



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: 089-111-40

Application: 07-0566

Item 36

Subject: A public hearing to consider a proposal to rezone a single lot of record 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 18-acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of a single family residence, accessory structure and animal raising.

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

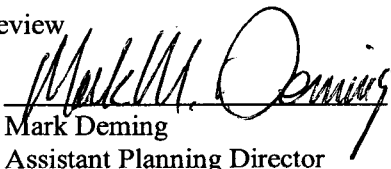
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0566 based on the attached findings (Exhibit B).

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 Steven M. Butler, RPF #2390, dated October 4, 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.07-0566 involving property located on the west side of Hopkins Gulch Road (500 Hopkins Gulch Road), approximately .25 of a mile north 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) 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 property located on the west side of Hopkins Gulch Road (500 Hopkins Gulch Road), approximately .25 of a mile north 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>
089-111-40	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

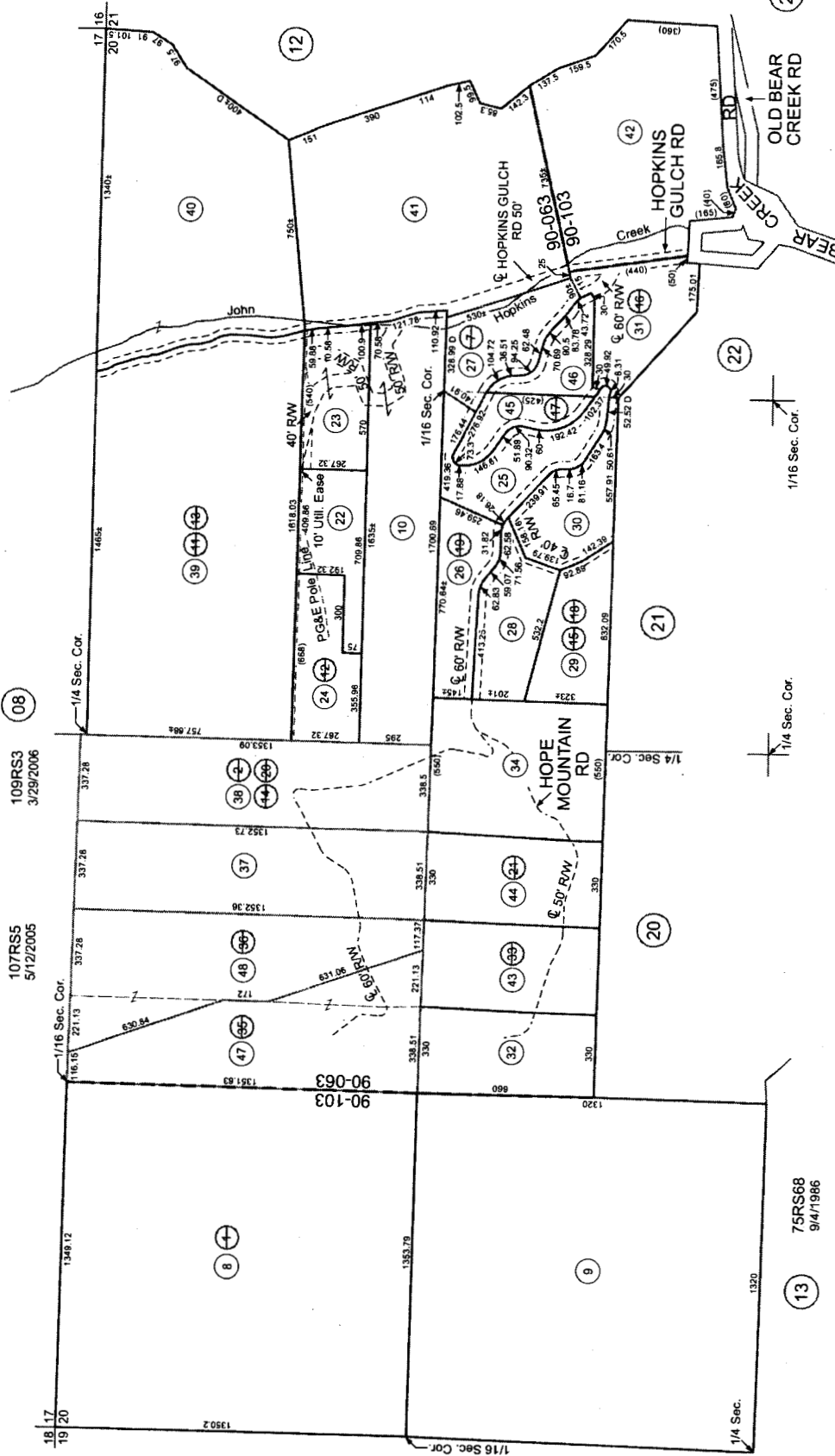
FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY AND ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. N. 1/2 SEC. 20, T.9S., R.2W., M.D.B. & M.

