



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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

April 10, 2012

Planning Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Agenda Date: May 23, 2012

APN: 086-131-03 and 06

Application: 121051

Agenda Item: 11

Subject: A public hearing to consider a proposal to rezone two lots of record one from the Residential Agriculture (RA) zone district and one from the Special Use (SU) zone district, to the Timber Production (TP) zone district.

Members of the Commission:

On February 29, 2012 the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone two parcels totaling about 61.2 acres from the Residential Agriculture (RA) zone district (APN 086-131-03) and Special Use (SU) zone district (APN 086-131-06) to the Timber Production (TP) designation. Both properties consist of vacant rural acreage.

Background

The property owner, Joseph A. Gurriere, owns two contiguous parcels with a combined area of about 61.2 acres (APN's: 086-131-03 and 06). This project qualifies for a rezoning under California Government Code Section 51113, which 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)&(d) (Exhibit F). This Government Code section expressly prohibits local jurisdictions from placing additional requirements on applications to rezone 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.

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 (Exhibit B).
2. A Timber Management Plan prepared by a registered professional forester, dated February 16, 2012, 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 (Exhibit E).
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 forty (40) acres in area.

Environmental Review

This project qualifies for a statutory exemption in accordance with the California Environmental Quality Act Article 18, Section 15264 (Exhibit D).

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. There are no Williamson Act contracts that apply to the RA zoned properties.

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. 121051 to adopt the Ordinance rezoning the property to the TP zone district.

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 Joseph Culver, RPF, dated February 16, 2012
- F. Government Code section 51113(c)&(d).

Lezanne Jeffs
Project Planner
Development Review

Reviewed By: _____
Ken Hart
Principal Planner

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. 121051, involving property located just west of Branson Ranch Road, approximately 1/4 mile west of the intersection of Branson Ranch Road and Highway 236, 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 and Residential Agriculture zone districts 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 _____, 2012, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
KEN HART, Secretary

APPROVED AS TO FORM:

ASSISTANT 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 just west of Branson Ranch Road, approximately 1/4 mile west of the intersection of Branson Ranch Road and Highway 236; and 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* Court decision.

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 a Statutory Exemption has been prepared pursuant to the California Environmental Quality Act (CEQA), and
2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
3. 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
4. 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>
086-131-03	Residential Agriculture (RA)	TP
086-131-06	Special Use (SU)	TP

SECTION IV

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

PASSED AND ADOPTED THIS _____ day of _____ 2012, 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

FOR TAX PURPOSES ONLY
 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. S.E. 1/4 SEC. 10, T.9S., R.3W., M.D.B. & M.

