

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**

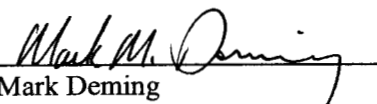
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0597 based on the attached findings (Exhibit B).

#### **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 December 6, 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. 07-0597, involving property located on the east and west side of Trout Gulch Road at the intersection with Fern Flat Road (4600 Trout Gulch 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**

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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 and west side of Trout Gulch Road at the intersection with Fern Flat Road (4600 Trout Gulch 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>
105-411-10	Special Use (SU)	TP

### SECTION IV

This ordinance shall take effect on the 31<sup>st</sup> 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:


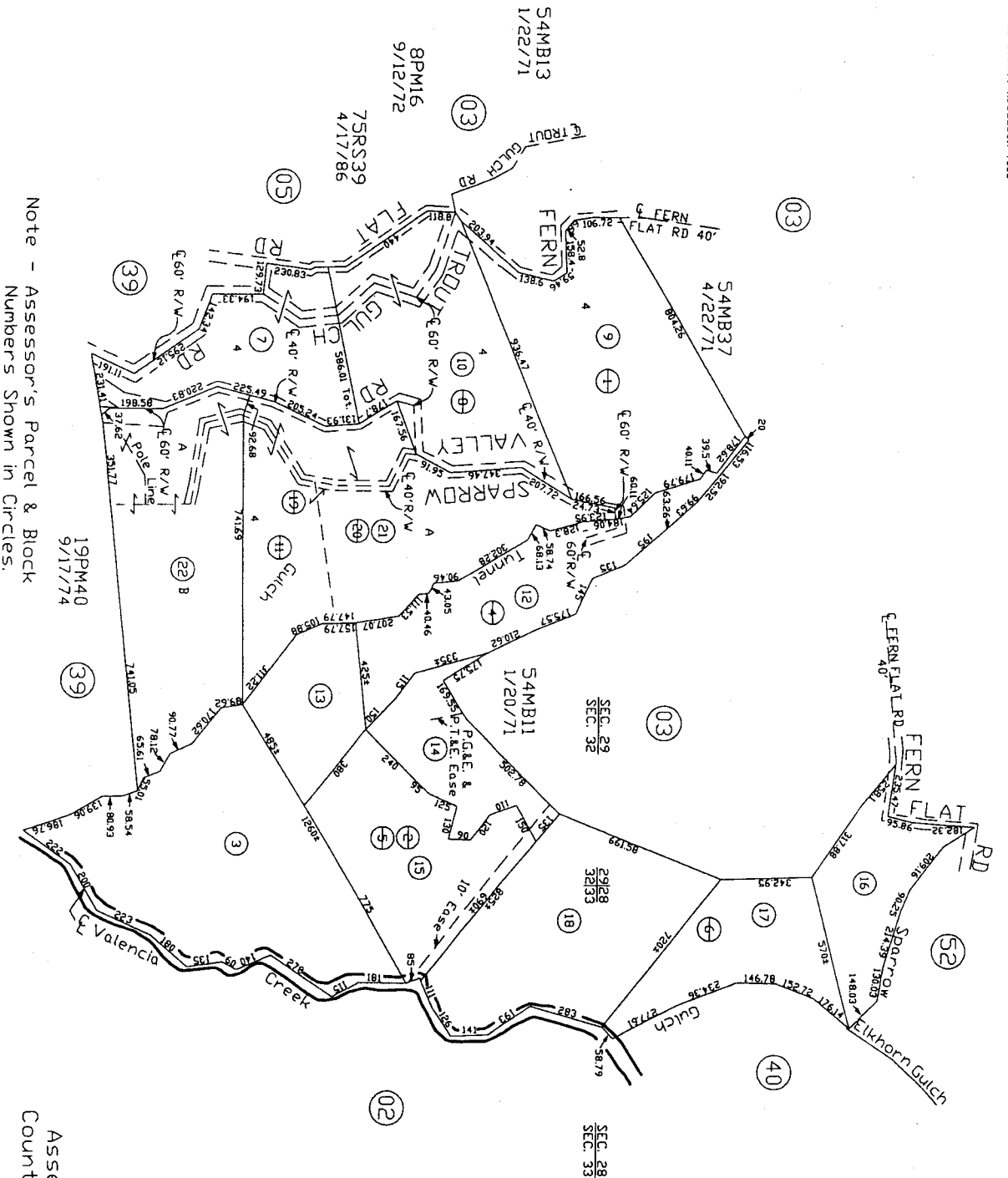
  
\_\_\_\_\_  
Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel  
Planning  
Assessor  
County

