



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: April 9, 2008
APN: 087-053-10; 087-053-11
Application: 07-0576
Item #: 13
Time: After 9 AM

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 20, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone 18.2 acres from the Special Use (SU) zone district to the Timber Production (TP) zone district. 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 the parcel to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations.

Recommendation

Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0576 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 Cassady Bill Vaughn, RPF #2685, dated September 17, 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. 07-0576, involving properties located south of Hwy 236 on Waterman Gap Loop, approximately 600 feet south of the intersection with Hwy 236, 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 properties from the Special Use (SU) zone district to the Timber Production (TP) 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.

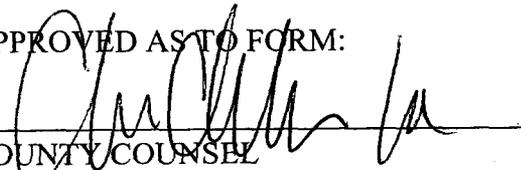
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2008, by the following vote:

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 south of Hwy 236 on Waterman Gap Loop, approximately 600 feet south of the intersection with Hwy 236; 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>
087-053-10	Special Use	
087-053-11	(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

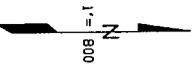
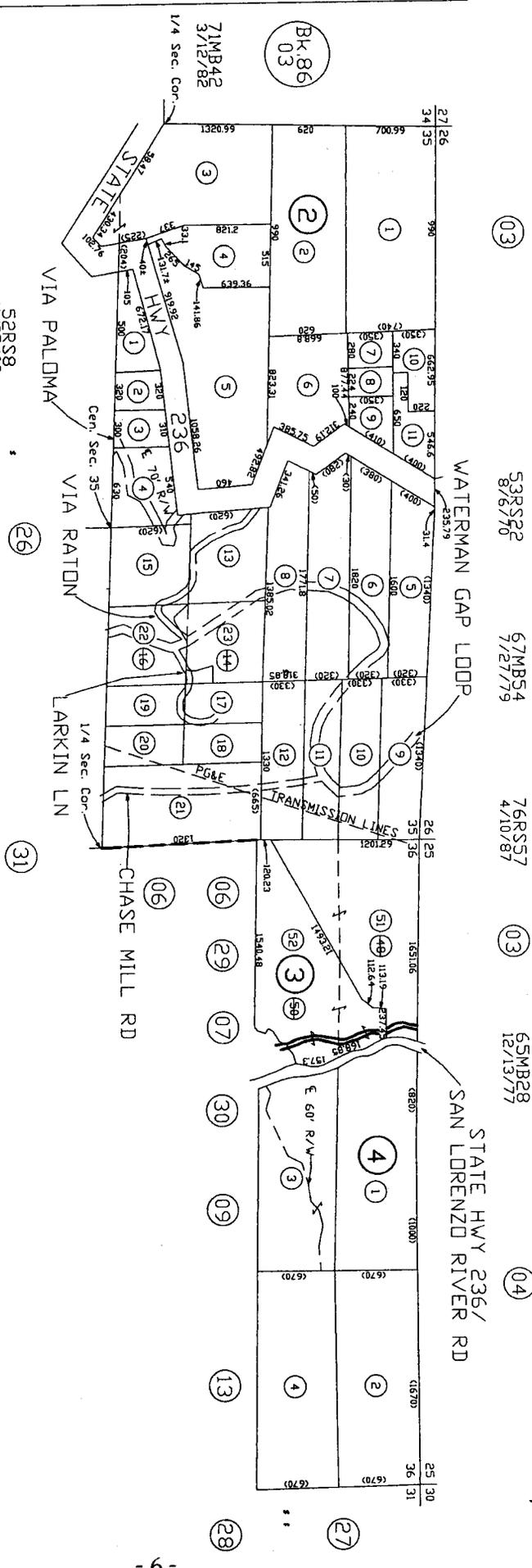


