

# 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 11, 2008

Planning Commission County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060 Agenda Date: March 26, 2008 APN: 083-251-07 & 083-281-17,23 Application: 07-0511 Item 9

Subject: A public hearing to consider a proposal to rezone three lots of record from the Special Use (SU) and Special Use Open Space (SU-O) and Agriculture-Open Space (A-O) zone districts to the Timber Production (TP) and Timber Production-Open Space (TP-O) zone districts.

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 42.8 acres from the Special Use (SU) and Special Use-Open Space (SU-O) and Agriculture (A) zone districts to the Timber Production (TP) and Timber Production-Open Space (TP-O) designations. 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  $51113(c)^1$ .

Notwithstanding the provisions of Article 4 (commencing with Section

(4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

(d) The criteria required by subdivision (c) may also include any or all of the following:

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.

<sup>&</sup>lt;sup>1</sup> 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:

<sup>(1)</sup> A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.

<sup>(2)</sup> 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.

<sup>(</sup>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.

<sup>51130),</sup> 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.

<sup>(5)</sup> The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

<sup>(1)</sup> 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.

<sup>(2)</sup> The land shall be a certain site quality class or higher under

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 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 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. 07-0511 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, RPF #1829, dated December 7, 2007.

Maria Porcila F	'erez
Project Planner	
Development R	Leview , , , , , , , , , , , , , , , , , , ,
Reviewed By:	Review

# 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. 07-0511, involving property located on the south side of the intersection of Jamison Creek Road and Empire Grade 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 Special Use-Open Space (SU-O) and Agriculture-Open Space (A-O) zone districts to the Timber Production (TP) and Timber Production-Open Space (TP-O) zone districts.

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 \_\_\_\_\_, 2008, by the following vote:

AYES:COMMISSIONERSNOES:COMMISSIONERSABSENT:COMMISSIONERSABSTAIN:COMMISSIONERS

Chairperson

ATTEST: \_\_\_\_\_

MARK DEMING, Secretary

APPROVED AS TO FORM:

COUNTY COUNSEL

EXHIBIT

### 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 sied of the intersection of Jamison Creek Road and Empire Grade 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).

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EXHIBIT

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### **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:

Assessor's Parcel Number	Existing Zone District	New Zone District
083-251-07	Special Use (SU)	ТР
086-281-17	Special Use-Open Space (SU-O)	TP-O
086-281-23	Agriculture-Open Space (A-O)	TP-O

### **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

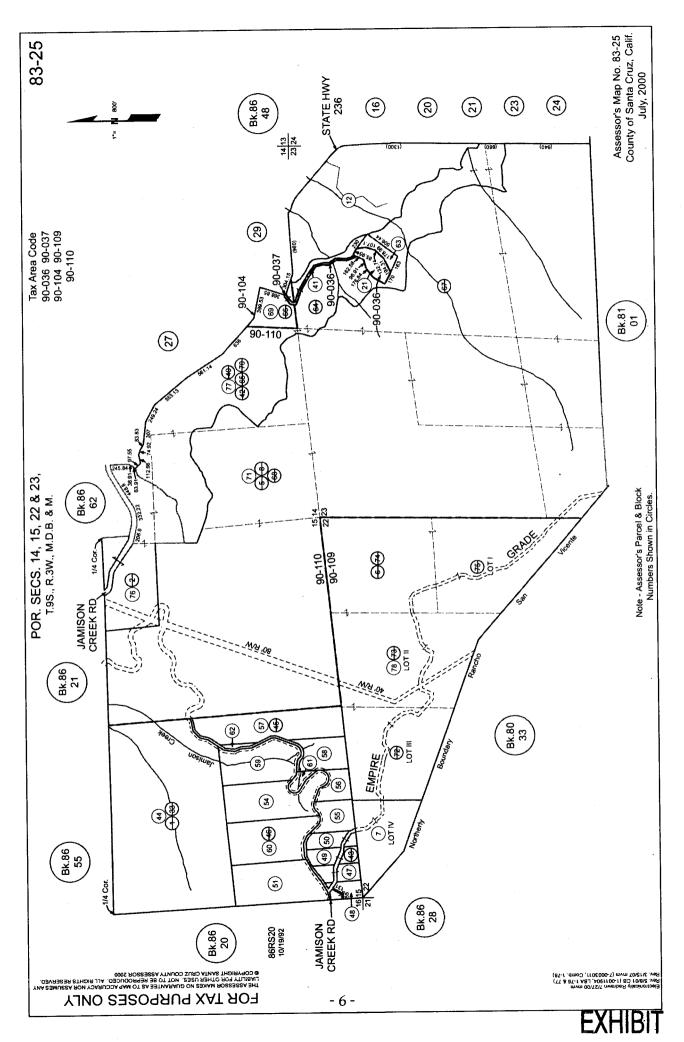
DISTRIBUTION:

