



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 12, 2008

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

Agenda Date: March 26, 2008
APN: 083-151-05,18
Application: 07-0565
Item 35

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

Members of the Commission:

On September 19, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 56.8-acre parcel from the Special Use (SU) 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

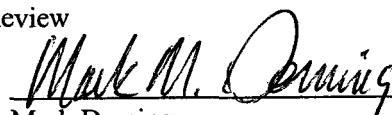
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0565 based on the attached findings (Exhibit B).

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 September 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.07-0565 involving properties located at the south end of Tradewinds Drive, approximately one mile east of the intersection with Crows Nest Drive, 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) 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 _____, 2008, 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 at the south end of Tradewinds Drove, approximately one mile east of the intersection with Crows Nest Drive; 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>
083-151-05,18	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 _____ 2008, 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

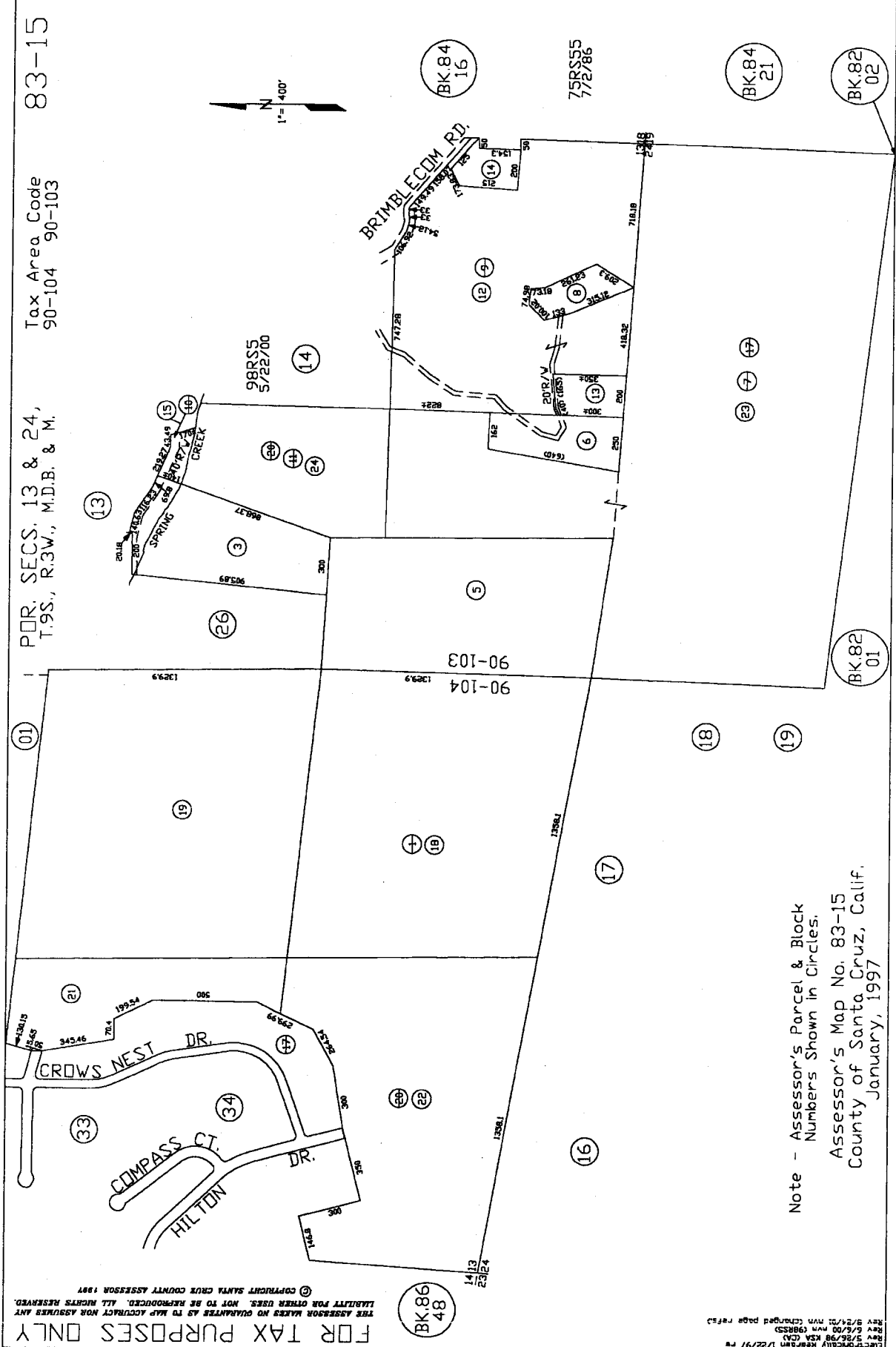
APPROVED AS TO FORM:

Assistant County Counsel

Exhibit: Rezoning Map

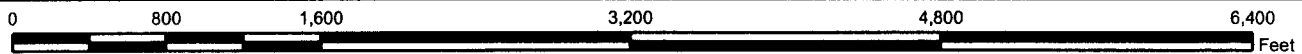
DISTRIBUTION: County Counsel
Planning
Assessor
County

GIS








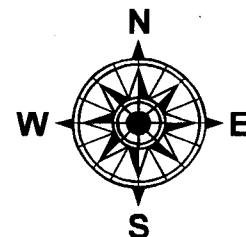


Location Map



LEGEND

-  APN: 083-151-18
-  APN: 083-151-05
-  Assessors Parcels
-  Streets
-  State Highways

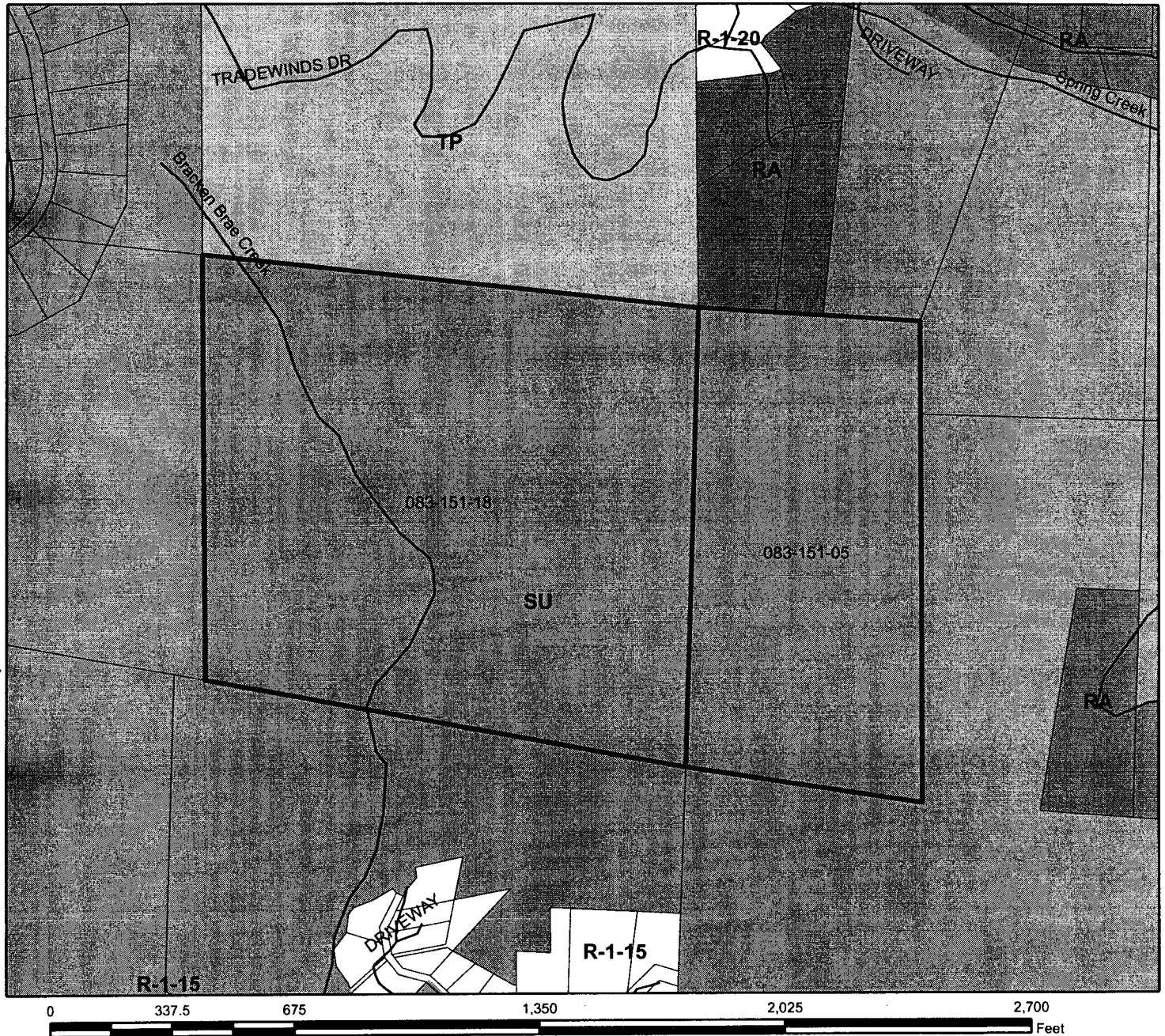


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

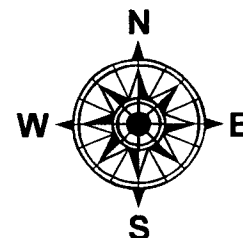


Zoning Map



LEGEND

- APN: 083-151-18
- APN: 083-151-05
- Assessors Parcels
- Streets
- STREAMTYPE**
 - PERENNIAL
 - INTERMITTENT
- AGRICULTURE RESIDENTIAL
- RESIDENTIAL-SINGLE FAMILY
- SPECIAL USE
- TIMBER PRODUCTION

