



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 11, 2008

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

Agenda Date: March 12, 2008

APN: 100-121-09

Application: 07-0493

Item #: 28

Time: After 9 AM

Subject: A public hearing to consider a proposal to rezone a single lot of record from the Agriculture (A) district to the Timber Production (TP) zone district.

Members of the Commission:

On September 6, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 22-acre parcel from the Agriculture (A) 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 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. 07-0493 based on the attached findings (Exhibit B).

EXHIBITS

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN Map
- C. Location, Current Zoning and General Plan Designation Maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan by Cassady Bill Vaughan, RPF #2685, dated December 12, 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. 07-0493, involving property located at the end of an unnamed right of way that intersects Branciforte Road on the east side approximately 502 feet north of the intersection of Branciforte with Bernita 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**

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 an unnamed right of way that intersects with Branciforte Road on the east side approximately 502 feet north of the intersection of Branciforte with Bernita 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> |
|---------------------------------|-------------------------------|--------------------------|
| 100-121-09 | Agriculture (A)) | 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:

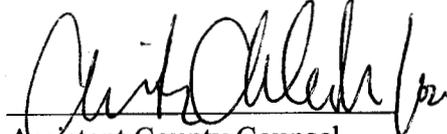

 Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
 Planning
 Assessor
 County

GIS

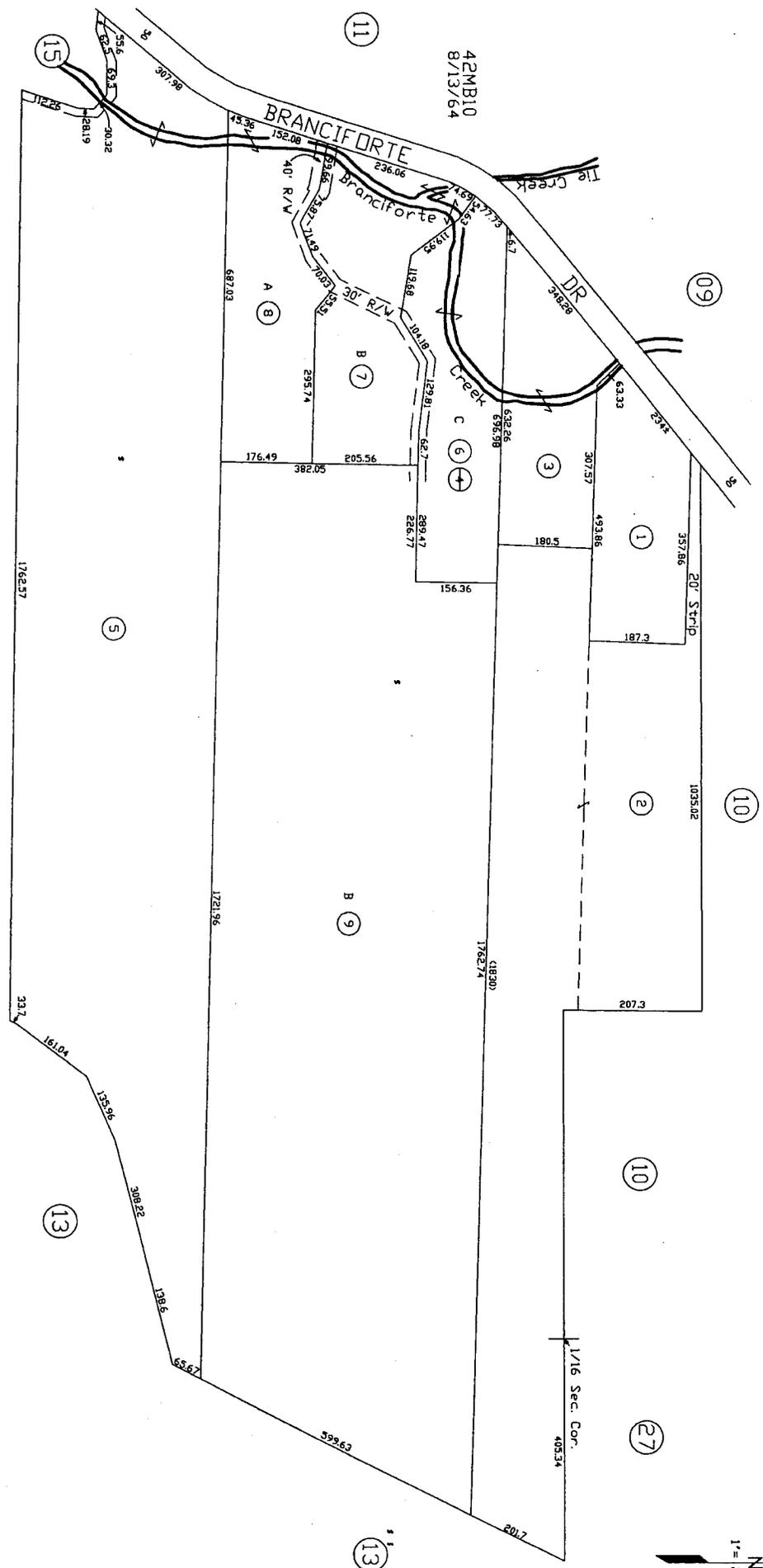
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

