



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: 105-421-35

Application: 07-0496

Item #: 30

Time: After 9 AM

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

Members of the Commission:

On September 7, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP-O). This is a proposal to rezone 10.8 acres from the Residential Agriculture-Open Space (RA-O) zone district to the Timber Production (TP-O) 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.

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.

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.

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 the 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

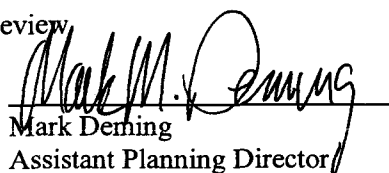
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0496 based on the attached findings (Exhibit B).

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, RPF #2674, dated August 10, 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. 07-0496, involving property located on the east side of Fern Flat Road, approximately 3.5 miles northeast of the intersection with Trout Gulch 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 Residential Agriculture-Open Space (RA-O) zone district to the Timber Production-Open Space (TP-O) 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.

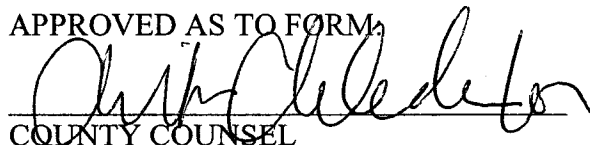
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2007, by the following vote:

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 is located on the east side of Fern Flat Road, approximately 3.5 miles northeast of the intersection with Trout Gulch 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>
105-421-35	Residential Agriculture- Open Space (RA-O)	TP-O

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

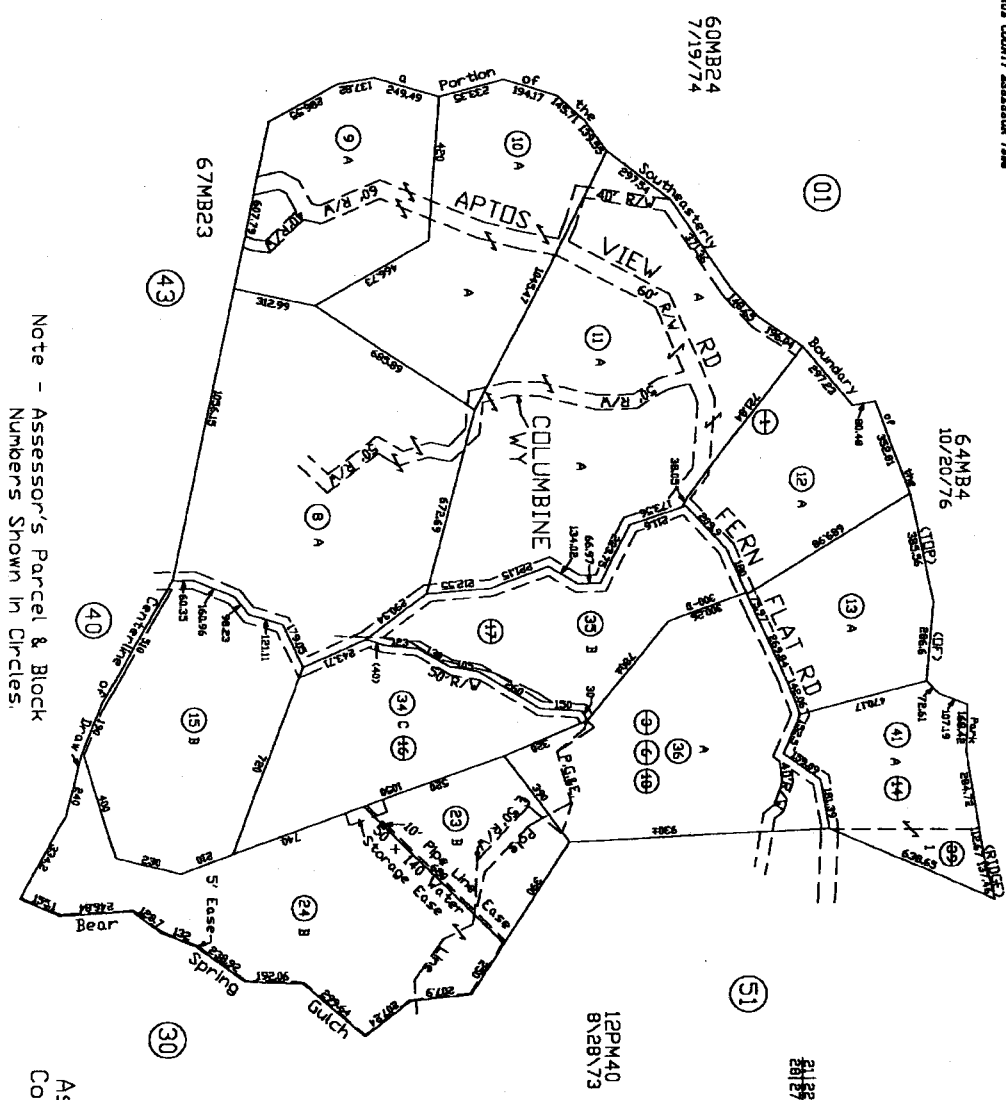
FOR TAX PURPOSES ONLY
 THE ASSessor HAS BEEN QUALIFIED AS TO LAND AND ASSESSMENT AND ASSURES ANY
 LIABILITY FOR OTHER MATTERS NOT TO BE ASSUMED BY THE COUNTY OF SANTA CRUZ
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