Tax Area Code
90-063 90-103

89-11



Bk 82
24

75RS68
9/4/1986

13

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

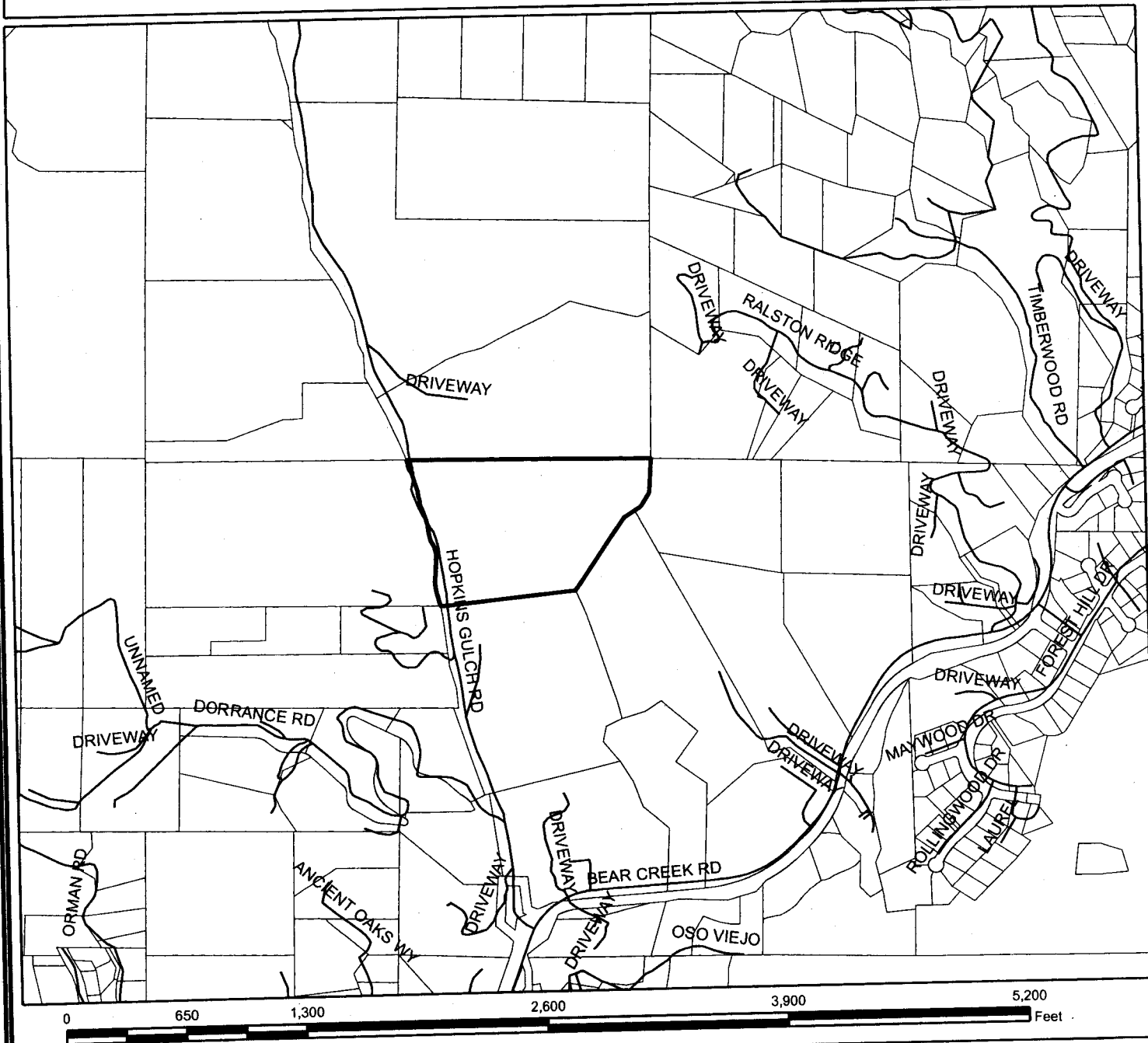
Assessor's Map No. 89-
County of Santa Cruz, Calif.
Dec., 1999

Electronically Redrawn 12/09/99 mmm
Rev. 5/5/05 mmm (Added Hope Mountain Rd. per Emergency Services)
Rev. 6/3/05 mmm (107RS5)
Rev. 10/10/07 1d (109RS3)




