



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

January 27, 2017

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

Agenda Date: February 8, 2017

APN: 096-341-41

Application: 151333

Agenda Item: 6

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

Members of the Commission:

On November 30, 2015, the County Planning Department accepted this application for rezoning one parcel, of approximately 4 acres, from the Special Use (SU) zone district to the Timber Production (TP) designation. The parcel is located on the south and southeast side of Old Ranch Road, approximately ¾ mile northeast of Hutchinson Road, within the Skyline Planning area. The parcel is currently undeveloped and forested with second growth redwood.

Background and Discussion

The property owner, Jim Galbo, owns an approximately 5-acre Timber Production (TP) zoned parcel, APN 096-341-59, which is contiguous with the subject property. The property owner has other timber holdings in the vicinity as well. The project qualifies for a rezoning under California Government Code Section 51113.5, which allows a property owner with TP-zoned land that meets all of the requirements of that section, to petition the County to rezone contiguous land to the TP zone district. This type of rezoning must also meet the definitions of Government Code Section 51104(f) and (g).

51104(f) "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.

51104(g) "Timberland production zone" or TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).

51104(h) "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but

not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

- (1) Management for watershed.
- (2) Management for fish and wildlife habitat or hunting and fishing.
- (3) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas.
- (4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.
- (5) Grazing
- (6) A residence or other structure necessary for the management of land zoned as timberland production.

Government Code Section 51113.5 expressly prohibits local jurisdictions from placing any additional requirements under Government Code 51113 on applications to rezone the property to TP. The proposed zoning is consistent with the General Plan, as Timber Production is an implementing zone district for the Mountain Residential (R-M) General Plan designation of the parcel.

In accordance with Section 51113.5 of the State Government Code, and Section 51104 by reference, the project meets the following criteria for rezoning to Timber Production:

- 1) The property is contiguous with Timber Production zoned property under the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code (Exhibit F).
- 2) The property is timberland, as it is capable of producing an average of 72 cubic feet of timber per acre annually (Exhibit E).
- 3) The uses on the parcel, including watershed, wildlife habitat, and timber management, comply with the Timber Production Zone uses set forth in Section 13.10.372, and as determined by the Registered Professional Forester (Exhibit E).

Environmental Review

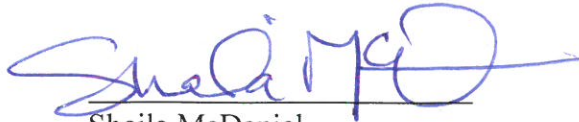
This project qualifies for a statutory exemption in accordance with the California Environmental Quality Act Article 18, Section 15264 (Exhibit D).

Conclusion

All of the criteria have been met for rezoning the subject parcel to the Timber Production zoning designation. All required findings can be made to approve this application pursuant to California State Government Code Section 51113.5. There are no Williamson Act contracts that apply to the SU-zoned parcel.

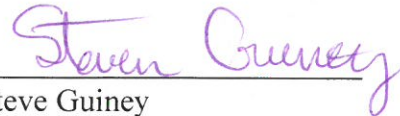
Recommendation

It is recommended that the Commission Adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 151333, to adopt the Ordinance rezoning the property to the TP zone district.



Sheila McDaniel
Project Planner
Development Review

Reviewed By:



Steve Guiney
Principal Planner

Exhibits

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN map
- C. Location, Aerial, Current Zoning and General Plan Designation, and Ownership maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan prepared by Joseph Culver, Registered Professional Forester, dated November 10, 2015
- F. State Government Code Sections

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. 151333, involving property located on the south and southeast side of Old Ranch Road, approximately ¾ mile northeast of Hutchinson 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 zone 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 _____, 2017, by the following vote:

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

Chairperson

ATTEST: _____
STEVE GUINEY, 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 south and southeast side of Old Ranch Road, approximately $\frac{3}{4}$ mile northeast of Hutchinson Road, 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* 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> |
|---------------------------------|-------------------------------|--------------------------|
| 096-341-41 | Special Use (SU) | Timber Production (TP) |

SECTION IV

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

PASSED AND ADOPTED THIS _____ day of _____ 2017, 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:



