



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: 104-171-16

Application: 07-0604

Item #: 32

Time: After 9 AM

Subject: A public hearing to consider a proposal to rezone a parcel from the Residential Agriculture (RA) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On September 25, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone 14.6 acres from the Residential Agriculture (RA) zone district to the Timber Production (TP) zone district. The uses on the property consist of a residence under construction.

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

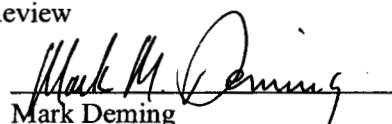
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0604 based on the attached findings (Exhibit B).

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 21, 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. 07-0604 involving property located on the west side of Prescott Road (6500 Prescott Road) approximately one mile northeast of the intersection with Glen Haven 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) 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 on the west side of Prescott Road (6500 Prescott Road) approximately one mile northeast of the intersection with Glen Haven 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>
104-171-16	Residential Agriculture (RA)	TP

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

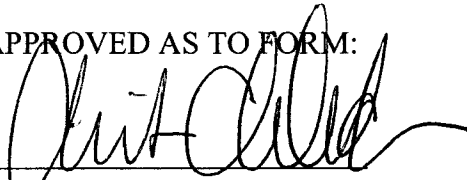
PASSED AND ADOPTED THIS _____ day of _____ 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

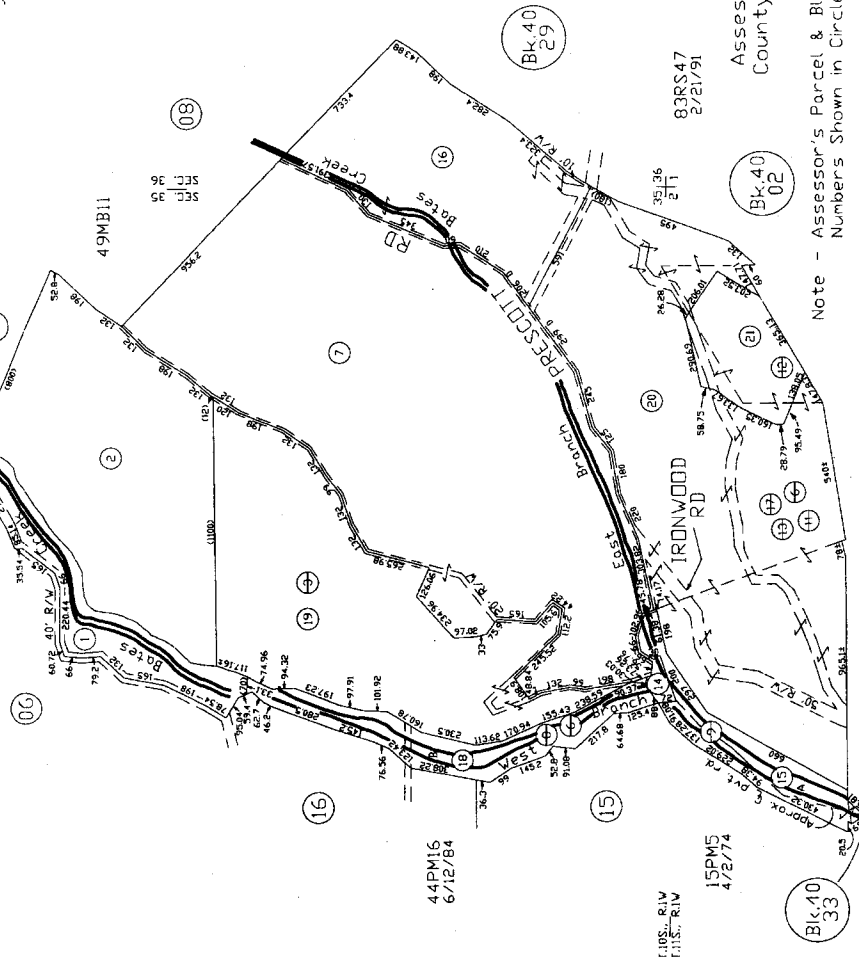
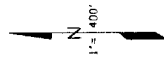
GIS

104-17

SOQUEL AUGMENTATION RANCHO
POR. SEC. 2, T.11S., & POR. SECS. 35 & 36, T.10S., R.1W., M.D.B. & M.

