



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 13, 2008

Planning Commission
County of Santa Cruz
701 Ocean Street

Santa Cruz, CA 95060

Agenda Date: April 9, 2008

APN: 091-181-03

Application: 07-0583

Item #: 17

Time: After 9 AM

Subject: A public hearing to consider a proposal to rezone a parcel 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 24.6 acres from the Special Use (SU) zone district to the Timber Production (TP) zone district. The uses on the property consist of a residence.

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

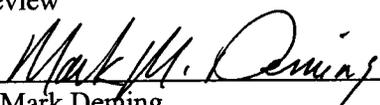
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0583 based on the attached findings (Exhibit B).

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 Cassidy Bill Vaughn, RPF #2685, dated December 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. 07-0583, involving property located at the end of an unnamed right-of-way approximately ½ mile south 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) 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.

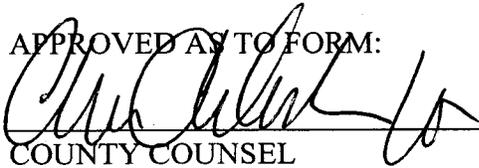
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2008, by the following vote:

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 property located at the end of an unnamed right-of-way approximately ½ mile south 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).

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PDR. SECS. 11, 12, 13 & 14

T.9S., R.2W., M.D.B&M.

Tax Area Code

65-021

91-18

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10

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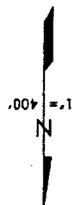
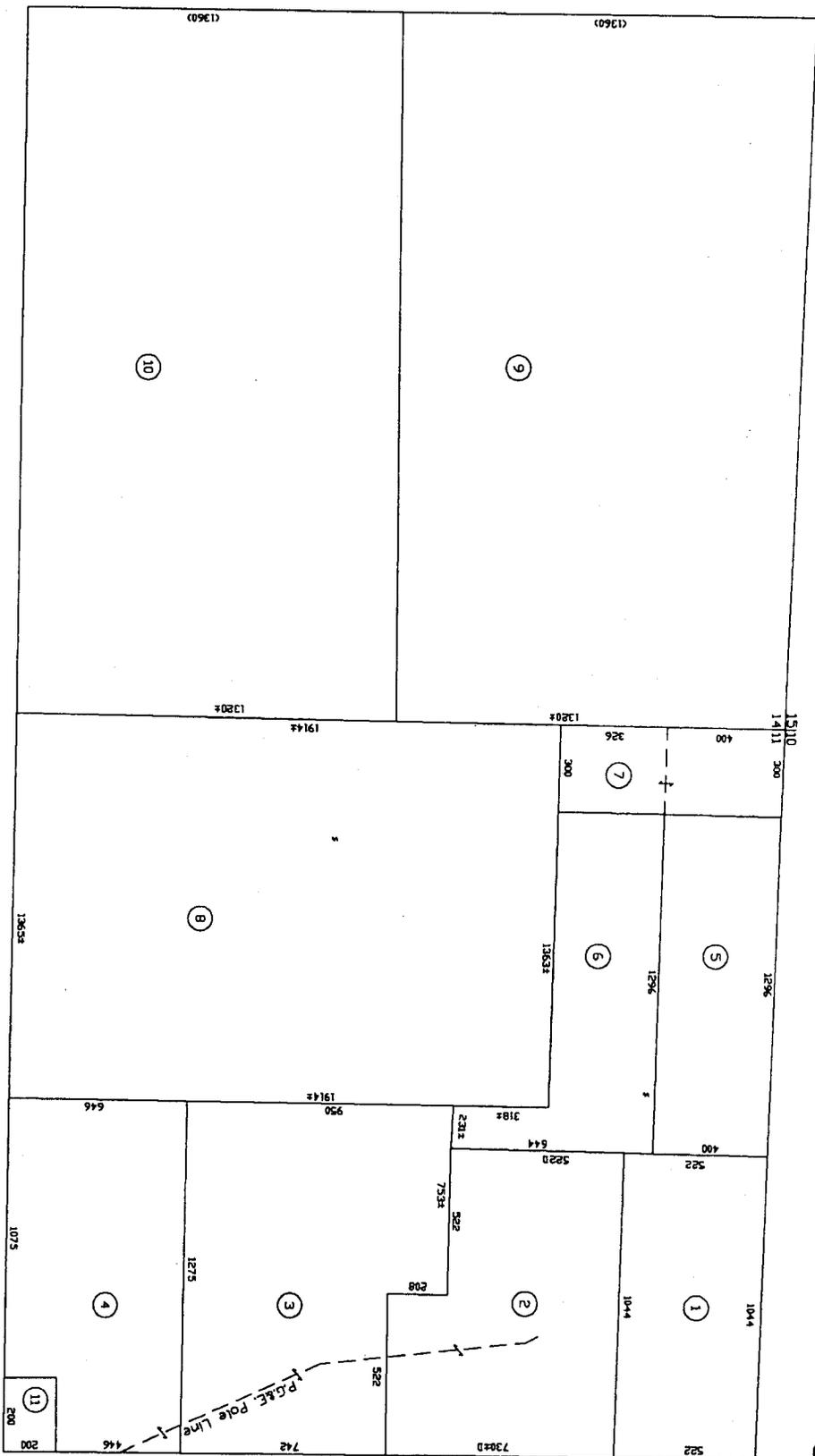