POR. N.W. 1/4 SEC. 21,
 T.10S., R.1W., M.D.B. & M.

Tax Area Code
 73-001

100-12

EXHIBIT B

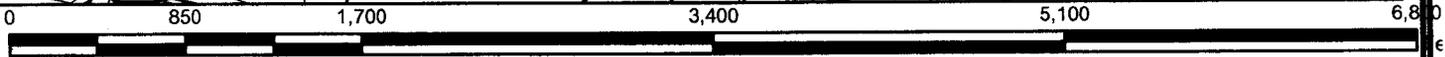


Note - Assessor's Parcel & Block Numbers Shown in Circles.

Assessor's Map No. 100-12
 County of Santa Cruz, Calif.
 Nov. 1998

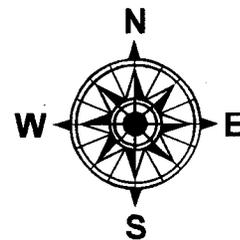


Location Map



LEGEND

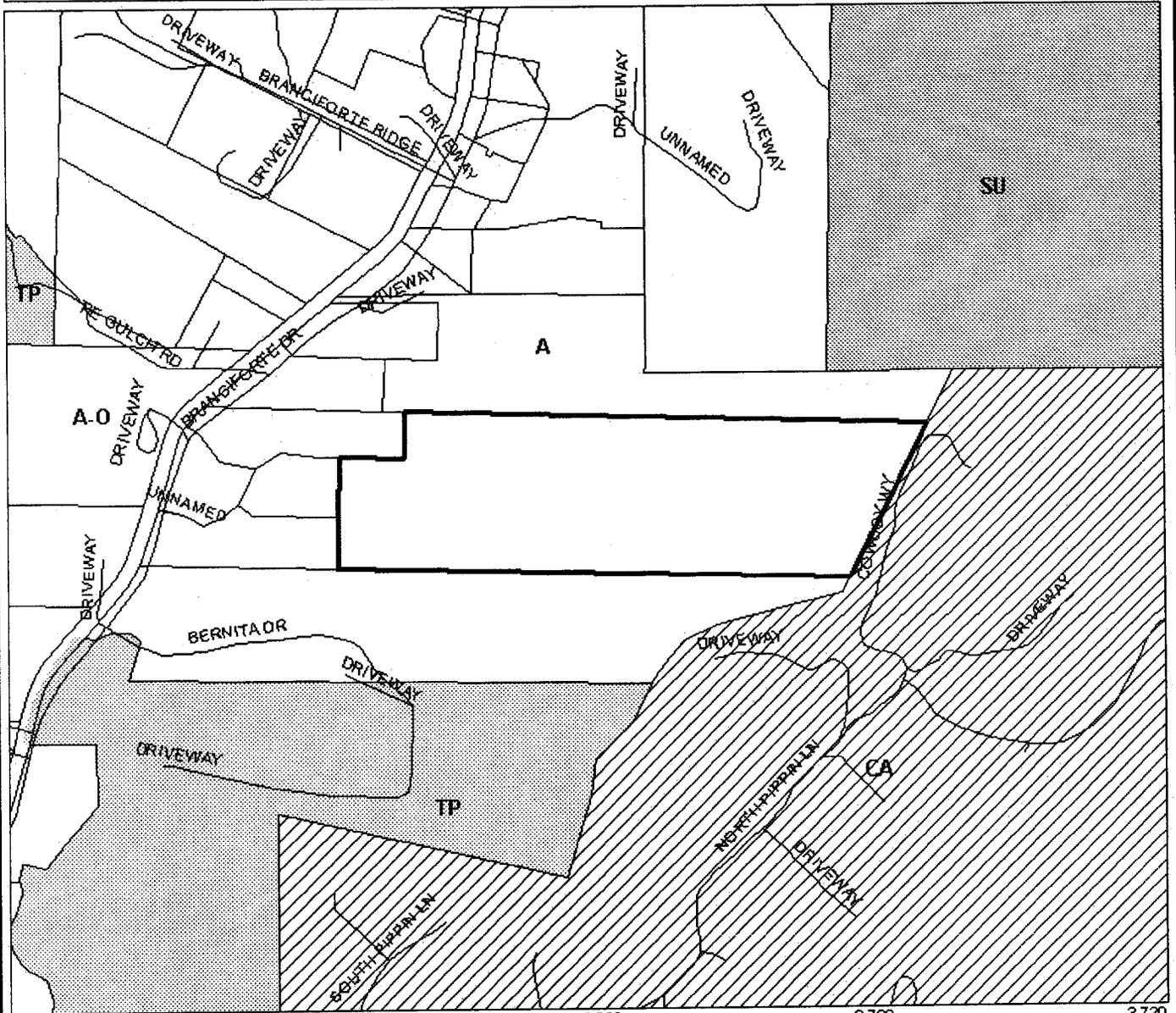
-  APN: 100-121-09
-  Assessors Parcels
-  Streets