Tax Area Code
96-044

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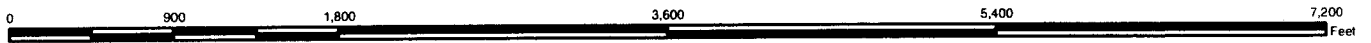
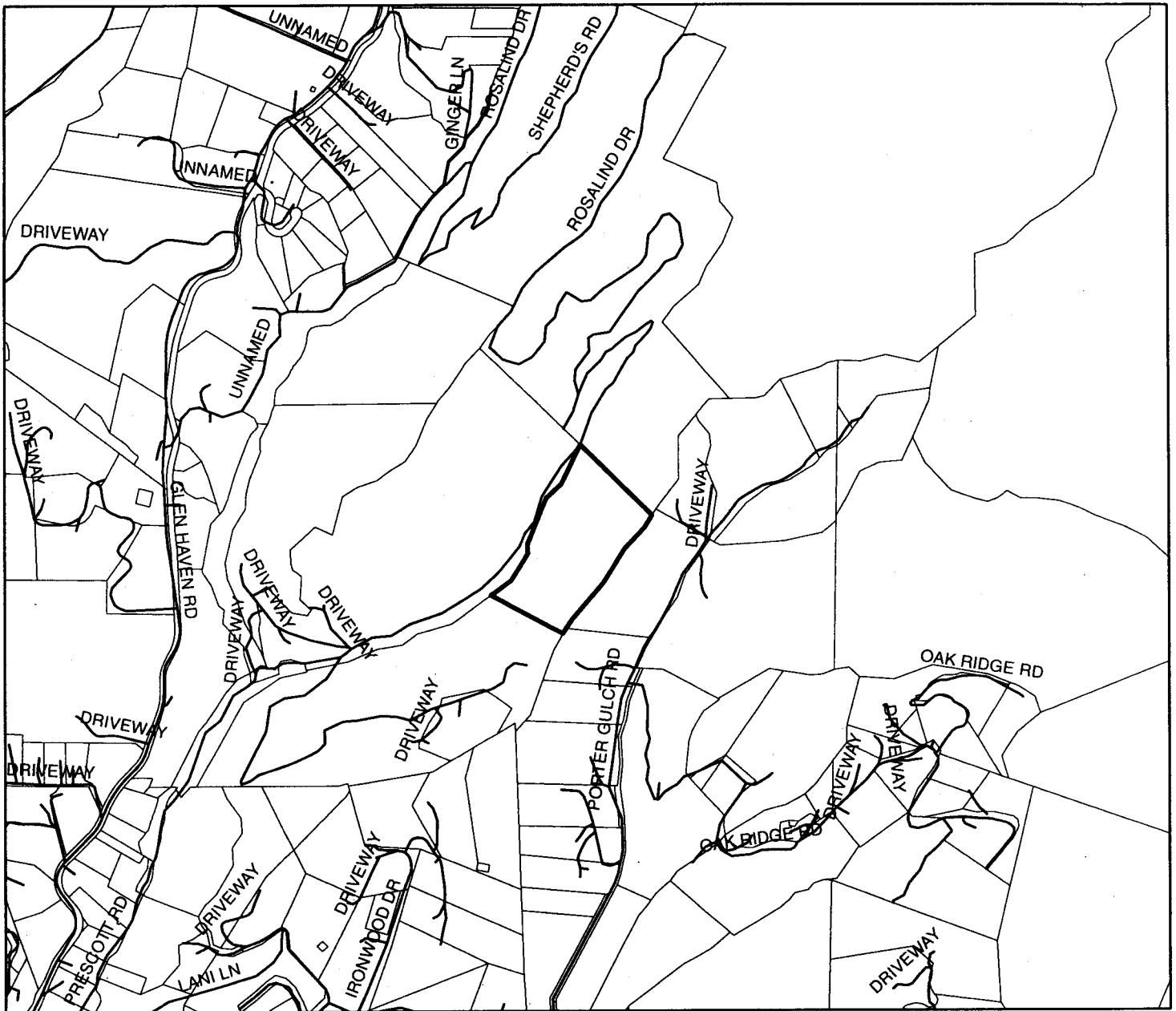