EXHIBIT B



24/35
 312

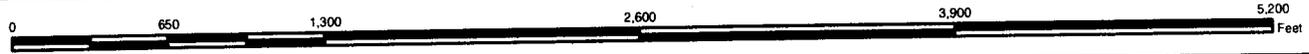
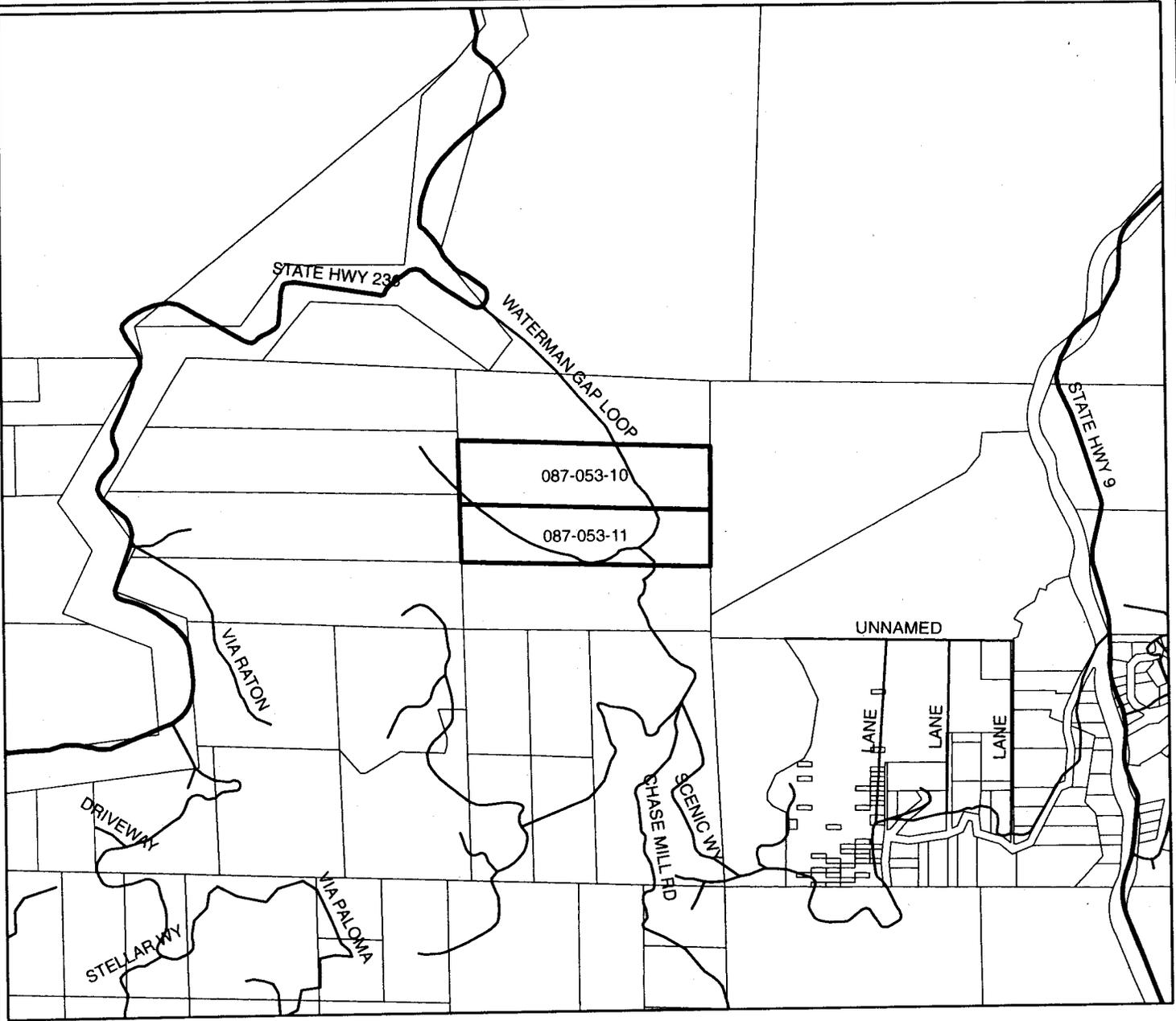
Electronically Redrawn 2/17/00 nvn
 Rev. 8/30/01 nvn (changed page refs.)

