



# 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 *4/23/08*  
**APN:** 096-081-08  
**Application:** 07-0591  
**Item #:** *23 7.7*  
**Time:** After 9 AM

**Subject: A public hearing to consider a proposal to rezone a single lot of record from the Special Use (SU) zone district to the Timber Production (TP) zone district.**

Members of the Commission:

On September 21, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 8.7-acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of a single family residence and various accessory structures.

### 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)<sup>1</sup>. 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>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:

(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 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**

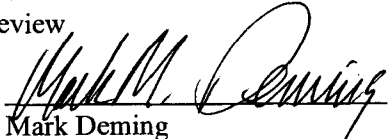
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0591 based on the attached findings (Exhibit B).

### **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 October 9, 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

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WHEREAS, the Planning Commission has held a public hearing on Application No.07-0591 involving property located on Old Santa Cruz Highway, approximately 1.2 miles north of the intersection with Highway 17, 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) 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.

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 Old Santa Cruz Highway, approximately 1.2 miles north of the intersection with Highway 17; 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>
096-081-08	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

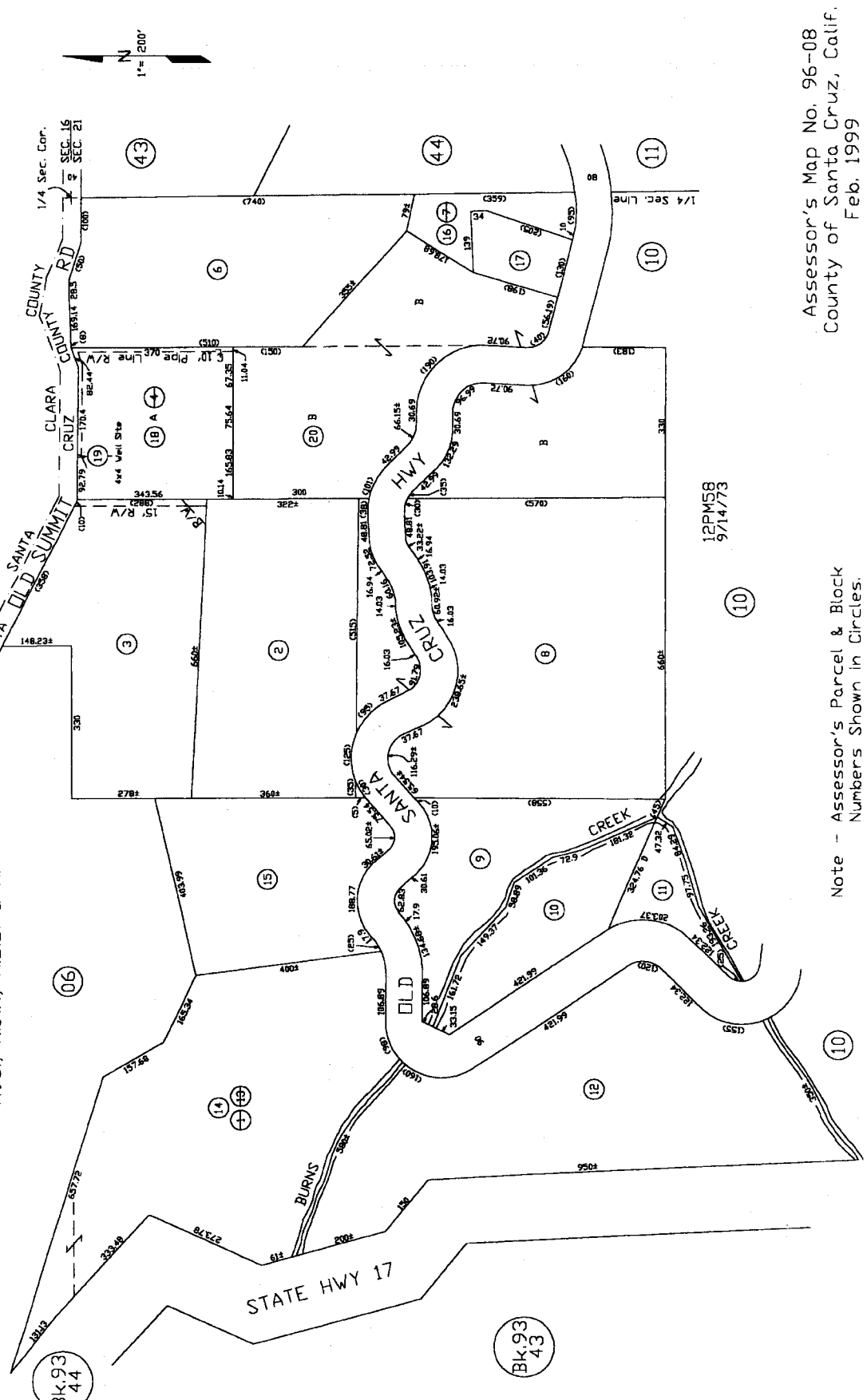
GIS

96-08

Tax Area Code  
79-032

POR. N.W. 1/4, SEC. 21  
T.9S., R.1W., M.D.B. & M.