Assessor's Map No. 104-17
County of Santa Cruz, Calif.
July, 1998




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

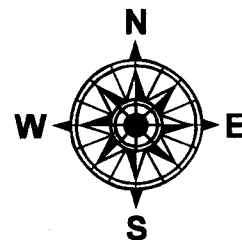


Location Map



LEGEND

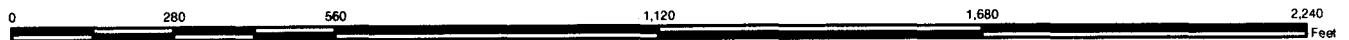
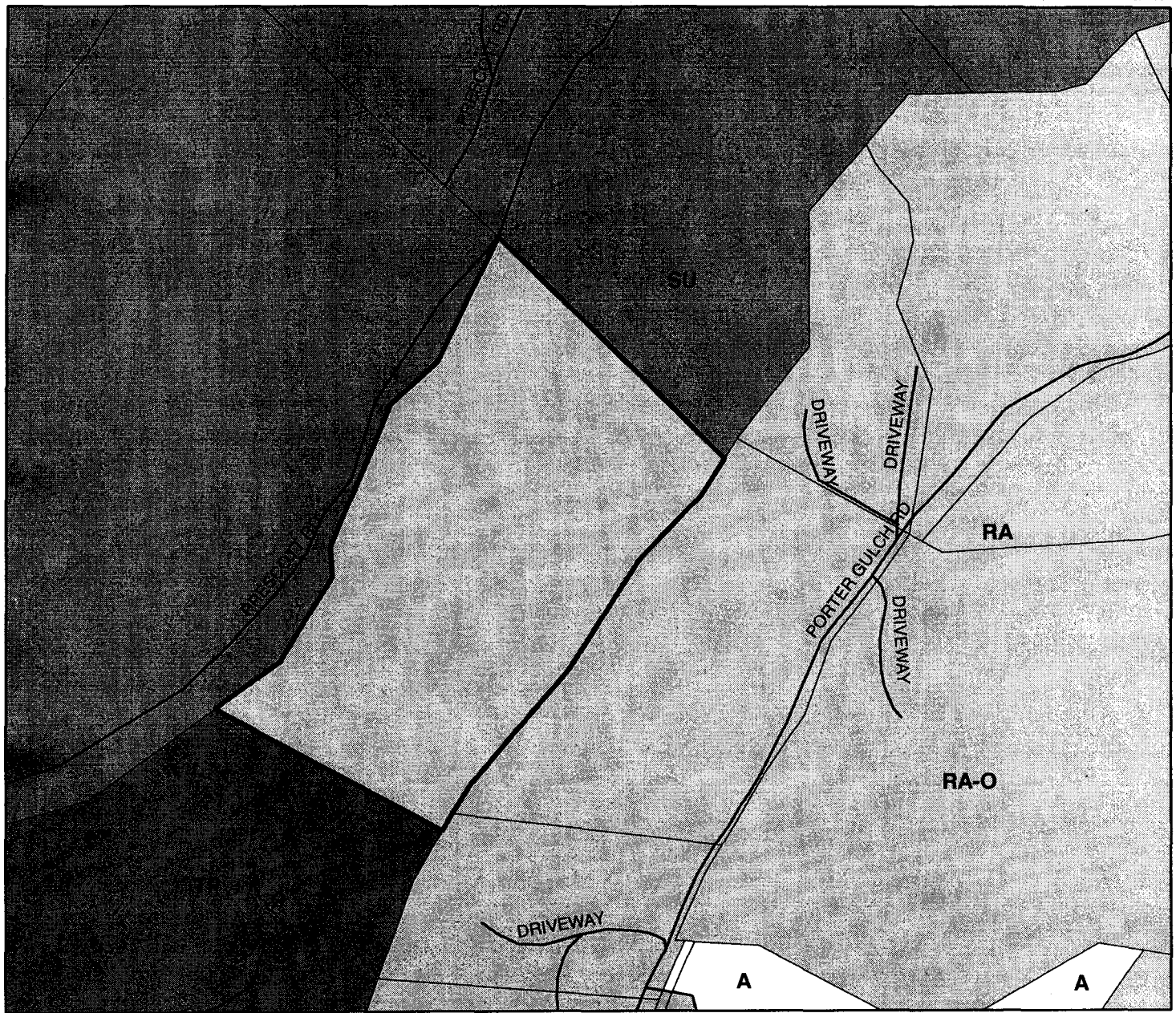
-  APN: 104-171-16
-  Assessors Parcels
-  Streets










