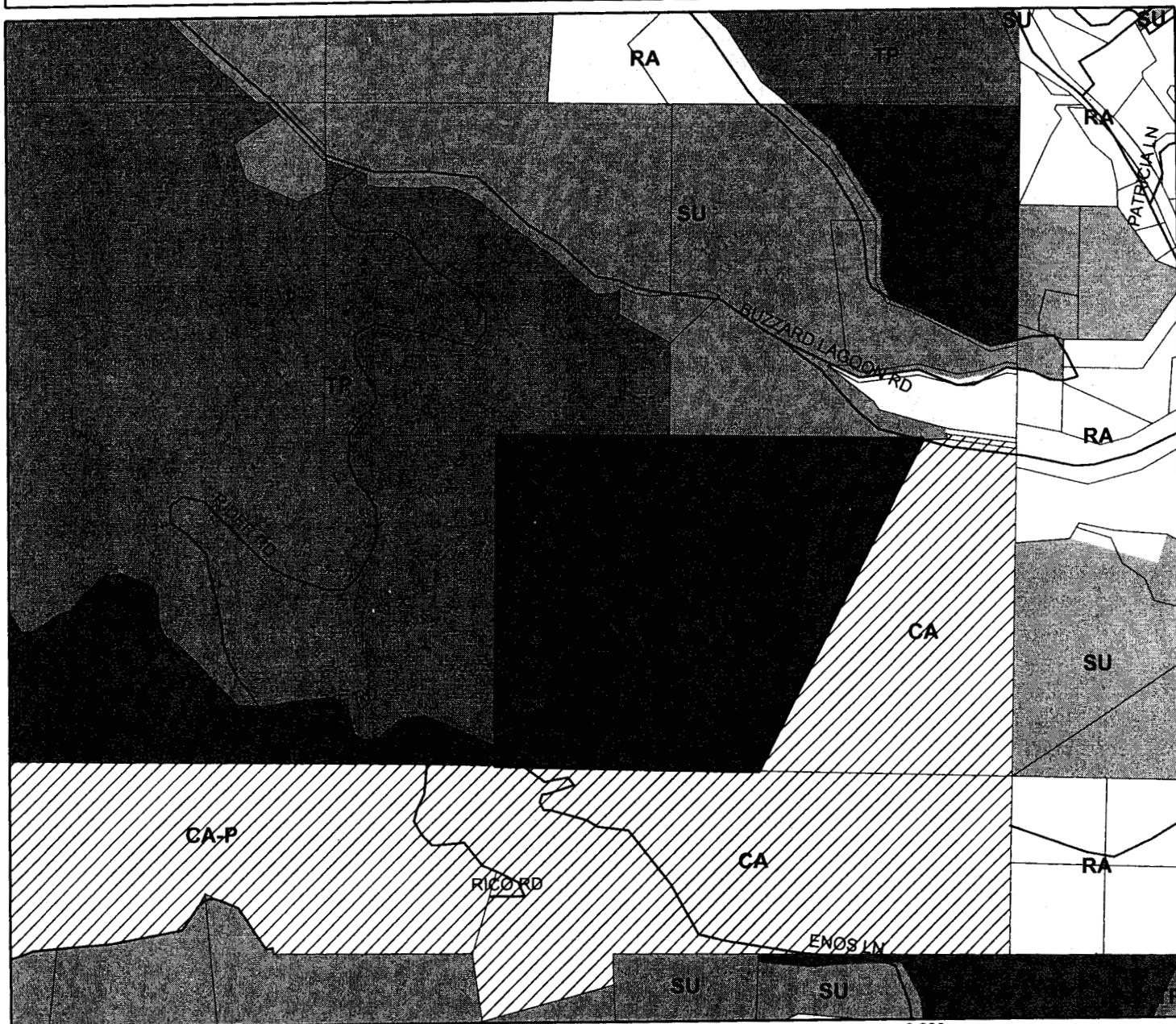


Map created by
 County of Santa Cruz
 Planning Department
 August 2007

EXHIBIT C

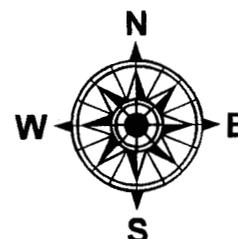


Zoning Map



LEGEND

- APN: 107-081-23
- APN: 107-081-20
- Assessors Parcels
- Streets
- AGRICULTURE
- AGRICULTURE COMMERCIAL
- AGRICULTURE RESIDENTIAL
- SPECIAL USE
- TIMBER PRODUCTION