EXHIBIT B

R.S. MAP
SSMB31
10/27/71



ⓐ09

ⓐ9

ⓐ10

ⓐ19

(1360)

(1360)

1510

1411

300

1296

400

1044

522

1208

300

13633

400

1044

522

19142

19142

950

742

522

13653

13653

646

1075

200

ⓑ

ⓐ4

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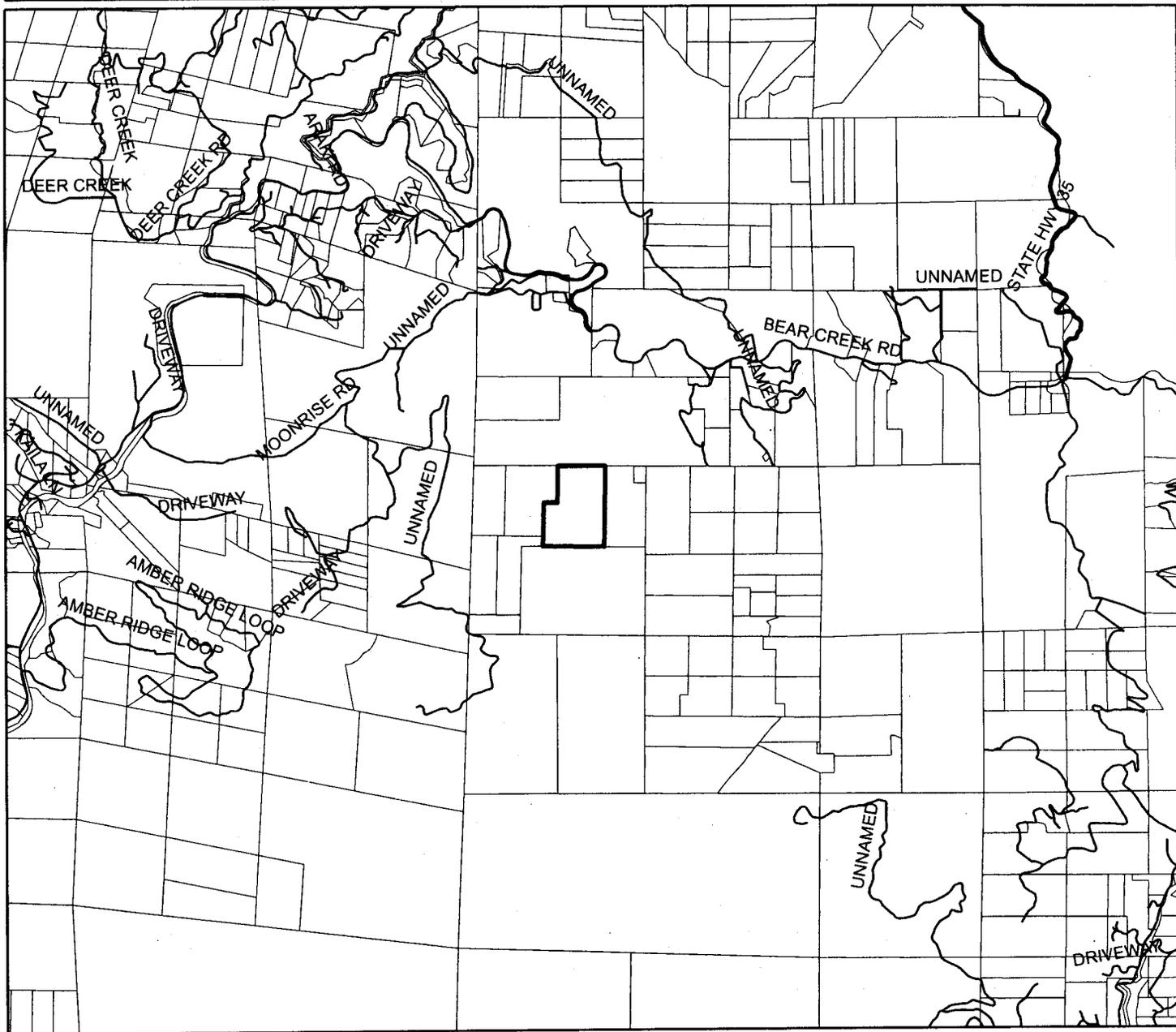
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