Map created by
County of Santa Cruz
Planning Department
August 2007

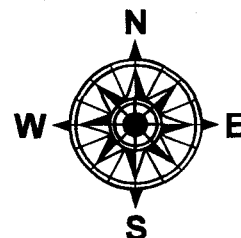


Zoning Map



LEGEND

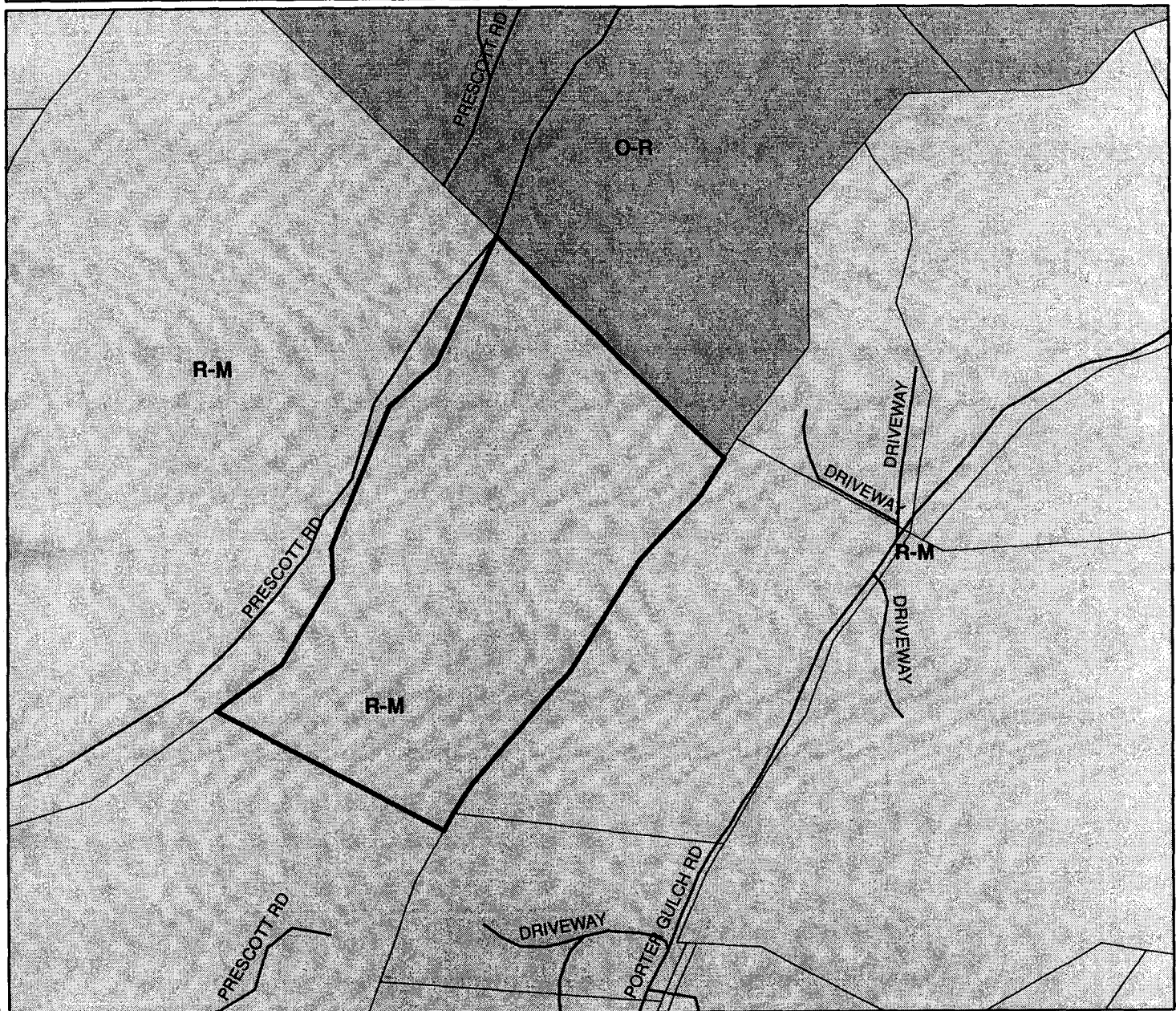
-  APN: 104-171-16
-  Assessors Parcels
-  Streets
-  AGRICULTURE
-  AGRICULTURE RESIDENTIAL
-  SPECIAL USE
-  TIMBER PRODUCTION



