



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: 089-361-02 & 089-491-02
Application: 07-0506
Item #: 35
Time: After 9 AM

Subject: A public hearing to consider a proposal to rezone two parcels from the Special Use (SU) and the Residential Agriculture (RA) zone districts to the Timber Production (TP) zone district.

Members of the Commission:

On September 11, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone 10.78 acres from the Special Use (SU) and Residential Agriculture (RA) zone districts to the Timber Production (TP) designation. The uses on the property consist of a single family residence and 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

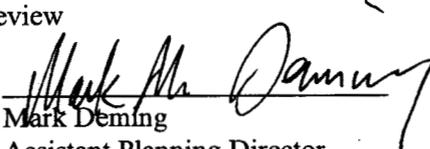
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0506 based on the attached findings (Exhibit B).

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, dated November 2, 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. 07-0506, involving properties located on the south and southwest side of Whalebone Gulch Road (121 Whalebone Gulch Road and no situs) running northwest of the intersection with Bear Creek Road and approximately 2/3 of a mile northeast of the intersection with Bear Creek Road, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing property from the Special Use (SU) and Residential Agriculture (RA) zone districts 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 properties located on the south and southwest side of Whalebone Gulch Road (121 Whalebone Gulch Road and no situs) running northwest of the intersection with Bear Creek Road and approximately 2/3 of a mile northeast of the intersection with Bear Creek 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>
089-361-02	Residential Agriculture (RA)	TP
089-491-02	Special Use (SU)	TP

SECTION IV

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

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

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairman of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

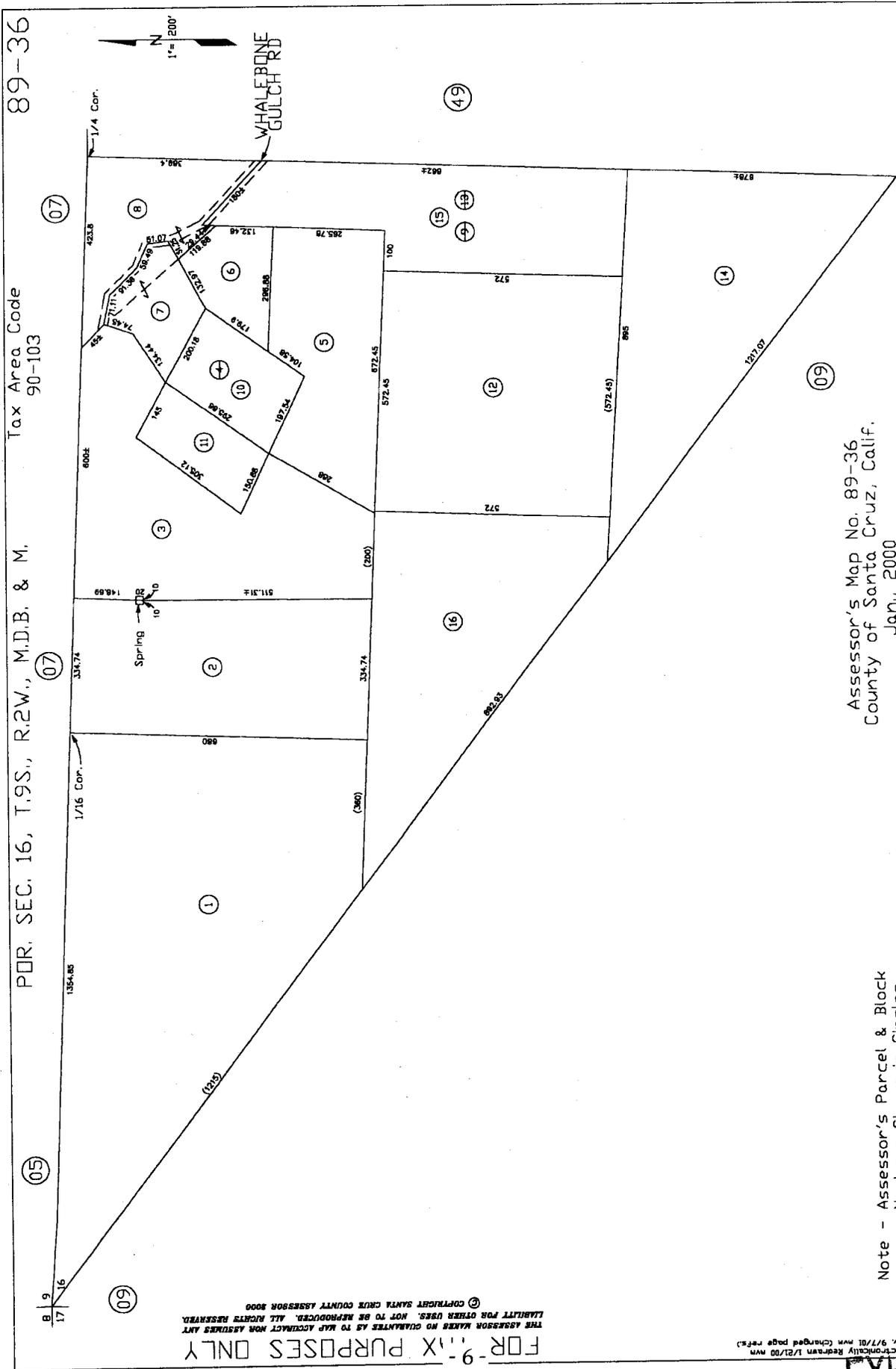
Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
Planning
Assessor