ⓐ04

Assessor's Map No. 91-18
County of Santa Cruz, Calif.
Aug. 1996

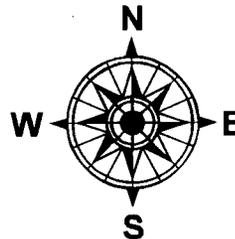


Location Map



LEGEND

-  APN: 091-181-03
-  Assessors Parcels
-  Streets
-  State Highways

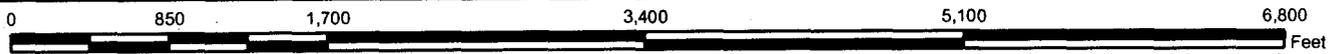
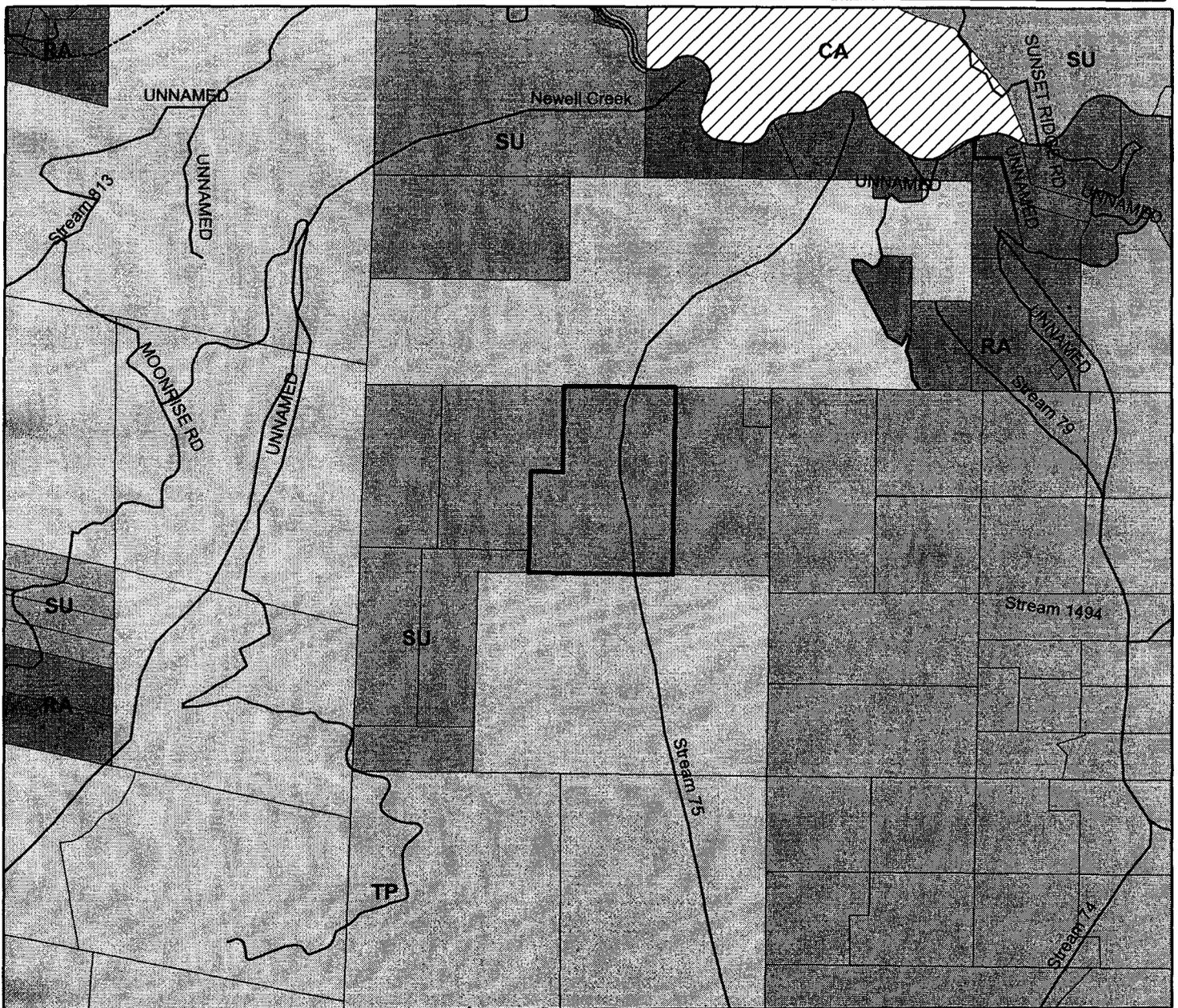