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

Assessor's Map No. 87-05
 County of Santa Cruz, Calif
 Feb., 2000

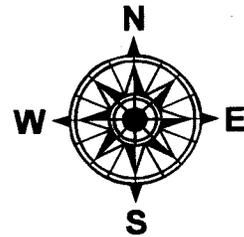


Location Map



LEGEND

-  APN: 087-053-11
-  APN: 087-053-10
-  Assessors Parcels
-  Streets
-  State Highways

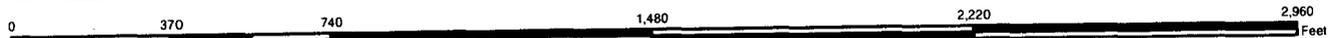
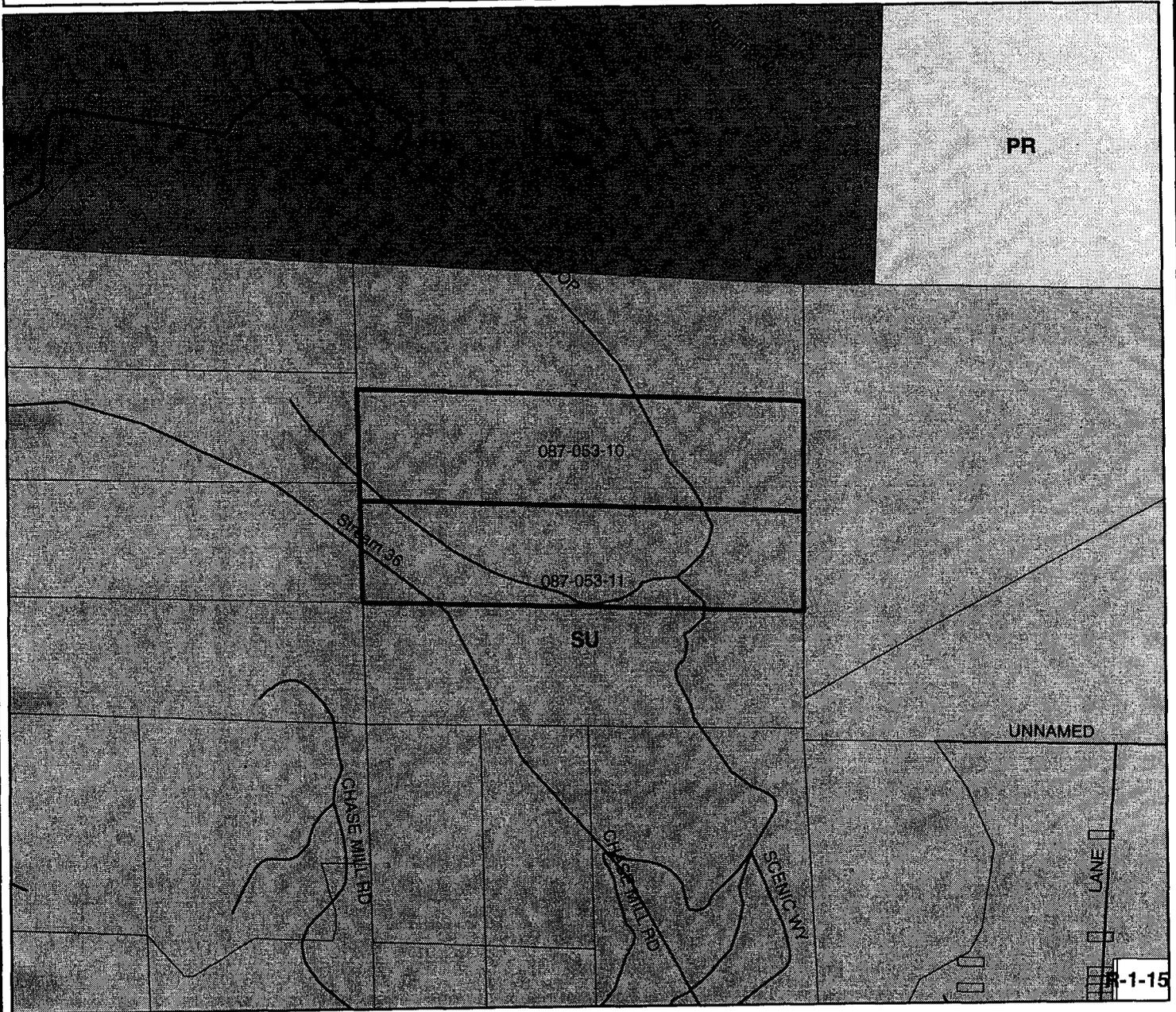