County

GIS

POR. SEC. 16, T.9S., R.2W., M.D.B. & M. Tax Area Code 89-36
 90-103



Assessor's Map No. 89-36
 County of Santa Cruz, Calif.
 Jan., 2000

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

FOR 9-11X PURPOSES ONLY
 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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Electronically Redrawn 1/21/00 vmm
 Rev. 9/7/01 vmm (changed page refs.)

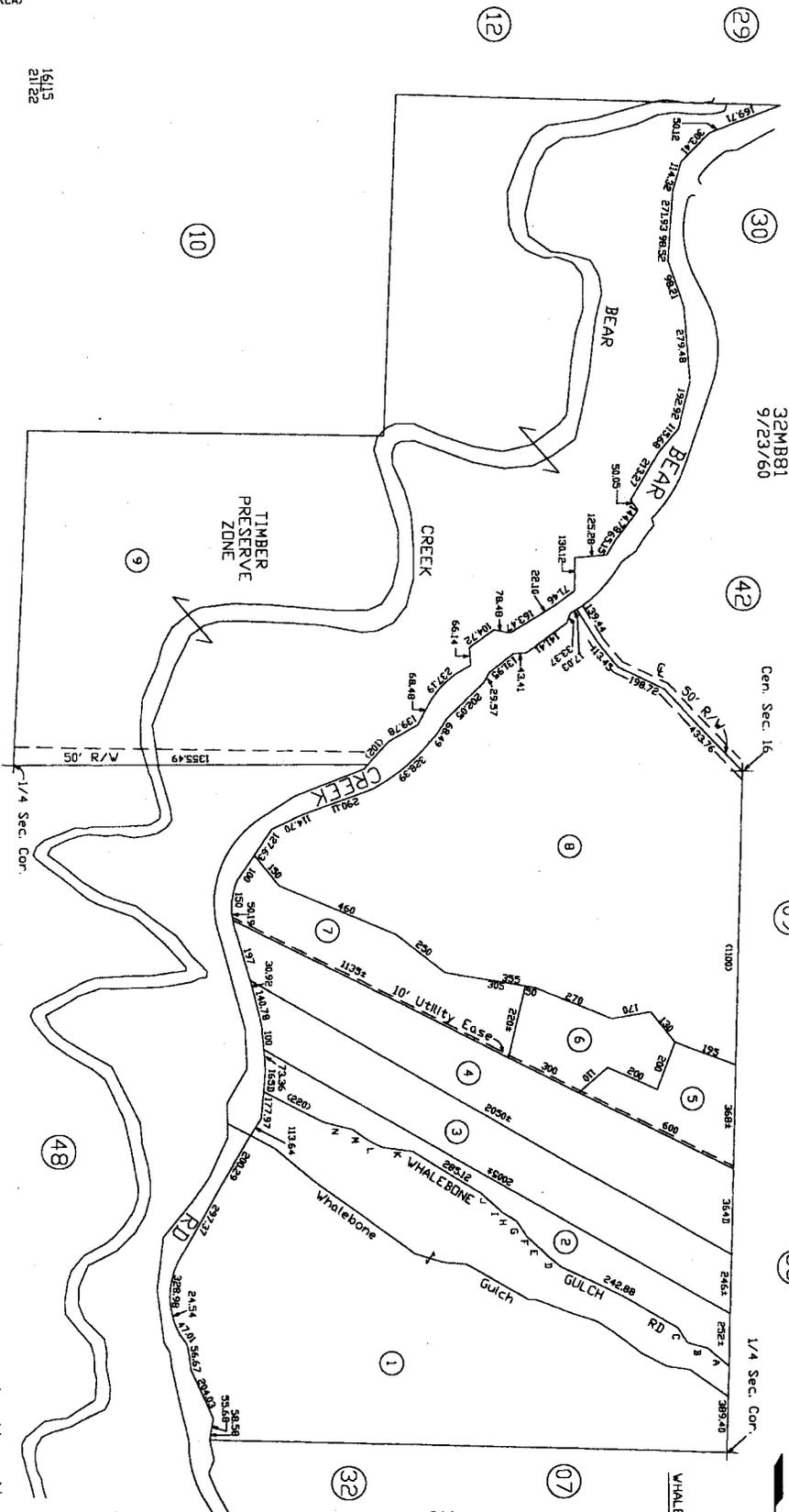
EXHIBIT B

FOR TAX PURPOSES ONLY
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 LIABILITY FOR OTHER USERS. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. SEC. 15 & 16
 T.9S., R.2W., M.D.B.&M