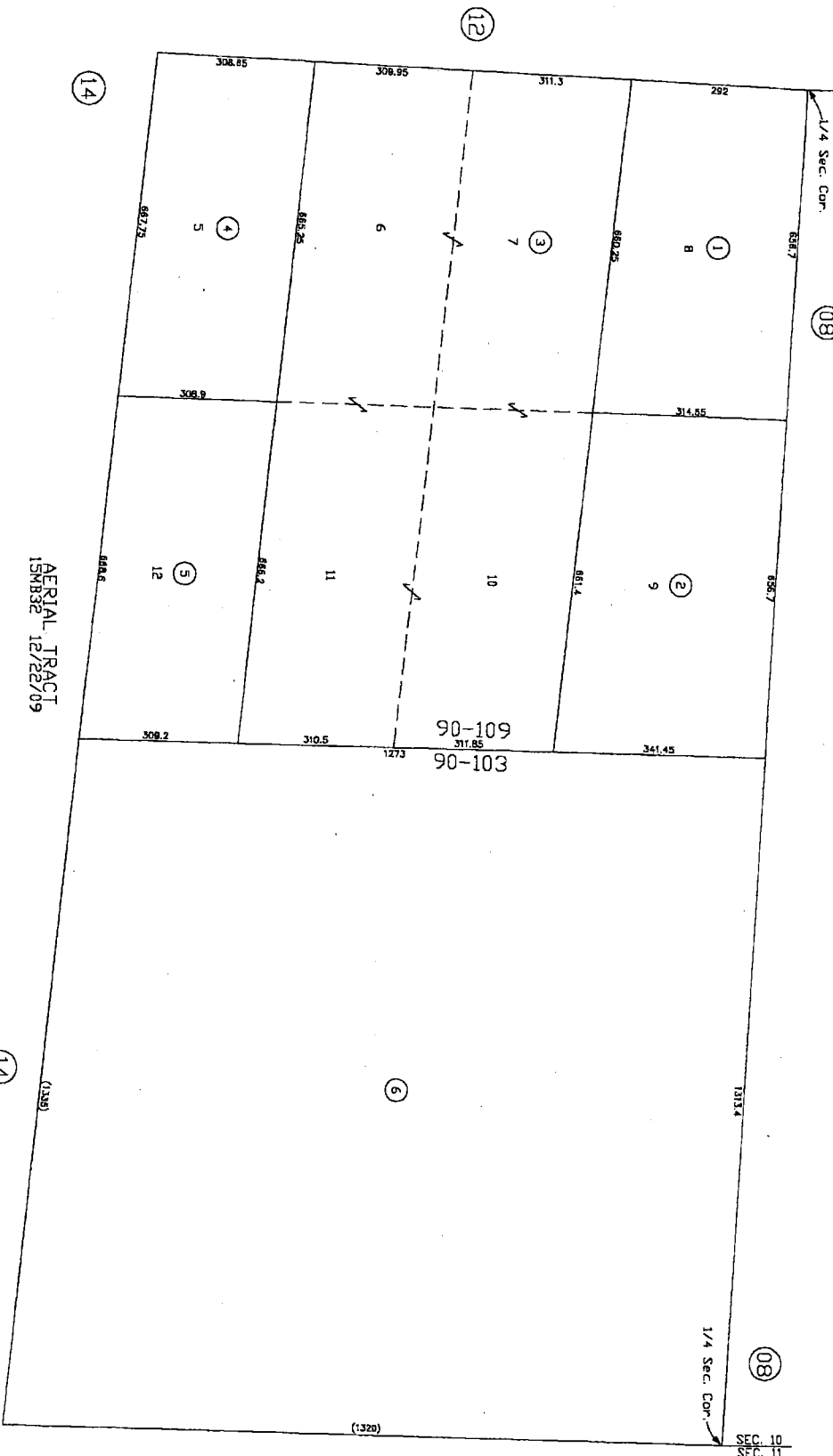
Tax Area Code
 90-103 90-109

86-13

Electronically Redrawn 5/10/00 nvn
 Rev. 8/29/01 nvn (changed page refs.)