Map created by
County of Santa Cruz
Planning Department
August 2007








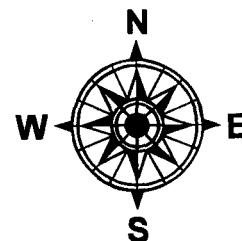
General Plan Designation Map



0 280 560 1,120 1,680 2,240 Feet

LEGEND

-  APN: 104-171-16
-  Assessors Parcels
-  Streets
-  Residential-Mountain
-  Parks and Recreation



Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

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

Application Number: 07-0604

Assessor Parcel Number: 104-171-16

Project Location: Property on the west side of Prescott Road (6500 Prescott Road) approximately one mile northeast of the intersection with Glen Haven Road.

Project Description: Rezone a parcel from the Residential Agriculture (RA) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Frederick Winslow

Contact Phone Number: (831) 465-6798

- 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: _____

*Staub Forestry &
Environmental Consulting*



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

December 21, 2007

Re: TPZ Rezoning of Santa Cruz County Assessor's Parcel # 104-171-16 (Application # 07-0604)

Maria,

This letter requests re-zoning Santa Cruz County Assessor's Parcel # 104-171-16 from its current Residential Agriculture (RA) 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 Frederick Winslow 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 was selectively harvested in 1995 under THP # 1-94-201 SCR. The property is located within the Bates Creek watershed which is a small sub-watershed of the greater Soquel drainage. The subject parcel is located in the East Branch of Bates Creek, which has a few developed parcels, but for the most part is undeveloped wildland that has been managed for timber production and recreation (Nisene Marks State Park borders the parcel on the northeast side). The parcel is serviced by an existing paved road that can accommodate log trucks. While the property is generally steep, the ridgeline that defines the eastern property line is quite flat and provides areas for staging and loading of logs. While the parcel possesses the infrastructure and harvest volume necessary for a successful stand-alone harvest, the 1995 harvest utilized a skyline cable yarder situated on the property north and across Bates Creek from the subject parcel. To reduce harvest related overhead, I would strongly advise coupling up with either the same parcel from 1995 or the TPZ property that adjoins the parcel on the southwest side.
- 5) The parcel meets the minimum 5-acre size requirement.

Also attached:

- 1) Assessor's Parcel Map.
- 2) A copy of the "Completeness Letter" from the County
- 3) A copy of the THP # 1-94-201 SCR cover page and THP Map.

Sincerely,

Cassady 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 few areas along the eastern ridgetop contain shorter trees with heights typical of less productive Site IV land, but in either case each Site Class 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 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 was confirmed by on-site review. Based on this review, it appears the property is producing 30-40 cubic feet of wood fiber/acre/year.