SOQUEL AUGMENTATION RANCHO
 POR. SECS. 21 & 28, T.10S., R.1E., M.D.B. & M.

Tax Area Code
 69-266

105-42

Electronically redrawn 7/1/98 KSA
 Rev. 7/1/98 KSA Chg. to Pg. 5D
 Rev. 8/25/99 C3 (Added PM ref & removed Open Sp. Ease.)
 Rev. 3/18/02 mm (st name)

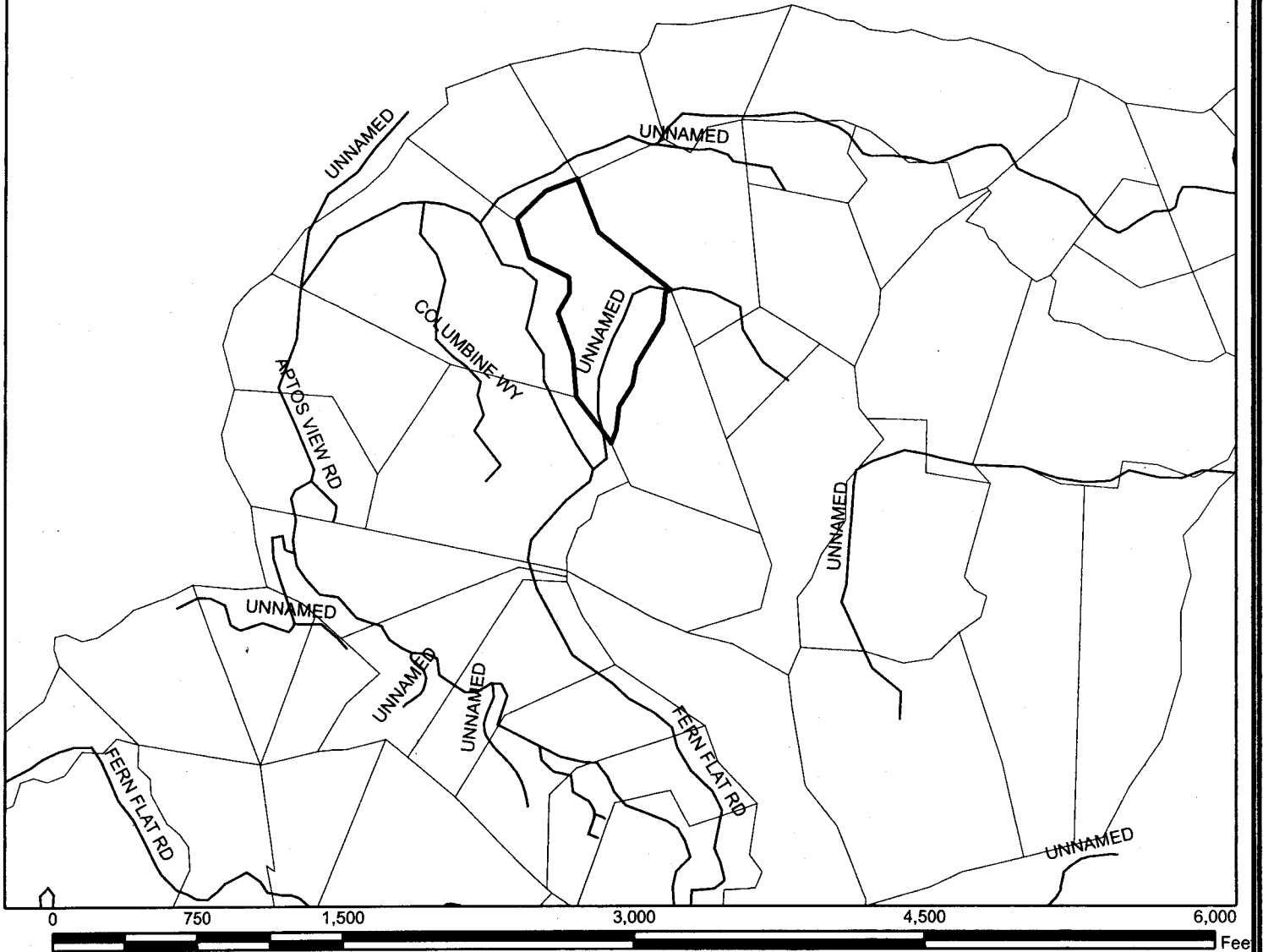


Note - Assessor's Parcel & Block
 Numbers Shown in Circles.





