

### COUNTY OF SANTA CRUZ

#### PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060 (831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

#### TOM BURNS, PLANNING DIRECTOR

February 13, 2008

Planning Commission County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060 Agenda Date: April 9, 2008

APN: 089-091-32 Application: 07-0586

Item #: 19

Time: After 9 AM

Subject: A public hearing to consider a proposal to rezone a single lot of record from the Residential Agriculture (RA) 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 a 20.2-acre parcel from the Residential Agriculture (RA) 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.

<sup>&</sup>lt;sup>1</sup> c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland production under this section.

The criteria shall not impose any requirements in addition to those listed in this subdivision and in subdivision (d). The following shall be included in the criteria:

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

<sup>(2)</sup> A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester. The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

<sup>(3) (</sup>A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.

<sup>(</sup>B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed.

Notwithstanding the provisions of Article 4 (commencing with Section

<sup>51130),</sup> if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the county general plan and whose primary use is other than timberland.

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

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

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

<sup>(1)</sup> The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.

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

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:

- 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. 07-0586 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 August 15, 2007.

Maria Porcila Perez

Project Planner

Development Review

Reviewed By:

Assistant Planning Director

## BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

R	<b>ESC</b>	)LU	TION	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.07-0586 involving property located on the east side of Hopkins Gulch Road, approximately ¾ 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 Residential Agriculture (RA) 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.

	Chairperson
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State

COUNTY COUNSEL

ORDINANCE NO.	
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## 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 east side of Hopkins Gulch Road, approximately ¾ 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**

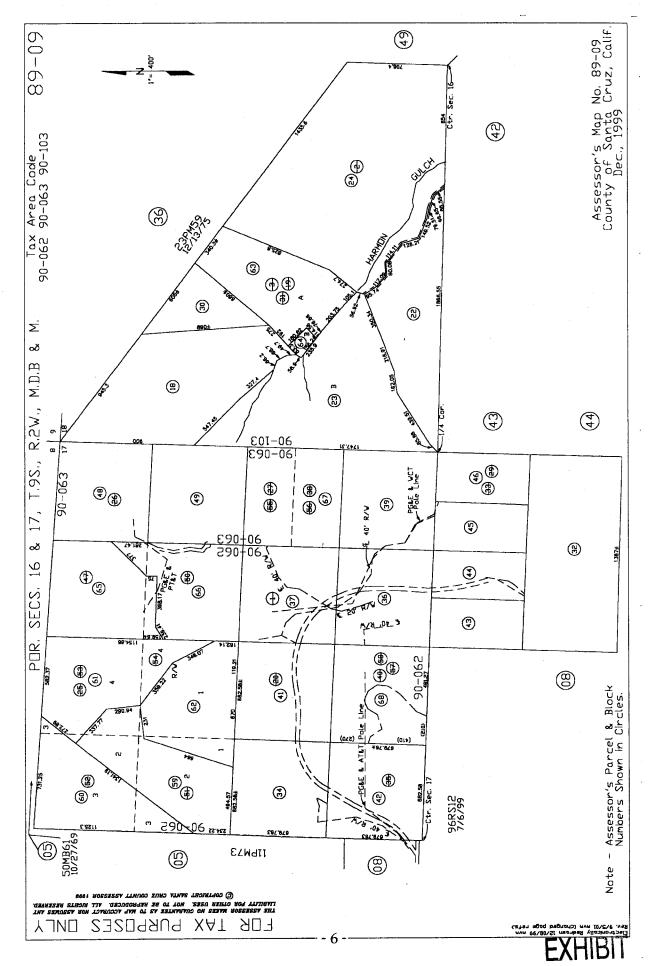
The Board of Supervisors hereby adopts the Zoning Plan Amendment as described in Section III, and adopts the findings in support thereof without modification as set forth below:

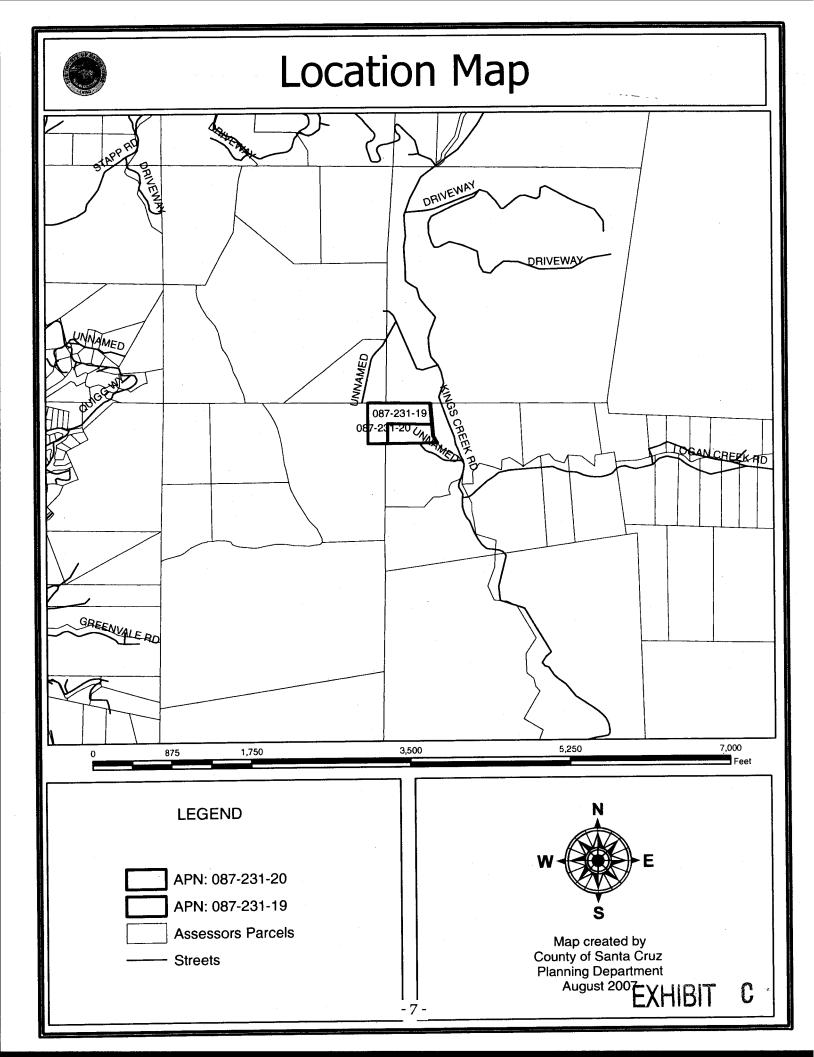
- 1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
- 1. The proposed zone district is appropriate for the level of utilities and community services available to the land; 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:

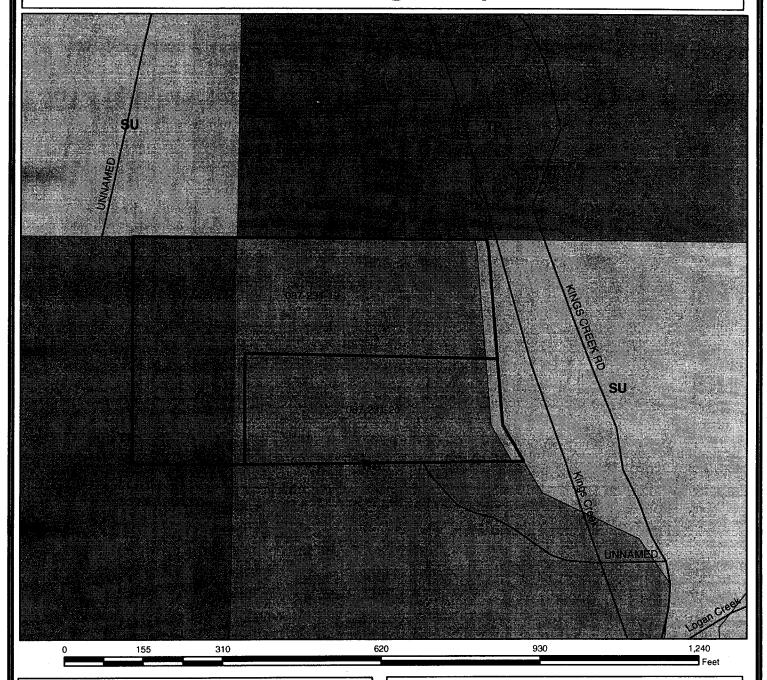
Assessor's Parcel Number		<b>Existing Zone District</b>	New Zone District	
089-091-32		Residential Agriculture (RA)	TP	
		SECTION IV		
This ordinance sh	all take effect on	the 31 <sup>st</sup> day after the date of	final passage.	
PASSED AND A of the County of S		day of following vote:	2008, by the Board of Super	rvisors
NOES: SU ABSENT: SU	PERVISORS PERVISORS PERVISORS			
		Chairman of the B	oard of Supervisors	
ATTEST:Clerk o	of the Board	<del></del>		
APPROVED AS	TOFORM:  Counsel			
Exhibit: Rezoning	д Мар			
DISTRIBUTION	County County Planning Assessor County	nsel		GIS







## **Zoning Map**



# LEGEND APN: 087-231-20 APN: 087-231-19 Assessors Parcels Streets STREAMTYPE PERENNIAL INTERMITTENT AGRICULTURE RESIDENTIAL SPECIAL USE TIMBER PRODUCTION