GIS

Electronically redrawn 7/1/98 KSA  
Rev. 10/3/01 nvn (changed page refs.)  
Rev. 11/08/02 DD (boundary corr by plotting deeds, 1-3,12 to 18)

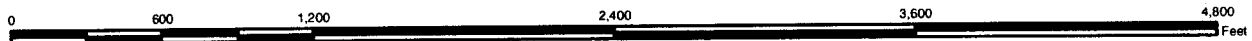
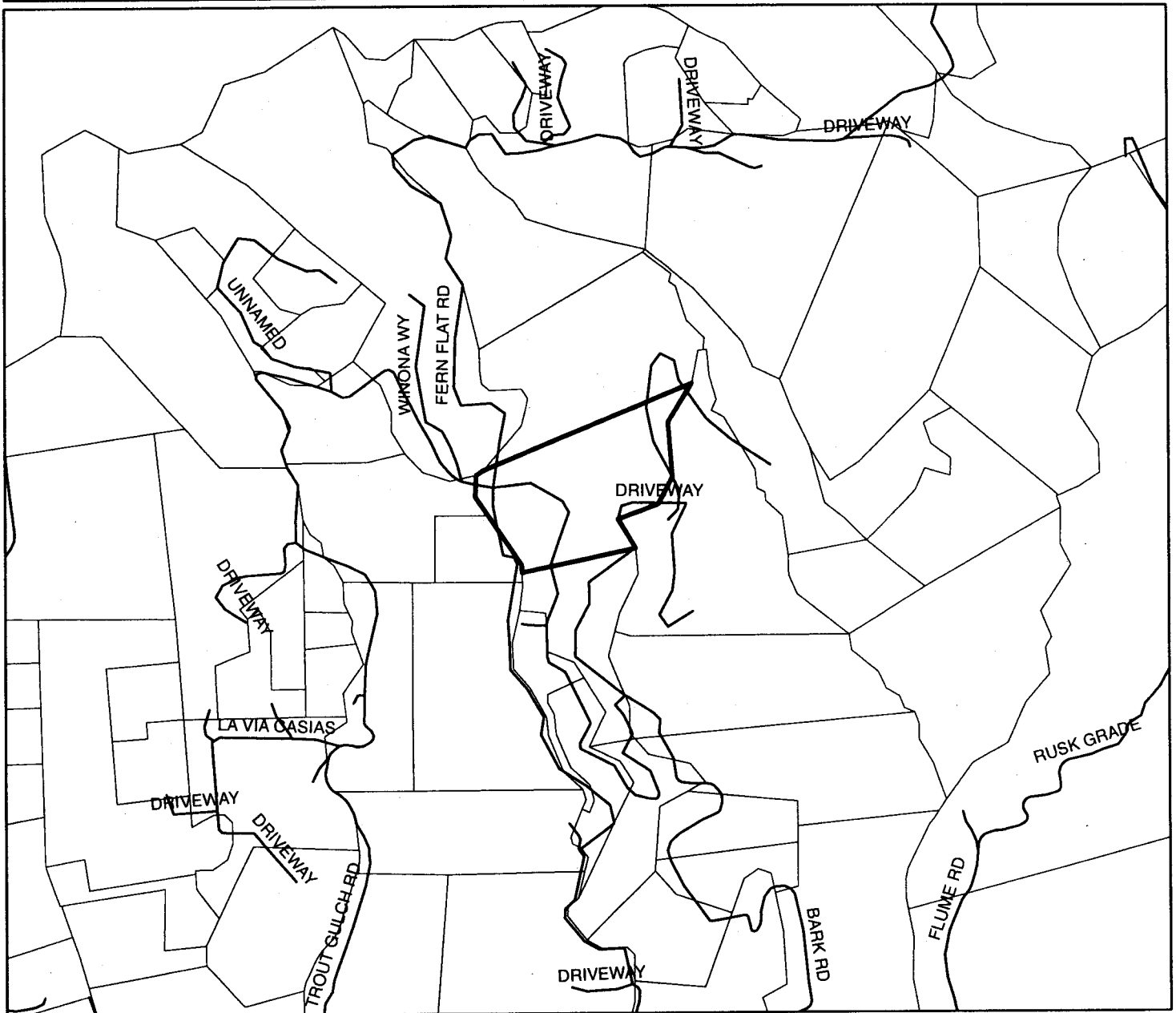


Note - Assessor's Parcel & Block  
Numbers Shown in Circles.