Map created by
 County of Santa Cruz
 Planning Department
 August 2007

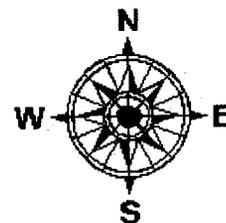
EXHIBIT C

Zoning Map



LEGEND

-  APN: 100-121-09
-  Assessors Parcels
-  Streets
- AGRICULTURE
-  AGRICULTURE COMMERCIAL
-  SPECIAL USE
-  TIMBER PRODUCTION

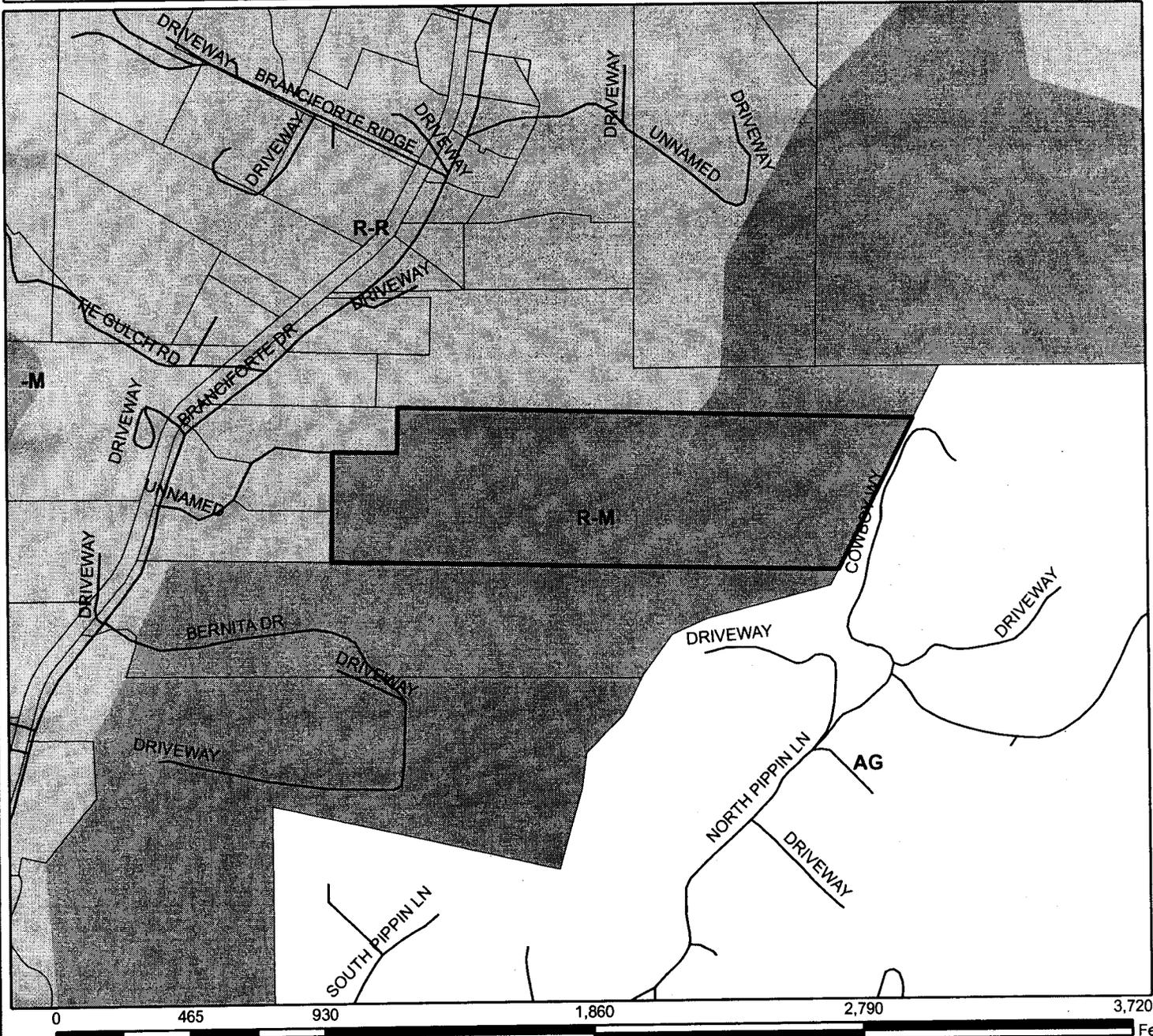


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

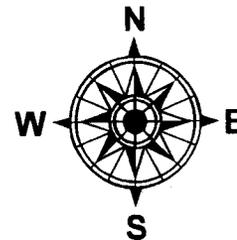


General Plan Designation Map



LEGEND

-  APN: 100-121-09
-  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: 07-0493

Assessor Parcel Number: 100-121-09

Project Location: Property located at the end of an unnamed right of way that intersects Branciforte Road on the east side approximately 502 feet north of the intersection of Branciforte with Bernita Road.

Project Description: Rezone a single parcel from the Agriculture (A) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Lloyd C. & Marion L. Fowler, Trustees

Contact Phone Number: 831-438-3271

- 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: _____



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

December 12, 2007

Re: TPZ Rezoning of Santa Cruz County Assessor's Parcel # 100-121-09 (Application # 07-0493)

Maria,

This letter requests re-zoning Santa Cruz County Assessor's Parcel # 100-121-09 from its current Agricultural (A) designation to the Timber Production Zone (TPZ). As noted above, a rezone application has already been filed (copy attached), and this is the accompanying Timber Management Plan. The parcel is owned by Lloyd and Marion Fowler and meets the following criteria:

- 1) The parcel currently meets 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 for the Southern Subdistrict of the Coast Forest District (See attached Stocking Analysis).
- 2) The parcel currently meets the definition of "Timberland" per Section 51104 (f) of the Government Code (See attached Wood Fiber Analysis).