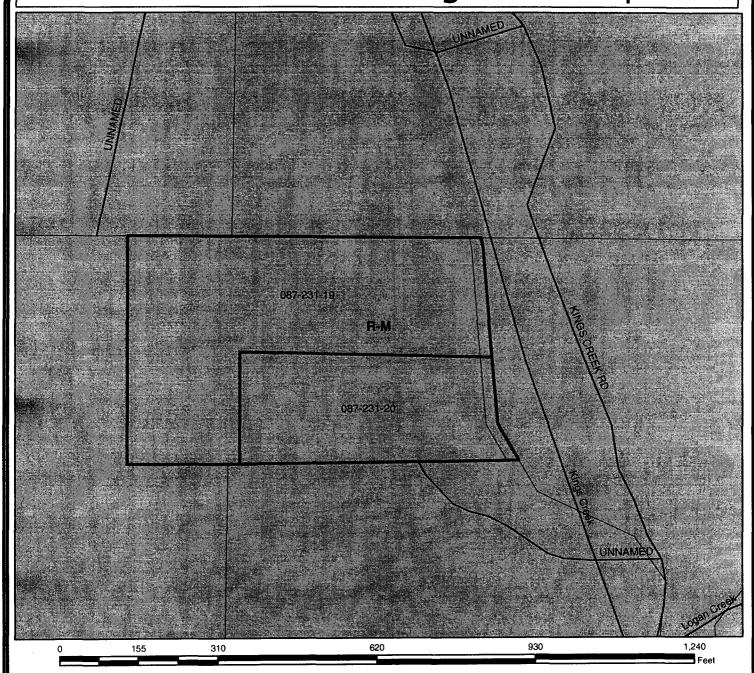
Map created by County of Santa Cruz Planning Department August 2007

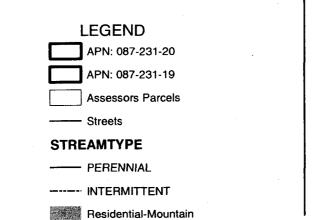
EXHIBIT

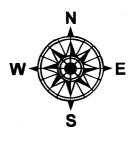
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## General Plan Designation Map







Map created by County of Santa Cruz Planning Department August 2007

**EXHIBIT** 

## 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.

	Number: 07-0586 cel Number: 089-091-32
Project Loca	tion: Property located on the east side of Hopkins Gulch Road, approximately ¾ of of the intersection with Bear Creek Road.
Project Desc	cription: Rezone a single parcel from the Residential Agriculture (RA) zone districts to the Timber Production (TP) zone district.
Person or A	gency Proposing Project: Earl Kieser
Contact Pho	one Number: (831) 338-2244
A B C DX	The proposed activity is not a project under CEQA Guidelines Section 15378. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.  Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285). [Section 1703]
In addition, 1	none of the conditions described in Section 15300.2 apply to this project.
	Date:
Maria Porcil	a Perez, Project Planner

## Timber Management Plan for the lands of

John Jackson 2 42
APNS 089-081-21, 089-091-3 Hopkins Gulch
APNS 087-231-19, 087-231-20 Kings Creek
Santa Cruz County, Calif.

Aug. 15, 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 parcels from their current zoning designation of Rural Agriculture (RA) and Special Use (SU) to Timber Production Zoning (TPZ).

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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.

<u>NOTE</u>-Two of these parcels are adjacent to each other in the Hopkins Gulch watershed. These total 53.6 acres in size. Two other parcels are in the Kings Creek watershed they total 5 acres and are adjacent to each other and a 36.6 acre TPZ parcel also owned by J. Jackson.

#### General Property Description-

Hopkins Gulch Parcels-

089-081-21 is currently zoned SU. It is 33.4 acres in size and is partially covered by the counties Timber Resource Overlay. Portion of Sec 17 T9S R2W MDB&M

089-091-32 is currently zoned RA. It is 20.2 acres in size. It is not covered by the Timber Resources Overlay. S1/2 of the NE1/4 of the SE1/4 of Sec 17 T9S R2W MDB&M.

These parcels are adjacent and have been managed as a unit so they will be described together. The parcels are located on the Castle Rock USGS Quad map. The parcels are a mix of redwood forest, Douglas-fir forest and stands of hardwood and grassy openings. The topography is variable, large gently sloped areas exist near the bottom of the parcel and along the ridge. The mid slope areas are a mix of flats and steeper slopes. Elevations range from 620' where the class II watercourse (Hopkins Gulch) leaves the property to 1,120' along the ridge line near the East boundary of the parcels. A couple of small class III watercourses occur on the parcel. The parcels are used for running a small excavation business and as a residence.