Map created by
 County of Santa Cruz
 Planning Department
 August 2007

EXHIBIT C

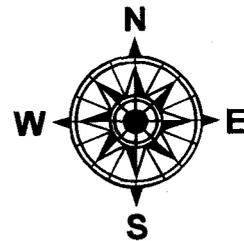


Zoning Map



LEGEND

- APN: 087-053-11
- APN: 087-053-10
- Assessors Parcels
- Streets
- State Highways
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- RESIDENTIAL-SINGLE FAMILY
- PARK
- SPECIAL USE
- TIMBER PRODUCTION

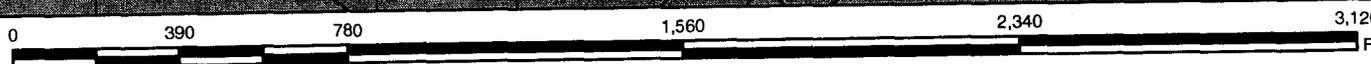
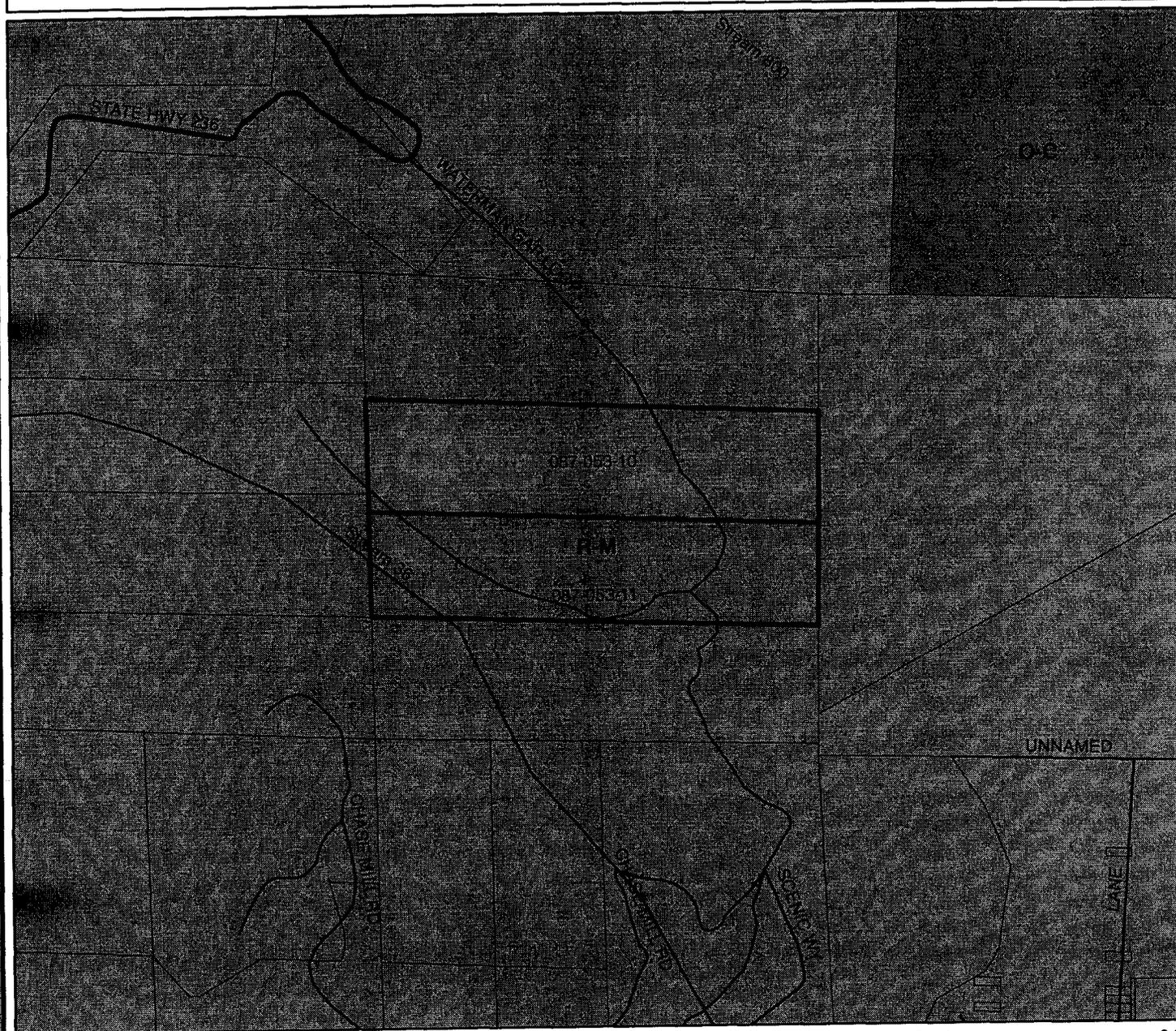