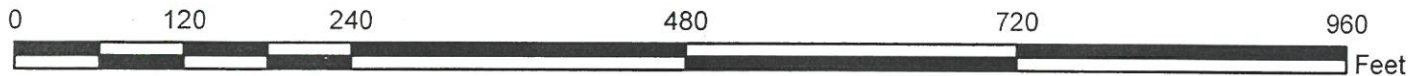
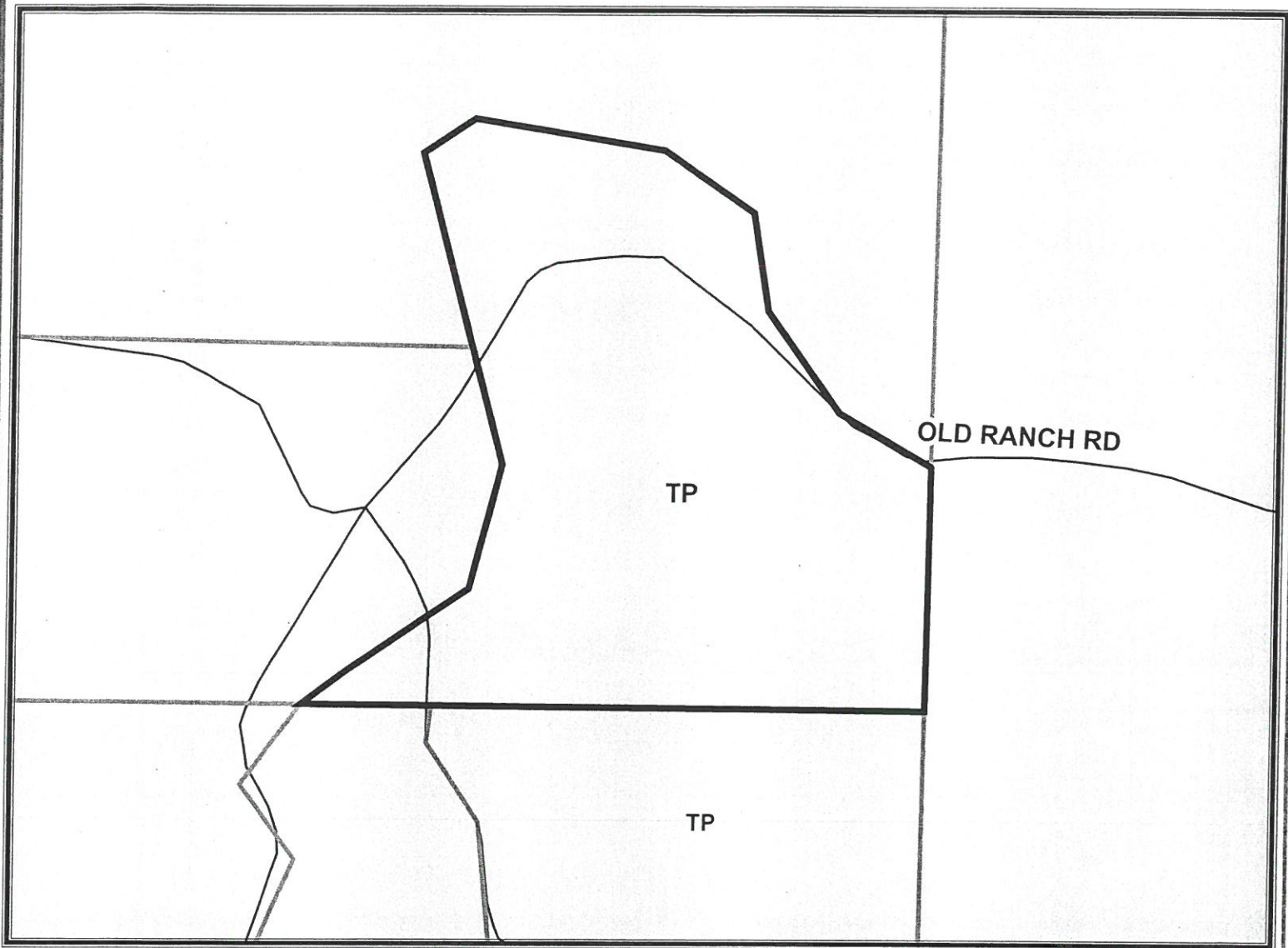
Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
Planning
Assessor
County GIS