EXHIBIT B

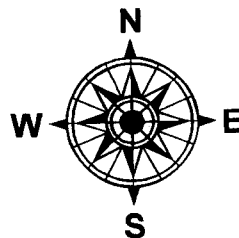


Location Map



LEGEND

-  APN: 089-111-40
-  Assessor's Parcels
-  Streets

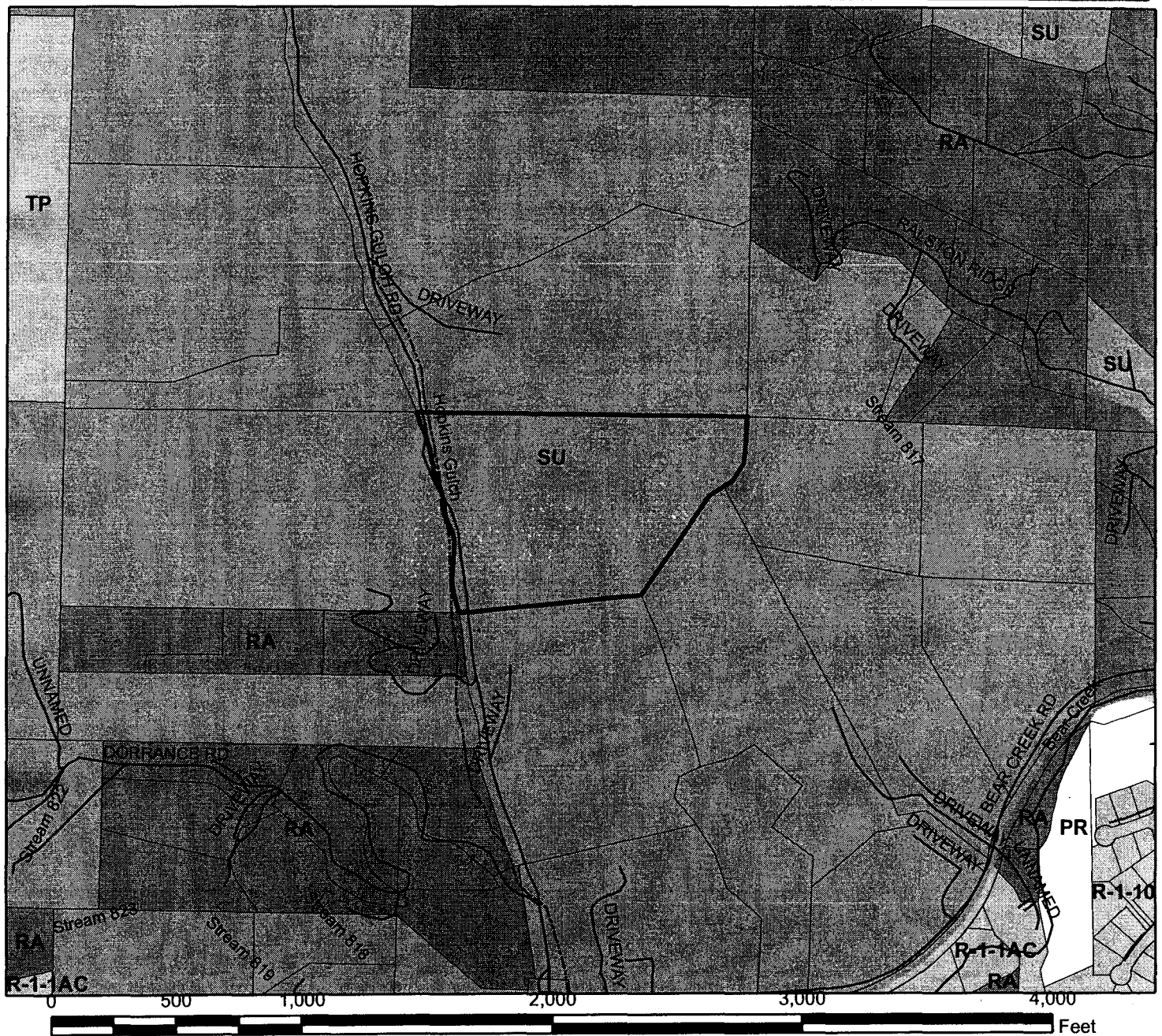


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

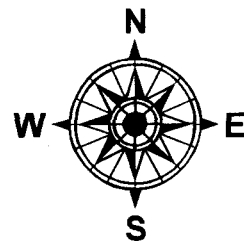


Zoning Map



LEGEND

- APN: 089-111-40
- Assessors Parcels
- Streets
- Streams**
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- AGRICULTURE RESIDENTIAL
- SPECIAL USE
- TIMBER PRODUCTION
- RESIDENTIAL-SINGLE FAMILY
- PARK



Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

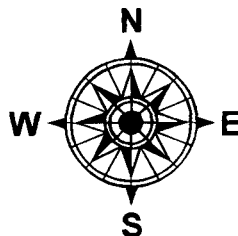


General Plan Designation Map



LEGEND

- APN: 089-111-40
- Assessors Parcels
- Streets
- STREAMTYPE**
 - PERENNIAL
 - INTERMITTENT
- Residential-Mountain
- Residential - Urban Very Low Density
- Parks and Recreation



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: 07-0566

Assessor Parcel Number: 089-111-40

Project Location: Property located on the west side of Hopkins Gulch Road (500 Hopkins Gulch Road), approximately .25 of a mile north of the intersection with Bear Creek Road.

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: Jerry and Mary Bradley, H/W ALL AS JT etal

Contact Phone Number: (831) 235-6928

- 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

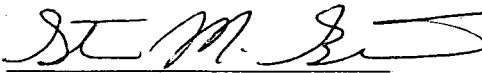
Date: _____

Timber Management Plan
for the lands of

Bradley/Ebright
APN 089-111-40
Santa Cruz County, Calif.

October 4, 2007

Prepared by
Steven M. Butler, RPF #2390
781 Oak Drive
Felton CA 95018



The purpose of this management plan is to provide basic forest management details and information to the landowner and to meet the county requirements for rezoning said parcel from the current zoning designation of Special Use (SU) to Timber Production Zoning (TPZ).

TPZ is a zoning classification applied to private timberland and State forests by local government under the Forest Taxation Reform Act of 1976. In addition to the definition of "timberland" applied in the Forest Practice Act, land within a TPZ is also subject to the definition in Section 51104 (f) of the Government Code (GC). In the GC timberland means privately owned land or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

Land zoned TPZ is restricted for use in timber growing or compatible uses, such as outdoor recreation or grazing. This restriction on use lasts ten years and is renewed each year; in return, landowners receive reduced property tax assessments on the land.

"Conversion" from timber growing to other land uses may occur either on land that is zoned for timber production or land that is still timberland but which is not zoned for timber production. Within TPZ lands, timberland conversion means the immediate rezoning of TPZ, whether timber operations are involved or not. Some exemptions may apply. Within non-TPZ timberlands, under Section 1100 (g) of the California Code of Regulations (CCR), timberland conversion means transforming timberland to a non-timber growing use through timber operations where:

1. Future timber harvests will be prevented or infeasible because of land occupancy and activities thereon; or
2. Stocking requirements of the applicable district forest practice rules will not be met within five years after completion of timber operations; or
3. There is a clear intent to divide timberland into ownerships of less than three acres. In these cases, a timberland conversion permit is required.