Assessor's Map No. 105-41  
County of Santa Cruz, Calif.  
July 1998

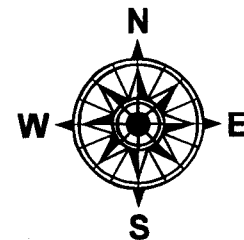


# Location Map



## LEGEND

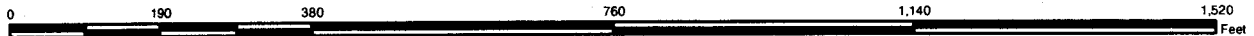
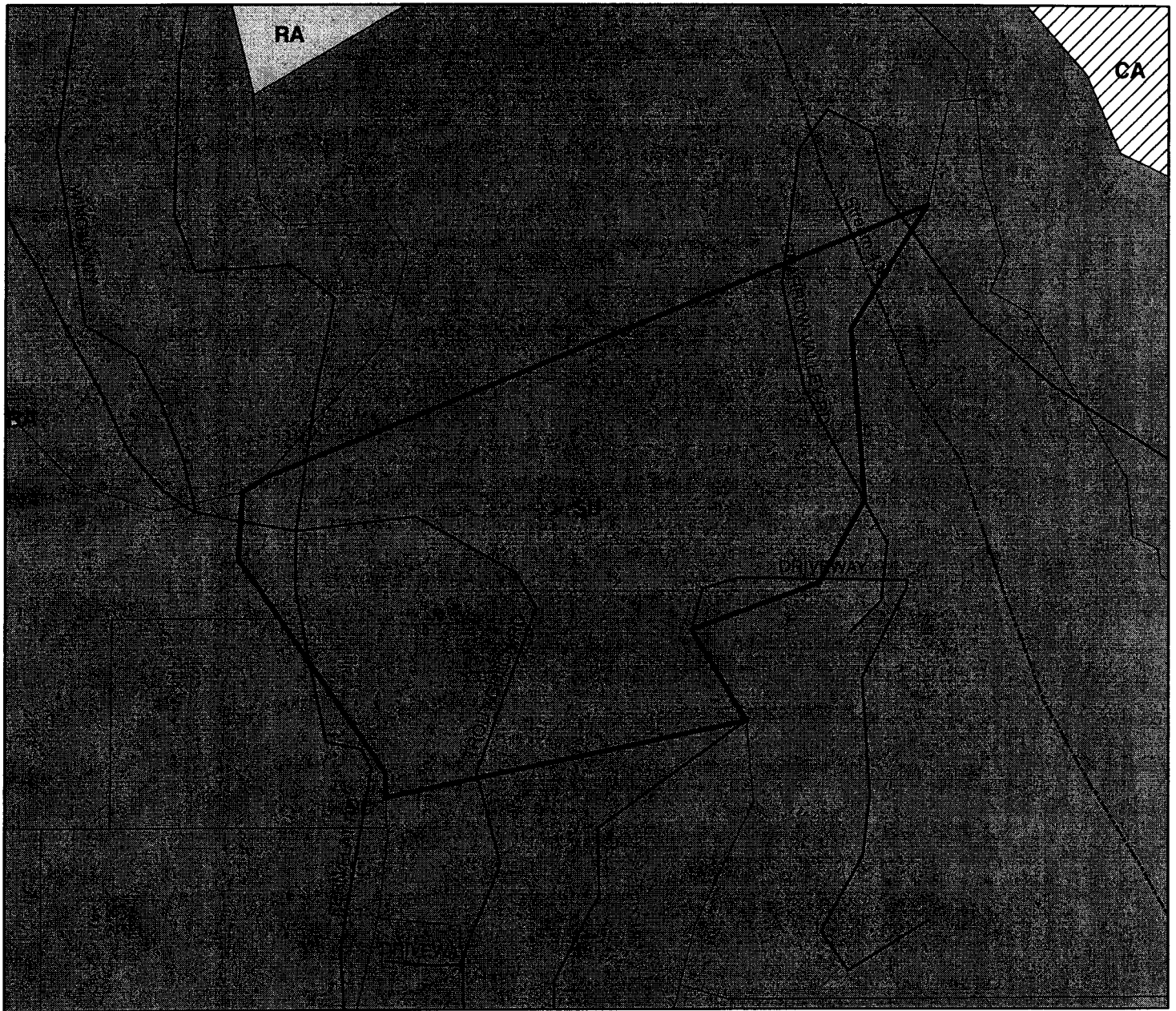
-  APN: 105-411-10
-  Assessors Parcels
-  Streets