Rezoning Map



LEGEND

-  APN: 096-341-41
-  Assessors Parcels
-  Street
-  TIMBER PRODUCTION



Map Created by
County of Santa Cruz
Planning Department
December 2016

EXHIBIT A

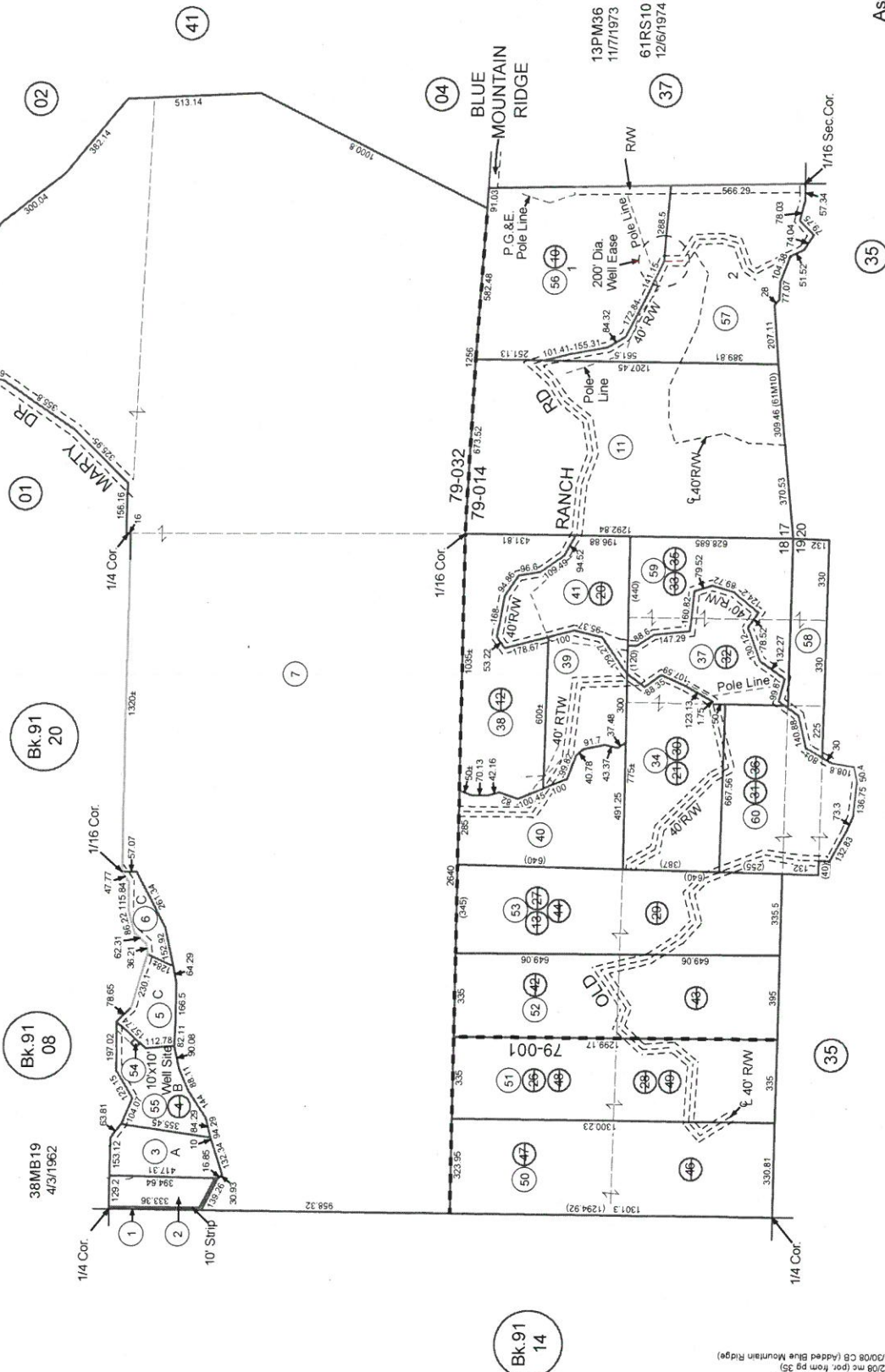
FOR TAX PURPOSES ONLY

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POR. SECS. 17, 18 & 20,
T9S., R.1W., M.D.B. & M.