County Counsel Planning Assessor

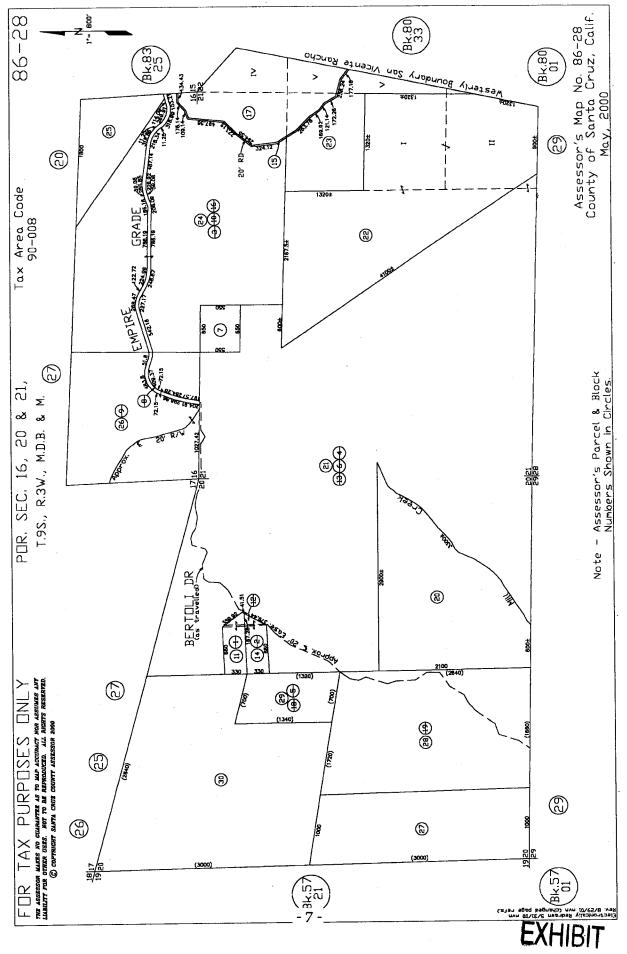
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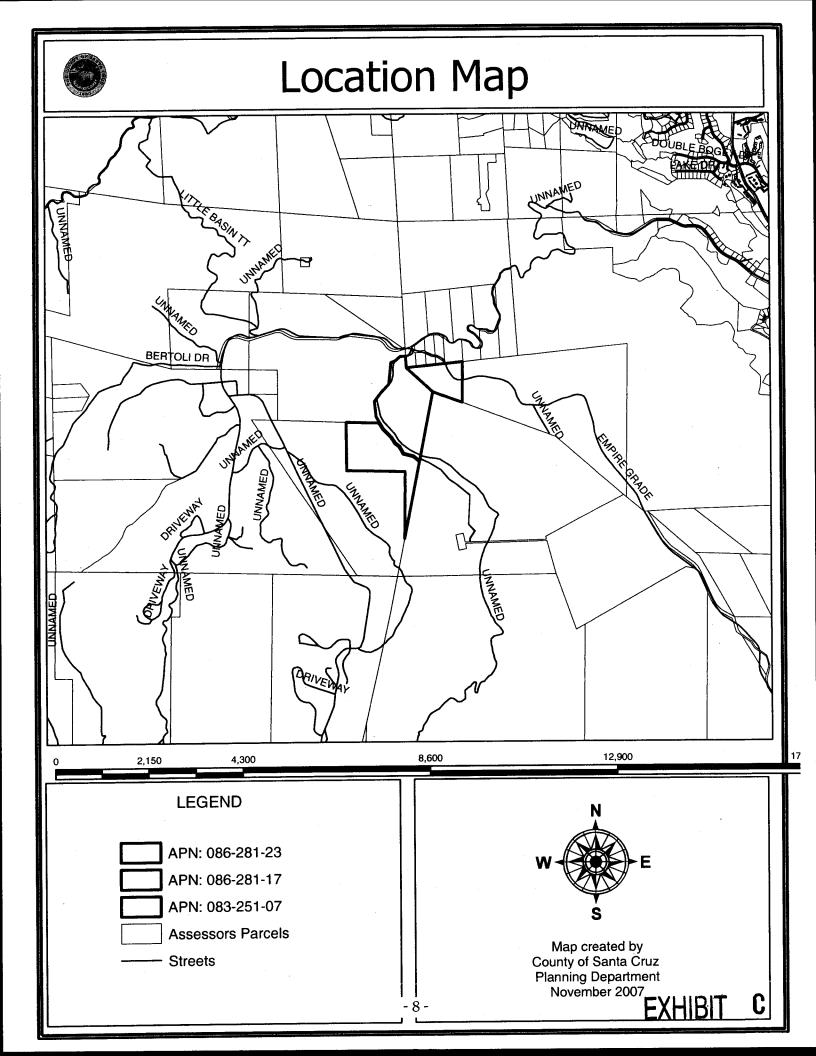