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THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY  
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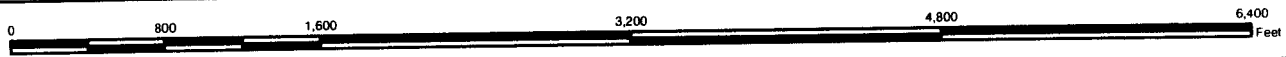
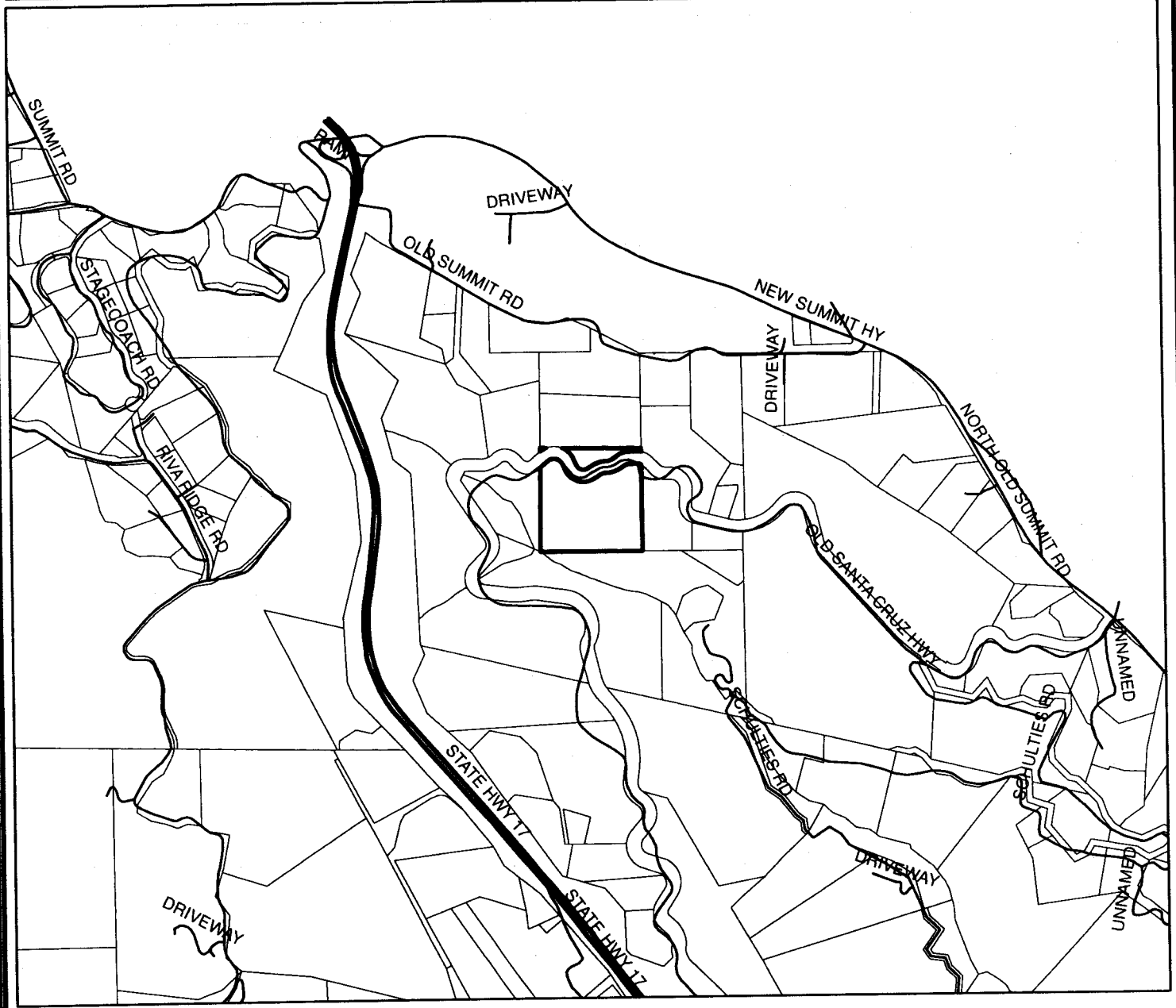
Assessor's Map No. 96-08  
County of Santa Cruz, Calif.  
Feb. 1999

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





Electronically redrawn 2/8/99 KSA  
Rev. 9/20/01 nwn (changed page refs.)