Tax Area Code
 90-103

89-49



WHALEBONE GULCH RD

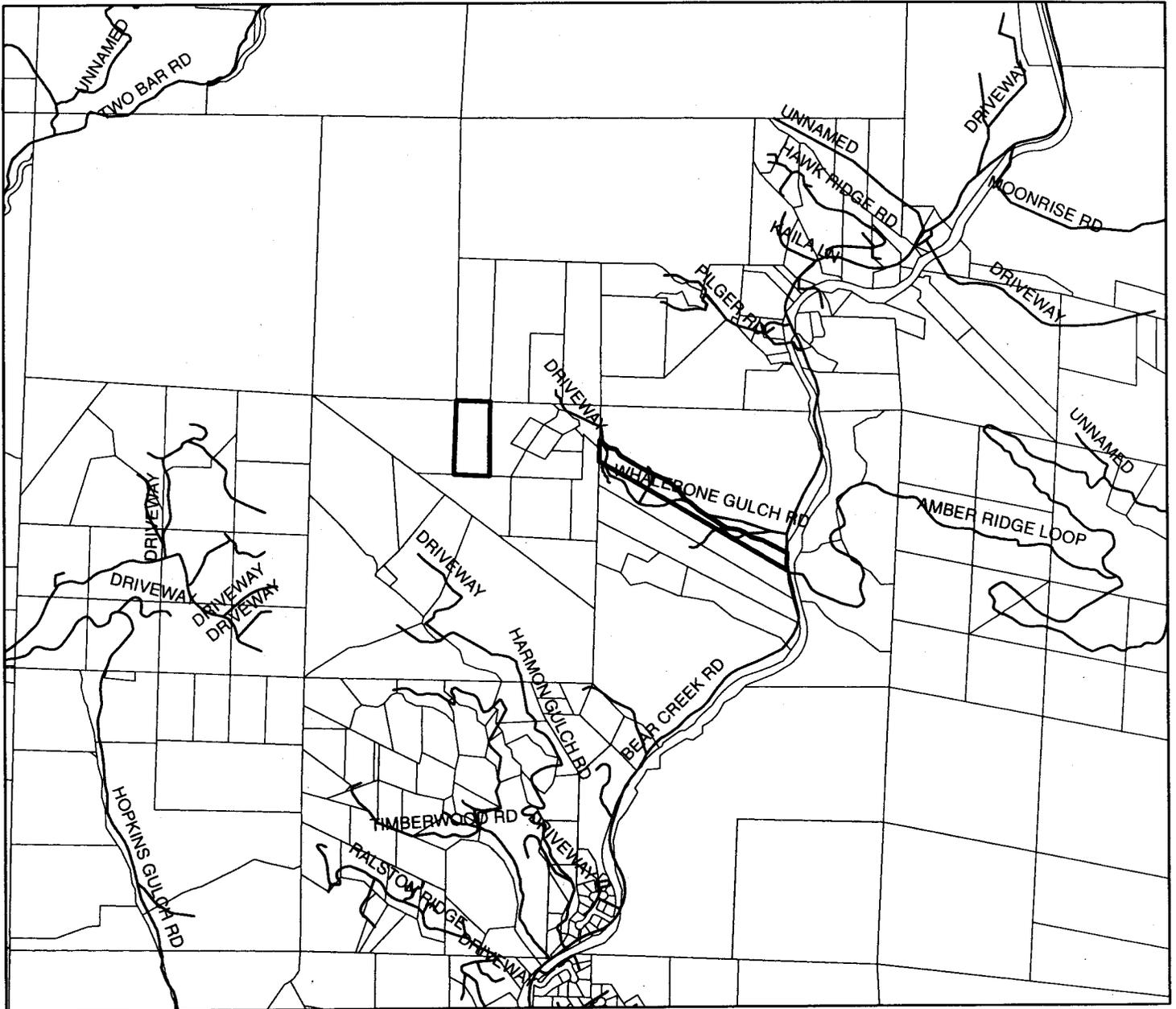
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B - 8178
C - 7332
D - 139.92
E - 139.92
F - 64.82
G - 109.46
H - 109.46
I - 77.22
J - 114.18
K - 67.28
L - 55.34
M - 119.45

32MB82
 9/23/60

Note - Assessor's Parcel Block &
 Lot Numbers Shown in Circles.
 Assessor's Map No. 89-49
 County of Santa Cruz, Calif.
 Aug. 1996