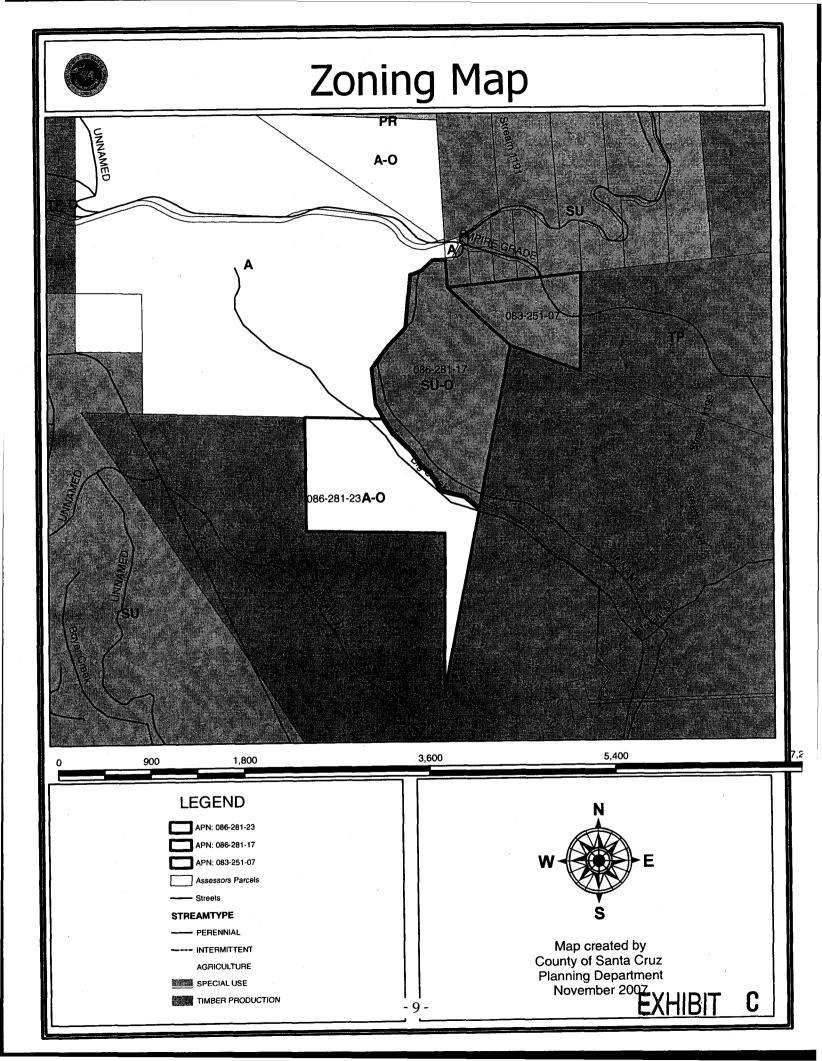


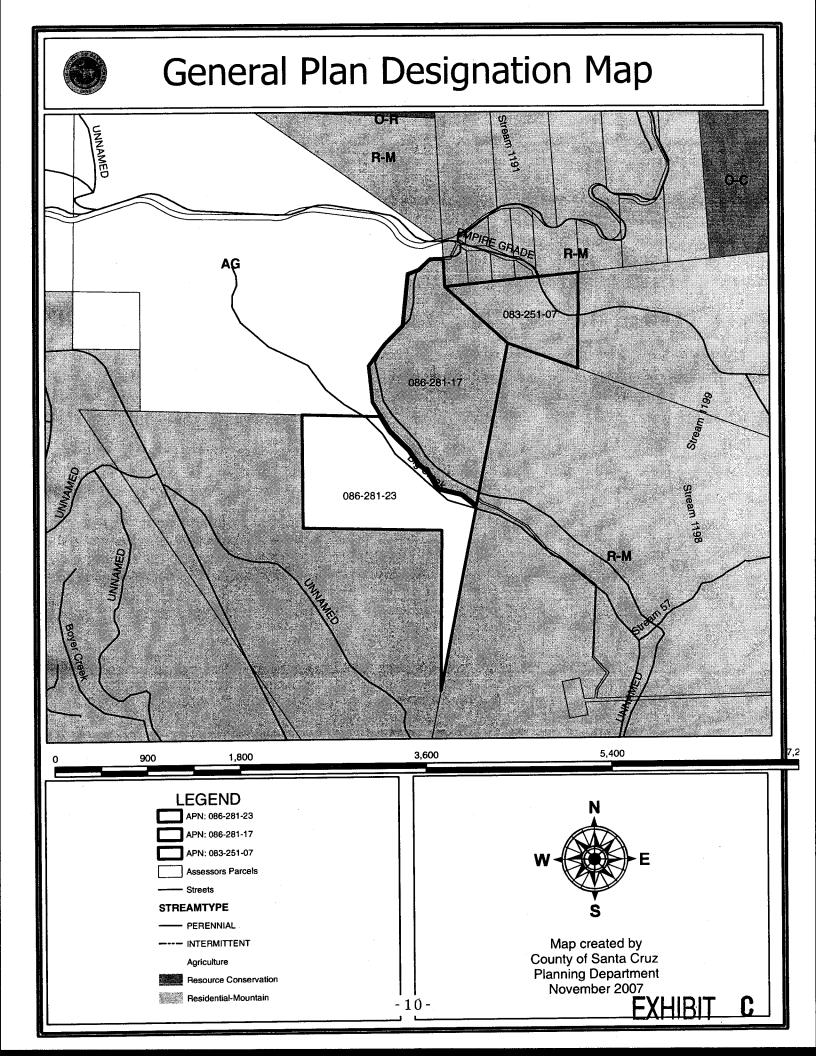
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# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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: 07-0511 Assessor Parcel Number: 083-251-07 & 086-281-17,23 Project Location: Property located on the south side of the intersection of Jamison Creek Road and Empire Grade Road.

# Project Description: Rezone a three parcels from the Special Use (SU) and Special Use-Open Space (SU-O) and Agriculture-Open Space (A-O) zone districts to the Timber Production (TP) and Timber Production-Open Space (T-O) zone districts.