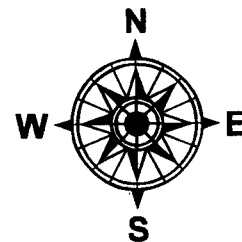


# Location Map



## LEGEND

-  APN: 096-081-08
-  Assessors Parcels
-  Streets
-  State Highways

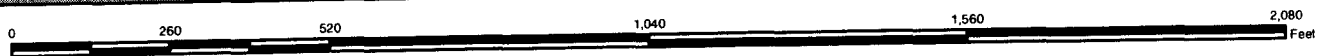
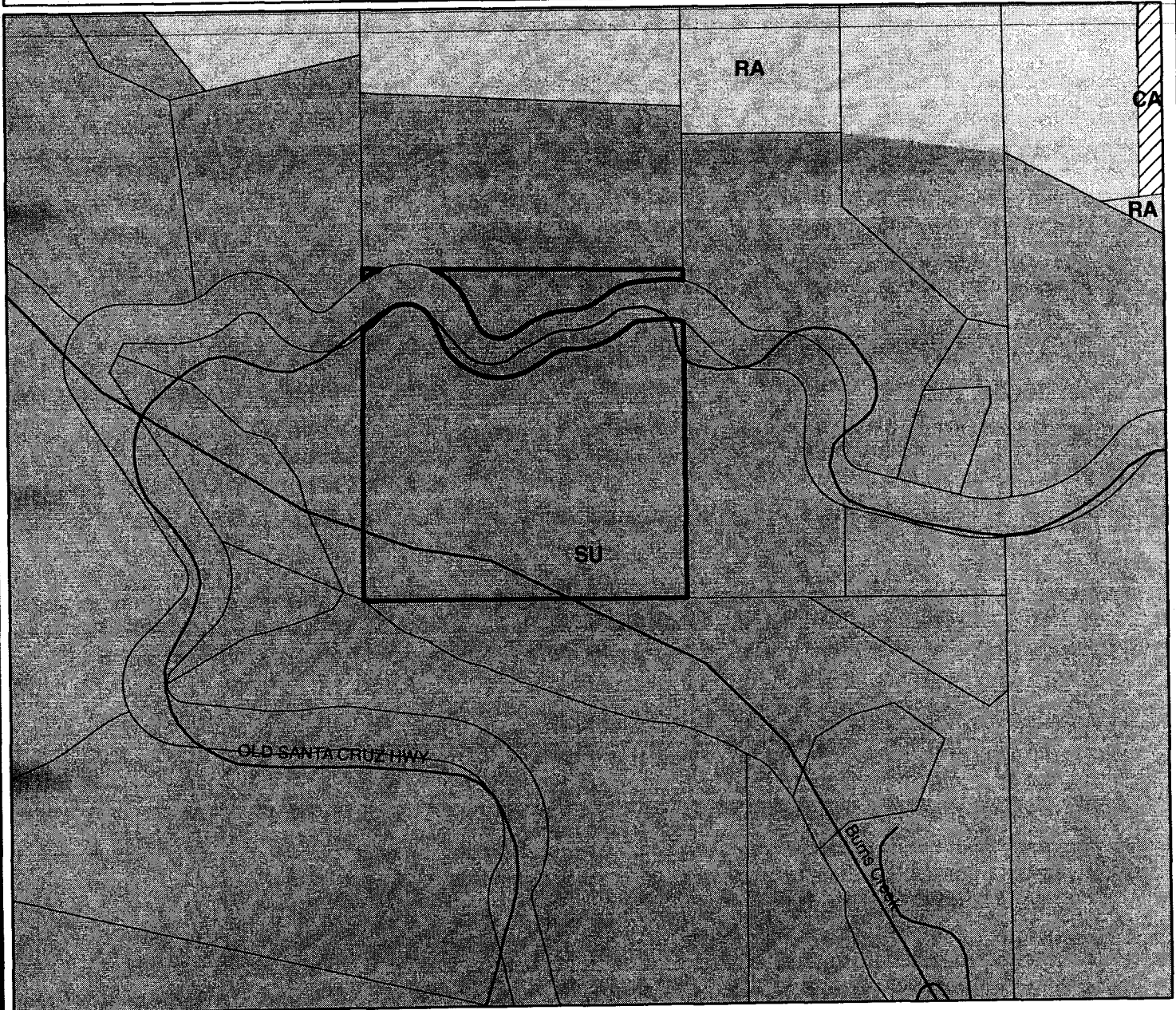


Map created by  
County of Santa Cruz  
Planning Department  
August 2007









EXHIBIT C

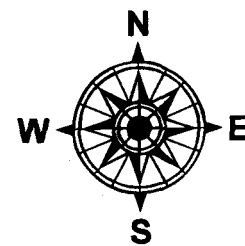


# Zoning Map



## LEGEND

-  APN: 096-081-08
-  Assessors Parcels
-  Streets
- STREAMTYPE**
-  PERENNIAL
-  INTERMITTENT
-  SPECIAL USE
-  AGRICULTURE RESIDENTIAL
-  AGRICULTURE COMMERCIAL