COMPATIBLE USE ANALYSIS

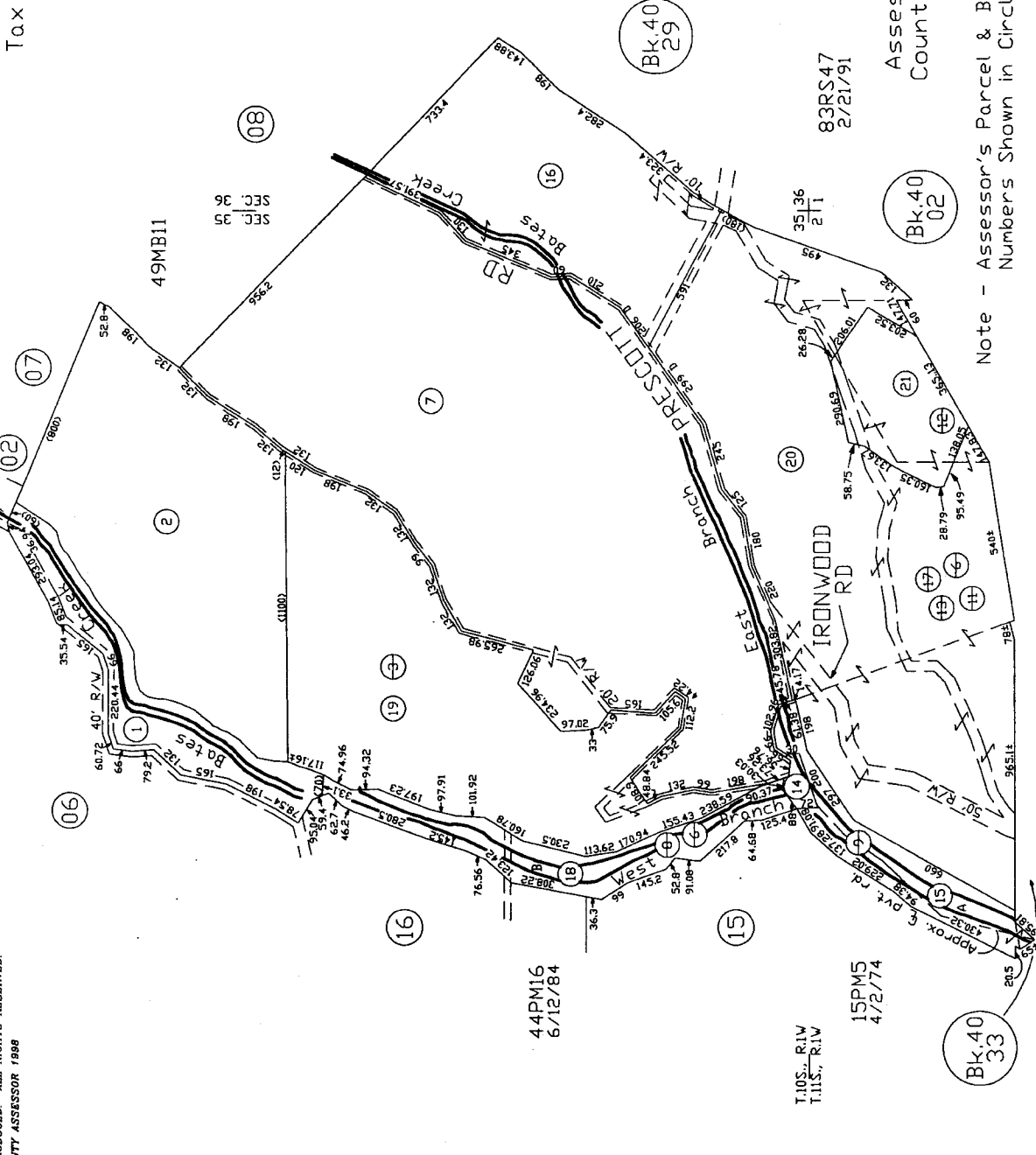
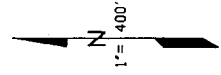
The subject parcel is accessed by a private, all-weather road that spurs off of Prescott Road. Both the private road and Prescott road have been used on numerous occasions in the past for hauling logs. There are enough flat areas on the ridgetop portion of the property to accommodate processing and loading of logs as well compatible development. The steeper, north facing portions of the property are generally unsuitable for much of anything aside from recreation and timber production. Generally speaking, the owner has done an excellent job of maintaining the property 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 within a lightly developed wildland setting, much of which has been historically managed for timber production. Based on my field review with the landowner and a brief layout analysis, the property appears fit for harvesting and in a manner that is compatible with existing residential/recreational use of the property. Only the County's reinterpretation of what constitutes an "allowable use" on Residential Agriculture parcels has brought into question the compatibility of timber production.