Assessor's Map No. 105-42
 County of Santa Cruz, Calif.
 July 1998

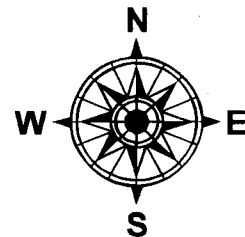


Location Map



LEGEND

-  APN: 105-421-35
-  Assessors Parcels
-  Streets
-  County Boundary

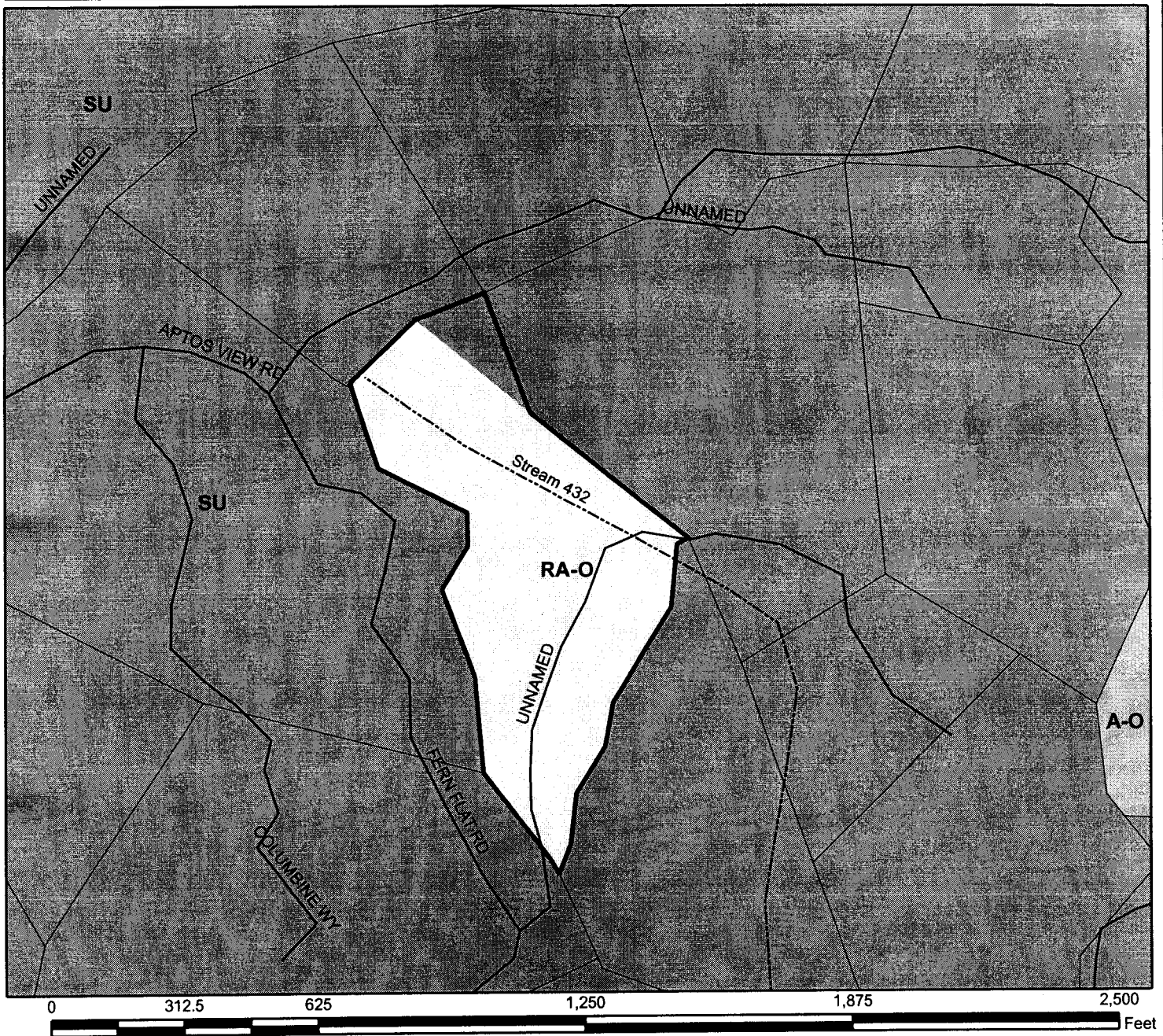


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

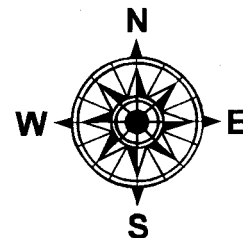


Zoning Map



LEGEND

- APN: 105-421-35
- Assessors Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- AGRICULTURE RESIDENTIAL
- AGRICULTURE
- SPECIAL USE