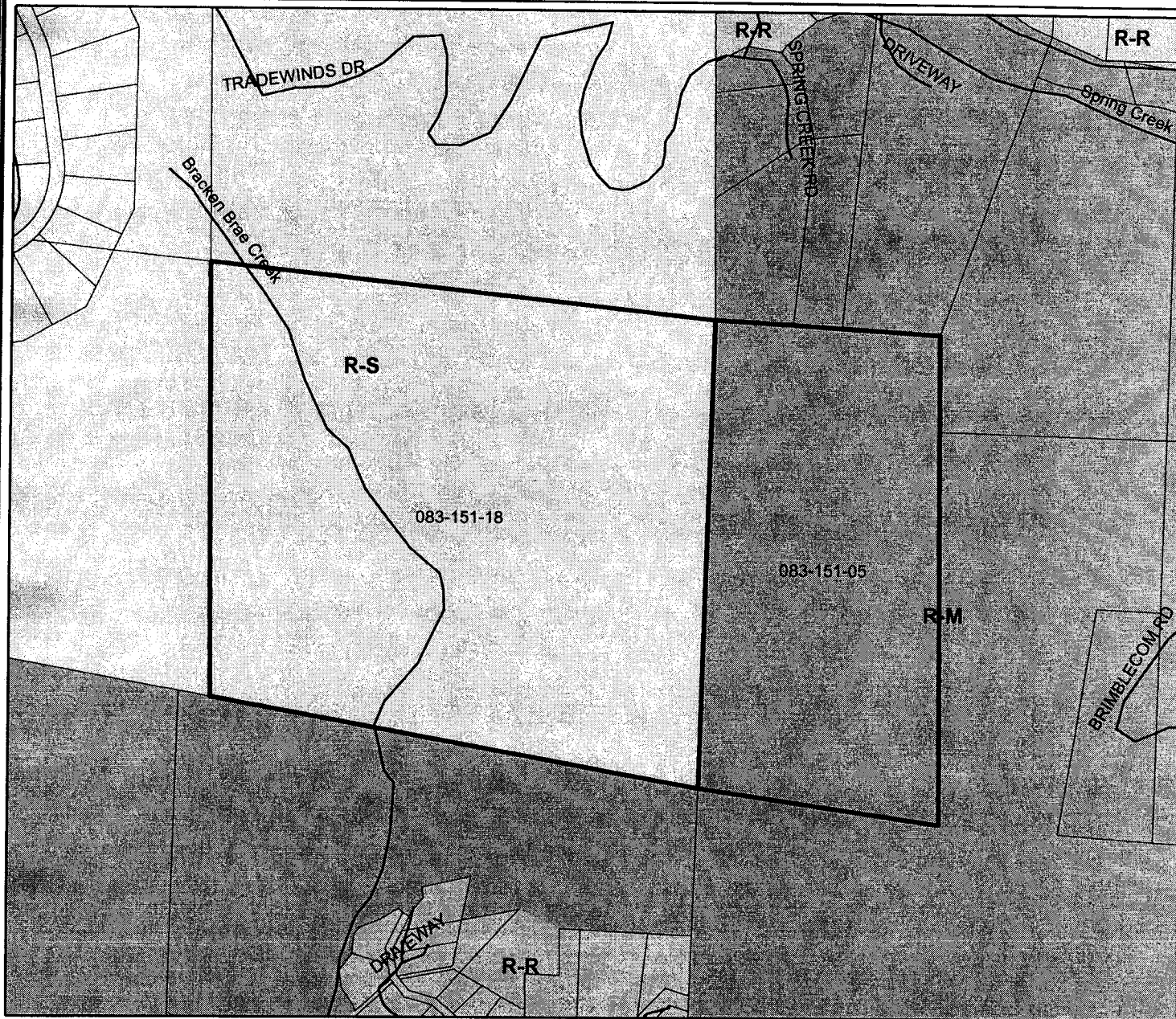


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C



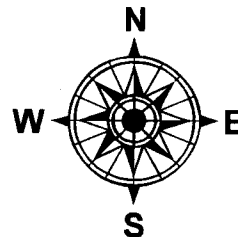
General Plan Designation map



0 337.5 675 1,350 2,025 2,700 Feet

LEGEND

- APN: 083-151-18
- APN: 083-151-05
- Assessors' Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- Residential-Mountain
- Residential-Rural
- Residential-Suburban



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: 07-0565

Assessor Parcel Number: 083-151-05,18

Project Location: Property located at the south end of Tradewinds Drive, approximately one mile east of the intersection with Crows Nest Drive.

Project Description: Rezone a single parcel from the Special Use (SU) zone districts to the Timber Production (TP) zone district.

Person or Agency Proposing Project: John A. Farkas

Contact Phone Number: (831) 703-4098

- 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 Farkas
San Lorenzo Valley
Santa Cruz County**

**APN# 083-151-05, 083-151-18
Portion of Section 13
Township 9 South
Range 3 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
September 12, 2007**

PREFACE

In August 2007 Joseph Culver, Consulting Forester was commissioned by John Farkas to prepare a Timber Management Plan for APN #083-151-05 and #083-151-18. The county assessor lists the parcels as 18.9 and 37.9 acres in size, respectively. Mr. Farkas 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 parcels are located in the northern portion of Santa Cruz County approximately two miles northwest of the community of Boulder Creek. A prominent southeast trending ridge divides the property with the majority of the acreage located southwest of the ridge in the Bracken Brae Watershed. The northeast portion of the property is in the Spring Creek Watershed which flows into the San Lorenzo River. Bracken Brae is a perennial watercourse and there are several other seasonal watercourses that flow on the property after winter rain events. The flatter portions of the property are located along the ridge and hill sides have slopes ranging from 25-75%.