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SOQUEL AUGMENTATION RANCH
 POR. SEC. 2, T.11S., & POR. SECS. 35 & 36, T.10S., R.1W., M.D.B. & M.

104-17

Tax Area Code
 96-044



Assessor's Map No. 104
 County of Santa Cruz, if
 July, 1998

44PM16
 6/12/84

T.10S., R.1W
 T.11S., R.1W
 15PMS
 4/2/74



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

December 14, 2007

Frederick Winslow
5875 Prescott Road
Soquel, CA 95073

Subject: **Incomplete Application - Additional Information Required**
Application #: **07-0604**; Assessor's Parcel #: **104-171-16**
Owner: **Frederick Winslow**

Dear Frederick Winslow:

This letter is to inform you of the status of your application. On 09/25/07, the above referenced application was submitted for a Rezoning with the Santa Cruz County Planning Department. The initial phase in the processing of your application is an evaluation of whether enough information has been submitted to continue processing the application (the "completeness" determination). This is done by reviewing the submitted materials, other existing files and records, gathering input from other agencies, conducting a site visit and carrying out a preliminary review to determine if there is enough information to evaluate whether or not the proposal complies with current codes and policies.

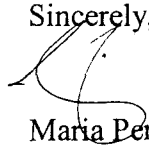
These preliminary steps have been completed and it has been determined that additional information and/or material is necessary. At this stage, your application is considered **incomplete**. For your proposal to proceed, the following items should be submitted by December 21, 2007. Please note that applications must be deemed complete by December 31, 2007.

- I. Please submit three (3) copies of a Timber Management Plan signed by a registered and licensed Forester. The Timber Management Plan must include the following:
 - a. Meet the definition of "timberland"
 - b. Must be capable of producing a volume of 15 cubic ft per acre per year
 - c. Use of the property must be compatible with timber production

Alternatively, you may withdraw the application and any unused fees will be refunded to you. If you wish to withdraw the application, please notify me in writing.

Should you have further questions concerning this application, please contact me at:
(831) 454-5321, or e-mail: maria.perez@co.santa-cruz.ca.us

Sincerely,

A handwritten signature in black ink, appearing to read 'Maria Perez', written over the printed name.

Maria Perez
Project Planner
Development Review

MAR 8 1995

Bates Creek

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.

1. TIMBER OWNER(S): Name Gregory J. Koppala et al (See addendum)

Address P. O. Box 6640

City Eureka State CA Zip 95502-6640 Phone (707) 431-0700

2. TIMBERLAND OWNER(S): Name Same as No. 1

Address _____

City _____ State _____ Zip _____ Phone _____

3. TIMBER OPERATOR(S): Name Will advise by amendment when known.

Address _____ License # _____

City _____ State _____ Zip _____ Phone _____

4. PLAN SUBMITTER(S): Name Gregory J. Koppala

If the plan submitter is different from 1, 2, or 3 explain authority to submit plan:

5. Person to contact on-site who is responsible for the conduct of the operation:

Name George E. Belden

Address P. O. Box 4

City Weaverville State CA Zip 96093 Phone (916) 623-2469

6. RPF preparing the THP: Name George E. Belden

Address P. O. Box 4 Registration Number 1649

City Weaverville State CA Zip 96093 Phone (916) 623-2469

CDF STOCK NO. 7540-130-0063

Received GDF
REGION 1

MAY 18 1994

Received GDF
REGION 1

APR 25 1994

RESOURCE MANAGEMENT

RESOURCE MANAGEMENT

BATES CREEK

Section 35 and 36, T₁₀S, R₀₁W

Legend

- Tractor Selection Area..... [stippled pattern]
- Cable/Heli. Select. Area [grid pattern]
- Existing Roads Seasonal..... [wavy line]
- Prop. Road Construction Temp.... [dashed line]
- Class I Watercourse..... [line with arrow]
- Proposed Landings..... [solid black circle]
- Powerline..... [line with cross-ticks]
- Special Treatment Area..... [cross-hatched pattern]
- Dwellings..... [small square]
- Site..... [Roman numeral II]
- Erosion Hazard Rating..... [M+N]
- Contour Interval..... 80ft.
- Area of Instability..... [vertical line pattern]
- TMP Boundary..... [line with double ticks]
- Scale: 1" = 400'