Map created by
 County of Santa Cruz
 Planning Department
 August 2007

EXHIBIT C

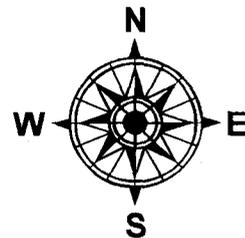


Zoning Map



LEGEND

- APN: 091-181-03
- Assessors Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- AGRICULTURE COMMERCIAL
- AGRICULTURE RESIDENTIAL
- SPECIAL USE
- TIMBER PRODUCTION

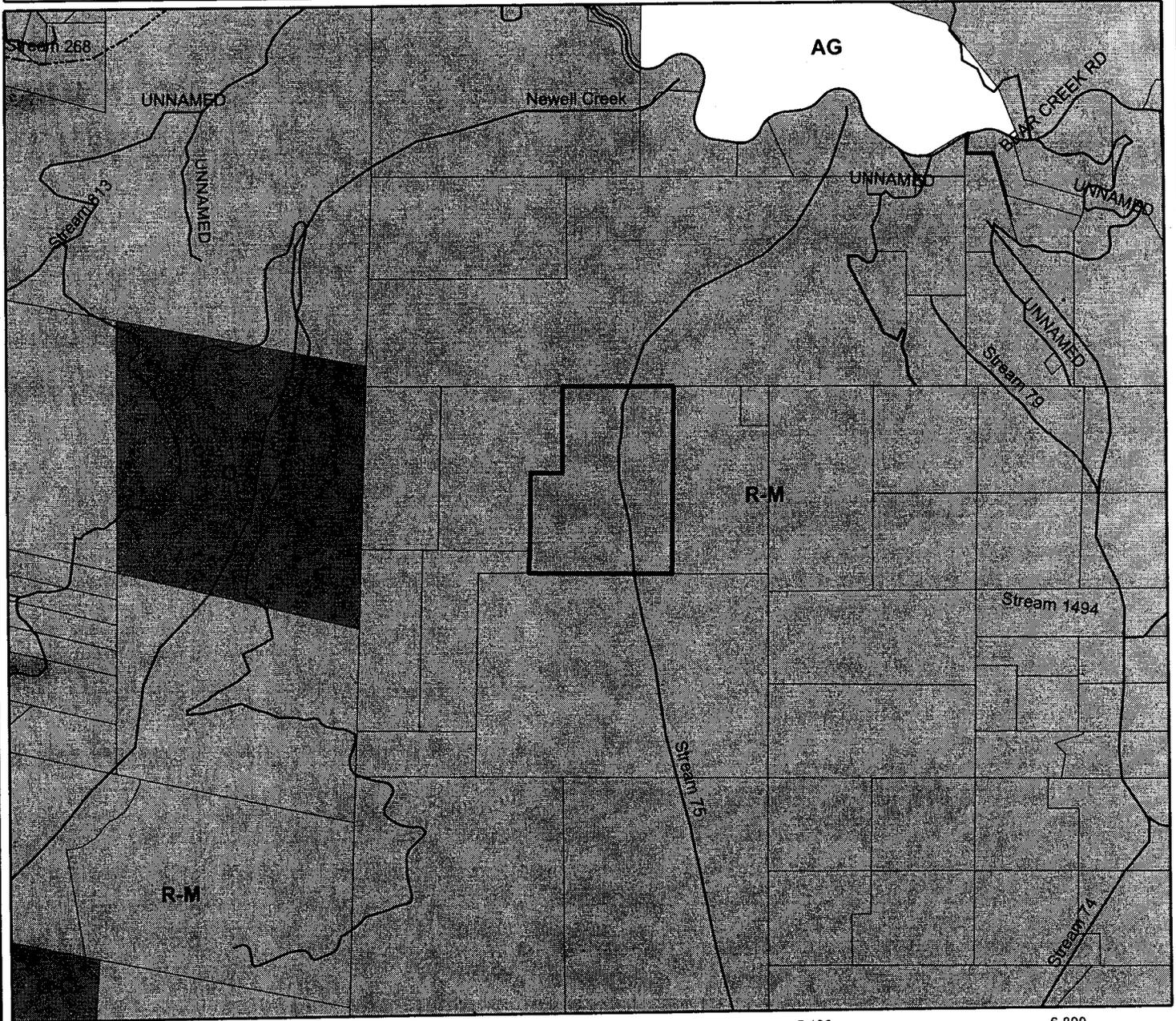


Map created by
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 Planning Department
 August 2007

EXHIBIT C

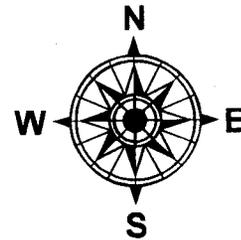


General Plan Designation Map



LEGEND

- APN: 091-181-03
- Assessors Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- Agriculture
- Residential-Mountain
- Resource Conservation



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: 07-0583

Assessor Parcel Number: 091-181-03

Project Location: Property located at the end of an unnamed right-of-way approximately ½ mile south of the intersection with Bear Creek Road.

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

Person or Agency Proposing Project: John Roesser

Contact Phone Number: (408) 406-9916

- 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

December 4, 2007

Re: TPZ Rezoning of Santa Cruz County Assessor's Parcel # 091-181-03 (Application # 07-0583)

Maria,

This letter requests re-zoning Santa Cruz County Assessor's Parcel # 091-181-03 from its current Special Use (SU) designation to the Timber Production Zone (TPZ). As noted above, a rezone application has already been filed (copy attached), and this is the accompanying Timber Management Plan. The parcel is owned by John Roesser and meets the following criteria:

- 1) The parcel currently meets 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 parcel currently meets the definition of "Timberland" per Section 51104 (f) of the Government Code (See attached Wood Fiber Analysis).
- 3) The parcel currently meets the permitted use requirements per County Code Section 13.10.372 (See attached Compatible Use Analysis).
- 4) The subject parcel was clear-cut around 100 years ago and has not been harvested since. It is bordered on the north and south by TPZ parcels, both of which have been logged in the last 15 years. The parcel is bound on the west by a property that was selectively logged about 10 years ago and has a pending application for TPZ rezoning. The property is bordered on the east by a timbered parcel that is currently being considered for TPZ rezoning, and is under the same ownership as the parcel to the west. This background is provided to clarify that the parcel is located within an area that has an active timber management history. While the parcel contains skid trails, roads, and landings that provide for a stand-alone harvest, I strongly recommend that the property be managed in conjunction with one or more of the adjoining parcels to maximize economies of scale.