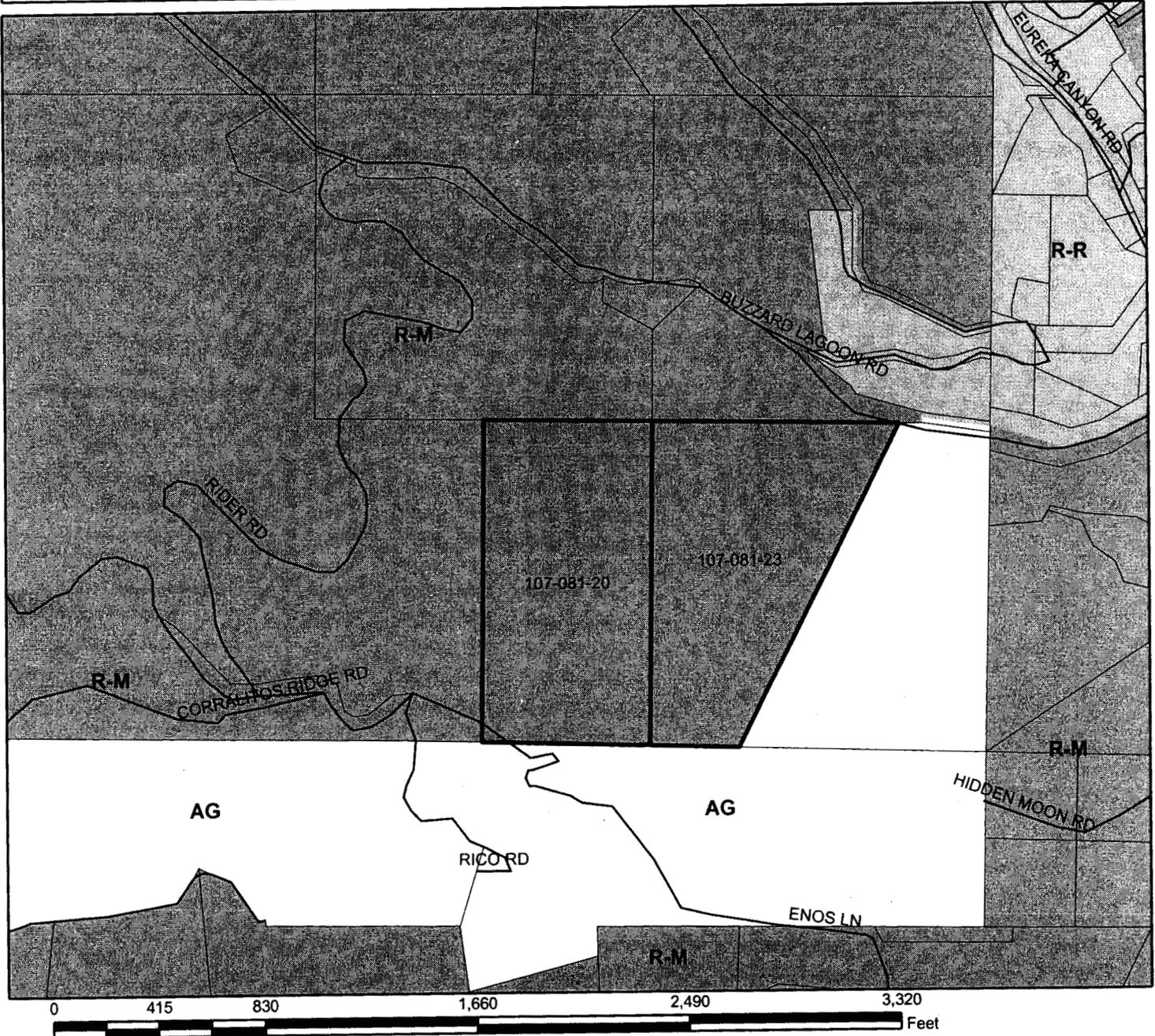


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

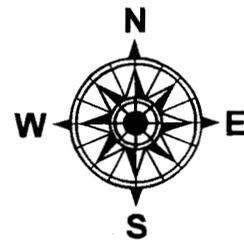


General Plan Designation Map



LEGEND

-  APN: 107-081-23
-  APN: 107-081-20
-  Assessors Parcels
-  Streets
-  Agriculture
-  Residential-Mountain
-  Residential-Rural