Map created by  
County of Santa Cruz  
Planning Department  
August 2007



# Zoning Map



## LEGEND

APN: 105-411-10

Assessors Parcels

Streets

### STREAMTYPE

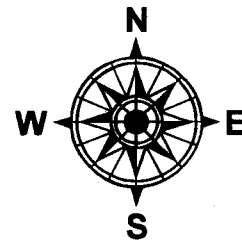
PERENNIAL

INTERMITTENT

AGRICULTURE COMMERCIAL

AGRICULTURE RESIDENTIAL

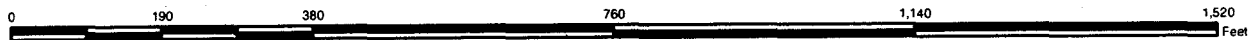
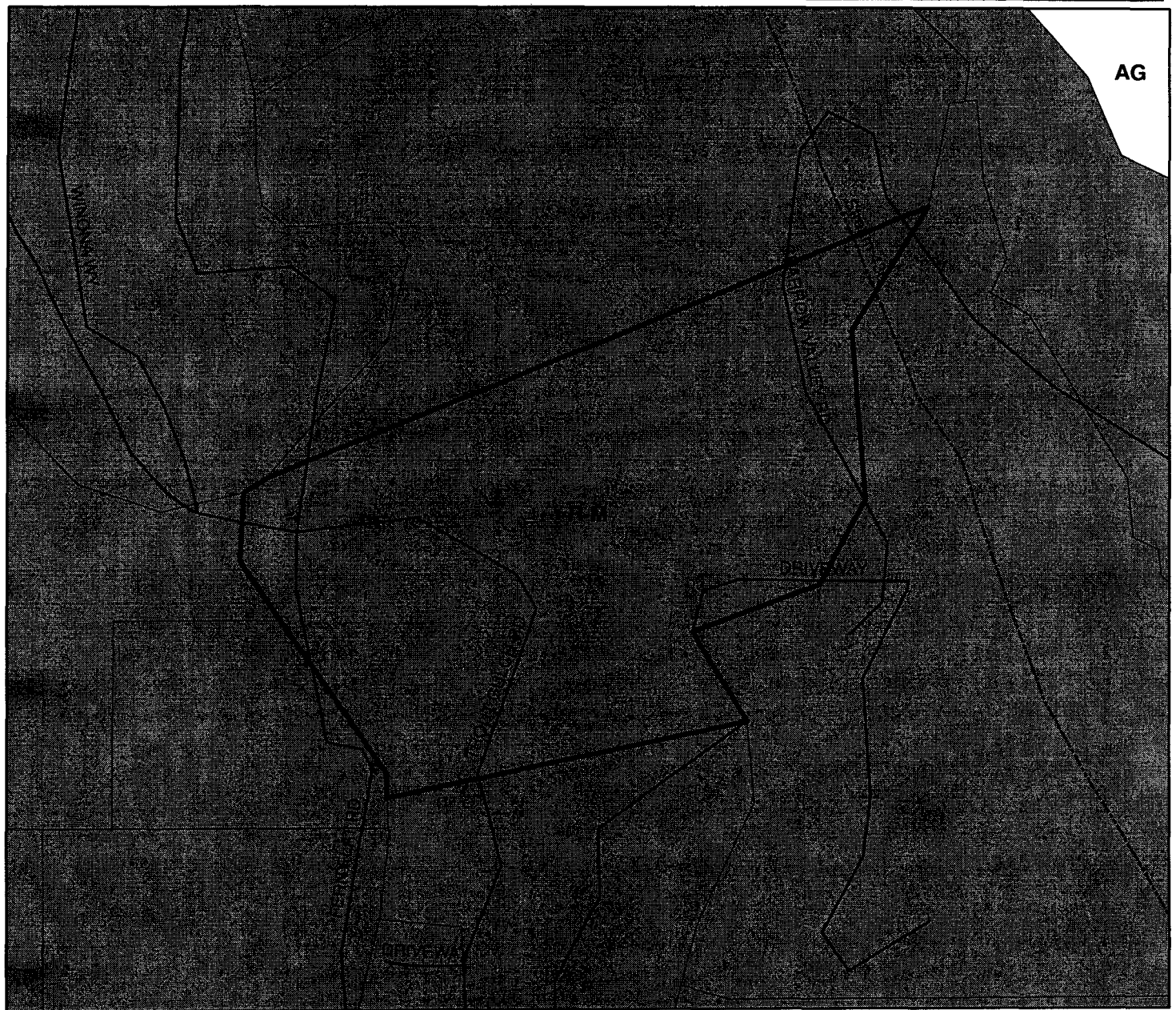
SPECIAL USE