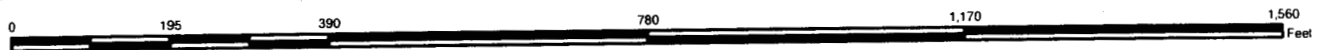
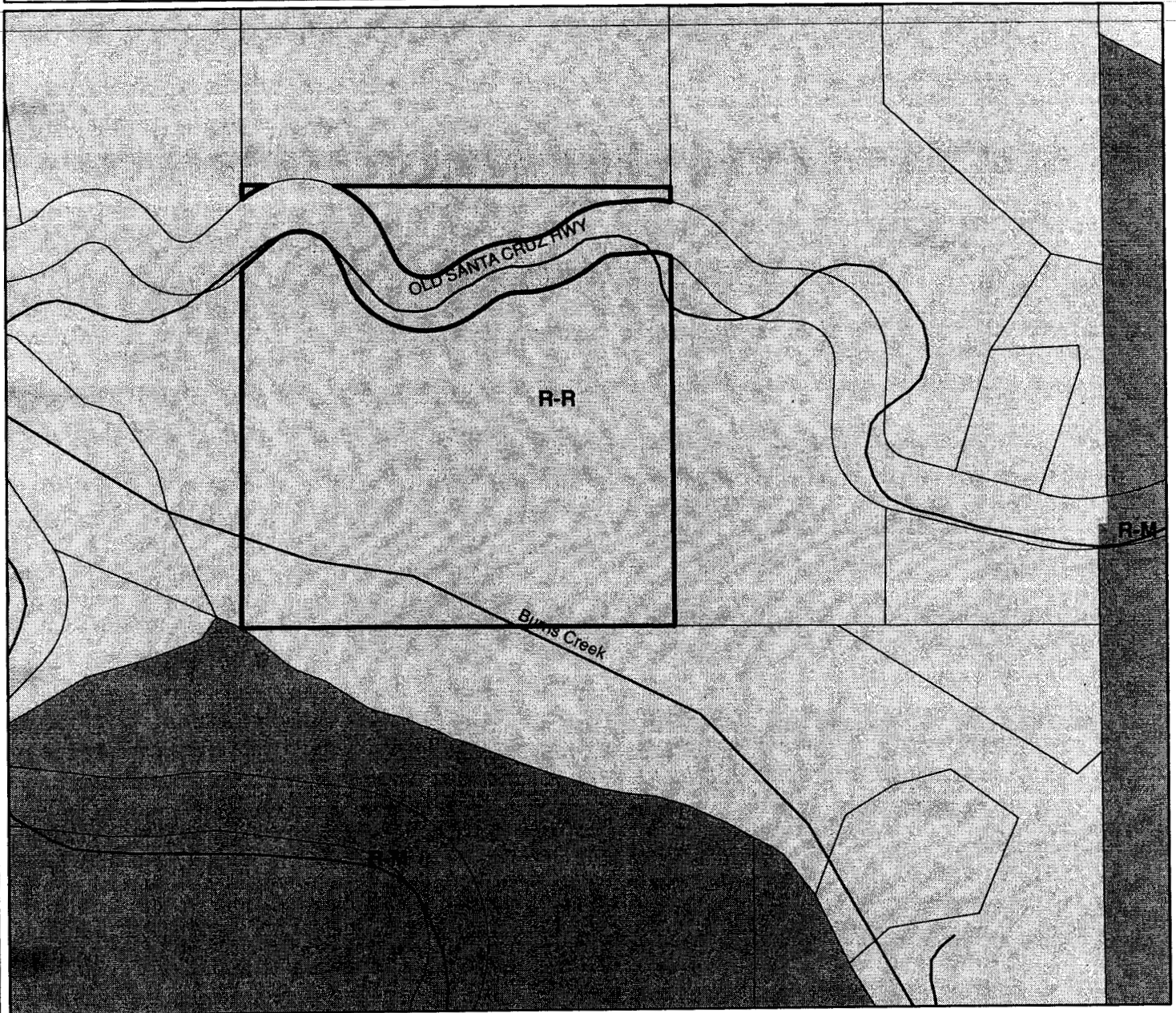
Map created by  
County of Santa Cruz  
Planning Department  
August 2007

**EXHIBIT C1**





# General Plan Designation Map



## LEGEND

APN: 096-081-08

Assessors Parcels

Streets

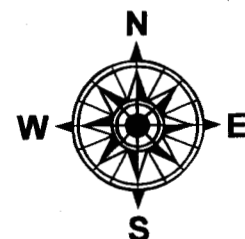
### STREAMTYPE

PERENNIAL

INTERMITTENT

Residential-Mountain

Residential-Rural



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: 07-0591

Assessor Parcel Number: 096-081-08

Project Location: Property located on Old Santa Cruz Highway, approximately 1.2 miles north of the intersection with Highway 17.

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

**Person or Agency Proposing Project: Dave Coglizer, U/W**

**Contact Phone Number: (408) 234-3216**

- 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:\_\_\_\_\_

Timber Management Plan  
for the lands of

David Coglizer  
APN 096-081-08  
Santa Cruz County, Calif.

October 9, 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 parcel from the current zoning designation of Special Use (SU) to Timber Production Zoning (TPZ).

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.

General Property Description - The parcel is about 8.8 acres in size. The parcel is redwood forest land. Portions of the parcel are fairly steep while others are moderately steep. The parcel is crossed at the top by Old Santa Cruz Highway. This is parcel 096-081-08. The parcel is located on the Laurel USGS Quad Map, on a portion of the northwest ¼ of Section 21 T9S R1W M.D.B. & M. Elevations range from 1380 feet where Burns Creek exits the south boundary of the parcel, up to 1,600 feet on the spur ridge along the north boundary of the portion of the parcel above Old Santa Cruz Highway. The parcel is in the West Branch Soquel Creek Watershed. Burns Creek is a Class II watercourse (perennial non fish bearing stream) which runs near the southern border of the parcel. Burns Creek intersects Laurel Creek below the parcel and forms a Class I anadromous fish stream. The parcel is partially covered by the County's Timber Resources Overlay, although the parcel is a completely forested. The parcel is additionally used as a primary residence and has several additional structures.