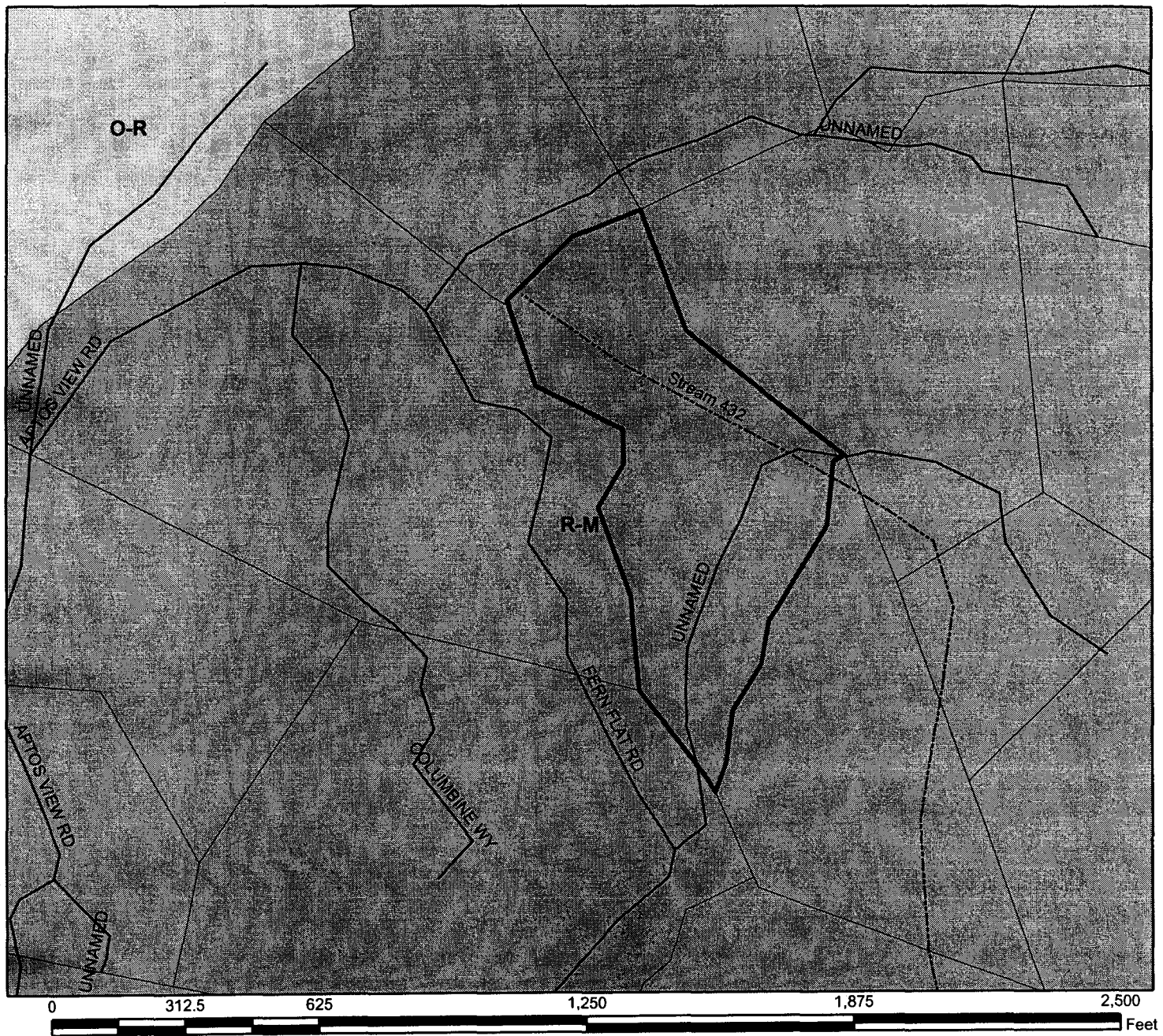


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

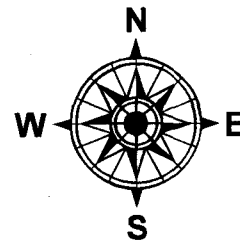


General Plan Designation Map



LEGEND

- APN: 105-421-35
- Assessors Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- Residential-Mountain
- Parks and Recreation



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: 07-0496

Assessor Parcel Number: 105-421-35

Project Location: Property is located on the east side of Fern Flat Road, approximately 3.5 miles northeast of the intersection with Trout Gulch Road.

Project Description: Rezone one parcel from the Residential-Agriculture (RA-O) zone district to the Timber Production-Open Space (TP-O) zone district.

Person or Agency Proposing Project: Steve Paulson

Contact Phone Number: (831) 688-8543

- 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 Scribner and Paulson
5950 Fern Flat Road
Aptos, CA**

**APN# 105-421-35
Portion of Section 28
Township 10 South
Range 1 East
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
August 10, 2007**

PREFACE

In July 2007, Joseph Culver, Consulting Forester, was commissioned by Laura Scribner and Steve Paulson to prepare a Timber Management Plan for APN #105-421-35. The county assessor lists the parcel as 10.8 acres in size. Ms. Scribner and Mr. Paulson would like to rezone the parcel to Timber Production and the TMP will be part of an application packet submitted to the County of Santa Cruz. The management plan incorporates field work and currently available resource data.

GENERAL PROPERTY DESCRIPTION

The parcel is located approximately five miles northeast of Aptos at the upper intersection of Fern Flat Road and Aptos View Road. The property is located in the Valencia Creek Watershed. The property slopes to the southeast at a gradient averaging approximately 25%. A small watercourse begins near the northwest portion of the property and flows southeast. The western edge of the property is defined by Fern Flat Road.