Elevation ranges from 750 feet where Bracken Brae flows off of the property to 1040 feet along the ridge. The legal description of the parcel is Township 9 South, Range 3 West, portion of section 13. Timber site classification throughout the timbered portions of the property is site III.

Approximately 35 acres of the property consists of a coniferous forest. Second Growth redwood is the dominant conifer tree on this acreage with lesser amounts of Douglas-fir. Hardwood species of tanoak, madrone and coastal live oak are also interspersed throughout the forest. Hardwood becomes a heavier component of the forest along the upper slopes. The redwood trees along the ridgeline appear to have a high level of defect which may affect the commercial value.

The remainder of the property is comprised of hardwood dominated stands, brush fields and various openings with no tree cover. These areas are located along the upper slopes of the property, ridge lines and much of the slope north of the prominent ridge. Widely scattered Douglas-fir and redwood is present in some of the hardwood dominated stands.

Understory species through the property are typical and include tanoak seedlings, poison oak, French broom, bunch grasses, sword fern, bracken fern, hazel, huckleberry and clover.

The portion of the property southwest of the prominent ridge is underlain by the Sur-Catelli Complex. This soil complex is moderately deep and somewhat excessively drained. It formed in residuum derived from sandstone, schist, or granitic rock. Permeability of the complex is moderately rapid and effective rooting depth is 20-40 inches. Runoff is rapid and the erosion hazard is high.

The slope north of the prominent ridge is underlain by the Ben Lomond-Felton complex. The Ben Lomond and Felton soils are deep and well drained. Ben Lomond soils formed in residuum derived from sandstone or granitic rock and Felton formed from sandstone, shale, schist, or silt stone. Permeability of the Ben Lomond soil is moderately rapid while permeability of the Felton soil is moderately slow. Effective rooting depth of the complex is 40-70 inches. Runoff is rapid, and the hazard of erosion is high.