A timberland conversion exemption is applicable to the following situations of converting timberland for (Section 1104, CCR):

1. Non-timber use only, of less than three acres in one contiguous ownership, whether or not it is a portion of a larger land parcel and shall not be part of a THP;
2. Construction or maintenance of right-of-way by a public agency on its own or any other public property;
3. Construction and maintenance of gas, water, sewer, oil, electric, and communication right-of-way by private or public utility; and
4. Subdivision development outside of TPZ.

General Property Description - The parcel is about 18 acres in size. The parcel is mainly redwood forestland which transitions to hardwood, Doug-fir, and brush as you approach the ridge. Portions of the parcel are fairly steep while others are quite gentle. The parcel is partially bordered by Hopkins Gulch and extends up to a ridge top. This is parcel 089-111-40. The parcel is located on the Castle Rock USGS Quad Map, on a portion of the northeast ¼ of Section 20 T9S R2W M.D.B. & M. Elevations range from 580 feet at the southwest corner of parcel below Hopkins Gulch Road where Hopkins Gulch leaves the southern edge of the parcel up to 980 feet at the northeastern corner of the parcel on the ridgeline. The parcel is in the Bear Creek Watershed. There are 2 Class III tributaries (intermittent/seasonal watercourses) to Hopkins Gulch the on parcel. Hopkins Gulch is a Class II watercourse (perennial non fish bearing stream) which forms the eastern border of the parcel. Hopkins Gulch intersects Bear Creek (an anadromous fish stream) 2000' downstream from the parcel boundary. The parcel is not covered by the Timber Resources Overlay, although the parcel is almost completely forested. The parcel is additionally used as a primary residence and for the keeping of 2 horses.

History - The parcel was originally logged in the late 1800's or early 1900's. A selective second growth harvest was performed in 1987. A copy of the THP map from THP1-87-568SCR is included in this report. Some other personal use timber harvesting for boards and fuelwood routinely occurs on the parcel. No evidence of obvious historic structures or archeological sites were observed.

Access and Boundaries - The parcel has a legal right of way along a private driveway to Hopkins Gulch Road (private). The driveway crosses the neighbors parcel as it nears Hopkins Gulch Road. The parcel is adjacent to Hopkins Gulch Road, although the steepness of the slope and cut bank in this area limits access from this private road directly onto the parcel except in a few specific locations. The previous harvest on the parcel built trails to provide good skidding access. These trails all appeared to be in good condition, some are being utilized as ranch and recreation access roads. Hopkins Gulch delineates the western boundary and a major spur ridge delineates the eastern boundary. The remaining boundaries are straight lines in generally East/West directions.

Timber/Cover Types - The parcel has one cover type: redwood forest.

The redwood forest is high site III timberland that tends toward Douglas-fir hardwood forest with areas of brush as you move toward the ridge top to the east. Roughly 15 acres of the parcel is productive redwood ground the remainder is lower site Douglas-fir ground. The forest has a hardwood component of Madrone, Tan Oak, Bay Laurel and Live Oak.

Soils - There are four mapped soil types on the parcel (probably only 3 soil types actually on the parcel):

113-Ben Lomond-Catelli-Sur Complex 30-75% slopes. This gravelly moderately deep soil underlays the timbered slopes and benches on the lower 1/3 of the parcel along Hopkins Gulch Road.

115- Ben Lomond-Felton Complex 50-75% slopes. This soil type likely is NOT found on the parcel. The type change is likely on the ridgeline and the soil type on the easterly side of the ridge on the neighbors parcel. This is a timber soil.

143- Lompico -Felton- Complex 30-50% slopes. This loamy soil exist on the southwest corner of the parcel were the driveway leaves the ownership. This deep loamy soil supports redwood forest

173- Sur-Catelli Complex 50-75% slopes. This is the predominant soil type on the property. This is a moderately deep sandy loam and a good timber soil, supporting stands of redwood and Douglas-fir.

Volume, Growth and Yield - All 18 acres of this parcel is **productive timber lands which are available and capable of growing a crop of commercial tree species in quantities greater than 15 cubic feet of wood fiber per year**. The parcel meets the 15 CuFt/A/Y requirement for timberland.

While virtually the entire parcel meets the definition of timberland the upper portions of the parcel are heavy to Doug-fir and hardwood and the portion of the parcel between the road and the creek are not readily accessible. The timbered portion of the parcel is considered redwood site III, tending toward site Douglas-fir low site III as you move upslope. The site index is estimated at 140 in the site III area and is roughly 70% stocked with conifers. The yield table estimates the current cubic feet stocking as 13,216 cubic feet per acre (CuFt/A). My estimate of stocking is roughly 25,000 board feet (BF) per acre on the redwood site III portion of the parcel. Growth is estimated 3.2% for an estimated average production of 420 cubic feet/acre/year, or 800 BF/acre/year.

The total standing volume of conifer is estimated at 375,000 BF.

The timbered portion of the parcel carries roughly 8 cords per acre of hardwood, for an estimated 144 cords.

Post harvest growth rates should be around 3-3.5%.

Future Timber Management and Units- All of the timbering acres are accessible utilizing traditional ground skidding access, with the exception of the area between Hopkins Gulch Road and the creek Also the upper portions of the parcel which are predominantly hardwoods, Doug-fir and brush may not be economically practical to harvest under current conditions. A sustainable harvest of this the parcel is anticipated to

yield 110 MBF (thousand board feet) under a 40% harvest. The rules allow up to a 50% - 60% selection harvest. This could be repeated on a 10-14 year cycle. Utilizing the stumpage values (price paid for standing trees) provided by the California Tax Board the stumpage value of such a sale would yield $\$580/\text{MBF} \times 110 \text{ MBF} = \$63,800$.