History - The parcel was originally logged in the late 1800's or early 1900's. No selective second growth commercial harvest has occurred. Some personal use timber harvesting for boards and fuel wood occurs on the parcel. Trees have been removed around some of the structures. No evidence of obvious archeological sites were observed, several of the structures on the parcel are quite old.

Access and Boundaries - The parcel is crossed by Old Santa Cruz Highway (a public road). A steep paved private driveway provides access to the structures on the parcel. Although parcel is crossed near its top by Old Santa Cruz Highway, the steepness of the slope in this area limits access from this private road directly onto the parcel except in a few specific locations. One is at the existing driveway and the other is at the power pole east of the driveway. Access to the small ownership above Old Santa Cruz Highway is limited by the high cut banks along this roadway. The boundaries are straight lines in generally east/west, north/south directions. It appears that portions of the parcel may have been surveyed in the past.

Timber/Cover Types - The parcel has one cover type: redwood forest. The redwood forest is high site III or low site II redwood timberland with a small component of Douglas-fir. The forest also has a small hardwood component of Madrone, Tan Oak, Bay Laurel and Live Oak. This is a dense forest stand with densely stocked clumps of redwoods with a sparse under story and little existing redwood regeneration. Several non-native trees and ornamentals have been historically planted around the structures and out into the forest.

Soils - There is one mapped soil type on the parcel:

115- Ben Lomond-Felton Complex 50-75% slopes. This deep sandy loam soil is a good timber soil. This is likely the Felton Soil Type which is underlain by a weak silt stone that was observed in a shallow failure adjacent to Burns Creek

Volume, Growth and Yield - All 8.8 acres of this parcel (except that portion which lays under Old Santa Cruz Highway) is **productive timber land which is available and capable of growing a crop of commercial tree species in quantities greater than 15 cubic feet of wood fiber per year**. The parcel meets the 15 CuFt/A/Y requirement for timberland.

The timbered portion of the parcel is considered high redwood site III or low site II. The site index is estimated at 160 and the parcel is roughly 75% stocked with conifers. The yield table estimates the current cubic feet stocking as 17,955 cubic feet per acre (CuFt/A). My estimate of stocking is roughly 40,000 board feet (BF) per acre on the parcel. Growth is estimated 1.5% for an estimated average production of 270 cubic feet/acre/year, or 600 BF/acre/year.

The total standing volume of conifer is estimated at 320,000 BF.

The timbered portion of the parcel carries roughly 2 cords per acre of hardwood, for an estimated 16 cords.

Post harvest growth rates would be around 3-3.5%.

Future Timber Management and Units- All of the timbering acres are accessible utilizing traditional ground skidding access, with the exception of the area above Old Santa Cruz Highway and across Burns Creek. The acreage above the road would need access from the parcel to the north to be practically harvested. The structures on the parcel also pose some limitations on access. This results in approximately 5.5 acres of reasonably harvestable land. A harvest of this portion of the parcel would be anticipated to yield 110 MBF (thousand board feet) under a 50-60% harvest. The rules allow up to a 50% - 60% selection harvest. This could be repeated on a 10-14 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  $\$580/\text{MBF} \times 110 \text{ MBF} = \$63,800$ .

The cost of obtaining a Timber Harvest Plan (THP; harvesting permit) and some other expenses 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 8.8 acres could cost \$15,000 - \$20,000.