Tax Area Code
79-032 79-001
79-014

96-34



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

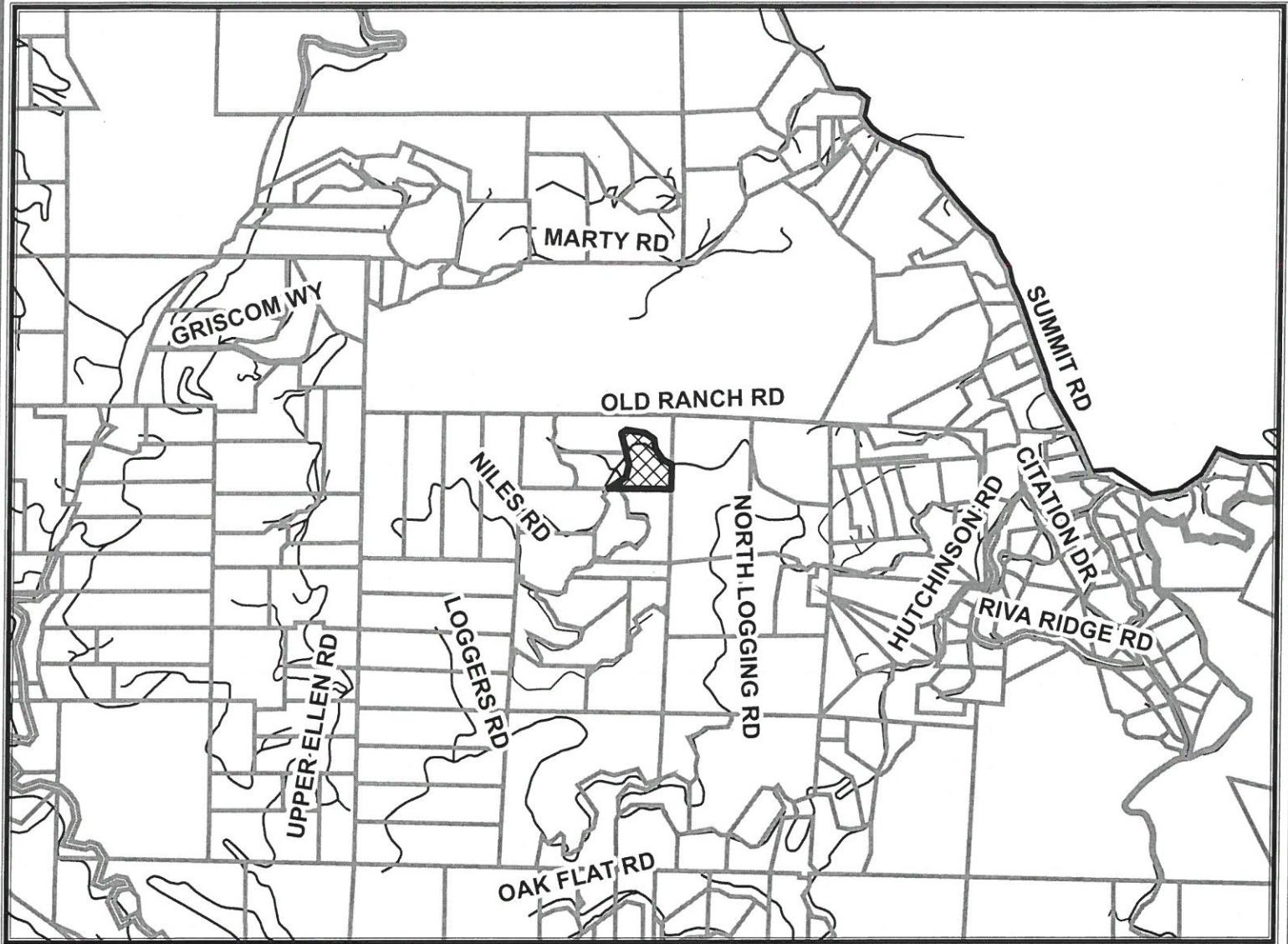
Assessor's Map No. 96-34
County of Santa Cruz, Calif.
April, 1997

Electronically Redrawn 4/18/97 rw
Rev. 5/21/98 KSA (CA)
Rev. 7/19/00 G.C. (Tax Code cor.)
Rev. 9/20/01 mwm (changed page refs.)
Rev. 5/2/08 mc (cont. from pg 35)
Rev. 5/2/08 mc (added Blue Mountain Ridge)
Rev. 12/30/08 CB (added Blue Mountain Ridge)