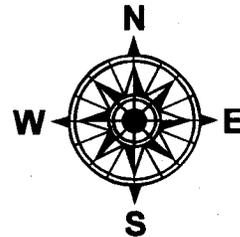


Location Map



LEGEND

-  APN: 089-491-02
-  APN: 089-361-02
-  Assessors Parcels
-  Streets

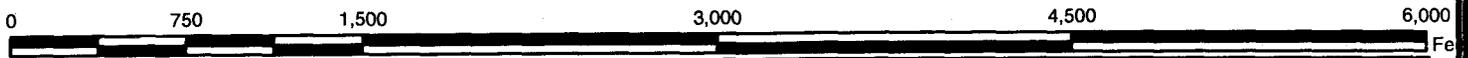
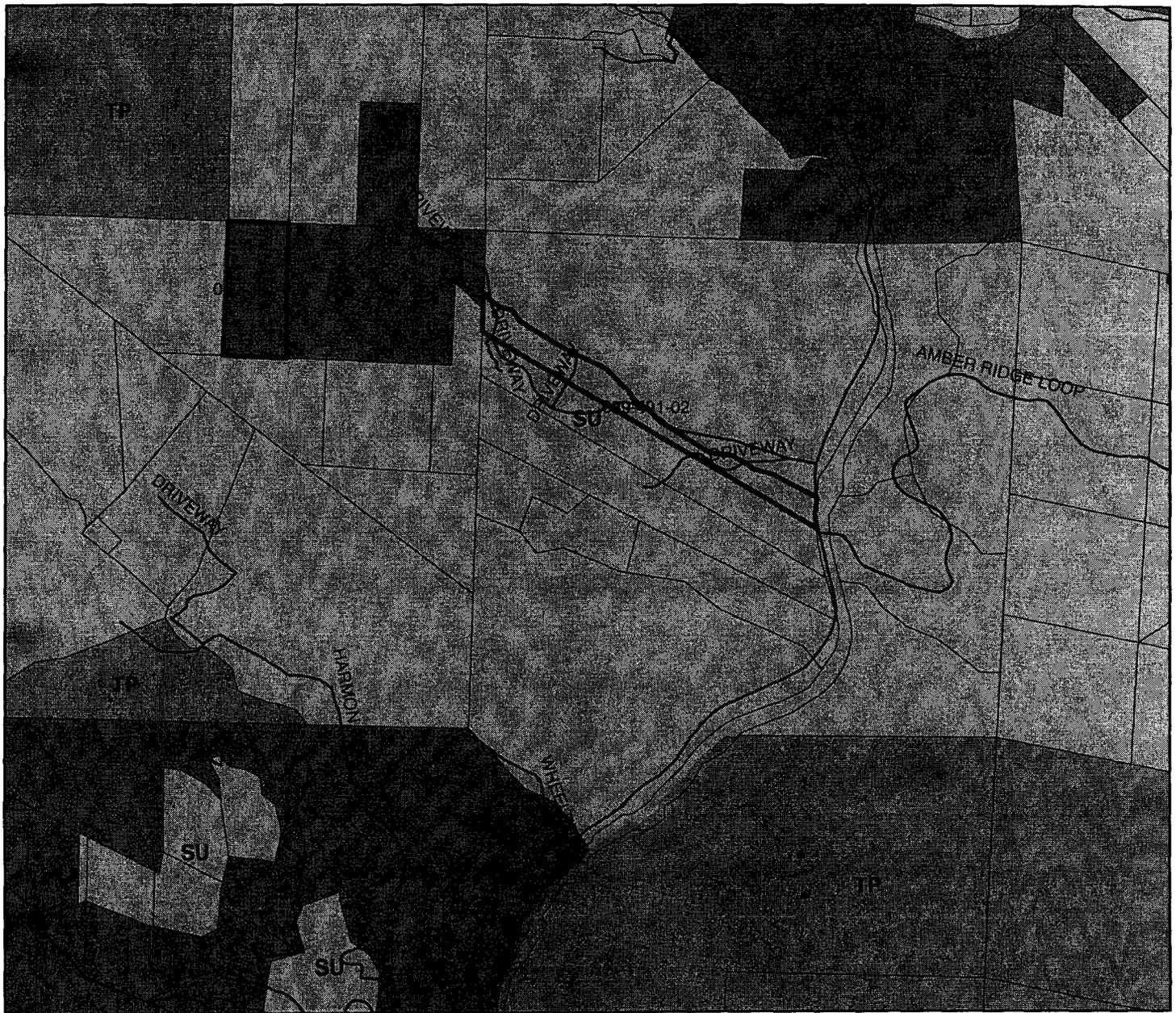


Map created by
 County of Santa Cruz
 Planning Department
 November 2007

EXHIBIT C

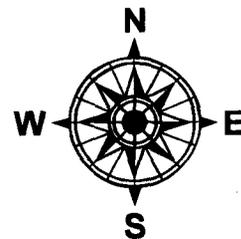


Zoning Map



LEGEND

-  APN: 089-491-02
-  APN: 089-361-02
-  Assessors Parcels
-  Streets
-  AGRICULTURE RESIDENTIAL
-  SPECIAL USE
-  TIMBER PRODUCTION