The cost of obtaining a Timber Harvest Plan (THP; harvesting permit) and some other expenses would need to be subtracted from this value. THP's are fairly expensive and carry a high fixed cost. To obtain a THP for your 18 acres could cost \$15,000 - \$20,000.

While this still produces a viable stand alone sale, your best course of action would be to tie your harvest in with a nearby timber harvest during the preparation stages of a nearby sale. This would require you to contact the half dozen RPFs that prepare plans in the area or your neighbors and let them know you are interested in harvesting your parcel and wait for them to prepare a harvest plan on a nearby parcel.

The 18 acre unit discussed is a stand alone unit in that it has its own adequate landing areas and truck and skid road access. This area was previously harvested in 1987.

Other Great care would need to be taken during the layout and harvest to avoid all the improvements on the parcel. A lot of the Douglas-fir in the stand is in decline and shows evidence of rot. These trees, despite their low value, should be thinned in conjunction with the next harvest of the parcel

Bradley/Ebright
Parcel Map

FOR TAX PURPOSES ONLY

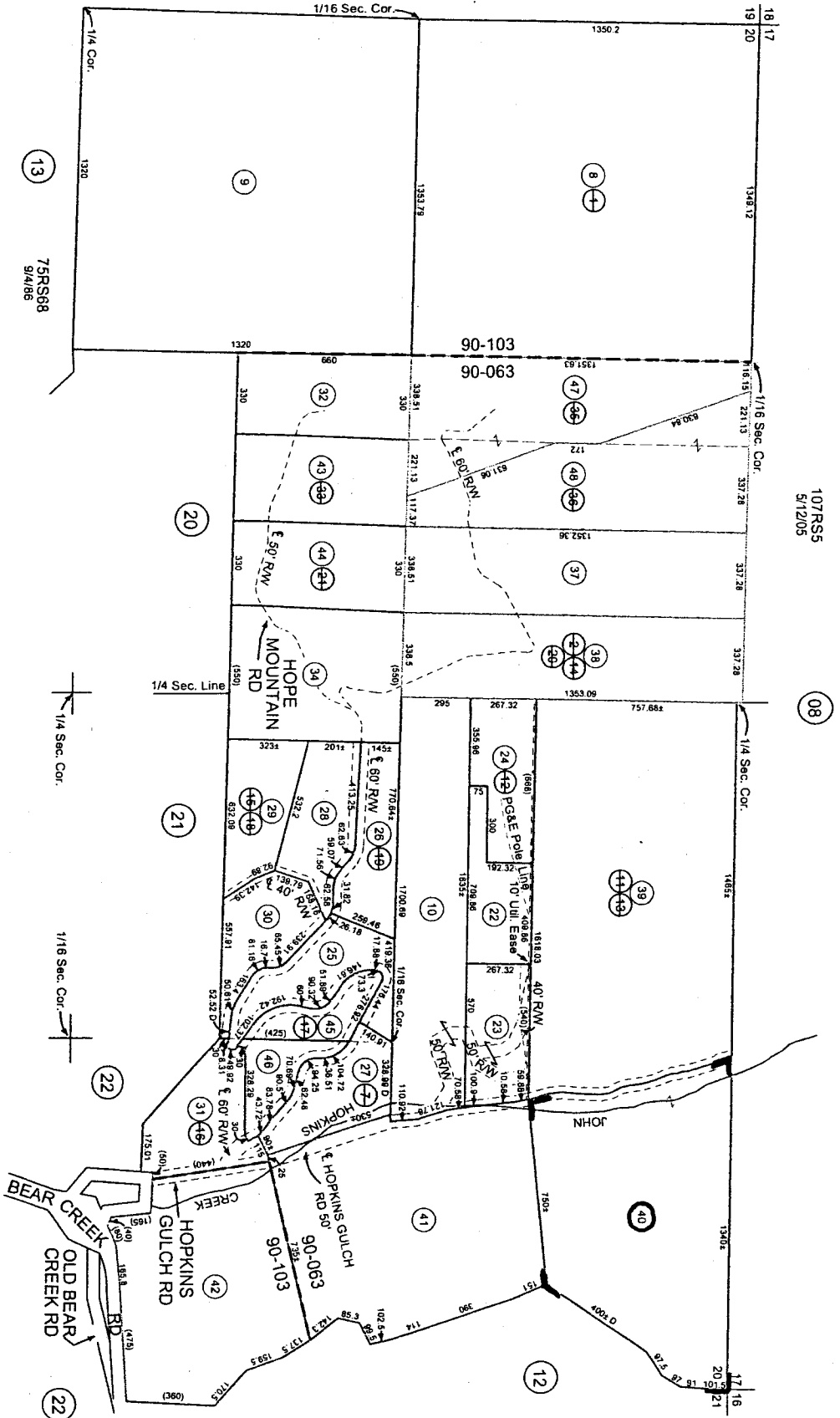
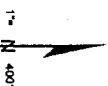
THE ASSessor MAKES NO GUARANTEE AS TO THE ACCURACY OF THE AREA AND
LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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Tax Area Code
90-063 90-103

89-11

107RSS
5/12/05



Bk 82
24

Electronically Redrawn 12/09/99 mmm
Rev. 11/04/04 mmm (2004-0022833 & 34, LBA 1-47 & 48)
Rev. 5/5/05 mmm (added Hope Mountain Rd. per Emergency Services)
Rev. 8/31/05 mmm (107RSS)