Person or Agency Proposing Project: Albert Locatelli

**Contact Phone Number: not applicable** 

- 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. X 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 Locatelli Empire Grade Santa Cruz County

# APN# 083-251-07, 086-281-17, 086-281-23 Portion of Section 16, 21, 22 Township 9 South Range 3 West Mount Diablo Base & Meridian

Report Prepared By Gary Paul, Consulting Forester December 8, 2007



### PREFACE

In October of 2007, Gary Paul, Consulting Forester, was commissioned by Mr. Locatelli to prepare a Timber Management Plan for APN #083-251-07, 086-281-17, 086-281-23. The county assessor lists the adjacent parcels as totaling 95.6 acres in size. Mr. Locatelli would like to rezone the parcels 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 near the northern end of Empire Grade approximately 3.5 miles northwest of the community of Boulder Creek. The property is located on the broad ridge of the Ben Lomond Mountains. Empire Grade travels through the northwest corner of the property. The northern portion of the property drains into the San Lorenzo Watershed while the majority of the property drains into the Big Creek Watershed. The headwaters of Big Creek flow through the southern portion of the property.

Elevation ranges from 2,060 feet in the southeast where Big Creek leaves the property, to 2,520 feet along a broad ridge in the northern portion of the property. The legal description of the property is Township 9 South, Range 3 West, portion of sections 16, 21, 22. Timber site classification throughout the timbered portions of the property is site III.

Approximately 39 acres of the property is coniferous forest. This forest contains primarily second growth redwoods and scattered Douglas-fir as the dominant overstory species. The second growth forest has not been commercially harvested for over 100 years and the trees have above average diameters for the region. As is typical with these species, the redwoods tend to grow in groves while the Douglas-fir trees grow as scattered individuals or in small groups. Hardwood species of tanoak, madrone and coastal live oak are interspersed through the conifer forest, primarily as an intermediate species. Understory vegetation is typical for redwood forests in the Santa Cruz Mountains and includes tanoak seedlings, bracken fern, sword fern, California blackberry, poison oak, hazel, bunch grasses and clover.

The conifer forest is confined to two distinct stands on the property; the north facing slope in the northern portion of the property and the slopes surrounding Big Creek. The area around Big Creek has the best conifer stocking on the property with a near continuous conifer canopy and large trees. The conifer forest in the northern portion of the property is made up of scattered redwood groves that transition into Douglas-fir near the ridge line. This stand has a much higher component of hardwood.

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Another 34 acres of the property is comprised of a hardwood forest with an emerging component of Douglas-fir. This well-stocked hardwood forest consists primarily of tanoak, madrone and coastal live oak with some big-leaf maple. Individual Doulgas-fir trees are beginning to grow through the hardwood canopy and Douglas-fir will eventually become a more dominant species in this forest type.

The remainder of the property is made up of brush land, open pasture and riparian vegetation along the upper portion of Big Creek.

Approximately five acres of the conifer forest in the northeast portion of the property is underlain by the Ben Lomond-Catelli-Sur Complex. These soils are deep and well drained, with sandy loam surface soils of about 7-19" in thickness. Weathered sandstone is found at 37-46". Permeability is moderately rapid, and effective rooting depth is 20-40". Runoff is rapid to very rapid, and the erosion hazard is high to very high. These soils are well suited to timber production.

Approximately eight acres of the hardwood forest in the southwest portion of the property is underlain by Ben Lomond sandy loam. This very deep, moderately drained soil formed from sandstone, granitic rock or in alluvium. Permeability is moderately rapid and effective rooting depth of the soil is 60 inches. Surface runoff is medium, and the hazard of erosion is moderate.

The soil type on the remainder of the forested portion of the property is the Sur-Catelli Complex. This soil complex is moderately deep and somewhat excessively drained. The surface soil is stony sandy loam about 18" in thickness. Massive sandstone is at a depth of 35". Runoff is very rapid and the erosion hazard is high. These soils are not as well suited for timber production due to a lack of moisture holding capacity, which is exacerbated by the general south facing aspect of this soil type. However, commercial stands of redwood trees are present on this soil type on the property, particularly along Big Creek.

## 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. The property does not appear to have been commercially harvested since the original clear-cut.

## MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Mr. Locatelli intends to preserve his right 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 over 100

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years the next harvest could occur anytime in the near future. 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. 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. Improve wildlife habitat as part of continuing forest management.

# **RECOMMENDED LOGGING SYSTEM**

As the property has not been commercially harvested for over 100 years, appropriate harvesting infrastructure would be developed during preparation of a Timber Harvest Plan.