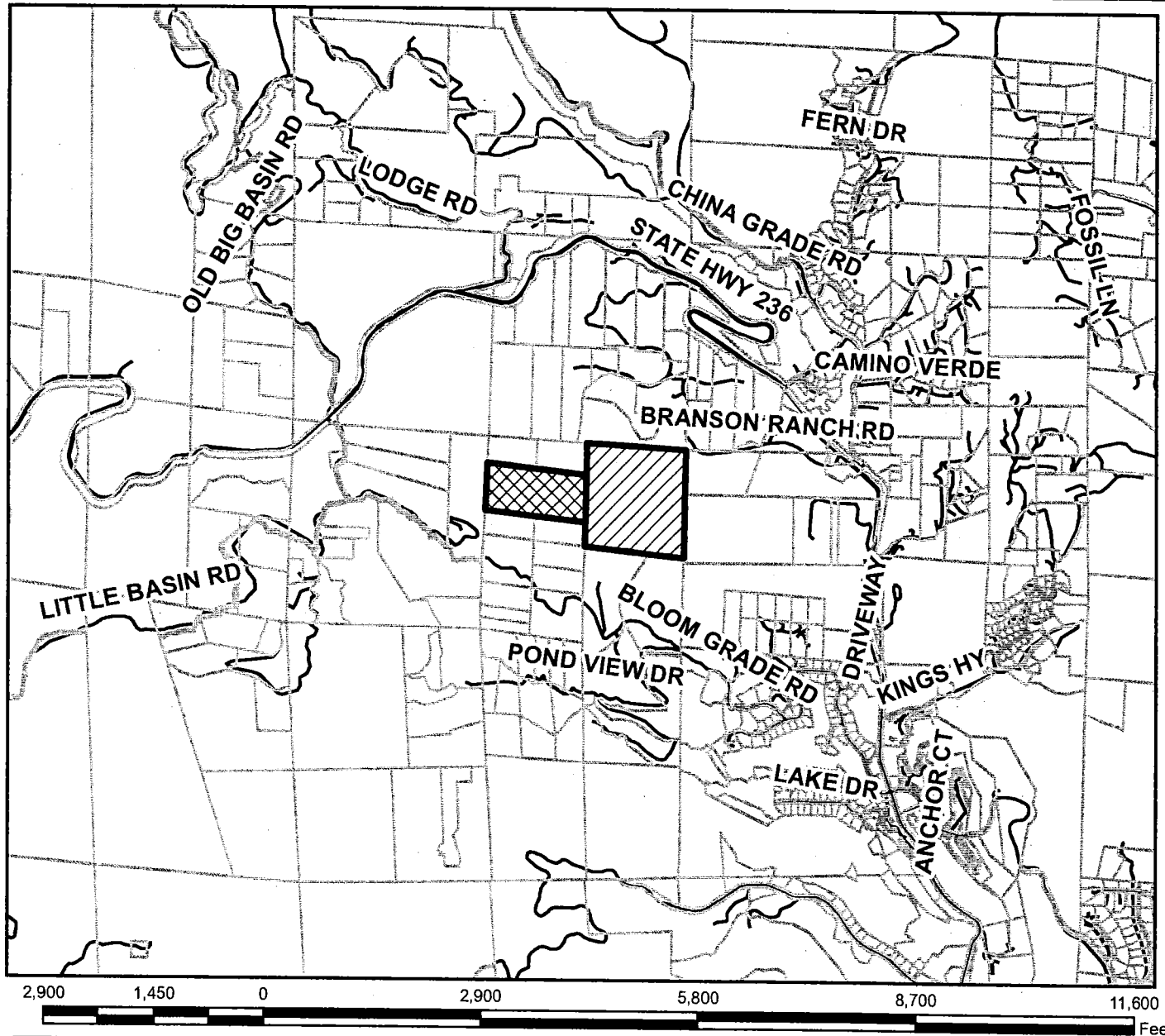
Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

Assessor's Map No. 86-13
 County of Santa Cruz, Calif.
 May, 2000








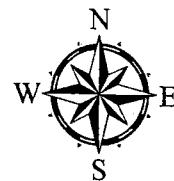


Location Map



LEGEND

-  APN: 086-131-06
-  APN: 086-131-03
-  Assessors Parcels
-  Streets
-  State Highways