<u>History</u>- The parcels were originally harvested for old growth timber in the early 1900's. They has been harvested once for second growth timber in 1988. The THP was 1-88-605SCR, a copy of the THP map is attached. Historically the area was operated as farm/ranch.

Access and Boundaries- The parcels are accessed from Hopkins Gulch Road a private road. This road forms the west boundary of parcel 089-081-21. The north boundary is at least partially fenced. The southerly boundary follows a spur ridge.

<u>Timber/Cover Types</u>-The parcels have 3 distinct cover types: G-Grasslands and areas that were historically cleared. Species include grasses and invasion of covote brush, black berry and French broom. R-Redwood forested areas typically found on the deeper soils along the drainage ways and gentle bowl shaped area on the parcels. Species include redwood, Douglas-fir, Tan Oak, Madrone and Bay Laurel.

D-Douglas-fir and mixed hardwood forest found on the thinner soil more exposed portions of the parcels nearer the ridges and spur ridges. Species include Douglas-fir, an occasional redwood, Tan Oak, Live Oak, Madrone and Bay Laurel.

<u>Soils</u>-There are 5 mapped soil types on the property and soils are highly variable in this location. The 5 soils that are mapped as occurring on the parcel are:

- 115-Ben Lomond-Felton Complex 30-50% slopes. These are typically good timber soils, and support stands of redwood and Douglas-fir on these parcels.
- 149-Madonna Loam 15-30% slopes. This soil is typically a poor timber soil but supports good stands of redwood and Douglas-fir on a portion of these parcels, the remainder of this soil type is cleared.
- 152-Maymen Madonna Complex 30-75% slopes. Portions of this soil type support stands of redwood and Douglas-fir, other portions support only scattered conifer trees in stands of hardwood, portion is grassland.
- 169-Santa Lucia Clay Loam 50-75% slope. Portions of this mapped soil type support stands of redwood, the remainder is hardwood and brush with scattered Douglas-fir.
- 173-Sur-Catelli Complex 50%-75% slope. These soils support hardwood forest with a scattered conifer component.

Volume Growth and Yield-Approximatly 15 acres is productive site class III redwood forest (R), another 27 acres is site IV and V timberlands (D), the remainder is open ground (G). The redwood forest is roughly stocked between 15,000-20-000 Board feet (BF) per acre. For an estimated total volume of 275,000 BF. The low site timberland are stocked at about 2,000 BF/acre for an estimated total volume of 40,000BF. There is an additional 5-8 cords per acre in this type. Total standing volume by parcel:

APN 089-081-21 165,000BF APN 089-091-32 110,000BF

These parcels are productive timber lands which are available and capable of growing a crop of commercial tree species in quantities greater than 15 cubic feet (cuft) of wood fiber per year. The site index for the redwood forest is estimated at 130-150 and the area is about 50% stocked. The yield table give a value of 8,250 cuft per acre. Growth is estimated at 3%, 246 cu ft/acre/year or 525 BF/acre/year.

<u>Future Timber Management and Units</u> Approximately 15 acres are accessible for harvest utilizing traditional ground skidding access. The remaining 27 acres of low site timber is harvestable but the scattered nature of the timber would be harder to access and require careful mapping to meet stocking requirement after harvest.

This 15 acre portion of the property is anticipated to yield 120 MBF (thousand board feet) under a 50% - 60% selection harvest. This could be repeated on a 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/ MBF x 120 MBF = \$69,600.

The cost of obtaining a Timber Harvest Plan (THP; harvesting permit) 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 15 acres could cost \$15,000 - \$20,000.

The 15 acre unit discussed is a stand alone unit in that it has its own adequate landing areas and truck and skid road access.

#### General Property Description-

Kings Creek Parcels-

087-231-19 is currently zoned RA. It is 2.7 acres in size. It is covered by the Timber Resources Overlay. Portion of Sec 6 T9S R2W MDB&M

087-231-20 is currently zoned RA. It is 2.3 acres in size. It is covered by the Timber Resources Overlay. Portion of Sec 6 T9S R2W MDB&M.

These two parcels are adjacent to each other and to a third parcel zoned TPZ and also owned by John Jackson. These parcels have been historically managed as one unit and the two small parcels will be discussed together. The large TPZ parcel was not reviewed. Together these two parcels are 5 acres in size. The parcels are redwood forestland. The parcels are moderately sloped and borders Kings Creek. It is located on the Castle Rock USGS Quad map. Elevation ranges from 725' near the bridge to 920' along the border of the larger TPZ parcel. Kings creek is a class I watercourse and is mapped as an anadramous fish stream in this reach. There is a class III watercourse which also crosses these parcels.