STEVEN M. BUTLER RPF

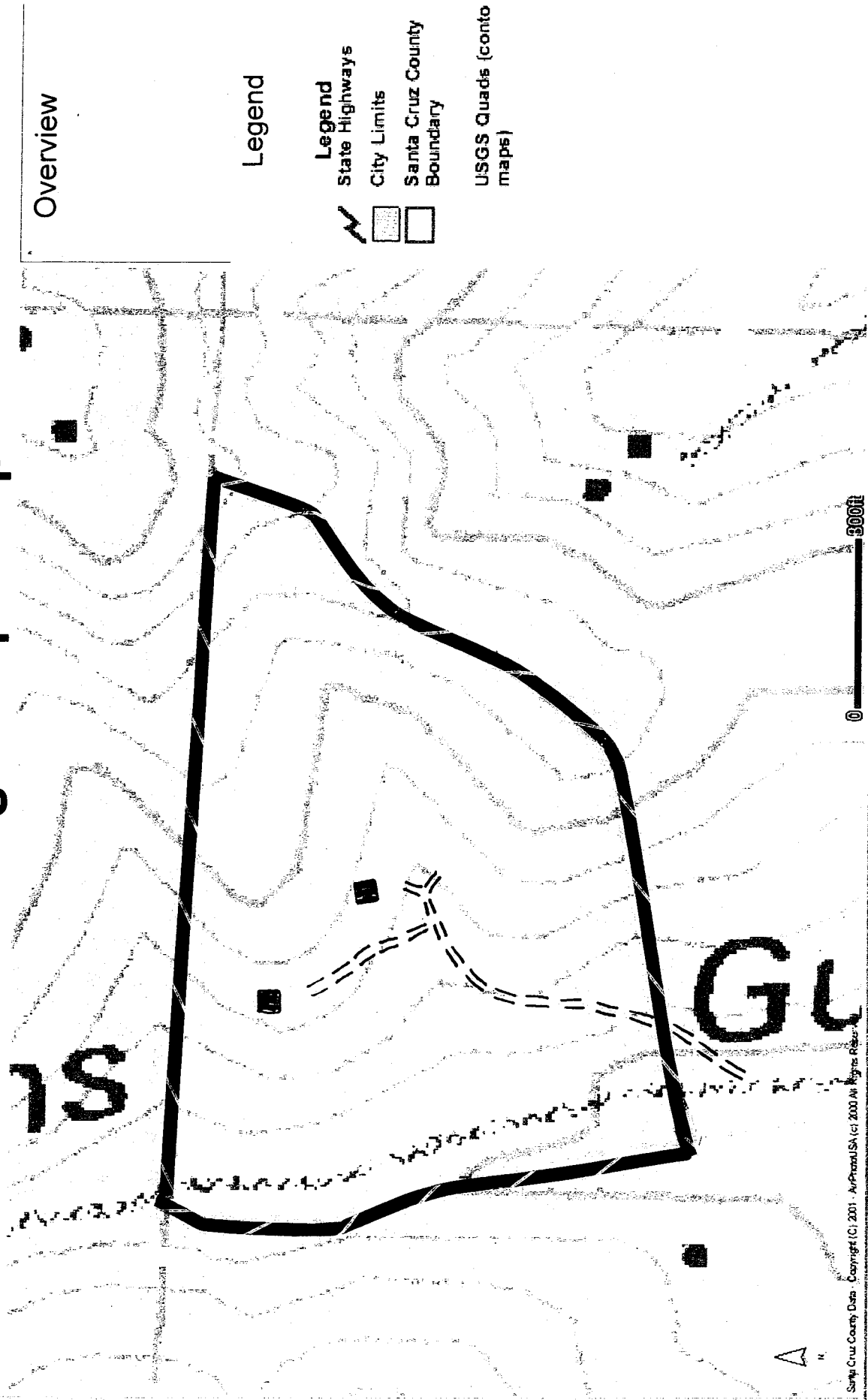
781 OAK DR.