Map created by
 County of Santa Cruz
 Planning Department
 August 2007

EXHIBIT C



General Plan Designation Map

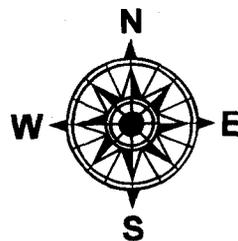


LEGEND

- APN: 087-053-11
- APN: 087-053-10
- Assessors Parcels
- Streets
- State Highways

STREAMTYPE

- PERENNIAL
- INTERMITTENT
- Residential-Mountain
- Resource Conservation



Map created by
County of Santa Cruz
Planning Department
August 2007

**CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION**

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 07-0576

Assessor Parcel Number: 087-053-10; 087-053-11

Project Location: Properties located south of Hwy 236 on Waterman Gap Loop, approximately 600 feet south of the intersection with Hwy 236.

Project Description: Rezone parcels from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Steven Muscatell

Contact Phone Number: (408) 966-6765

- 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: _____



County of Santa Cruz Planning Department
Attn: Maria Perez
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

September 17, 2007

Re: TPZ Rezoning of Santa Cruz County Assessor's Parcel #s 087-053-10 and 087-053-11

Maria,

This letter requests re-zoning Santa Cruz County Assessor's Parcel #s 087-053-10 and 087-053-11 from their current Special Use (SU) designations to the Timber Production Zone (TPZ). Parcel 087-053-11 is owned by Steve Muscatell and Parcel 087-053-10 is owned by Steve Muscatell and his wife Marianne Merlo. Each of the parcels meets the following criteria:

- 1) The parcels 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 for the Southern Subdistrict of the Coast Forest District (See attached Stocking Analysis).
- 2) The parcels currently meet the definition of "Timberland" per Section 51104 (f) of the Government Code (See attached Wood Fiber Analysis).
- 3) The parcels currently meet the permitted use requirements per County Code Section 23.20.372 (See attached Compatible Use Analysis).
- 4) Parcel 087-053-11 was selectively harvested approximately 15 years ago under approved Timber Harvest Plan (THP # 1-92-037 SCR). Parcel 087-053-10 lies adjacent to this 1992 THP and is a logical extension of the management area. While each parcel contains its own road, landing, and skid trail networks, and enough timber volume to float independent harvest plans, we recommend that the parcels be managed collectively to maximize economies of scale.
- 5) Both parcels meet the minimum 5-acre size requirement.

Also attached:

- 1) Assessor's Parcel Map.
- 2) Timber Harvest Plan # 1-92-037 SCR Cover Page and THP Operations Map.
- 3) A check payable to the County of Santa Cruz in the amount of \$1,691.

Sincerely,


Cassidy Bill Vaughan, RPF #2685

EXHIBIT E

STOCKING ANALYSIS

Background: Government Code Section 51113(c)(3)(A) requires that timberland parcels meet the timber stocking standards set forth in Section 4561 of the Public Resources Code and Section 913.8(a)(1) of the California Code of Regulations (CCR). The timber stocking standards pertaining to CCR Section 913.8(a) are met if the timberland contains an average, minimum post-harvest basal area of at least 75 square feet/acre for Site III land. The requirements of PRC 4561 are less stringent.