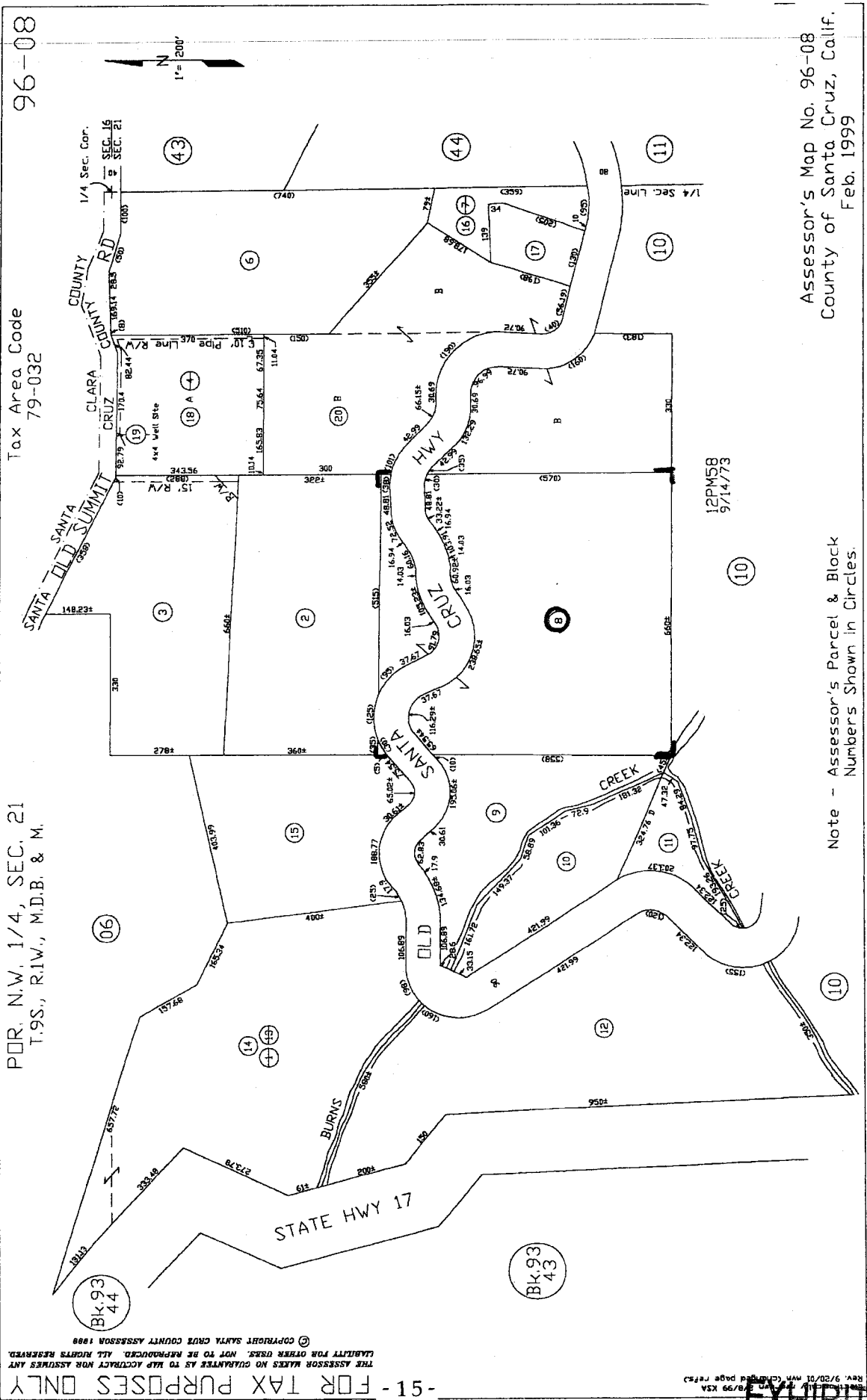
While this still produces a viable stand alone sale, your best course of action would be to tie your harvest in with a nearby timber harvest during the preparation stages of a nearby sale. This would require you to contact the half dozen RPFs that prepare plans in

the area or contact your neighbors and let them know you are interested in harvesting your parcel and wait for them to prepare a harvest plan on a nearby parcel. This rough analysis is based on current timber and harvest plan prices. Future values and cost will inevitably change. So keeping an eye on the redwood market and the regulatory climate will be key to optimizing the value of a future harvest.

The 5.5 acre unit discussed is an economically viable stand alone unit in that it could have its own adequate landing areas, truck and skid road access.

Other- Great care would need to taken during the layout, timber marking and harvest to avoid all the improvements on the parcel.

STEVEN M. BUTLER RPR  
781 OAK DR.  
FELTON CA 95018



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-51-  
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Rev. 9/20/01 mm (changed page refs.)  
KSA 2/8/99

EXHIBIT

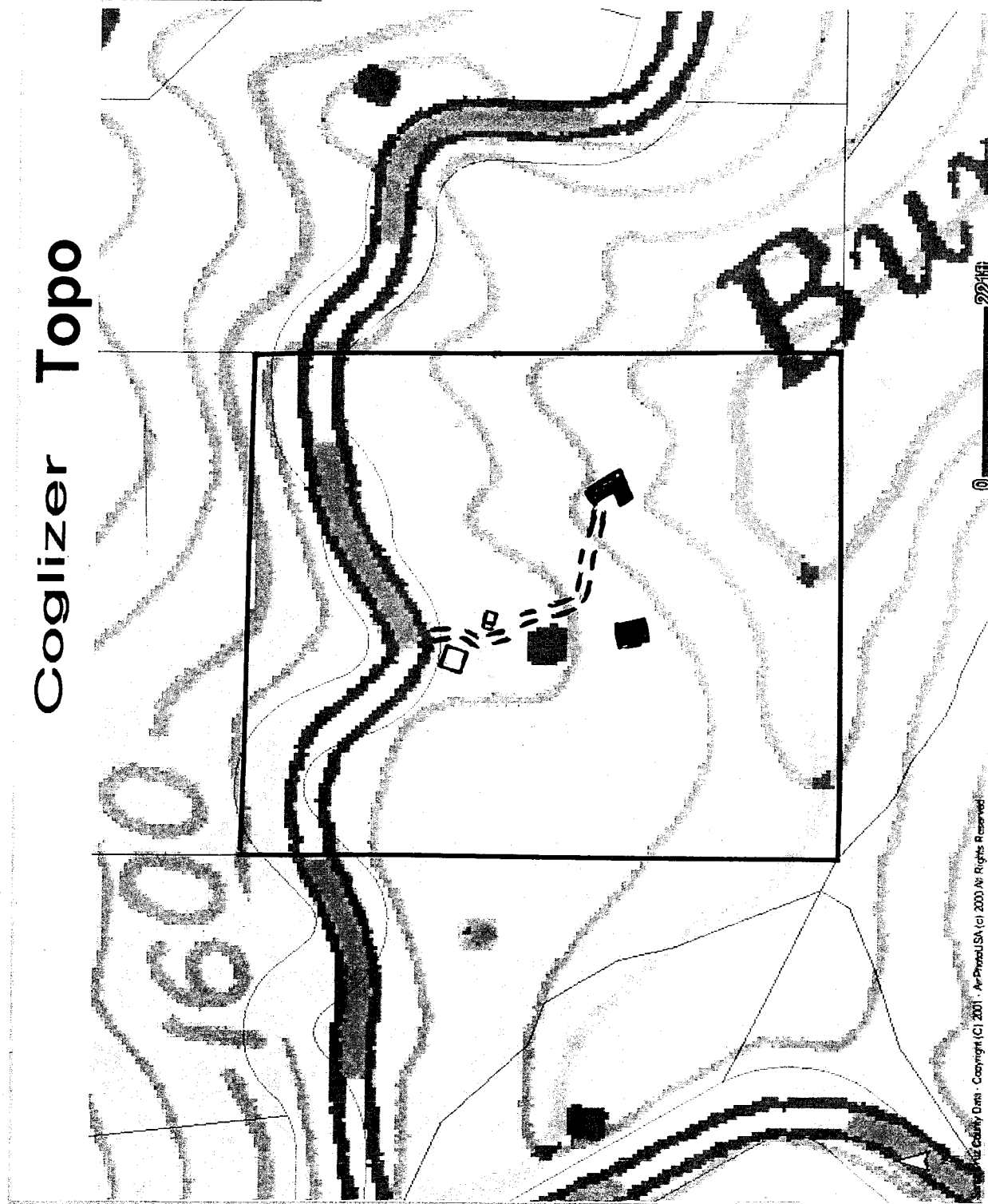
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# Coglizer Topo