- 5) The parcel meets the minimum 5-acre size requirement.

Also attached:

- 1) Assessor's Parcel Map.
- 2) A copy of the TPZ Development Permit Application and payment of associated fees.

Sincerely,

Cassidy Bill Vaughan, RPF #2685

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 property 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. A good percentage of the property is as productive as the best timber producing ground in the Newell Creek drainage, and is clearly capable of maintaining the minimum basal area standards cited above.

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 parcel confirms that it is capable of producing wood fiber in excess of 15 cubic feet/acre/year. The primary forest soil type on the parcel is the Ben Lomond-Felton complex. The Ben Lomond Felton complex is listed in the USDA Soil Survey (1980) as "well-suited to the production of redwood and Douglas-fir", which is confirmed by field analysis that suggests that the parcel's timbered lands are currently producing approximately 70-80 cubic feet of wood fiber/acre/year.

COMPATIBLE USE ANALYSIS

The subject parcel is accessed by a permanent road that can accommodate 10-wheeler log trucks. Various flat areas on the parcel provide adequate staging areas for loading and processing of logs, and ground-based equipment can operate from moderately sloped ground and existing road and trail features. Generally speaking, the owner has done a good job of maintaining roads and trails in a functional and useable condition, and has not allowed other uses of the property to make harvesting infeasible or incompatible. As discussed above, the parcel is bordered on the north and south by TPZ parcels, both of which have been logged in the last 15 years. The parcel is bound on the west by a property that was selectively logged about 10 years ago and has an active application for TPZ rezoning, and on the east by a timbered parcel that is currently being considered for TPZ rezoning and is under the same ownership as the parcel to the west. Based on my personal involvement with the adjoining parcels and the success of their past management, I believe that timber harvesting is not only compatible with the existing and potential future land uses 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.