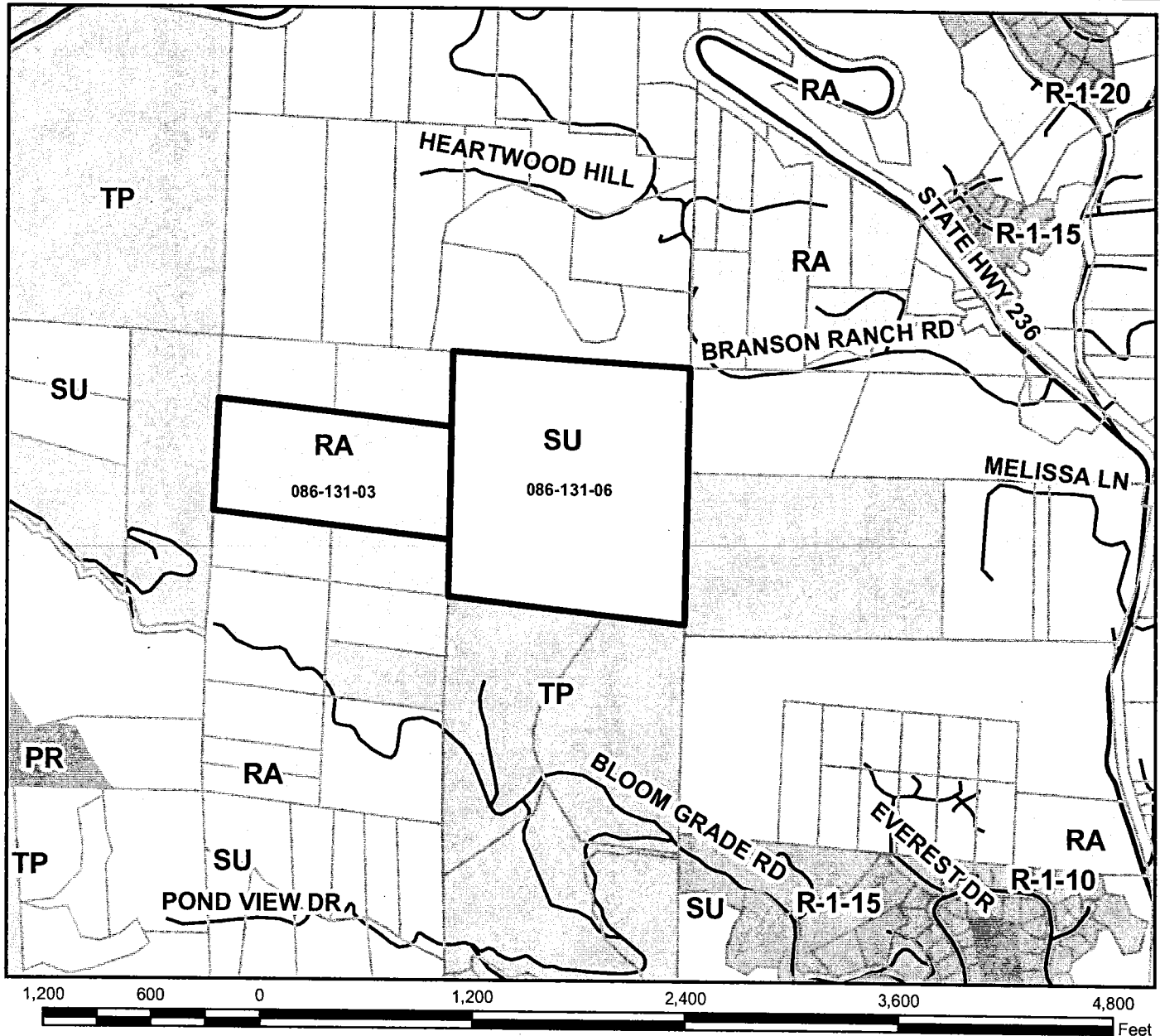


Map Created by
County of Santa Cruz
Planning Department
March 2012

EXHIBIT C

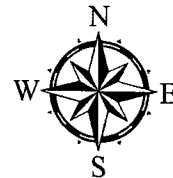


Zoning Map



LEGEND

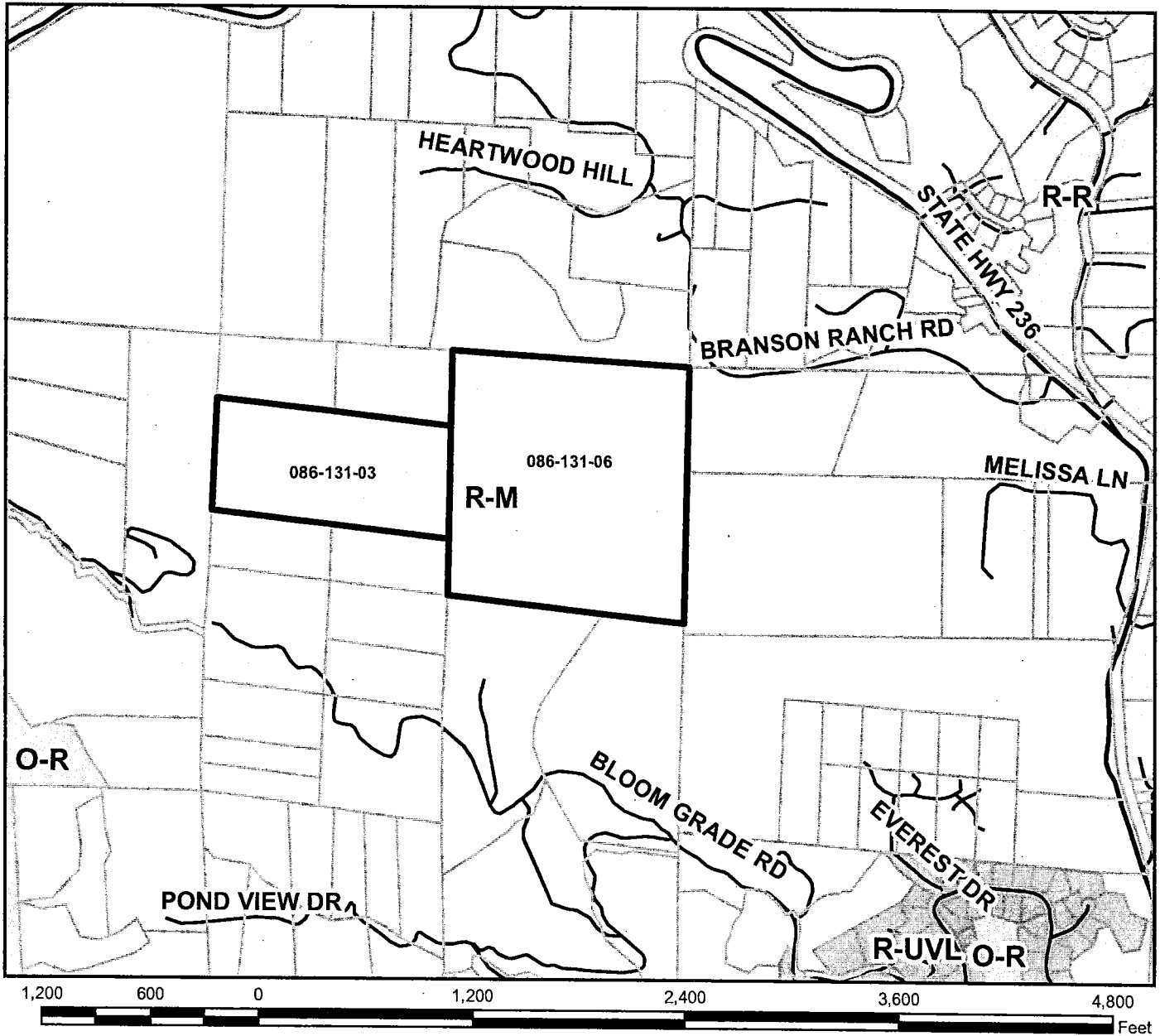
- APN: 086-131-06
- APN: 086-131-03
- Assessors Parcels
- Streets
- State Highways
- SPECIAL USE
- AGRICULTURE RESIDENTIAL
- TIMBER PRODUCTION
- RESIDENTIAL-SINGLE FAMILY
- PARK



Map Created by
County of Santa Cruz
Planning Department
March 2012

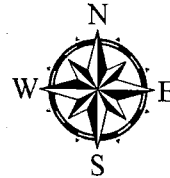


General Plan Designation Map



LEGEND

- APN: 086-131-06
- APN: 086-131-03
- Assessors Parcels
- Streets
- State Highways
- Residential-Mountain
- Residential-Rural
- Parks and Recreation
- Residential - Urban Very Low Density



Map Created by
County of Santa Cruz
Planning Department
March 2012

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: 121051

Assessor Parcel Numbers: 086-131-03 and 086-131-06

Project Location: No situs

Project Description: Rezone one parcel from the Residential Agricultural (RA) zone district (086-131-03) and one parcel from the Special Use (SU) zone district (086-131-06) to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Joseph Culver, Professional Forester

Contact Phone Number: (831) 359 5989

- 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 15264).

In addition, none of the conditions described in Section 15300.2 apply to this project.