- 3) The parcel currently meets the permitted use requirements per County Code Section 13.10.372 (See attached Compatible Use Analysis).
- 4) The subject parcel was clear-cut around 100 years ago and by all appearances has experienced some selective thinning since, though none of the entries were large-scale operations. The property is bordered exclusively by parcels zoned Agriculture or Commercial Agriculture. Generally speaking, the setting would be considered developed wildland; more wild than developed south and east of the parcel and more developed than wild north and west of the parcel. The Branciforte Creek watershed has a number of TPZ and non-TPZ parcels that are/were actively managed for timber production. While the parcel contains the infrastructure and harvest volume necessary for a successful harvest, it may be wise to consult with the CA property owner to the east or with the recently logged Lam property located 500' to the south when considering a future harvest.
- 5) The parcel meets the minimum 5-acre size requirement.

Also attached:

- 1) Assessor's Parcel Map.
- 2) A copy of the TPZ Development Permit Application and payment of associated fees.

Sincerely,


Cassidy Bill Vaughan, RPF #2685

EXHIBIT E

STOCKING ANALYSIS

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

Analysis: Field review of the property suggests that the average dominant redwood and Douglas-fir trees exhibit Site III characteristics. Site III characteristics are defined under CCR 1060 as lands capable of growing redwood trees of 135-154 feet in 100 years, and Douglas-fir trees of 134-163 feet. A few areas of the property exhibit stand characteristics typical of more productive Site II land. In either case, both Site Classes on the property are clearly capable of maintaining the minimum basal area standards cited above.