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. According to the owner, and evident from cut stumps, a portion of the property was harvested under two separate harvest plans in the mid 1990's by the previous owner. Only a portion of the property was harvested. The remainder has not been harvested since the original clear-cut.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Mr. Farkas intends to manage the forest land for high quality forest products, while maintaining the related values of aesthetics and wildlife. As portions of the property have not been harvested for over 100 years, the next harvest could occur in the near future. Mr. Farkas has expressed an interest in dividing his property into several harvest units where logging could occur every several years by rotating through the different harvest units. This harvesting method would best work under a Non-Industrial Timber Management Plan. Future harvesting 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 aspect forest management.
4. Maintain wildlife habitat 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. Some of the road and trail system is in place from the previous harvest and additional harvesting infrastructure would be developed during preparation of a Timber Harvest Plan.

PRESENT AND FUTURE STAND CONDITIONS

In September of 2007 a 5% 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, and the Registered Professional Forester's knowledge of the property, the 35 acres of coniferous forest have the following approximate stand conditions:*

Species Composition	88% second growth redwood, 12% Douglas-fir
Basal Area	84 square feet per acre
Gross volume/acre (redwood)	13,800 board feet
Gross volume/acre (Douglas-fir)	1,900 board feet
Gross Overall property volume	549,500 board feet

The 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 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 491,000 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 2.7% per year. A growth rate of 2.7% per year equates to an annual increase in the conifer resource of 14,840 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 1,236 cubic feet over the entire property, or 22 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. The estimated gross volume is accurate to plus or minus 3,200 board feet per acre with a 67% confidence interval. 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

Other property uses include watershed and wildlife habitat. No structures are present on the property.

CONCLUSION

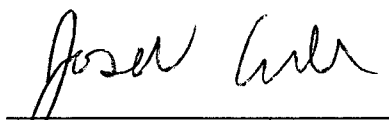
The property is well suited for timber management into the future. Portions of the property were selectively harvested ten to twelve years ago and the forest resource is currently healthy and experiencing a growth rate consistent with managed forests. Mr. Farkas has indicated that he wants to continue to manage the timber resource and stand conditions warrant another harvest in the next ten years.

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 84 square feet for conifer trees 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 coniferous wood fiber of 22 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