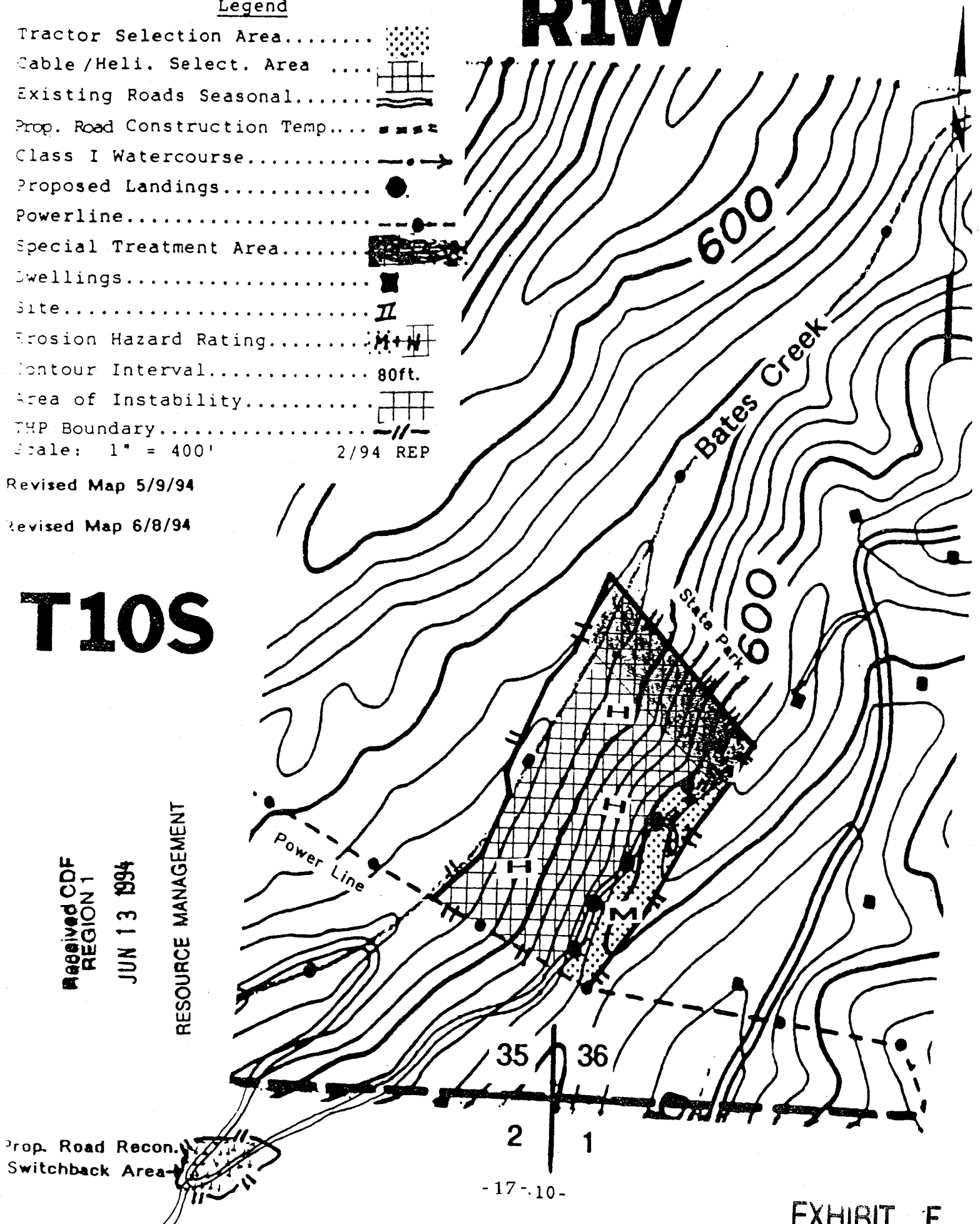
2/94 REP

Revised Map 5/9/94

Revised Map 6/8/94

T10S

R1W



Received CDF
REGION 1

JUN 13 1994

RESOURCE MANAGEMENT

Prop. Road Recon.
Switchback Area