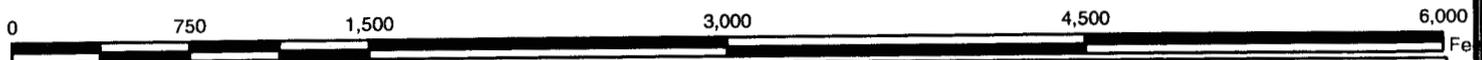
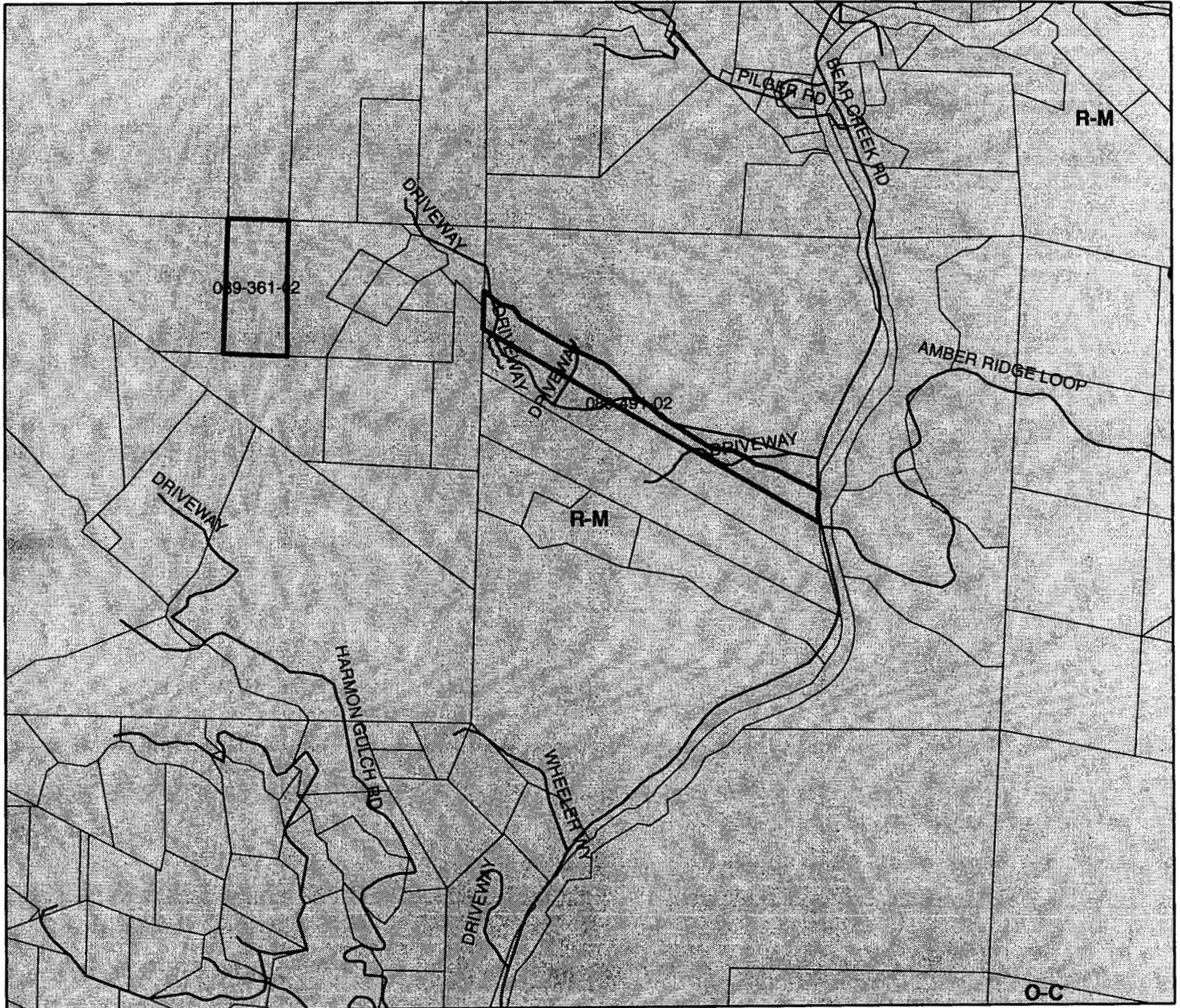