Analysis: Field review of the properties suggests that the average dominant redwood and Douglas-fir trees exhibit Site III characteristics. Site III characteristics are defined under CCR 1060 as lands capable of growing redwood trees of 135-154 feet in 100 years, and Douglas-fir trees of 134-163 feet. As mentioned above, parcel 087-053-11 was selectively harvested approximately 15 years ago, which demonstrates the parcel's ability to sustain periodic harvests while maintaining the minimum basal area requirements cited above. Field review of parcel 087-053-10 suggests that this parcel is carrying very similar timber volume, and as discussed, will only prove helpful in spreading overhead costs across a larger harvest project. Review of harvest layout confirms that the parcels are independently harvestable under the current regulatory environment.

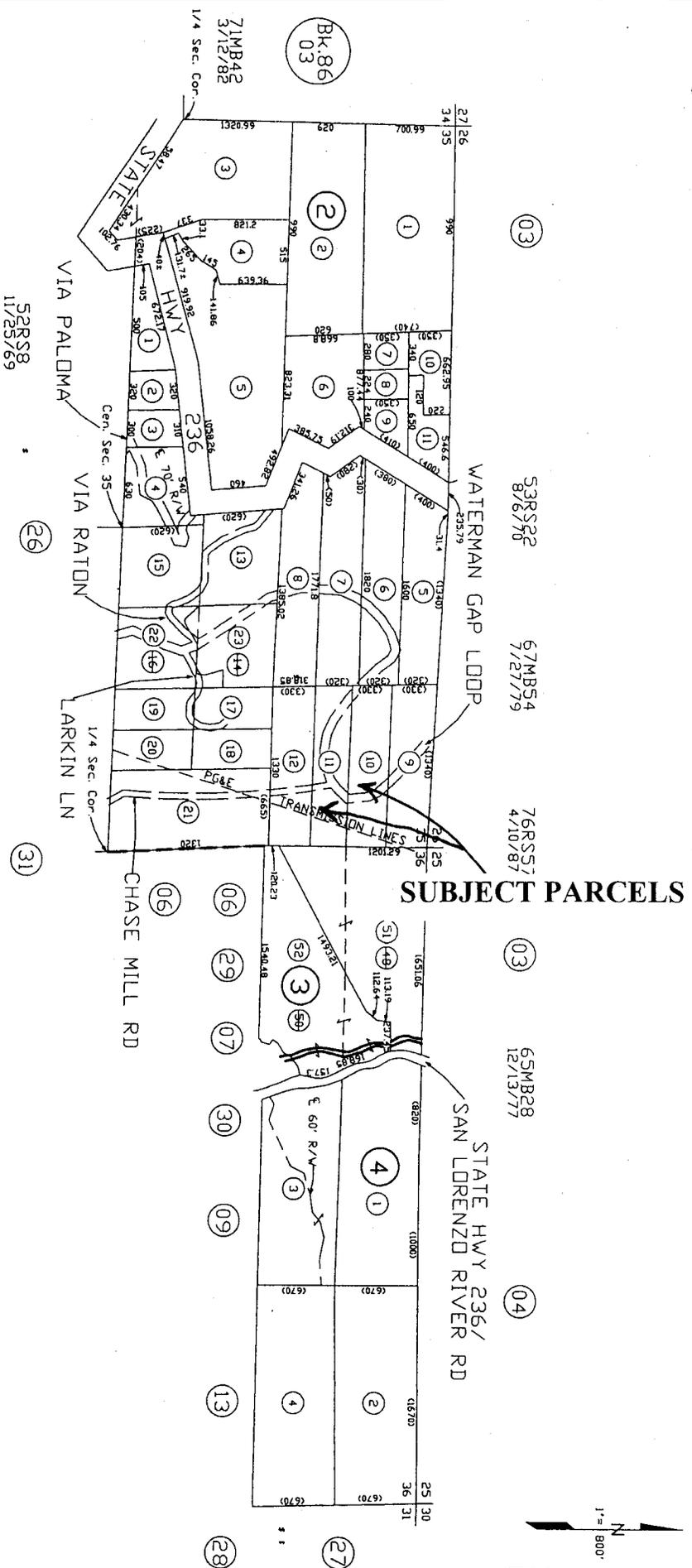
WOOD FIBER ANALYSIS

Background: Government Code Section 51113(c)(4) requires that parcels zoned timber production meet the definition of "Timberland" which is defined in Government Code Section 51104(f) as: "Privately owned land, or land acquired for state 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".