Overview

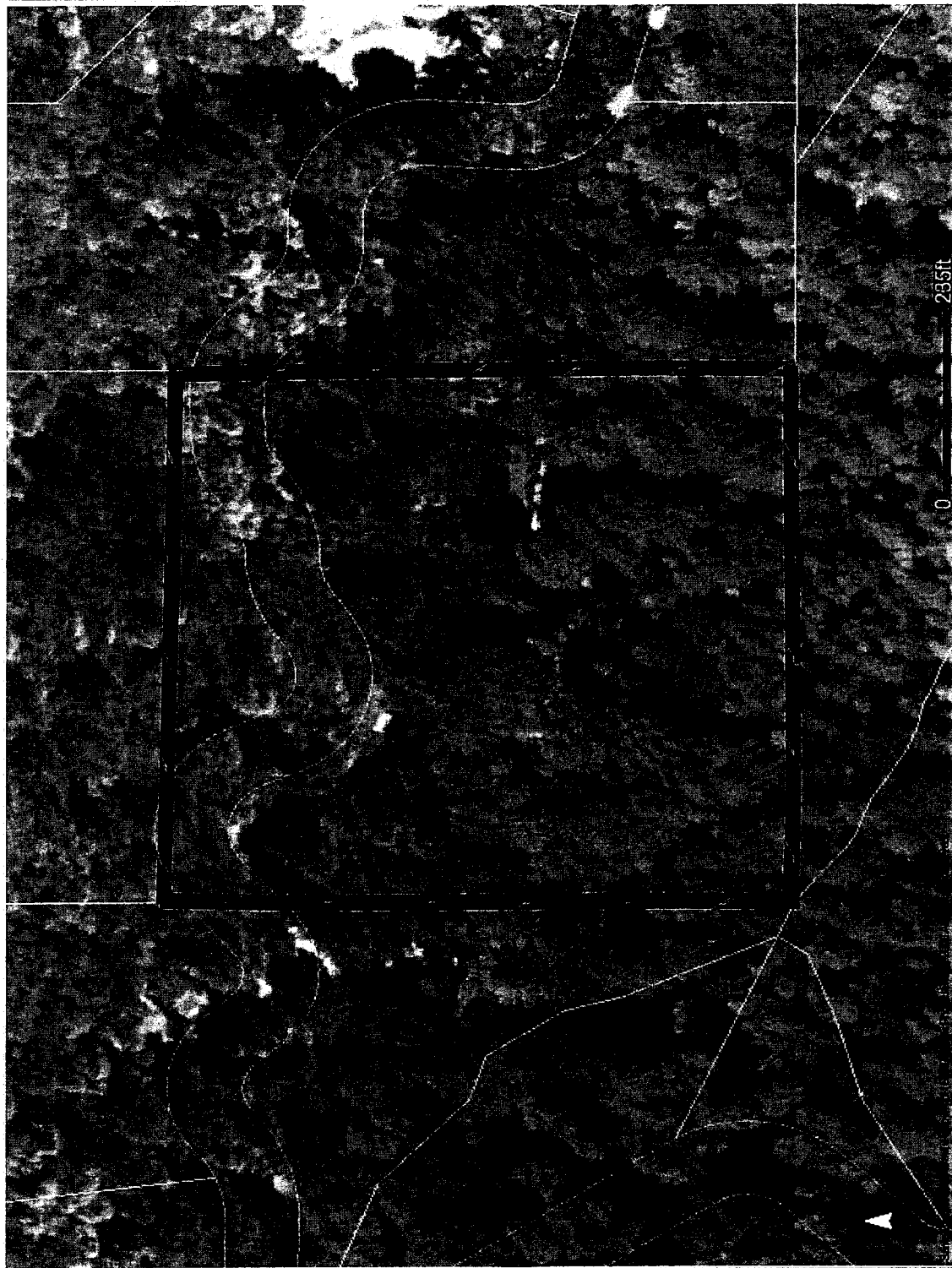
## Legend

- Legend**
- Parcel (Assessor)
  - State Highways
  - City Limits
  - Santa Cruz County Boundary
  - USGS Quads (contour maps)