<u>History</u> - The parcel was originally logged in the late 1800's or early 1900's. Commercial harvesting has occurred twice since the initial old growth harvest. The last THP was 1-93-241SCR. A copy of this THP map is attached. These parcels were harvested in conjunction with the larger TPZ parcel. No evidence of obvious historic structures or archeological sites were observed.

<u>Access and Boundaries</u> - Access to the parcel is from Kings Creek Road. A permanent bridge provides access to the portion of the parcel across Kings Creek. These parcels afford access to the larger TPZ parcel. Boundaries were previously flagged for the last timber harvest.

<u>Timber/Cover Types</u> - These parcels have only one timber type. They are redwood forest with a Douglas-fir and hardwood component. Hardwoods consist of Tan oak, Madrone, Bay Laurel.

Soils - There is only one soil type on the parcels.

114-Ben Lomond-Felton Complex 30-50% slopes. This is a deep timber soil.

<u>Volume, Growth and Yield</u> - All 5 acres of these parcels is site class III productive redwood timber land. The area is roughly stocked at 15,000 BF per acre, for an estimated total volume of 75,000 BF. There is an additional 5-6 cords per acre in this type. Total standing volume by parcel:

APN 087-231-19 37,500BF APN 087-231-20 37,500BF

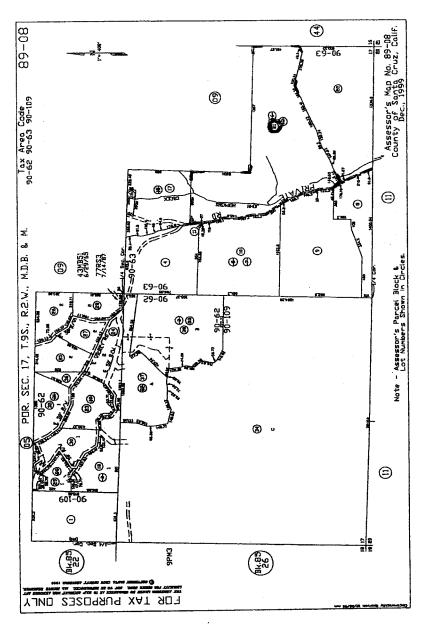
These parcels are productive timber lands which are available and capable of growing a crop of commercial tree species in quantities greater than 15 cubic feet (cuft) of wood fiber per year. The site index for the redwood forest is estimated at 130-150 and the area is about 50% stocked. The yield table give a value of 8,250 cuft per acre. Growth is estimated at 3%, 246 cu ft/acre /year or 525 BF/acre/year.

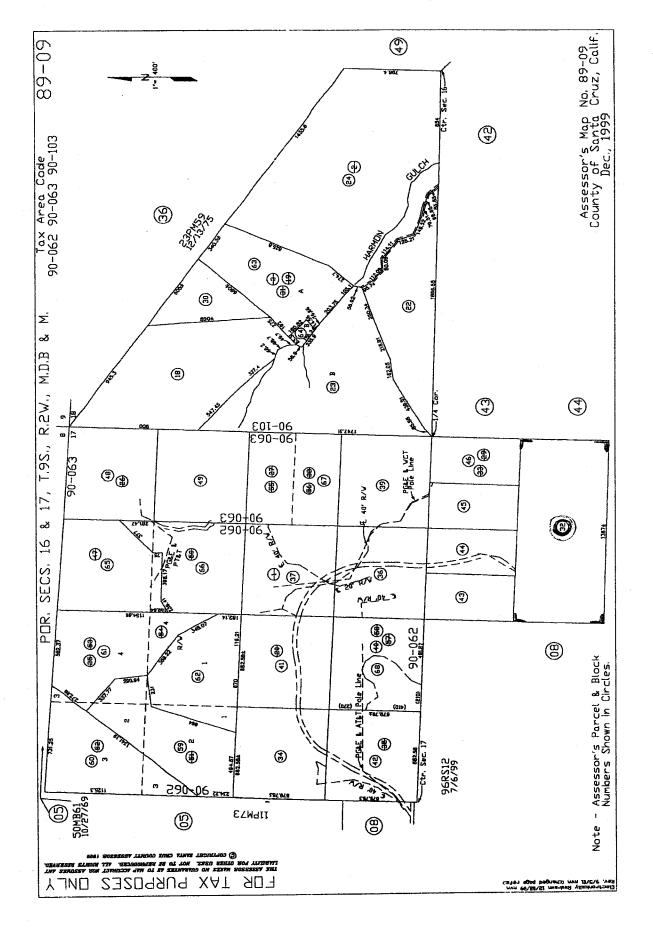
Future Timber Management and Units— All 5 timbered acres are accessible utilizing traditional ground skidding access. This 5 acre property is anticipated to yield 35 MBF (thousand board feet) under a 50% - 60% selection harvest. This could be repeated on a 14 year cycle. Utilizing the stumpage values (price paid for standing trees) provided by the California Tax Board the stumpage value of such a sale would yield \$580/ MBF x 35 MBF = \$20,300.