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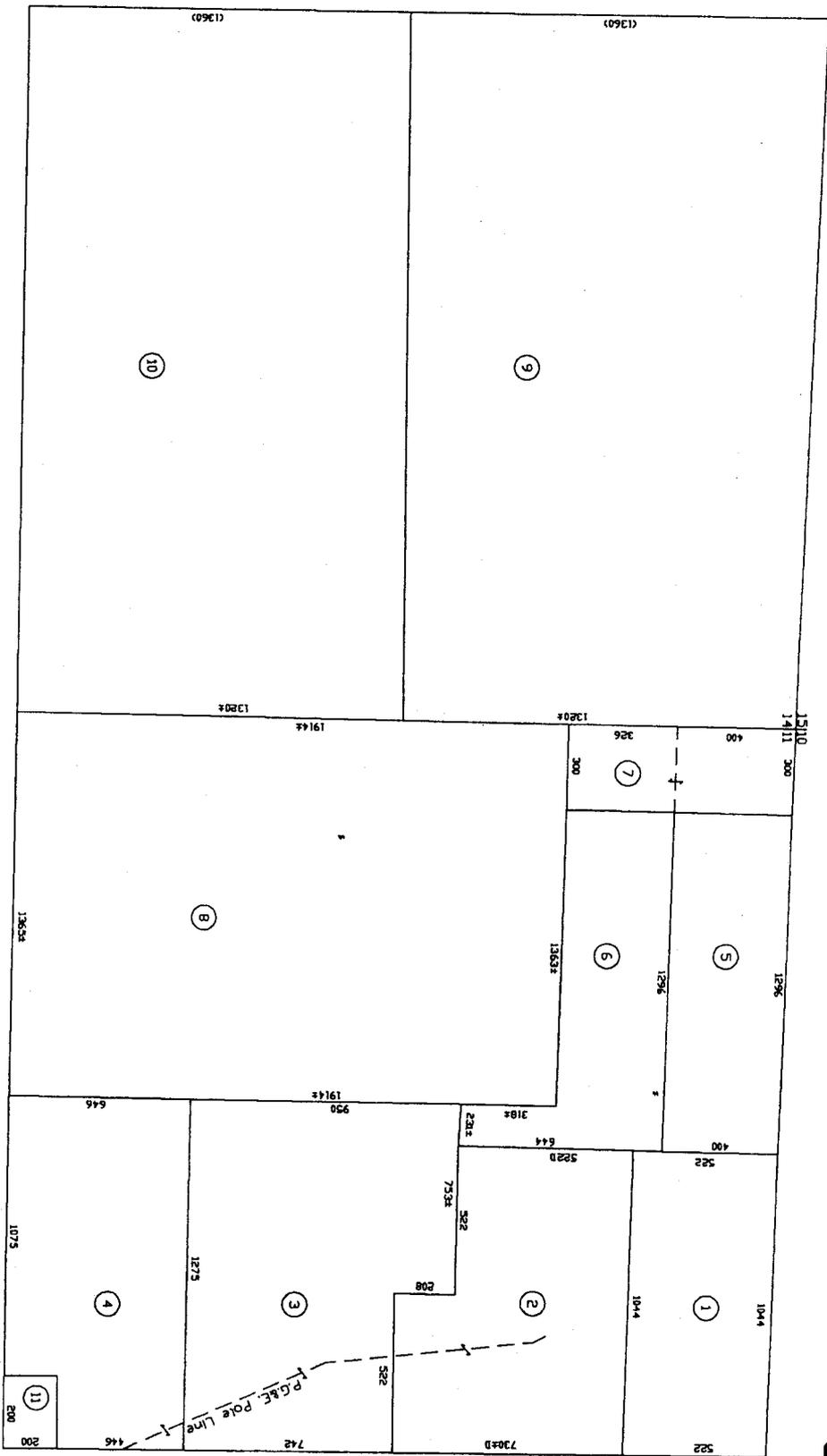
Tax Area Code
 65-021

91-18



EXHIBIT

R.S.
 55MB
 10/27/71



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

Assessor's Map No. 91-18
 County of Santa Cruz, Calif.
 Aug. 1996

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 3/4/88