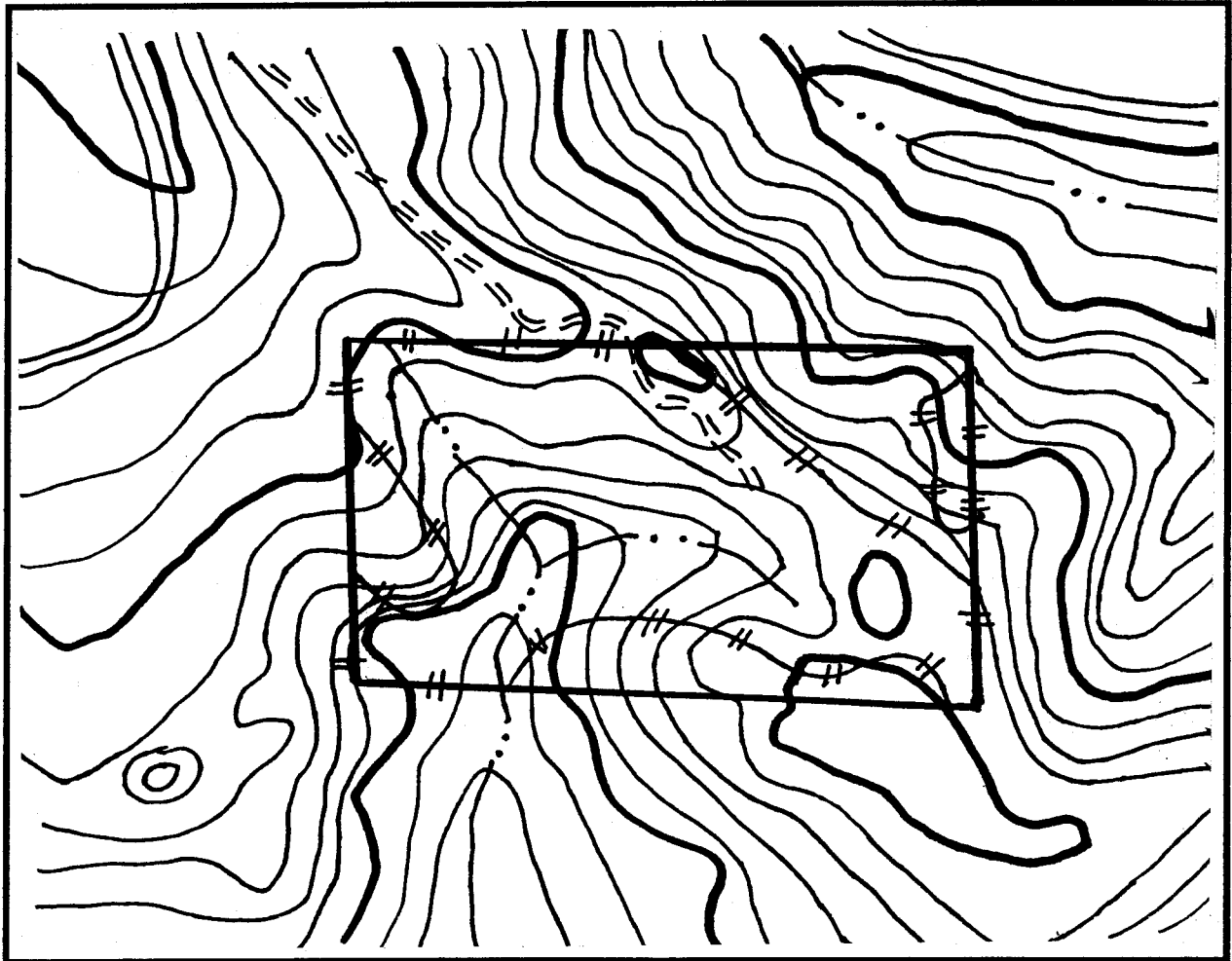
Date

LANDS OF FARKAS

PLAN AREA MAP

SANTA CRUZ COUNTY

T9S, R3W, SEC. 13, MDB&M



LEGEND

PROPERTY BOUNDARY	
CONIFEROUS FOREST	
PERMANENT ROAD	
SEASONAL ROAD	
WATERCOURSE	

SCALE: 1 INCH = 600

CONTOUR INTERVAL = 40 FEET

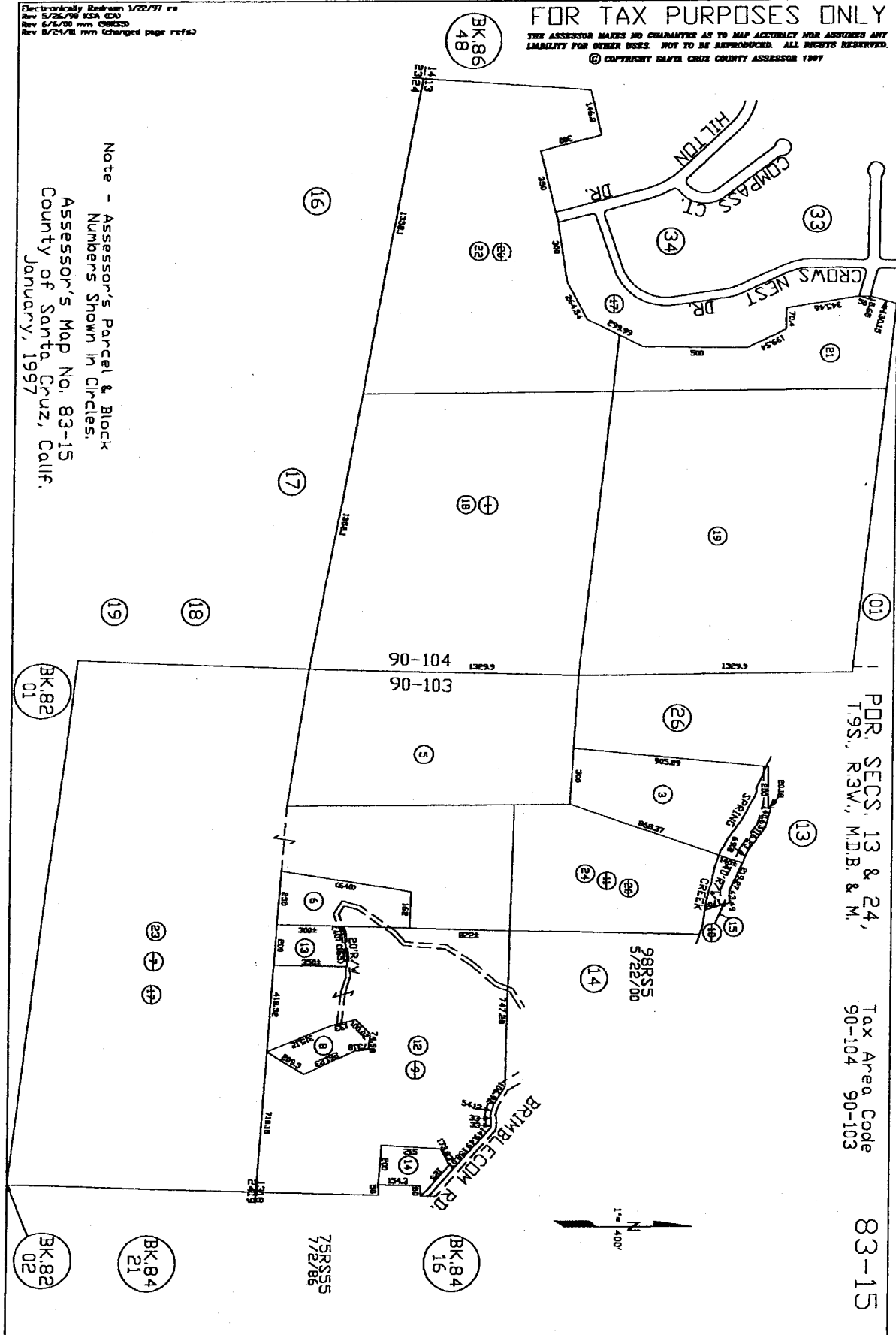


Electronically Redrawn 1/22/97 re
 Rev 5/25/96 R3A C30
 Rev 6/6/96 nwn C96320
 Rev 8/24/96 nwn (changed page refs)

FOR TAX 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.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1997

Note - Assessor's Parcel & Block
 Numbers Shown in Circles.
 Assessor's Map No. 83-15
 County of Santa Cruz, Calif.
 January, 1997



PDR SECS. 13 & 24,
 T.9S., R.3W., M.D.B. & M.

Tax Area Code
 90-104 90-103

83-15

Order No. : 179204-P

EXHIBIT "A"

The land referred to is situated in the State of California, County of Santa Cruz, in the unincorporated area, and is described as follows:

PARCEL I:

The West half of the Southwest quarter of the Southeast quarter of Section 13, Township 9 South, Range 3 West Mount Diablo Base and Meridian, in the County of Santa Cruz, State of California.

PARCEL II:

An easement for ingress, egress and utilities as granted by instrument recorded July 2, 1990 in Book 4696, Page 755, Official Records, Santa Cruz County

Assessor's Parcel Number: 083-151-05

EXHIBIT "A"

PARCEL ONE:

THE Southeast 1/4 of the Southwest 1/4 of Section 13, Township 9 South, Range 3 West, Mount Diablo Base and Meridian.