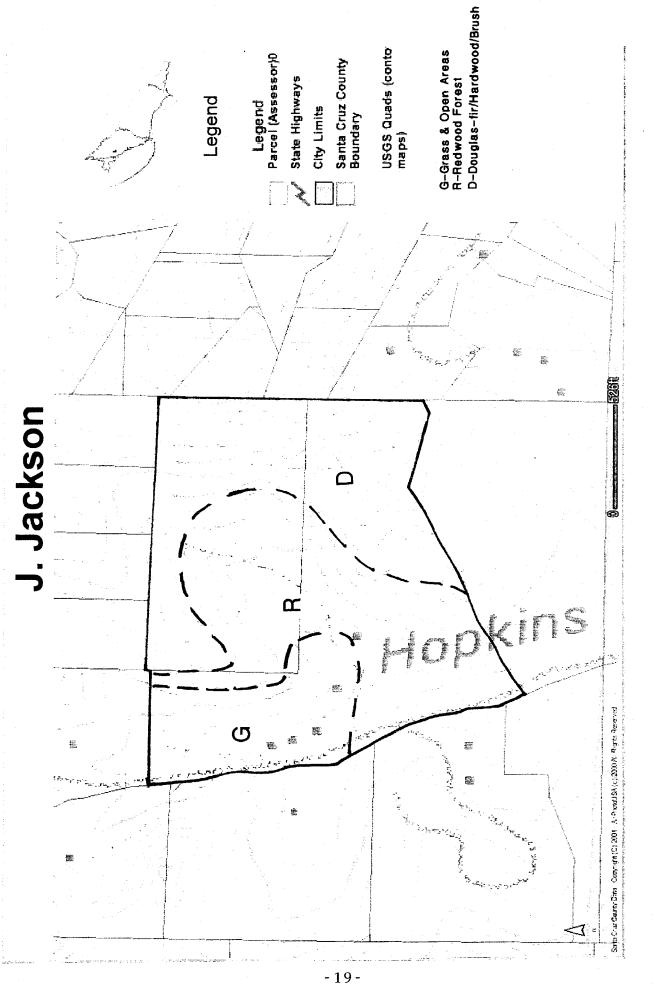
The cost of obtaining a Timber Harvest Plan (THP; harvesting permit) would need to be subtracted from this value. THP's are fairly expensive and carry a high fixed cost. To obtain a THP for your 5 acres could cost \$15,000 - \$20,000.

While this still produces a viable stand alone sale, the best course of action would be to tie the harvest of these parcels with the adjacent 36.6 acre piece also owned by John Jackson. The 5 acre unit discussed is a stand alone unit in that it has its own adequate landing areas and truck and skid road access. This access is also the best access to the larger TPZ parcel.

## Hopkins Gulch Maps





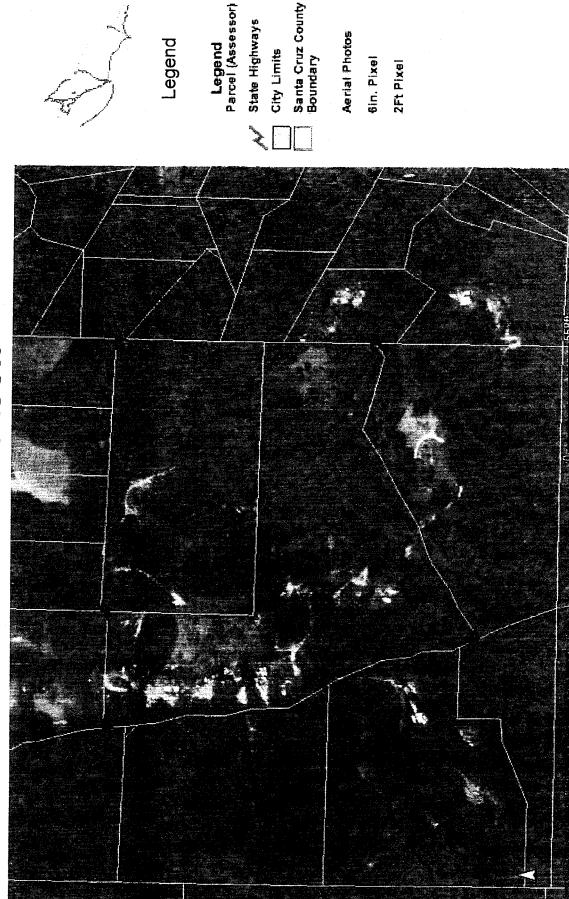


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## **EXHIBIT**

## J. Jackson



Legend

Legend Parcel (Assessor)