Map created by  
County of Santa Cruz  
Planning Department  
August 2007





# General Plan Designation Map



## LEGEND

 APN: 105-411-10

 Assessors Parcels

 Streets

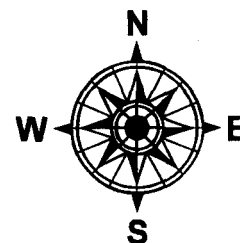
### STREAMTYPE

 PERENNIAL

 INTERMITTENT

Agriculture

 Residential-Mountain



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: 07-0597

Assessor Parcel Number: 105-411-10

Project Location: Property located on the east and west side of Trout Gulch Road at the intersection with Fern Flat Road (4600 Trout Gulch 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: Timothy O'Connor**

**Contact Phone Number: (831) 429-1920**

- 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 6, 2007

Re: TPZ Rezoning of Santa Cruz County Assessor's Parcel # 105-411-10 (Application # 07-0597)

Maria,

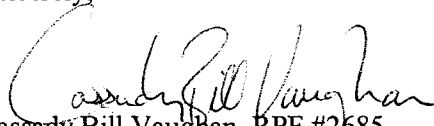
This letter requests re-zoning Santa Cruz County Assessor's Parcel # 105-411-10 from its current Special Use (SU) designation to the Timber Production Zone (TPZ). As noted above, a rezone application has already been filed (copy attached), and this is the accompanying Timber Management Plan. The parcel is owned by Tim O'Connor 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 approximately 100 years ago and has been selectively managed twice in the last three decades, most recently in 1999 under THP # 1-98-380 SCR. Like dozens of similar parcels in the upper Valencia watershed, the subject property is medium-sized, moderately well-timbered, and contains a single family dwelling. Much of the upper Valencia watershed has been selectively managed for timber production within the last several decades, including a number of the adjoining parcels. While the parcel contains its own roads, skid trails, and landing, and could stand alone as a small timber harvest, I highly recommend that the owners consider coupling up with future harvests on the Taylor property to the south for economies of scale and reciprocal rights for skidding and loading. This background is provided to clarify that the parcel is located within an area that has an active timber management history.
- 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.
- 3) A copy of THP #1-98-380 SCR Cover Page and THP Map.

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. Given the success of the two previous selective harvests, their compliance with the CCR stocking standards discussed above, and personal observation, it appears the property is capable of maintaining the minimum basal area standards cited above.