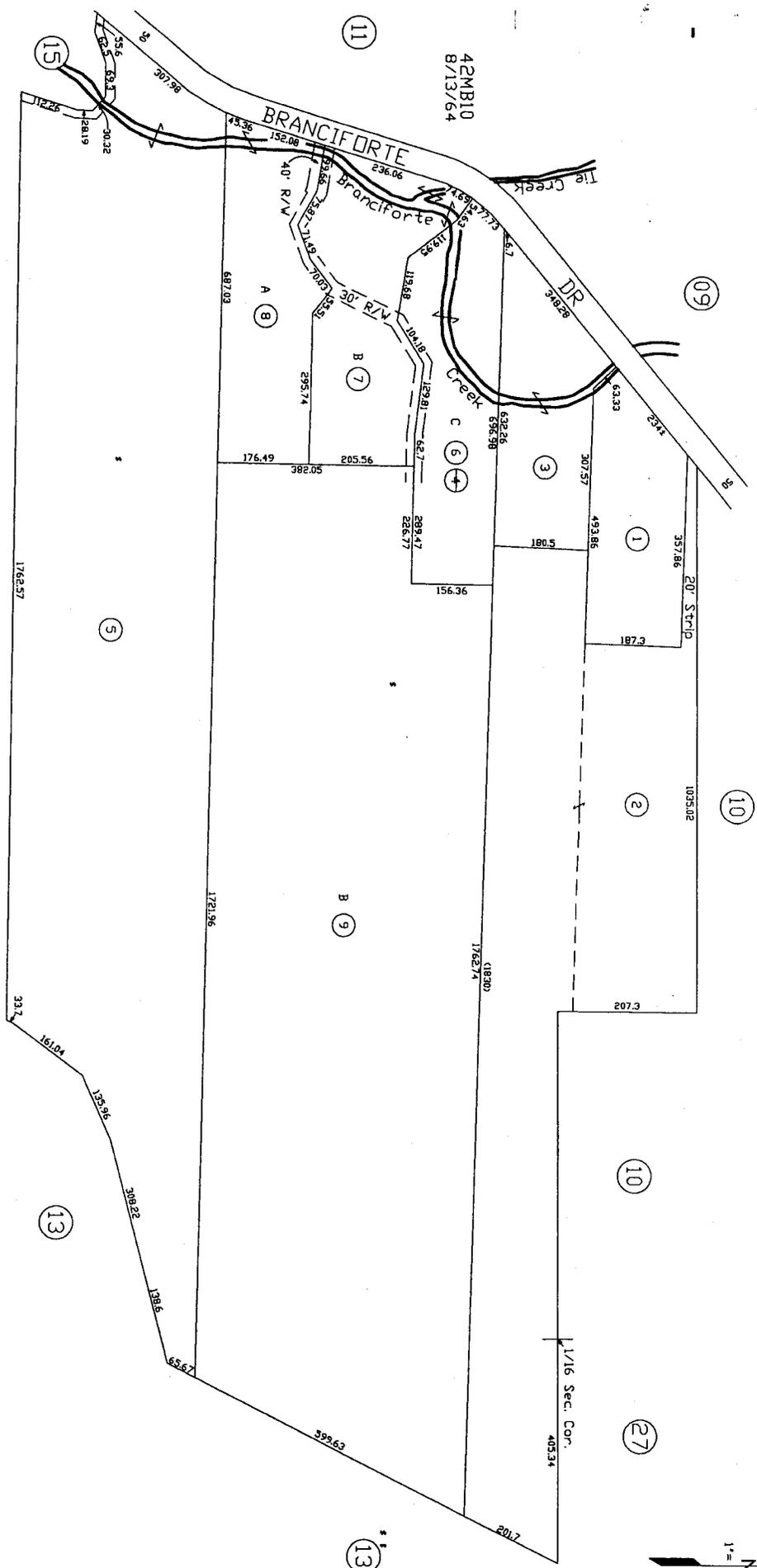
WOOD FIBER ANALYSIS

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

Analysis: Field review of the parcel confirms that it is capable of producing wood fiber in excess of 15 cubic feet/acre/year. The primary forest soil type on the parcel is the Nisene-Aptos complex. The Nisene Aptos complex is listed in the USDA Soil Survey (1980) as "well-suited to the production of Douglas-fir", though my site inspection revealed that the property contains many more redwood trees than Douglas-fir and with stocking and growth rates capable of producing 50-60 cubic feet of wood fiber/acre/year.