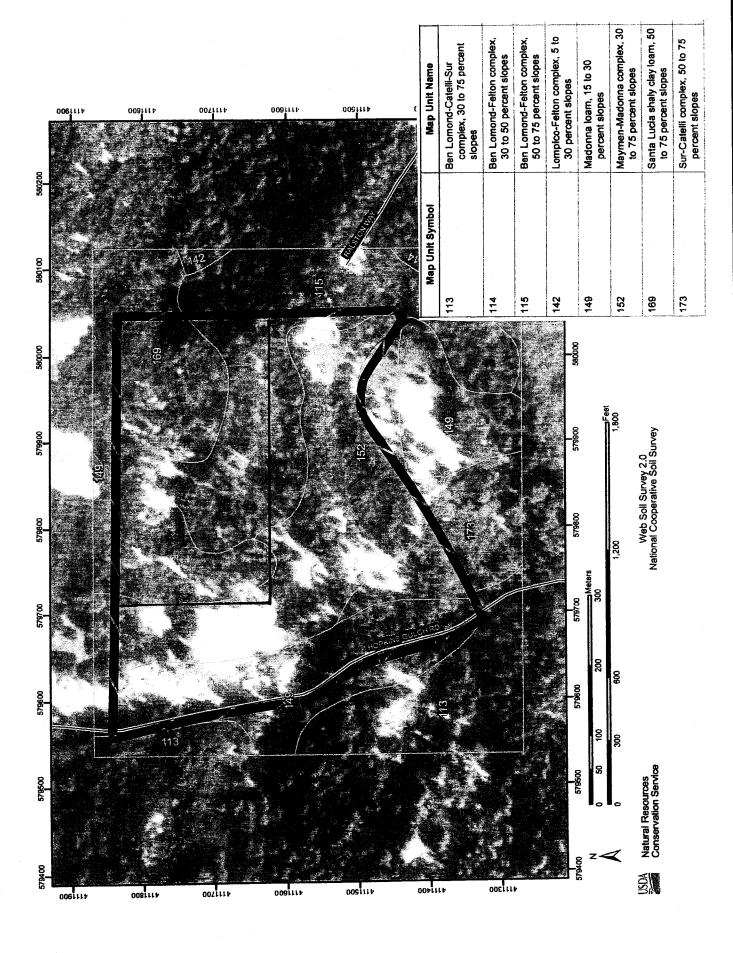
State Highways

City Limits

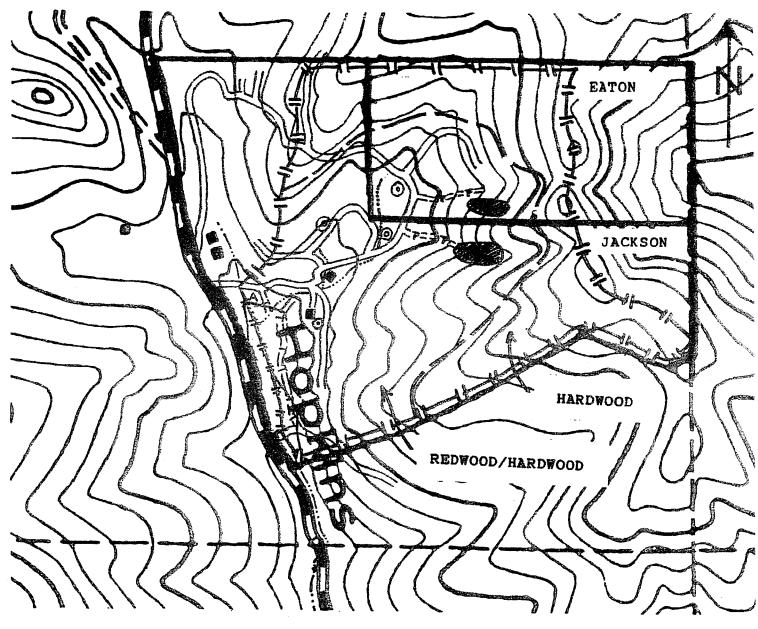
Aerial Photos

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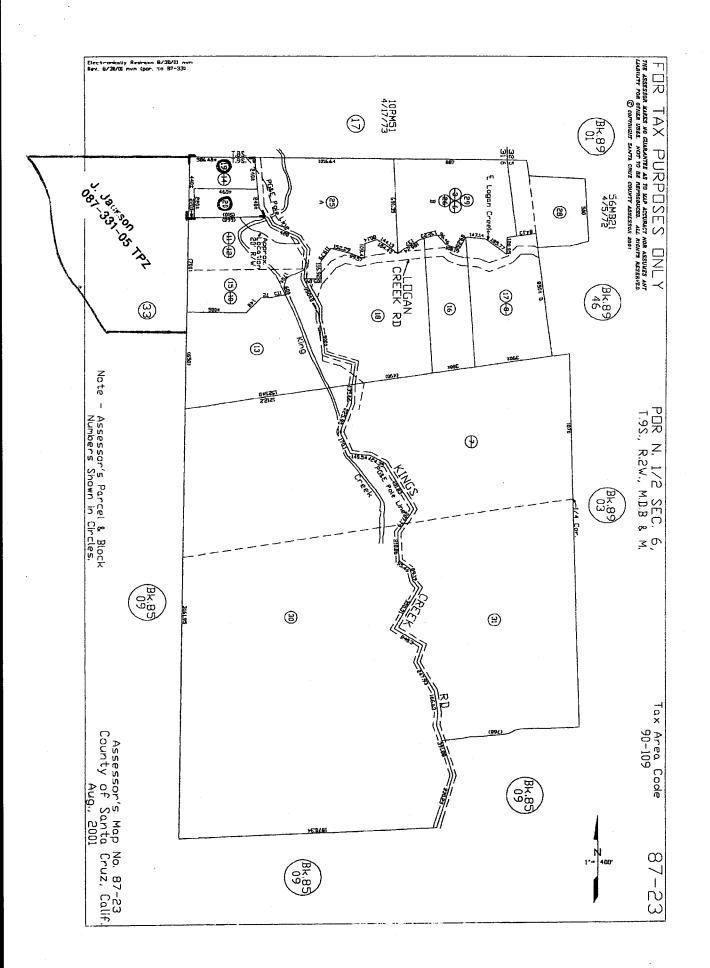
SCALE: 1 IN = 400 FT CONTOUR INTERVAL = 40 FT 1200 800 16D0 : 2000 3 158 LEGEND: PROPERTY LINE THP