Analysis: Field review of the parcels suggests that each is capable of producing wood fiber in excess of 15 cubic feet/acre/year. Soil productivity analysis confirms this observation. The primary forest soil type for both parcels is the Ben Lomond-Felton complex, which transitions into the Sur-Catelli complex moving easterly. Each of these soil types are listed in the USDA Soil Survey (1980) as "well-suited to the production of redwood and Douglas-fir" (although the Sur soils in harsher climates can be unsuitable), and based on field review, is currently producing approximately 60-70 cubic feet of wood fiber/acre/year.

COMPATIBLE USE ANALYSIS

The subject parcels have good road access and enough flat areas that each is capable of supporting both forestry and limited residential or recreational opportunities. Generally speaking, the owners have done a good job of maintaining harvest features in useable condition, which will continue to highlight timber harvesting as a functional and compatible land use for the future. The subject parcel is bordered on all sides by SU-zoned parcels, only one of which has not been selectively harvested in the last few decades. The eastern boundaries of both parcels are bordered by a property which is currently in the process of being rezoned to TP. The privately held lands in this area (often termed Section 35 for its legal description) have had a very active harvest history, including several selective timber harvest operations that I have personally supervised. Based on the success of these past operations and the decided lack of public controversy during implementation, I believe that timber harvesting is not only compatible with the existing and potential future land use on-site, but in the greater neighborhood context as well. Only the County's reinterpretation of what constitutes an "allowable use" on SU parcels has brought into question the compatibility of timber production.



Electronically Redrawn 2/17/00 nvn
 Rev. 8/30/01 nvn (changed page refs.)

34/35
 31 2

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

Assessor's Map No. 87-05
 County of Santa Cruz, Calif
 Feb., 2000

THP FILE COVER SHEET

THP # 1-92-037 SCR

Timber Owner STEVE MUSCATELL

Mailing Address PO Box 256 City Boulder Creek State CA Zip 95006

Timberland Owner SAME

Mailing Address _____ City _____ State _____ Zip _____

Timber Operator Amrak Logging Permit # A-8973

Mailing Address 26800 Highway 9 City Boulder Creek State CA Zip 95006

Forester Steve Staub License # 1911

Mailing Address 775 Sunlit Lane City Santa Cruz State CA Zip 95060

1.	3.	4.	5.	6.
IP	Notice of Harvest	Preharvest Insp.	Pub. Hrng. Rpt.	Maps
Send-Major	Notice of Review Team	Geology Report	Pub. Hrng. Roster	
Send-Minor	Notice of Public Hrng.	Nat. Diversity Data	Sig. Issues	
	Proof of Publication	Review Team Roster	Sig. Env. Issues	
	Fire Plan	Review Team Recs.	Memos to File	
Inspection Reports		Cum. Impacts	Correspondence	
		RPF Concurrence Ltr.		
		Road Agreements		
		Open Space Agreements		

Location: SAN LORENZO RIVER Sec. 35 Twn. 8S Rge. 3W Ranger District III
Castle Rock Falls 304.12010 ACREAGE: 8 WC/S Report:

PHI/RT 3-17/3-30 Fire Plan Rcvd. _____ Work Comp. _____
 Dec. Date 4-13-92 Expiration Date: 4-15-95 Stocking Report/Waiver _____
 EROSION CONTROL MAINTENANCE: 5/94

INSPECTIONS

Insp. #	Date	Hrs.	Vio.	Insp. #	Date	Hrs.	Vio.	Insp. #	Date	Hrs.	Vio.
PHI	3-17-92	5	-----	4	6-26-92	2	-----				
2	4-29-92	2	-----	5	4-5-93	1	-----				
3	5-6-92	2	-----	6	6-8-93	1	Final				