# Coglizer Photo



Overview

## Legend

- Legend**
- Parcel (Assessor)
  - State Highways
  - City Limits
  - Santa Cruz County Boundary
  - 2 Ft Pixel

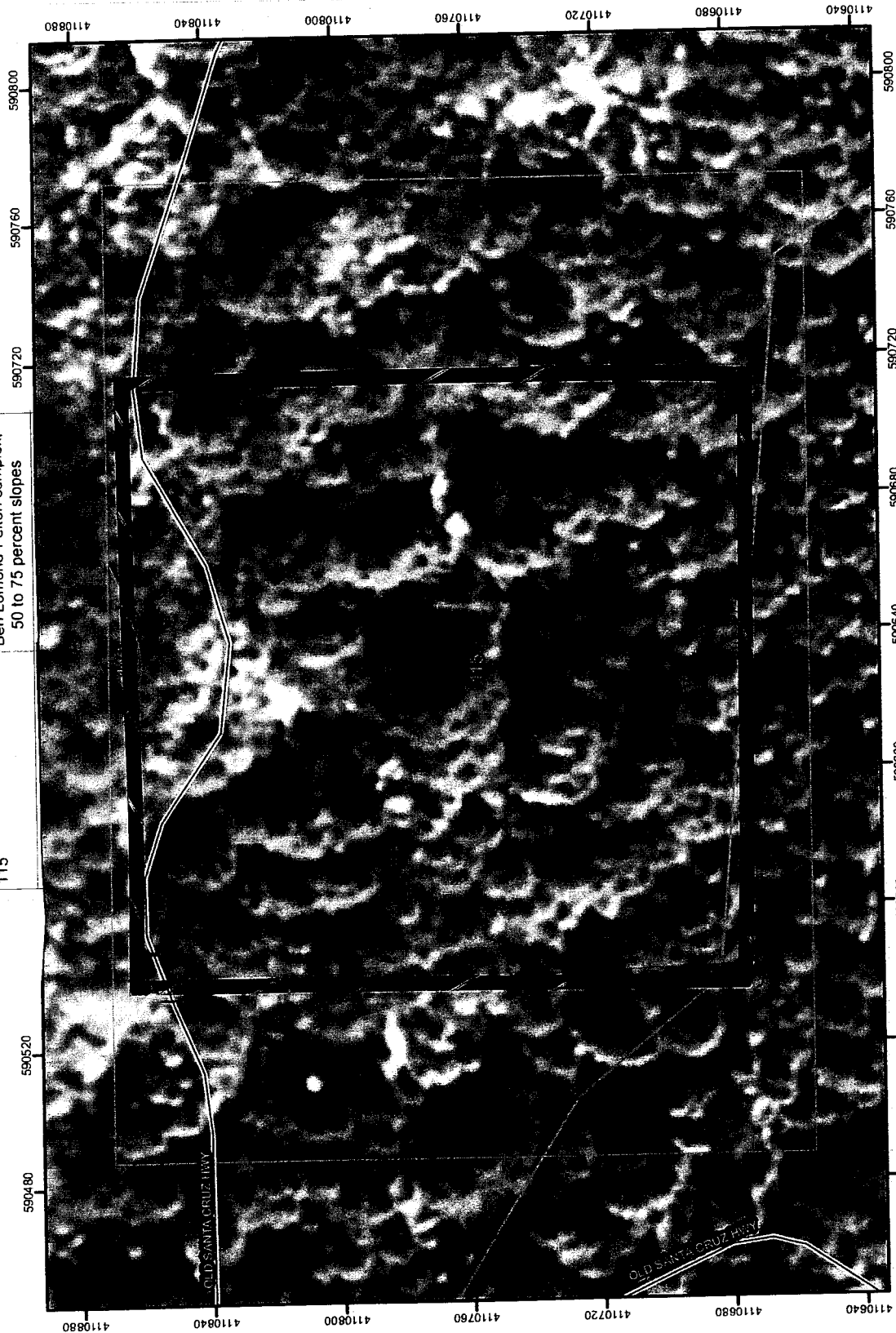


255ft

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UNIT 115

Santa Cruz County, California		
Map Unit Symbol	Map Unit Name	
115	Ben Lomond-Felton complex. 50 to 75 percent slopes	



STEVEN M. BUTLER RPF  
781 OAK DR.  
FELTON CA 95018

10/8/2007  
Page 1 of 3

Web Soil Survey 2.0  
National Cooperative Soil Survey

USDA  
Natural Resources  
Conservation Service