Map created by
 County of Santa Cruz
 Planning Department
 November 2007

EXHIBIT C

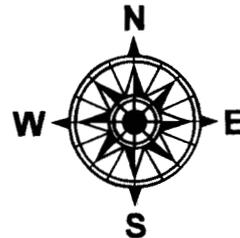


General Plan Designation Map



LEGEND

-  APN: 089-491-02
-  APN: 089-361-02
-  Assessors Parcels
-  Streets
-  Residential-Mountain



Map created by
 County of Santa Cruz
 Planning Department
 November 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: 07-0506

Assessor Parcel Number: 089-361-02 & 089-491-02

Project Location: Properties located on the south and southwest side of Whalebone Gulch Road (121 Whalebone Gulch Road and no situs) running northwest of the intersection with Bear Creek Road and approximately 2/3 of a mile northeast of the intersection with Bear Creek Road.

Project Description: Rezone two parcels from the Special Use (SU) and Residential Agriculture (RA) zone districts to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Joseph & Frances Mosko

Contact Phone Number: (408) 309-1135

- 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 Joseph and Fran Mosko
Whalebone Gulch
Santa Cruz County**

**Portion of Section 16
Township 9 South
Range 2 West
Mount Diablo Base & Meridian**

**Report Prepared By
Gary Paul, Consulting Forester
November 2, 2007**

PREFACE

In October, 2007, Gary Paul, Consulting Forester, was commissioned by Robert Mosko to prepare a Timber Management Plan (TMP) for parcels 089-361-02 (5 acres), and 089-491-02 (6 acres). Mr. and Mrs. Mosko would like to rezone these parcels 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 11 acre property is located off of Whalebone Gulch Road and is in the Whalebone Gulch sub-watershed of the greater Bear Creek watershed. The legal description of the property is Township 9 South, Range 2 West, portion of section 16. The current zoning is Special Use.

Soils on the property consist of the Lompico-Felton complex. The soils are deep and well drained and formed in residuum derived from sandstone, schist, siltstone, and shale. 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 740 feet to 1240 feet above sea level.

The property consists primarily of redwood, and Douglas fir trees of merchantable size. Hardwood species including live oak, tanoak, and madrone occupy the balance of the forest stand.

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. In 1997, a selective harvest of the property occurred in conjunction with the harvest of several adjacent properties, held in different ownerships.

MANAGEMENT OBJECTIVES AND GOALS

Mr. and Mrs. Mosko reside on the property and intend continue to manage the timber resource into the future.

A second selective harvest would continue to improve spacing between the leave trees, and remove defective trees. A harvest of 35%-45% of the merchantable trees is recommended for this 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. An existing road and skid trail system will be used for the logging operation. No new roads or skid trails will be necessary to harvest timber.

PRESENT AND FUTURE STAND CONDITIONS

The author prepared the Timber Harvest Plan for the 1997 timber harvest, and is very familiar with the site conditions. A recent visual inspection of the above-listed parcels was done in October, 2007. Aerial photos and topographic maps of these parcels were also reviewed. They are well stocked with redwood timber and scattered Douglas fir, and have intermixed associated hardwood species. The property is growing well in excess of 15 cubic feet of redwood and Douglas fir timber per year. The area is Site III, and has stocking levels which far exceed the stocking standard for Site III of 75 square feet of basal area of conifer timber.

OTHER PROPERTY USES

The property serves as residential property for Mr. and Mrs. Mosko.