AMENDMENTS

Amend. #	Date	Sub.	Minor	Amend. #	Date	Sub.	Minor	Amend. #	Date	Sub.	Minor

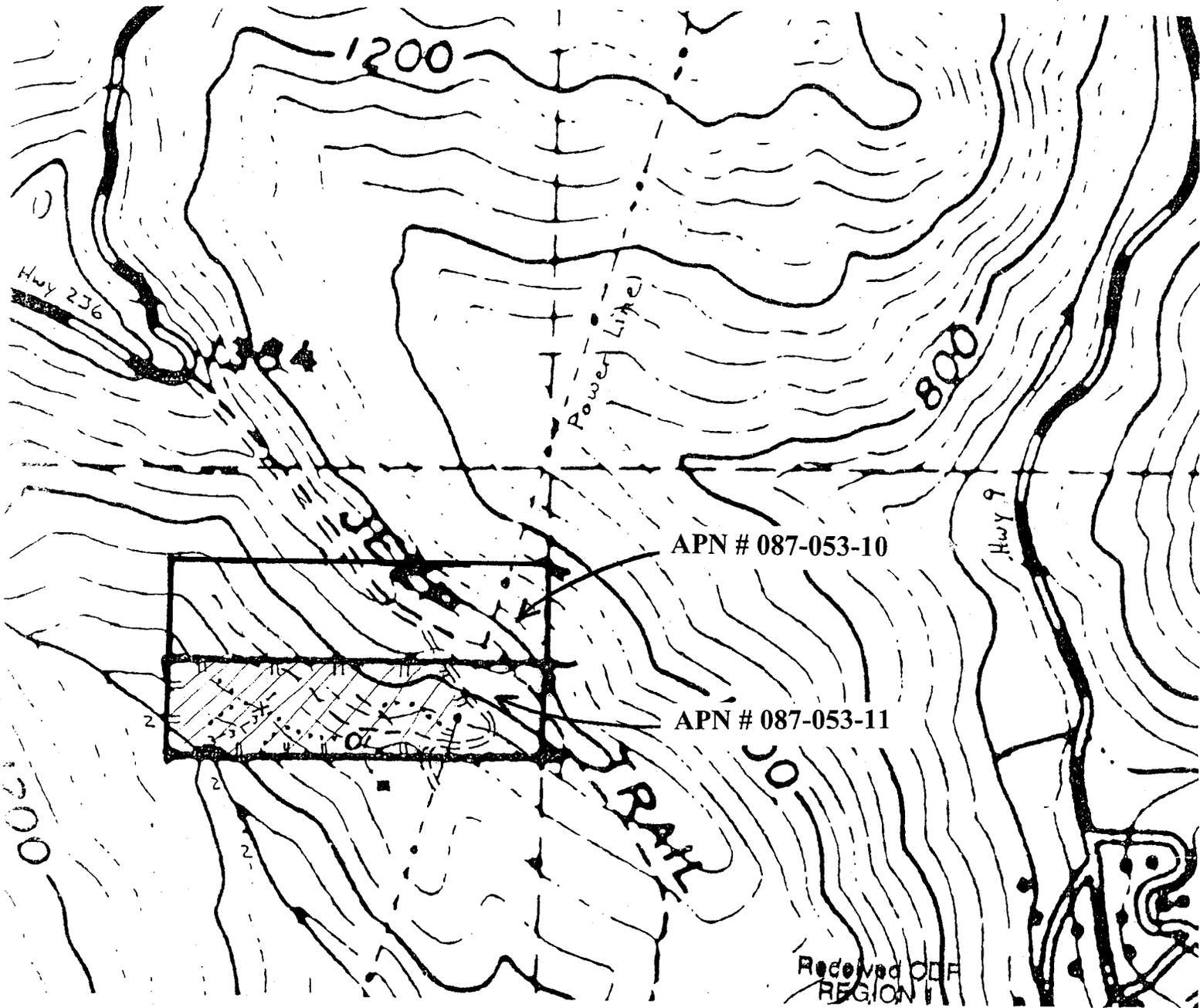
Muscattell THP

NE 1/4, Section 35, T 8 S, R 3 W, MDB&M

1-92-237 SC12

One inch equals 500 feet, contour interval 40 feet

Stocking Schedule Map
5/19/93



Received ODF REGION I

MAY 26 1993

Existing Permanent Road

Existing Seasonal Road

Proposed Landing

Proposed Skid Trail

Harvest Area Boundary

RESOURCE MANAGEMENT Trailer

Fire Protection Zone

Temporary Crossing

Watercourse Class