EXHIBIT B



Location Map



LEGEND



APN: 096-341-41



Assessors Parcels



Street



County Boundary



Map Created by
County of Santa Cruz
Planning Department
November 2016



Aerial Map View



LEGEND

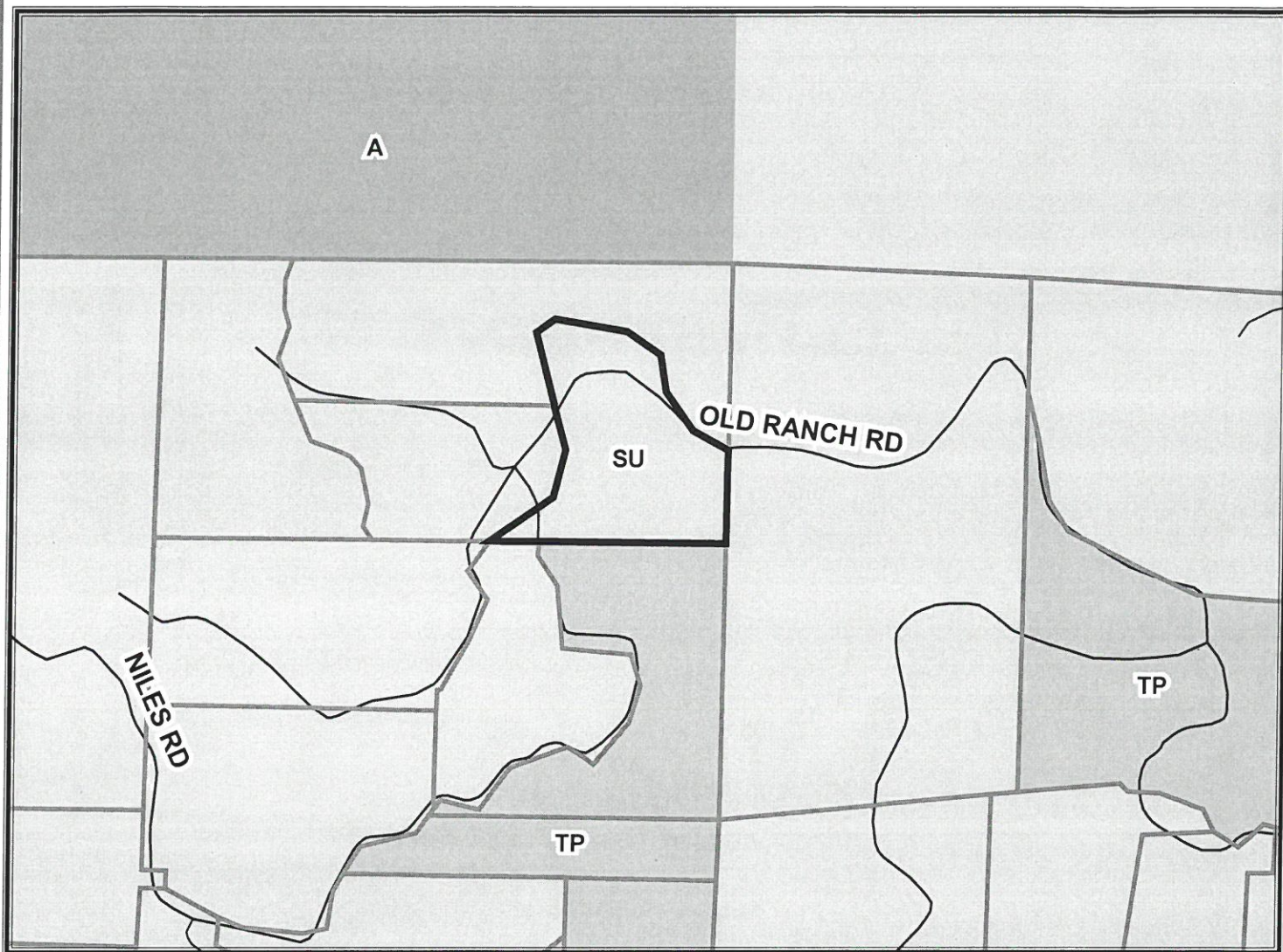
-  APN: 096-341-41
-  Assessors Parcels
-  Street







*Map Created by
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Planning Department
November 2016*