### **WOOD FIBER ANALYSIS**

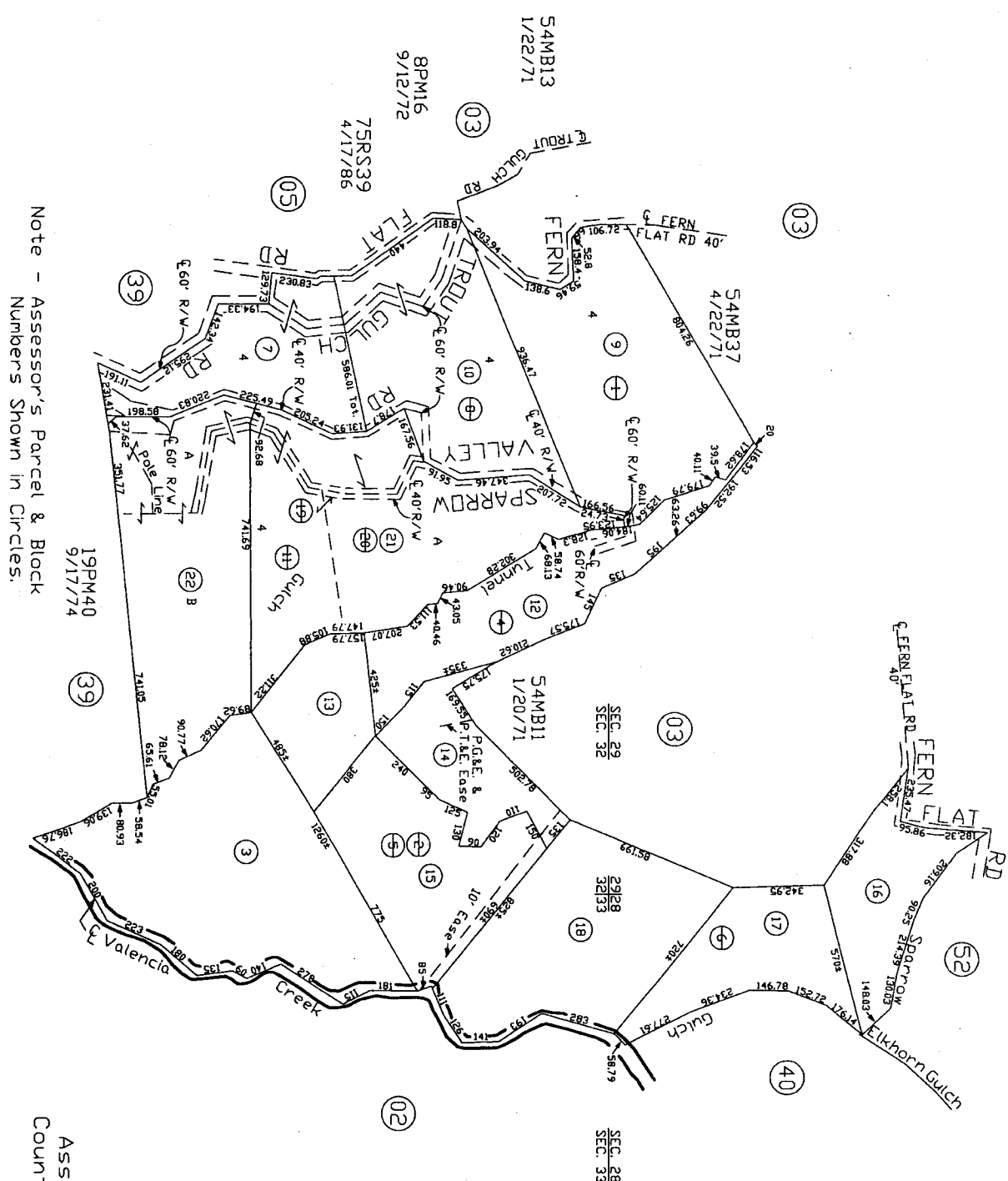
**Background:** Government Code Section 51113(c)(4) requires that parcels zoned timber production meet the definition of "Timberland" which is defined in Government Code Section 51104(f) as: "Privately owned land, or land acquired for state purposes, which is devoted to and used for growing and harvesting 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 Lompico-Felton complex. The Lompico-Felton complex is listed in the USDA Soil Survey (1980) as "well-suited to the production of Douglas-fir", though my site inspection revealed that the property is producing more redwood than Douglas-fir, and in amounts approaching 30 cubic feet of wood fiber/acre/year.