BOUNDARY --PERMANENT WATERCOURSES SEASONAL CLASS II -TRACTOR CLASS III -CLASS IV-EXISTING TTTT LANDINGS: EXISTING PROPOSED @ PROPOSED\_\_\_P\_\_\_P\_ REDWOOD/HARDWOOD.

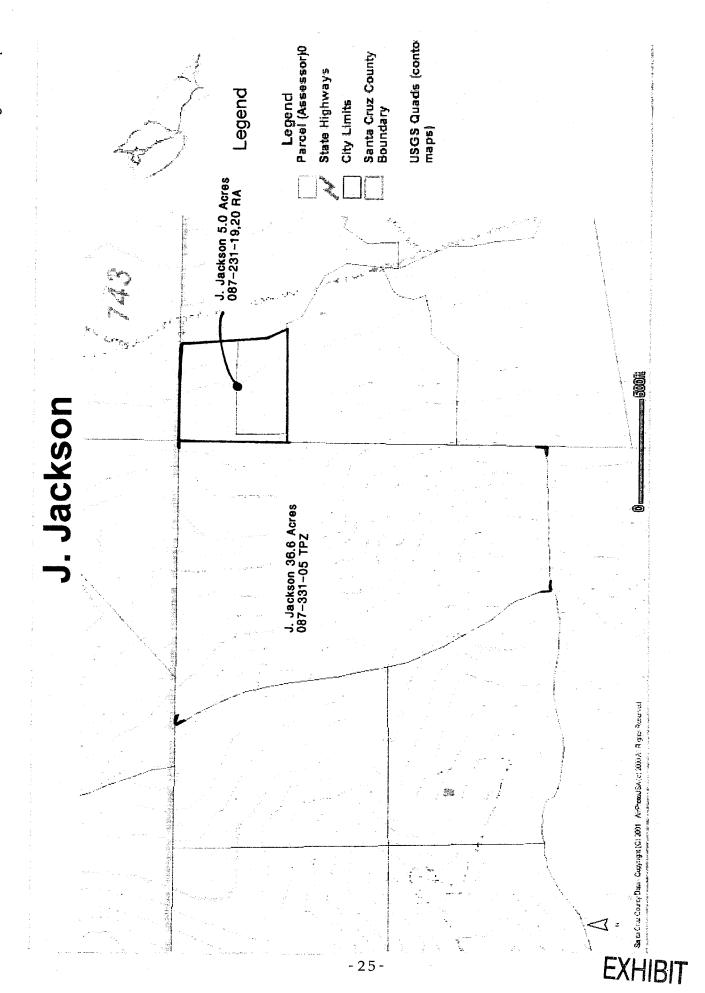
HARDWOOD

MAY EXCEED 65%

EXHIBIT E.

## Kings Creek Maps





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