Lezanne Jeffs, Project Planner

Date: _____

Timber Management Plan

**Lands of Gurriere
Highway 236
Santa Cruz County**

**APN# 086-131-03, 06
Portion of Section 10
Township 9 South
Range 3 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
February 16, 2012**

PREFACE

In January 2012, Joseph Culver, Consulting Forester, was commissioned by Richard Gurriere to prepare a Timber Management Plan for APN #086-131-03 and #086-131-06. The county assessor lists the parcel as 18.9 and 42.3 acres in size, respectively. Mr. Gurriere would like to rezone the parcels to Timber Production and the TMP will be part of an application packet submitted to the County of Santa Cruz. The management plan incorporates field work and currently available resource data.

GENERAL PROPERTY DESCRIPTION

The parcel is located approximately five miles northwest of the community of Boulder Creek. Branson Ranch Road is located to the northeast of the property and Bloom Grade Road is located to the south. The property is topographically defined by a east flowing watercourse that is a tributary to Boulder Creek. The USGS Map does not name the creek but during my field work a neighbor referred to the creek as Logan Creek. The hillsides rise steeply from the creek to the north and south. Traveling upstream (west) the hillslopes become somewhat more gentle, particularly in the northwest corner of parcel 086-131-03.

Elevation ranges from 680 feet where the creek leaves the property at the eastern boundary to 1,240 feet at the southeastern corner. The legal description of the parcel is Township 9 South, Range 3 west, portion of section 10. Timber site classification on the forested portions of the property is high site III.

The entire property is comprised of coniferous forest. The forest consists primarily of second growth redwood and some scattered Douglas fir as the dominant overstory species. Redwood trees typically grow in tightly spaced clumps and create a continuous forest canopy along the lower slopes. Tanoak is present as an understory species throughout and as an intermediate canopy tree along the upper slopes and poorer growing sites on the property. A small amount of Pacific madrone and coastal live oak were also observed near the upper slopes of the property. Understory species on the property consist mostly of tanoak seedlings, sword fern, clover, poison oak and huckleberry. As the property has not been harvested in over 100 years, the forest canopy is completely closed in on itself and virtually no sunlight reaches the forest floor.

About two thirds of the property is underlain by the Ben Lomond-Catelli-Sur soil complex. These soils are deep and well drained, with sandy loam surface soils of about 7-19" in thickness. Weathered sandstone is found at 37-46". Permeability is moderately rapid, and effective rooting depth is 20-40". Runoff is rapid to very rapid, and the erosion hazard is high to very high. These soils are well suited to timber production.

The remainder of the property is underlain by the Lompico-Felton complex. Permeability of the Lompico soil is moderate and effective rooting depth is 20 to 40 inches. Runoff is medium or rapid, and the hazard of erosion is moderate or high. The Felton soil is deep and well drained and formed in residuum derived from sandstone, shale, siltstone, or schist. Permeability of the Felton soil is moderately slow and effective rooting depth is 40 to 72 inches. These soils are well suited to the production of redwood and Douglas fir.

TIMBER HARVEST HISTORY

The old-growth redwood logging in the Santa Cruz area, including this property, occurred approximately 110 years ago. As was common throughout the area, this clear-cut logging was often followed by fire, usually intentionally set to burn bark and slash. Fire scars on the old-growth stumps are evidence of this fire activity. The property has not been harvested since this time. The majority of the redwood trees growing on the property are sprouts from the cut stumps of the original harvest. Douglas-fir most likely seeded in shortly after the clear-cut as well due to the advantageous rooting and growing conditions.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Mr. Gurriere intends to manage the land for high quality forest products, while maintaining the related values of aesthetics and wildlife. As there has been no harvesting on the property for over 100 years the forest trees have begun to close in on themselves and the next harvest could occur anytime in the near future. Although State law allows for a harvest every 10 years, it is recommended that future harvesting be spaced at a 14-18 year interval to maximize the volume removed in each harvest, and to minimize neighborhood impacts. Future harvests should focus on the following objectives:

1. Prescribe and implement a forest improvement program to improve stocking, increase tree vigor and maximize growth.
2. Maintain a healthy and vigorous forest of well-spaced trees growing at the highest rates feasible considering the other values of the forest.
3. Maintain a high degree of aesthetic consideration during all aspects of forest management.
4. Maintain and improve wildlife habitat where possible as part of continuing forest management.