Map created by
 County of Santa Cruz
 Planning Department
 August 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: 07-0462

Assessor Parcel Number: 107-081-20, 107-081-23

Project Location: Property located on the south side of Rider Road, approximately 1,500 feet west of the intersection with Eureka Canyon Road

Project Description: Rezone two parcels from the Agriculture with Open Space (A-O) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Terry Richards Trustee

Contact Phone Number: (831) 338-4269

- 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: _____

RICHARDS PROPERTY
TIMBER MANAGEMENT PLAN
OCTOBER 4, 2007

PORTIONS OF
Township 10 South - Range 1 East
Section 35
Santa Cruz County, California

PREPARED BY
Hildreth Forestry Consulting LLC
P.O. Box 1224 Capitola CA 95010 (831) 464-1196

INTRODUCTION

This Timber Management Plan is for the Richards property located near Corralitos, California. This plan is required by Santa Cruz County in connection with the landowner's application to have the property placed in Timberland Production Zoning (TPZ).

The subject property is made up of two parcels. They are, as recorded by the Santa Cruz County Assessor, as follows:

| OWNER | PARCEL OWNER | ACRES | CURRENT ZONING |
|---------------------------------|------------------|-------|----------------|
| Richards, Terry T Trustees etal | APN # 107-081-20 | 19 | A-O* |
| Richards, Terry T Trustees etal | APN # 107-081-23 | 19 | A-O* |

* Agriculture Open Space

The site address is listed by the County Assessor as 748 Rider Road, Watsonville, CA 95076.

FOREST MANAGEMENT OBJECTIVES

The owner desires to manage this forestland for the production of merchantable timber. This goal is to be achieved without degrading the quality of other forest resources such as soils, watershed, wildlife, and recreation. The immediate objective is to obtain Timber Production Zoning, which will allow management of the property consistent with these objectives.

GENERAL LOCATION

This property is located approximately 2 miles north of Corralitos in portions of Township 10 South, Range 1 East, Section 35, MDB&M of Santa Cruz County, California. The property is accessible from Rider Road. The site is located within the Corralitos Creek watershed within the greater Pajaro River basin.

HISTORY

The property appears to have been clearcut harvested during the late 1800's or early 1900's. Except for a few individual trees, no harvesting has occurred since this time.

The property consists of two parcels of approximately 19 acres each for a total of 38 acres. Parcel 107-081-20 contains redwood forest only (19 acres). Parcel 107-081-23 contains redwood forest (15 acres), a fruit orchard (3 acres), and a residence (1 acre).

TIMBER DESCRIPTION

The property contains approximately 34 acres of merchantable stands of coast redwood. The redwood occurs in well-stocked clumps, intermixed with hardwoods (primarily live oak, tanoak, and a small amount of madrone) and a few, scattered Douglas-fir. The average site index is site III. The stand consists primarily of one age class of approximately 100 years. The timber is located on moderate slopes. Elevation ranges from approximately 460 to 1000 feet.

The area appears to have been clearcut around the turn of the 20th century. The redwoods naturally regenerated after this harvest. Over time, growth slowed as the trees grew larger and closer together, and began competing for available water, nutrients, and sunlight. No commercial harvesting has occurred since this time.

Future harvests will begin to create an uneven-aged stand. This will be accomplished by selectively thinning clumps of redwoods. The goal of future selective harvests will be to produce adequate light for vigorous stump sprouting, to promote growth on residual trees, to promote continued production of high quality redwood timber by maintaining good spacing and good distribution of diameter classes.

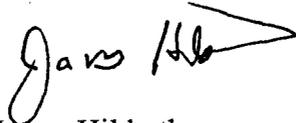
TIMBERLAND CERTIFICATION

The subject parcel is considered timberland as defined in California Government Code Section 51104(f) as the parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually.

The subject 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 Southern subdistrict of the Coast Forest District.

The subject parcel exceeds the current Santa Cruz County minimum five acre parcel size for Timber Production zoning.

Respectfully submitted,



James Hildreth

Registered Professional Forester #2639