COMPATIBLE USE ANALYSIS

The subject parcel is accessed by a permanent road that connects to an upgraded seasonal road, both of which can accommodate 10-wheeler log trucks. Various flat areas on the parcel provide adequate staging areas for loading and processing of logs, and ground-based equipment can operate from moderately sloped ground and existing road and trail features. Generally speaking, the owners have done a good job of maintaining roads and trails in a functional and useable condition, and have not allowed other uses of the property to make harvesting infeasible or incompatible. As discussed above, the parcel is located within a developed wildland setting, some of which has been managed for timber production or other agricultural products (vineyards, orchards, etc.). Based on my field review with the landowner and a brief layout analysis, the property appears fit for harvesting and in a manner that is compatible with what amounts to personal recreation use (the property is undeveloped). Only the County's reinterpretation of what constitutes an "allowable use" on Agricultural parcels has brought into question the compatibility of timber production.



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

Assessor's Map No. 100-12
 County of Santa Cruz, Calif.
 Nov. 1998

PLANNING DEPARTMENT



COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060
FAX (831) 454-2131 TDD (831) 454-2123

DEVELOPMENT PERMIT APPLICATION

PHONE: (831) 454-2130

PRINT DATE: 09/06/2007

APPLICATION DATE: 09/06/2007

APPLICATION NO.: **07-0493**

PARCEL NO. 100-121-09
SITUS ADDRESS NOT AVAILABLE

PROJECT DESCRIPTION:

Proposal to rezone one parcel from the Agriculture (A) zone district to the Timber Production (TP) zone district. Requires a Rezoning. Property located at the end of an unnamed right of way that intersects Branciforte Road on the east side approximately 502 feet north of the intersection of Branciforte with Bernita Road.

DIRECTIONS TO PROPERTY: TAKE BRANCIFORTE ROAD NORTH APPROXIMATELY 1.6 MILES NORTH OF THE INTERSECTION W/ HAPPY VALLEY ROAD (500 FEET NORTH OF INTERSECT. WITH BERNITA ROAD) TO AN UNNAMED RIGHT OF WAY ON RIGHT; PROPERTY IS AT END OF R.O.W.

OWNER: FOWLER LLOYD C & MARION L TRUSTEES 444 WHISPERING PINES DR# 171 SCOTTS VALLEY CA 95066
APPLICANT: FOWLER LLOYD C & MARION L TRUSTEES 444 WHISPERING PINES DR# 171 SCOTTS VALLEY CA 95066
RES. PHONE: (831)438-3271

STATEMENT OF INTEREST IN PROPERTY: OWNER

| | | |
|----------------------------|--------------------------|------------------------------|
| APPLICATION FEES: | RECEIPT: 00107365 | DATE PAID: 09/06/2007 |
| COB NOE ADMINISTRATIVE FEE | | 50.00 |
| MAINT. GENERAL PLAN | | 4.35 |
| UPDATE GENERAL PLAN | | 2.90 |
| APPLICATION INTAKE A | | 131.00 |
| ENVIRONMENTAL EXEMPTION | | 145.00 |
| REZONING TO TPZ | | 1500.00 |
| RECORDS MANAGEMENT FEE | | 15.00 |
| *** TOTAL *** | | 1848.25 |

#14912

PARCEL CHARACTERISTICS FOR: 10012109
ZONE DISTRICT(S): AGRICULTURE
GENERAL PLAN LAND USE DESIGNATION(S): MOUNTAIN RESIDENTIAL
PLANNING AREA: CARBONERA
GENERAL PLAN RESOURCES & CONSTRAINTS: ARCRES
GENERAL PLAN RESOURCES & CONSTRAINTS: TIMBER
ASSESSOR LAND USE CODE: 20-49.9 ACRE/RURAL
DISTRICT SUPERVISOR: Janet K. Beutz First District
PARCEL SIZE: 22.094 ACRES (EMIS ESTIMATE)

THIS PARCEL SIZE HAS BEEN CALCULATED BY EMIS, THE COUNTY'S GEOGRAPHIC INFORMATION SYSTEM, AND IS AN ESTIMATE ONLY. IF A MINIMUM PARCEL SIZE IS REQUIRED TO MEET COUNTY STANDARDS, YOU MAY NEED TO OBTAIN A SURVEY TO DEMONSTRATE THAT YOU HAVE SUFFICIENT LAND AREA.

COPY - APPLICANT