### **COMPATIBLE USE ANALYSIS**

The subject parcel is accessed by a permanent road that can accommodate standard log trucks. The previous THP infrastructure is existing and functional. The O'Connor residence is situated to avoid significant impacts to harvest operations, mainly because it lies west and across a paved road from the primary harvest area and does not complicate the physical conduct of operations. 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 located in a developed wildland setting, much of which has been managed for timber production within the last 30 years or so. Based on my discussions with Mr. O'Connor, the Licensed Timber Operator who carried out the harvest, and my personal observations in the field, 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 7/1/98 KSA  
 Rev. 10/3/01 mwn (changed page refs.)  
 Rev. 11/08/02 DD (boundary corr by plotting deeds, 1-3,12 to 18)



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

Assessor's Map No. 105-41  
 County of Santa Cruz, Calif.  
 July 1998

PLANNING DEPARTMENT

GOVERNMENTAL CENTER



COUNTY OF SANTA CRUZ

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060

FAX (831) 454-2131

TDD (831) 454-2123

DEVELOPMENT PERMIT APPLICATION

APPLICATION NO.: **07-0597**

PHONE: (831) 454-2130

PRINT DATE: 09/21/2007

APPLICATION DATE: 09/21/2007

PARCEL NO. 105-411-10 SITUS ADDRESS 4600 TROUT GULCH RD APTOS 95003

PROJECT DESCRIPTION:

Proposal to rezone one parcel from the Special Use (SU) Zone District to the Timber Production (TP) Zone District. Requires a Rezoning. Property located on the East and West side of Trout Gulch Road at the intersection with Fern Flat Road (4600 Trout Gulch Road).

S A H F A

DIRECTIONS TO PROPERTY: HWY 1 TO STATE PARK. TURN LEFT AT SOQUEL DR. TURN LEFT AND GO TO TROUT GULCH RD. TURN LEFT AND GO APPROX 3.6 MILES TO 4600 TROUT GULCH RD ON BOTH SIDES OF THE ROAD. PAST FERN FLAT RD.

OWNER: O CONNOR TIMOTHY J U/M

SEND HEARING NOTICE AND STAFF REPORT TO OWNER

APPLICANT: O CONNOR TIMOTHY J U/M

BUS. PHONE: (831) 429-1920

SEND HEARING NOTICE AND STAFF REPORT TO APPLICANT

4600 TROUT GULCH RD APTOS CA 95003

PHONE: (831) 454-2130

PRINT DATE: 09/21/2007

APPLICATION DATE: 09/21/2007

RES. PHONE: (831) 661-0239

APPLICATION FEES:

RECEIPT: 00107758

DATE PAID: 09/21/2007

COB NOE ADMINISTRATIVE FEE

50.00

APPLICATION INTAKE A

131.00

ENVIRONMENTAL EXEMPTION

145.00

ENVIRONMENTAL EXEMPTION

-145.00

REZONING TO TPZ

1500.00

RECORDS MANAGEMENT FEE

15.00

\*\*\* TOTAL \*\*\*

1696.00

#14998

\*\*\*

PARCEL CHARACTERISTICS FOR: 10541110

ZONE DISTRICT(S):

SPECIAL USE DISTRICT

GENERAL PLAN LAND USE DESIGNATION(S):

MOUNTAIN RESIDENTIAL

PLANNING AREA:

APTOS HILLS

GENERAL PLAN RESOURCES & CONSTRAINTS:

INTERMITTENT

GENERAL PLAN RESOURCES & CONSTRAINTS:

GW

GENERAL PLAN RESOURCES & CONSTRAINTS:

ARCRES

GENERAL PLAN RESOURCES & CONSTRAINTS:

BIOTIC

GENERAL PLAN RESOURCES & CONSTRAINTS:

TIMBER

ASSESSOR LAND USE CODE:

HOME SITE/5-19.9 ACRE

DISTRICT SUPERVISOR:

Ellen Pirie Second District

PARCEL SIZE:

12.141 ACRES (EMIS ESTIMATE)

DATE PAID: 09/21/2007

THIS PARCEL SIZE HAS BEEN CALCULATED BY EMIS, THE COUNTY'S GEOGRAPHIC INFORMATION SYSTEM, AND IS AN ESTIMATE ONLY. IF A MINIMUM PARCEL SIZE IS REQUIRED TO MEET COUNTY STANDARDS, YOU MAY NEED TO OBTAIN A SURVEY TO DEMONSTRATE THAT YOU HAVE SUFFICIENT LAND AREA.