Elevation ranges from 1,180 feet in the southern corner to 1,340 feet along the northern edge of the property. The legal description of the parcel is Township 10 South, Range 1 East, portion of section 28. Timber site classification throughout the property is site III.

Soils on the property are comprised of Lompico Variant loam. This moderately deep, well-drained soil is on terraces and mountains, mainly on ridges and in small, bench-like areas. It formed in residuum derived from sandstone, shale, or mudstone. Permeability of this Lompico soil is slow. Effective rooting depth is 20 to 40 inches. Runoff is medium or rapid, and the hazard of erosion is moderate or high. This soil is well suited to the production of Douglas fir and redwood.

Ten acres of the property is comprised of coniferous forest. The well stocked forest consists primarily of second growth redwood and scattered Douglas fir as the dominant overstory species. Redwood trees typically grow in tightly spaced clumps with individual trees spaced two to five feet apart. Hardwood species of tanoak, Pacific madrone and coastal live oak are interspersed around these stands, generally as an intermediate species. The hardwood species are the dominant tree in some small areas, particularly in the southwest portion of the property. Understory species on the property consist mostly of tanoak seedlings, poison oak, bunch grasses, sword fern and clover.

The remaining .8 acres of the property contains the home site, associated improvements and a small clearing below the home.

TIMBER HARVEST HISTORY

The old-growth redwood logging in the Santa Cruz area, including this property, occurred approximately 110 years ago. As was common throughout the area, this clear-cut 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.