RECOMMENDED LOGGING SYSTEM

Appropriate harvesting infrastructure would be developed during preparation of a Timber Harvest Plan.

PRESENT AND FUTURE STAND CONDITIONS

In January 2012, I placed a handful of sample plots throughout the property. Using this data in combination with a comparison of other properties with similar forests, and with my experience as a forester in the Santa Cruz Mountains, I was able to roughly determine the conifer volume per acre, species composition, basal area, stocking levels and stand growth. The 61.2 acres of forest land have the following approximate stand conditions:*

Species Composition	90% second growth redwood 10% Douglas-fir
Basal Area	275 square feet per acre
Gross Volume/acre (redwood)	36,000 board feet
Gross Volume/acre (Douglas-fir)	3,600 board feet
Gross Overall property volume	2,423,520 board feet

The volume per acre and overall property volume stated previously are gross volumes. In general, the net volume for redwood will be about 10% less due to fire scar, rot and other minor defects in the standing timber. The defect in the Douglas-fir is higher due to the presence of conk in many of the butt logs and is estimated at 14%. With these factors in mind the overall net conifer volume on the property is approximately 2,172,355 board feet.

Increment boring data gathered during the timber inventory combined with general tree growth rates in the Santa Cruz Mountains indicate that the redwood forest is growing at an approximate rate of 1.5% per year. This growth rate is lower than the average for managed stands of second growth trees as the property has not been harvested for over 100 years and the forest has closed in on itself. A growth rate of 1.5% per year equates to an annual increase in the conifer resource of 32,600 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 2,715 cubic feet over the entire property, or 44 cubic feet per acre per year. This well exceeds the required average of 15 cubic feet per acre per year to classify a property as timberland.

**Limitation: This data is based on a small field sample and an extrapolated growth rate for the previous ten years. The estimated volumes are provided to show the property far exceeds minimum state standards required for rezoning the property to Timber Production. These values should not be extended or taken out of context for other purposes.*

OTHER PROPERTY USES

The property is currently used as watershed and wildlife habitat. No structures or other infrastructure are located on the property.

CONCLUSION

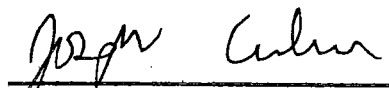
The property is suited for timber management into the future. The forest resource is currently healthy but growth rates have declined due to the time interval since the last timber harvest. Mr. Gurriere has indicated that he wants to manage the timber resource and stand conditions warrant a harvest in the near future.

TIMBER STOCKING: To rezone a property to the "Timber Production" zoning a property must meet the timber stocking standards set forth in Section 4561 of the Public Resources Code. Section 4561 states in part that "The average residual basal area, measured in stems one inch or larger in diameter.....in areas which the registered professional forester has determined are site II classification or lower, the minimum average residual basal area shall be 50 square feet per acre. Rock outcroppings and other areas not normally bearing timber shall not be considered as requiring stocking." The average conifer residual basal area in the timbered portions of the property is estimated at 275 square feet per acre and far exceeds the required stocking standards.

TIMBERLAND: To rezone a property to the "Timber Production" zoning a property must meet the definition of timberland. Section 51104 of the California Code states that "Timberland means privately owned land.....capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre." The property proposed for rezoning is currently growing coniferous wood fiber at an estimated average annual rate of 44 cubic feet per acre and therefore meets the definition of timberland. Growth rates will further increase following a selective timber harvest.