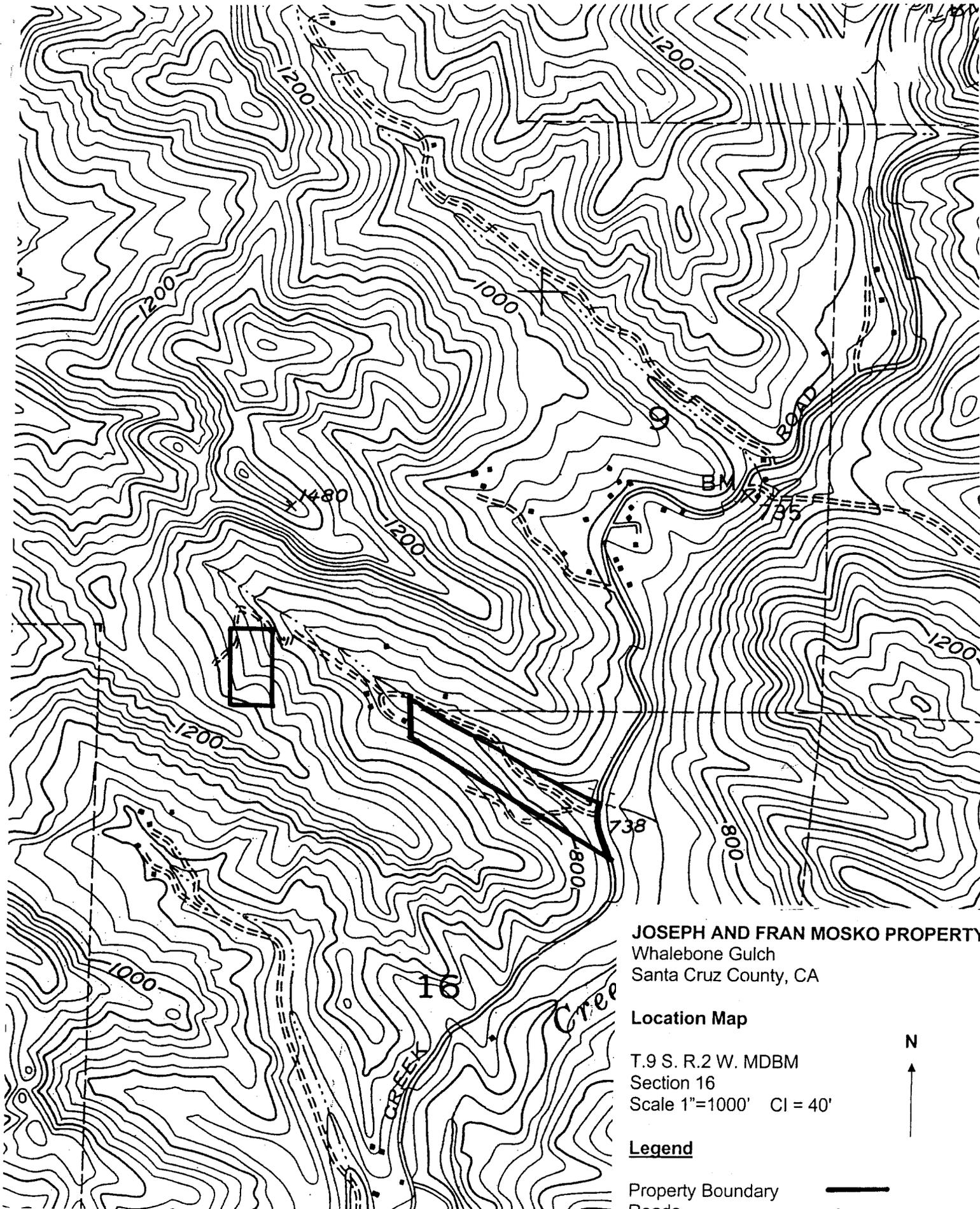
CONCLUSION

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 another selective harvest. Current stocking levels meet the requirements of PRC 4561 with a basal area exceeding 75 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
Gary Paul
Registered Professional Forester #1829

11-2-07
Date



JOSEPH AND FRAN MOSKO PROPERTY
 Whalebone Gulch
 Santa Cruz County, CA

Location Map

T.9 S. R.2 W. MDBM
 Section 16
 Scale 1"=1000' CI = 40'



Legend

- Property Boundary
- Roads