Based on stumps observed in the field, and testimony from a neighboring property owner, the property was next harvested around 1969. This selective harvest removed approximately 50-60% of the larger second growth trees.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Ms. Scribner and Mr. Paulson intend to manage the forest land for high quality forest products, while enhancing the related values of aesthetics and wildlife. As there has been no harvesting on the property for almost 40 years the forest trees have substantially closed in on themselves and the next harvest should occur in the next five years. Although State law allows for a harvest every 10 years, due to the small size of the timbered area it is recommended that future harvesting be spaced at a 15-20 year interval to maximize the volume removed in each harvest, and to minimize neighborhood impacts. Future harvests 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. Maintain and improve wildlife habitat where possible as part of continuing forest management.

RECOMMENDED LOGGING SYSTEM

The recommended logging system for this property is to use ground based logging equipment such as tractors and log skidders. Appropriate harvesting infrastructure would be developed during preparation of a Timber Harvest Plan.

PRESENT AND FUTURE STAND CONDITIONS

In August of 2007 a 12% timber inventory was conducted on the property to determine conifer volume per acre, species composition, basal area, stocking levels and stand growth. Based on the stand data gathered from the inventory, the 10 acres of forest land have the following approximate stand conditions:*

Species Composition	96% second growth redwood 4% Douglas-fir
Basal Area	125 square feet per acre
Gross Volume/acre	23,500 board feet
Gross Overall property volume	235,000 board feet

The volume per acre and overall property volume stated above are gross volumes. In general, the net volume will be about 10% less due to fire scar, rot and other minor defects in the standing timber. The overall net conifer volume on the property is approximately 211,500 board feet.

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 2.5% per year. This growth rate is below the average for managed stands of second growth trees as the property has not been recently harvested. Over the past 40 years the trees have closed in on each other and are competing for the same amount of sunlight water and nutrients. A growth rate of 2.5% per year equates to an annual increase in the forest resource of 5,870 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 490 cubic feet over the entire property, or 45 cubic feet per acre per year. This exceeds the required average of 15 cubic feet per acre per year to classify a property as timberland.

**Limitation: This data is based on a field sample and an extrapolated growth rate for the previous ten years. This data should only be used as a guide for management purposes, and should not be extended or taken out of context for other purposes.*

OTHER PROPERTY USES

A home site and associated improvements are located on the property. The home and improvements will not interfere with timber harvest operations.

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. Ms. Scribner and Mr. Paulson have indicated that they want to manage the timber resource and stand conditions warrant a harvest in the near future.

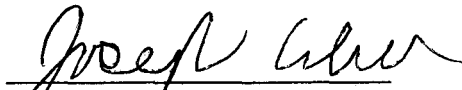
TIMBER STOCKING: To rezone a property to the "Timber Production" zoning a property must meet the timber stocking standards set forth in Section 4561 of the Public Resources Code. Section 4561 states in part that "The average residual basal area, measured in stems one inch or larger in diameter.....in areas which the registered professional forester has determined are site II classification or lower, the minimum average residual basal area shall be 50 square feet per acre. Rock outcroppings and other areas not normally bearing timber shall not be considered as

requiring stocking." The average residual basal area in the timbered portions of the property is 125 square feet and therefore meets the stocking standards.

TIMBERLAND: To rezone a property to the "Timber Production" zoning a property must meet the definition of timberland. Section 51104 of the California Code states that "Timberland means privately owned land.....capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre." The property proposed for rezoning is capable of growing an annual average volume of wood fiber of 45 cubic feet per acre and therefore meets the definition of timberland.

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

Timber Management Plan Prepared By:



Joseph Culver

Registered Professional Forester #2674

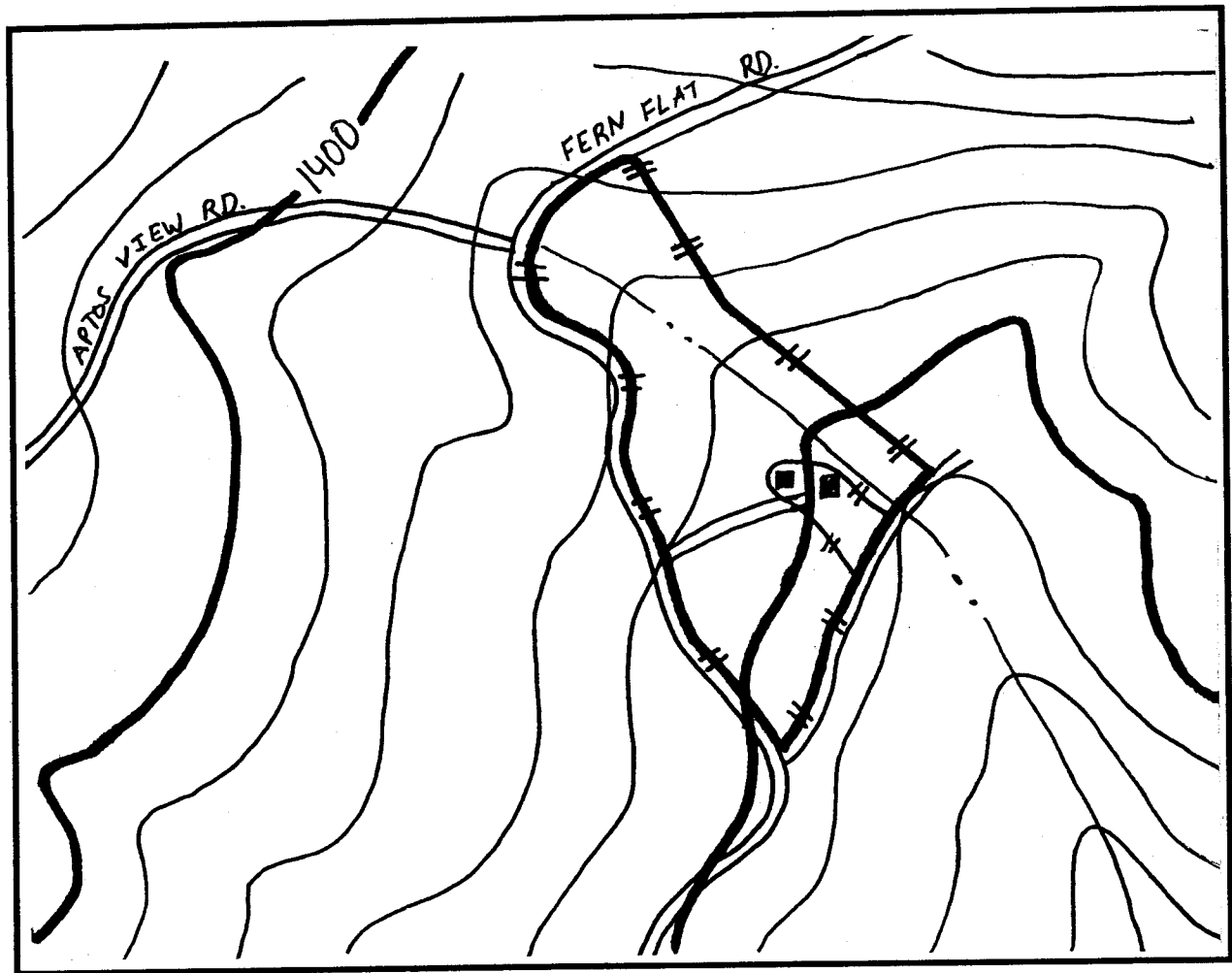
8/10/07
Date

LANDS OF SCRIBNER & PAULSON

PLAN AREA MAP

SANTA CRUZ COUNTY

T10S, R1E, SEC. 28, MDB&M



LEGEND

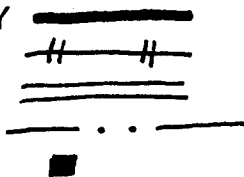
PROPERTY BOUNDARY

CONIFEROUS FOREST

PERMANENT ROAD

WATERCOURSE

STRUCTURE



SCALE: 1 INCH = 375 FEET

CONTOUR INTERVAL = 40 FEET



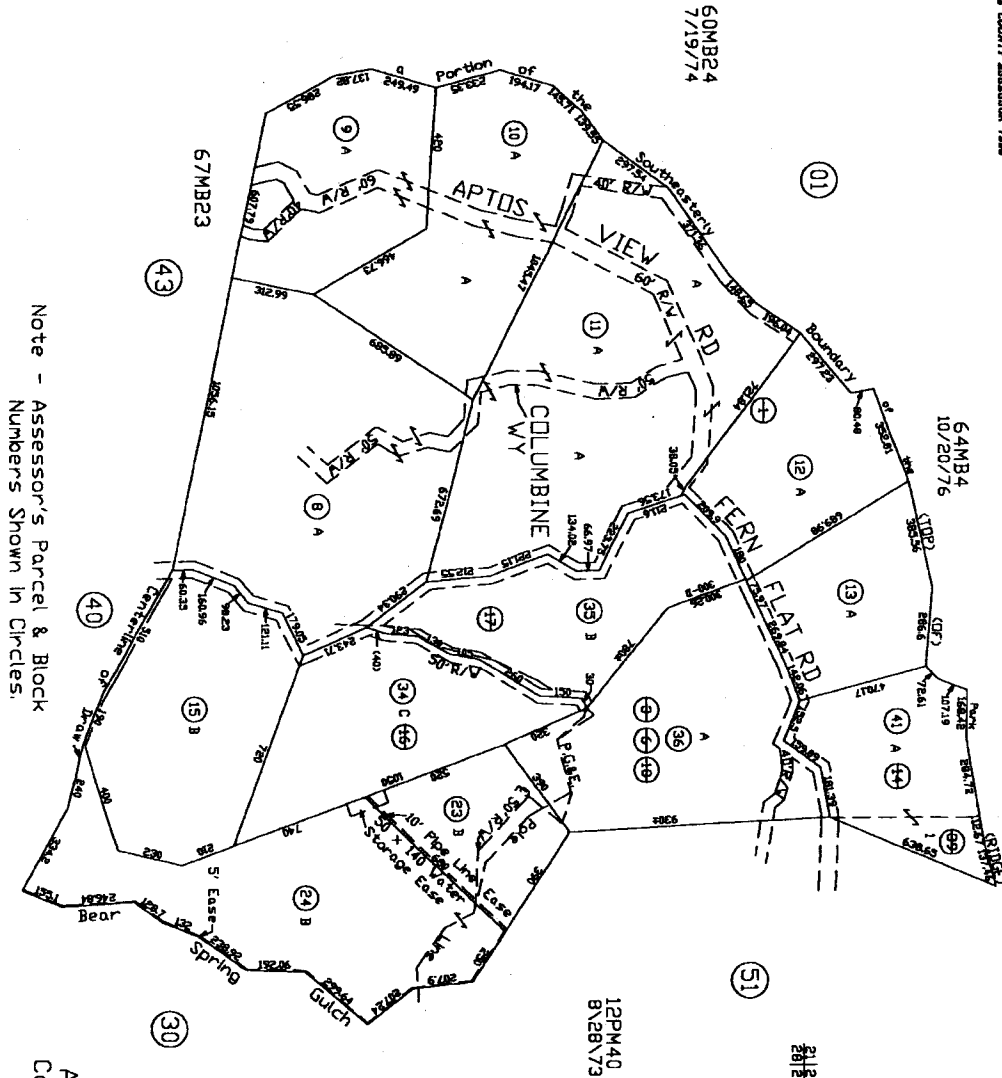
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SOQUEL AUGMENTATION RANCHO
 PDR SECS. 21 & 28, T.10S, R.1E, M.D.B. & M.

Tax Area Code
 69-266

105-42

Electronically redrawn 7/1/98 KSA
 Rev. 7/1/98 KSA Corr. to Pg 5D
 Rev 8/25/99 C3 (Added PM ref & removed Open Sp. Ease.)
 Rev 3/18/02 mm (at name)



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

Assessor's Map No. 105-42
 County of Santa Cruz, Calif.
 July 1998

Exhibit A

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEING PARCEL "B", AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER ON AUGUST 28, 1973, IN VOLUME 12, OF PARCEL MAPS AT PAGE 40, SANTA CRUZ COUNTY RECORDS

EXCEPTING THEREFROM 1/2 OF THE OIL AND MINERAL RIGHTS, AS RESERVED IN THE DEED TO WALTER PURCELL, ET. UX., RECORDED APRIL 30, 1957, IN VOLUME 1128, PAGE 192, OFFICIAL RECORDS OF SANTA CRUZ COUNTY

PARCEL TWO:

TOGETHER WITH A RIGHT OF WAY 50.0 FEET IN WIDTH OVER AN EXISTING ROAD FOLLOWING APPROXIMATELY THE SOUTHEASTERLY BOUNDARY OF THE ABOVE DESCRIBED PROPERTY

APN: 105-421-35