# PRESENT AND FUTURE STAND CONDITIONS

In December of 2007 a field review of the property was conducted to determine the extent of the conifer forest, conifer volume per acre, species composition, basal area, stocking levels and stand growth. Furthermore, basal area was also measured in the portions of the property designated as hardwood forest. Based this field review and collected data the forested portions of the property have the following stand conditions:

Conifer Forest: 39 Acres	and the second
Species Composition (Basal Area)	48% redwood, 21% Douglas-fir,
	16% tanoak, 9% madrone, 6% live oak
Basal Area	162 square feet per acre
Gross Volume/acre (redwood)	10,100 board feet
Gross Volume/acre (Douglas-fir)	4,500 board feet
Gross Overall conifer volume	569,400 board feet
Hardwood Forest: 28 Acres	
Species Composition (Basal Area)	30% live oak, 29%, tanoak,
	23% Douglas-fir, 18% madrone
Basal Area	105 square feet per acre
Gross Volume/acre (Douglas-fir)	1,400 board feet

The conifer volume per acre and overall property volume stated previously are gross volumes. In general, the net volume for redwood will be about 10% less due to fire scar, rot and other minor defects in the standing timber. The defect in the Douglas-fir

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is higher due to the presence of conk in many of the butt logs and is estimated at 15%. With these factors in mind the overall net conifer volume on the property is approximately 537,000 board feet.

Increment boring data gathered during the timber inventory combined with general tree growth rates in the Santa Cruz Mountains indicate that the conifer component of the forest is growing at an approximate rate of 2.0% 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 time the trees have closed in on each other and are competing for the same amount of sunlight, water and nutrients. A growth rate of 2.0% per year equates to an annual increase in the conifer resource of 12,200 board feet over the entire property. Converting this figure to cubic feet gives a current conifer growth rate of 1,015 cubic feet over the entire property, or 11 cubic feet per acre per year. The estimated hardwood growth rate for the property is 10 cubic feet per acre per year. These combined growth rates exceed 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 review 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 seasonal road travels through the property. The property is currently used for wildlife habitat, watershed and recreation.

### CONCLUSION

The property is well suited for timber management into the future. The forest resource is currently healthy but growth rates have declined due to overstocked stand conditions. Mr. Locatelli has indicated that he wants to preserve his right 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 conifer residual basal area in the timbered portions of the property is 138 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



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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 21 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:

12-1-01

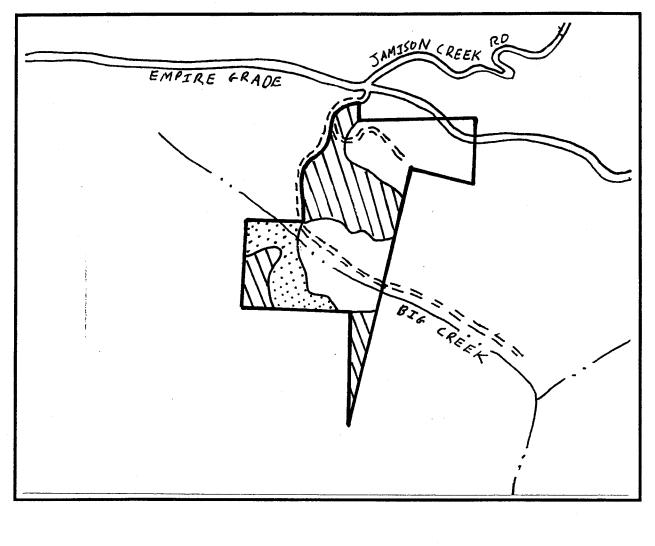
Date

Gary Pàul / Registered Professional Forester #1829





T9S, R3W, SEC. 16, 21, 22 MDB&M



# LEGEND

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PROPERTY BOUNDARY CONIFER FOREST HARDWOOD FOREST BRUSH/PASTURE PERMANENT ROAD SEASONAL ROAD WATERCOURSE

SCALE: 1 INCH = 1,000

Timber Management Plan, Lands of Locatelli



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