FOR ADMIN. USE ONLY  
Amendments-date & S or M

1. \_\_\_\_\_ 7. \_\_\_\_\_
2. \_\_\_\_\_ 8. \_\_\_\_\_
3. \_\_\_\_\_ 9. \_\_\_\_\_
4. \_\_\_\_\_ 10. \_\_\_\_\_
5. \_\_\_\_\_ 11. \_\_\_\_\_
6. \_\_\_\_\_ 12. \_\_\_\_\_

## TIMBER HARVESTING PLAN

STATE OF CALIFORNIA  
DEPARTMENT OF FORESTRY  
AND FIRE PROTECTION  
RM-63 (1-98)

FOR ADMIN. USE ONLY

THP No. 1-98-380 SCR  
Dates Rec'd OCT 23 1998  
NOV 09 1998  
Date Filed NOV 19 1998  
Date Approved JAN 11 1999  
Date Expires JAN 10 2002  
Extensions 1) ☐ 2) ☐

If this is a Modified THP, check box

☐

This Timber Harvesting Plan (THP) form, when properly completed, is designed to comply with the Forest Practice Act (FPA) and Board of Forestry rules. See separate instructions for information on completing this form. NOTE: The form must be printed legibly in ink or typewritten. The THP is divided into six sections. If more space is necessary to answer a question, continue the answer at the end of the appropriate section of your THP. If writing an electronic version, insert additional space for your answer. Please distinguish answers from questions by font change, bold or underline.

### SECTION I - GENERAL INFORMATION

This THP conforms to my/our plan and upon approval, I/we agree to conduct harvesting in accordance therewith. Consent is hereby given to the Director of Forestry and Fire Protection, and his or her agents and employees, to enter the premises to inspect timber operations for compliance with the Forest Practice Act and Forest Practice Rules.

1. TIMBER OWNER(S) OF RECORD: Name Tim O'Connor

Address 4600 Trout Gulch Rd.

City Aptos State CA Zip 95003 Phone 408-861-0238

X Signature [Signature] Date Oct 5, 98

NOTE: The timber owner is responsible for payment of a yield tax. Timber Yield Tax information may be obtained at the Timber Tax Division, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0001.

- TIMBER OWNER(S) OF RECORD: Name Tim Taylor

Address 4700 Trout Gulch Rd.

City Aptos State CA Zip 95003 Phone 408-888-5121

X Signature [Signature] Date 10/14/98

NOTE: The timber owner is responsible for payment of a yield tax. Timber Yield Tax information may be obtained at the Timber Tax Division, State Board of Equalization, P.O. Box 942879, Sacramento, California 94279-0001.

2. TIMBERLAND OWNER(S) OF RECORD: Name Same as #1.

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

3. LICENSED TIMBER OPERATOR(S): Name Pacific Firewood Co. Lic. No. A 7741 ✓

(If unknown, so state. You must notify CDF of LTO prior to start of operations)

Address 2536 Freedom Blvd

City Watsonville State CA Zip 95076 Phone 408-888-5121

X Signature [Signature] Date 10/14/98

4. PLAN SUBMITTER(S): Name Same as #1

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

(If submitter is not 1, 2, or 3 above he/she must sign below and provide explanation of authority.)

Signature \_\_\_\_\_ Date \_\_\_\_\_

RECEIVED

NOV 09 1998

COAST AREA OFFICE  
RESOURCE MANAGEMENT

RECEIVED

OCT 23 1998

COAST AREA OFFICE  
RESOURCE MANAGEMENT

EXHIBIT E

# O'CONNOR/TAYLOR PROPERTIES

Valencia Creek  
Santa Cruz Co., CA

T.10 S. R.1 E. Sect. 32

Scale 1"=500' CI 40'

## TIMBER HARVEST PLAN MAP

Property line  
Harvest boundary  
Exist. perm. road  
Exist. skid trail  
Prop. skid trail  
Landings  
Class 3 watercourse  
Watercourse crossing  
Equip. operations/  
steep slopes  
Landslides  
Mitigation points  
Homes