FELTON CA 95018

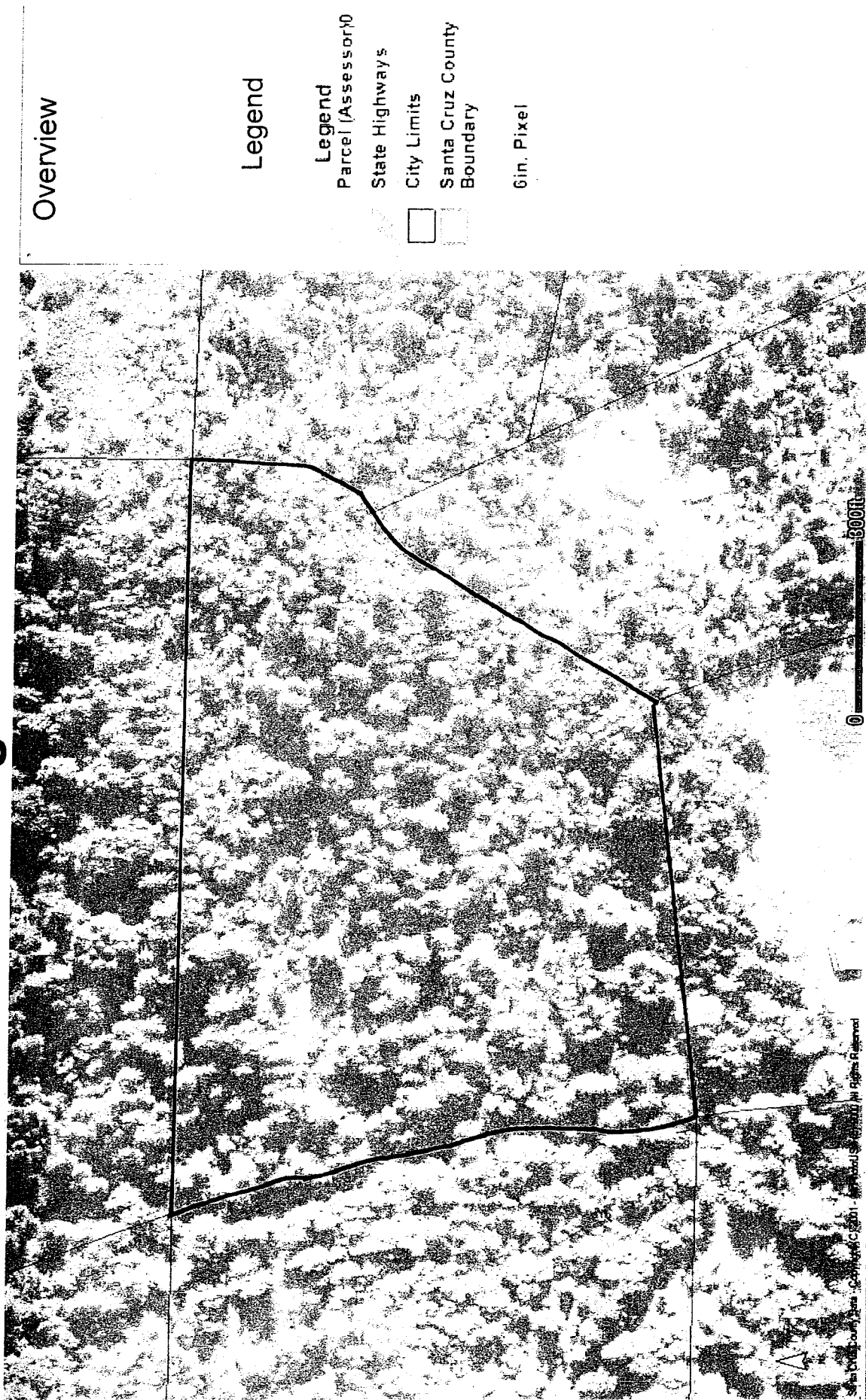
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

Assessor's Map No. 89-11
County of Santa Cruz, Calif.
Dec., 1999

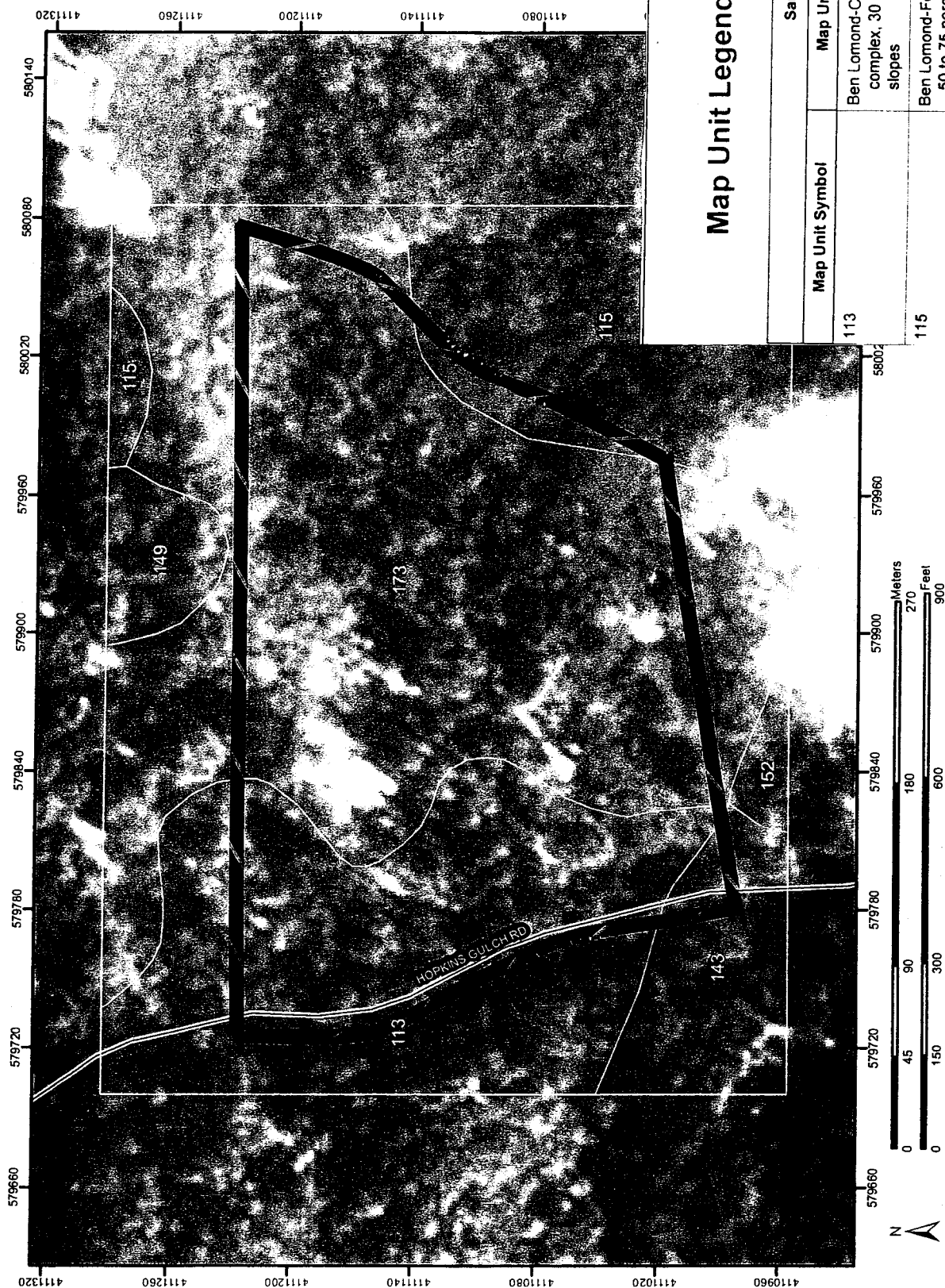
Bradley/ Ebright Topo Map



Bradley/ Ebright Photo



Soil Map-Santa Cruz County, California
(Ebright Soils Map)