Said land is the same as was first conveyed to Katherine Dawes by deed recorded May 6, 1970, in Book 2016, Page 553, Official Records of Santa Cruz County.

PARCEL TWO:

"Right(s) of way for roadway purposes and for the installation and maintenance of public utilities (in and as to a strip of land within) Section 14, T. 9 S., R. 3 W., M. D. B. & M., 50.00 feet in width...the centerline of which is described (particularly in the Instruments referred to hereafter.)"

Said right(s) of way are the same as were first conveyed to Galleon Properties, Inc. by Instruments recorded December 28, 1973, in Book 2374, Pages 1 and 9, Official Records of Santa Cruz County, as appurtenant to the larger tract of land from which said Parcel One was subdivided.

PARCEL THREE:

"The right of way for private road purposes for ingress to and egress from (said Parcel One), in and as to a roadway to be graded within that portion of (the parcel of land hereafter) within one hundred feet from the Southwest corner thereof, and also easements for utility purposes and for purposes incidental to either of the foregoing, in and alongside said roadway."

Said easements are the same as were first reserved to Sal Maletl Corporation by Instrument recorded May 7, 1992, in Book 5030, Page 643, Official Records of Santa Cruz County, as appurtenant to said Parcel One.

Assessor's Parcel Numbers: 083-151-18