COMPATIBLE USE: Existing infrastructure on the property does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

Timber Management Plan Prepared By:



Joseph Culver
Registered Professional Forester #2674

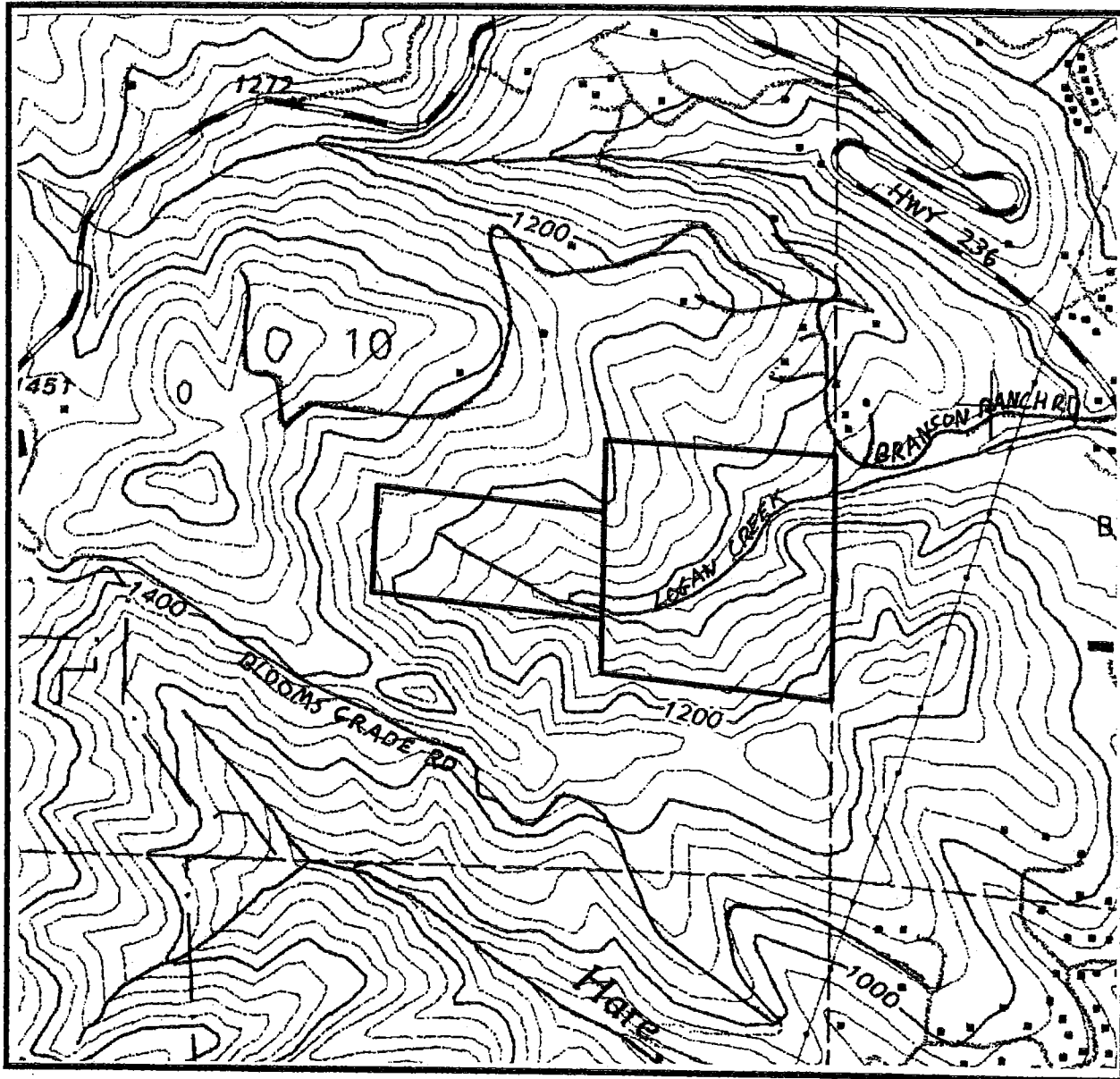
2/29/12
Date

LANDS OF GURRIERE

PLAN AREA MAP

SANTA CRUZ COUNTY

T10S, R3W, SEC. 10 MDB&M



LEGEND

PROPERTY BOUNDARY ———

SCALE: 1 INCH = 1,000

CONTOUR INTERVAL = 40 FEET



Timber Management Plan, Lands of Gurriere
Prepared by: Joseph Culver, Consulting Forester

Government Code Section 51113(c)&(d).

(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.