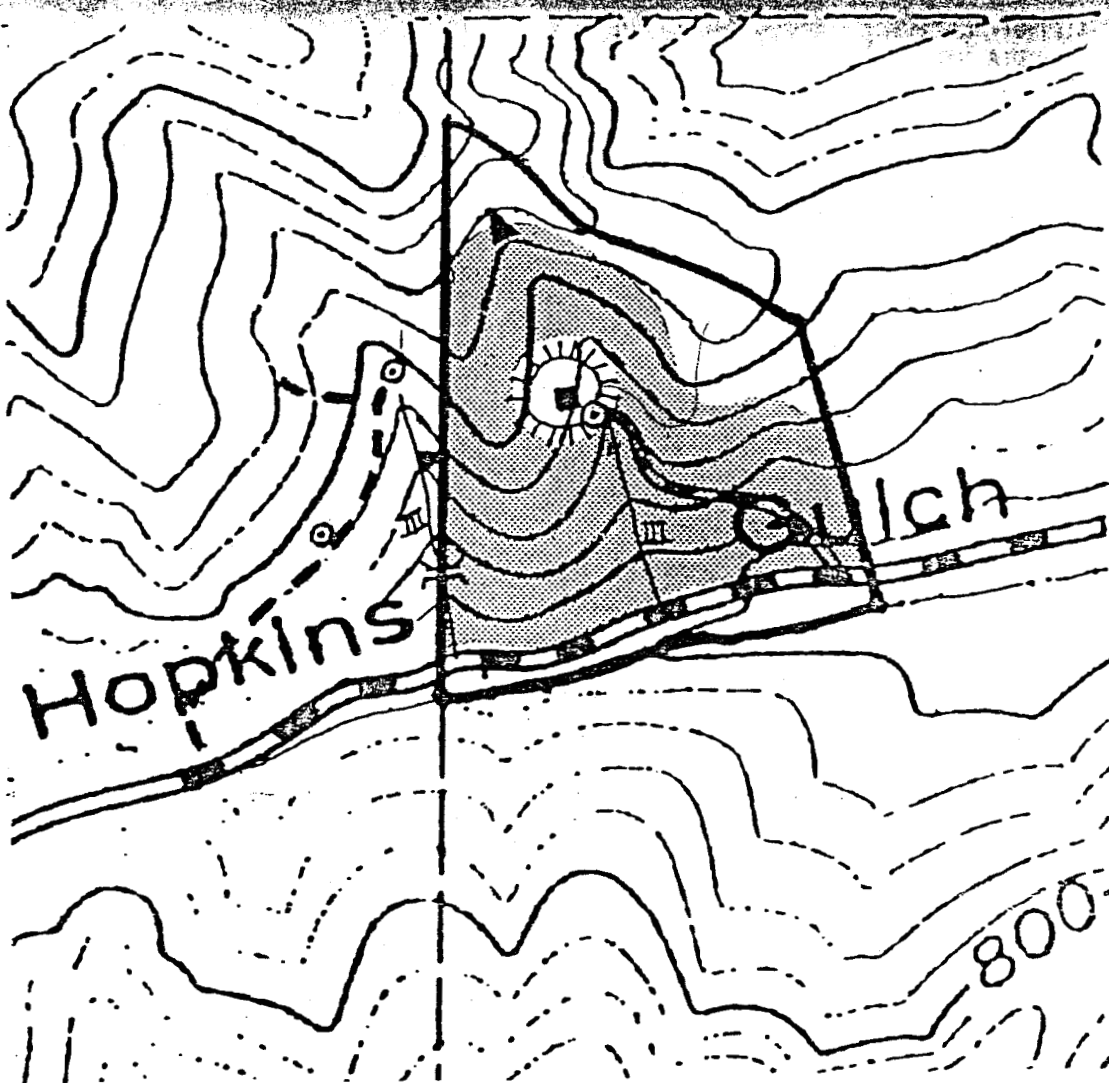


Map Unit Legend

Santa Cruz County	
Map Unit Symbol	Map Unit Name
113	Ben Lomond-Catelli-Sur complex, 30 to 75 percent slopes
115	Ben Lomond-Felton complex, 50 to 75 percent slopes
143	Lompico-Felton complex, 30 to 50 percent slopes
173	Sur-Catelli complex, 50 to 75 percent slopes

Web Soil Survey 2.0
National Cooperative Soil Survey

USDA
Natural Resources
Conservation Service



1-87-568 SCR

1" = 500'

— PROPERTY LINE

■ HARVEST BOUNDARY, Site III

— EXISTING ALL WEATHER ROAD

--- EXISTING SEASONAL ROAD

— CLASS III WATERCOURSE

✕ WATERCOURSE CROSSING (TEMPORARY)

☼ DWELLING, CONVERSION AREA, FIRE PROTECTION ZONE

▲ SLIDE AREA

○ EXISTING LOGGING LANDING