Zoning Map



LEGEND

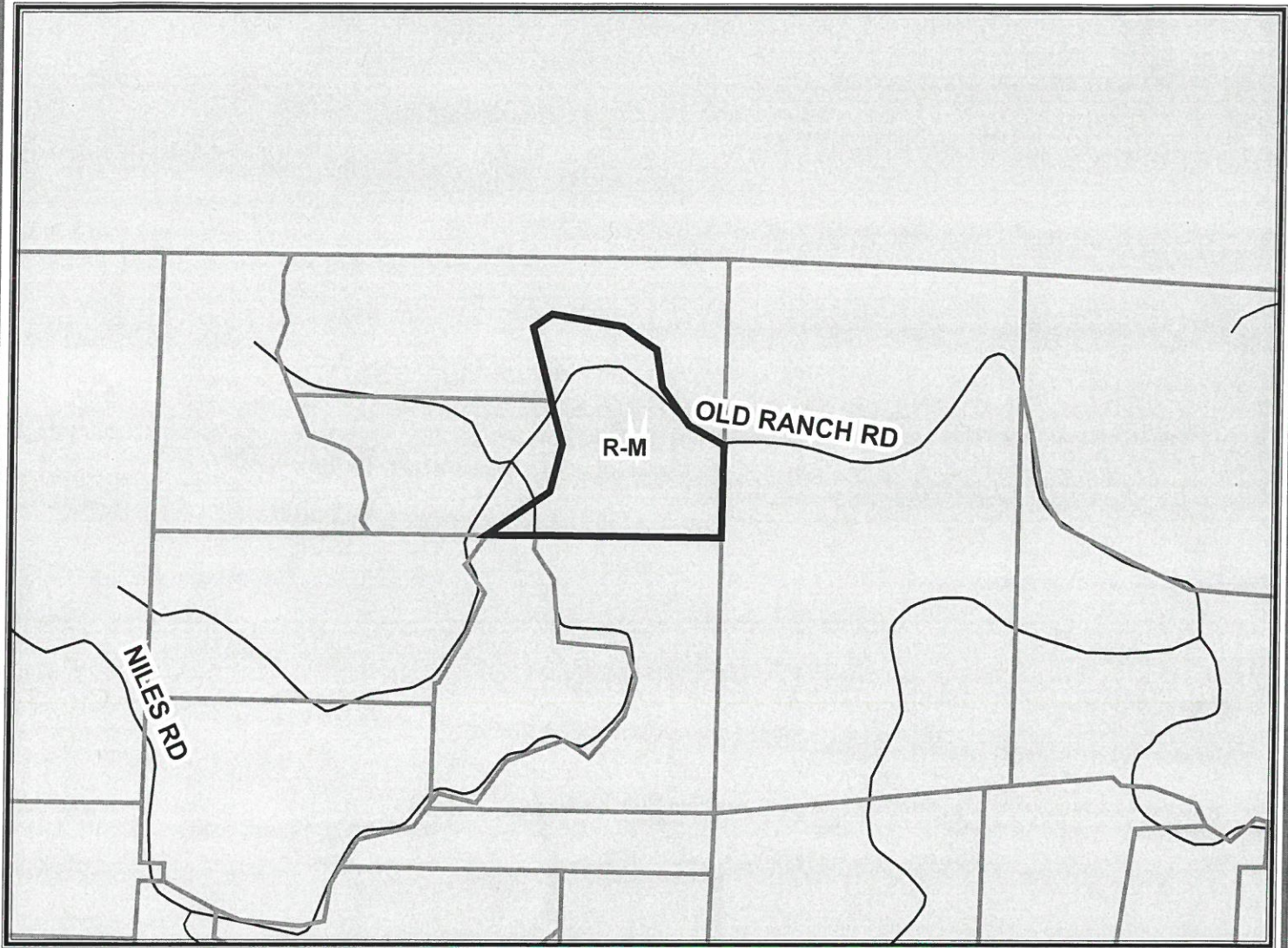
-  APN: 096-341-41
-  Assessors Parcels
-  Street
-  Residential-Mountain



Map Created by
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Planning Department
November 2016



General Plan Designation Map



LEGEND

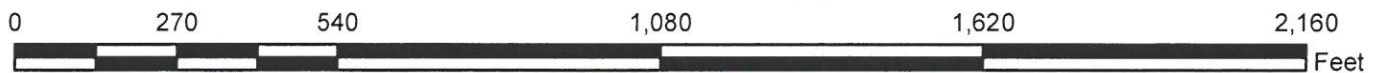
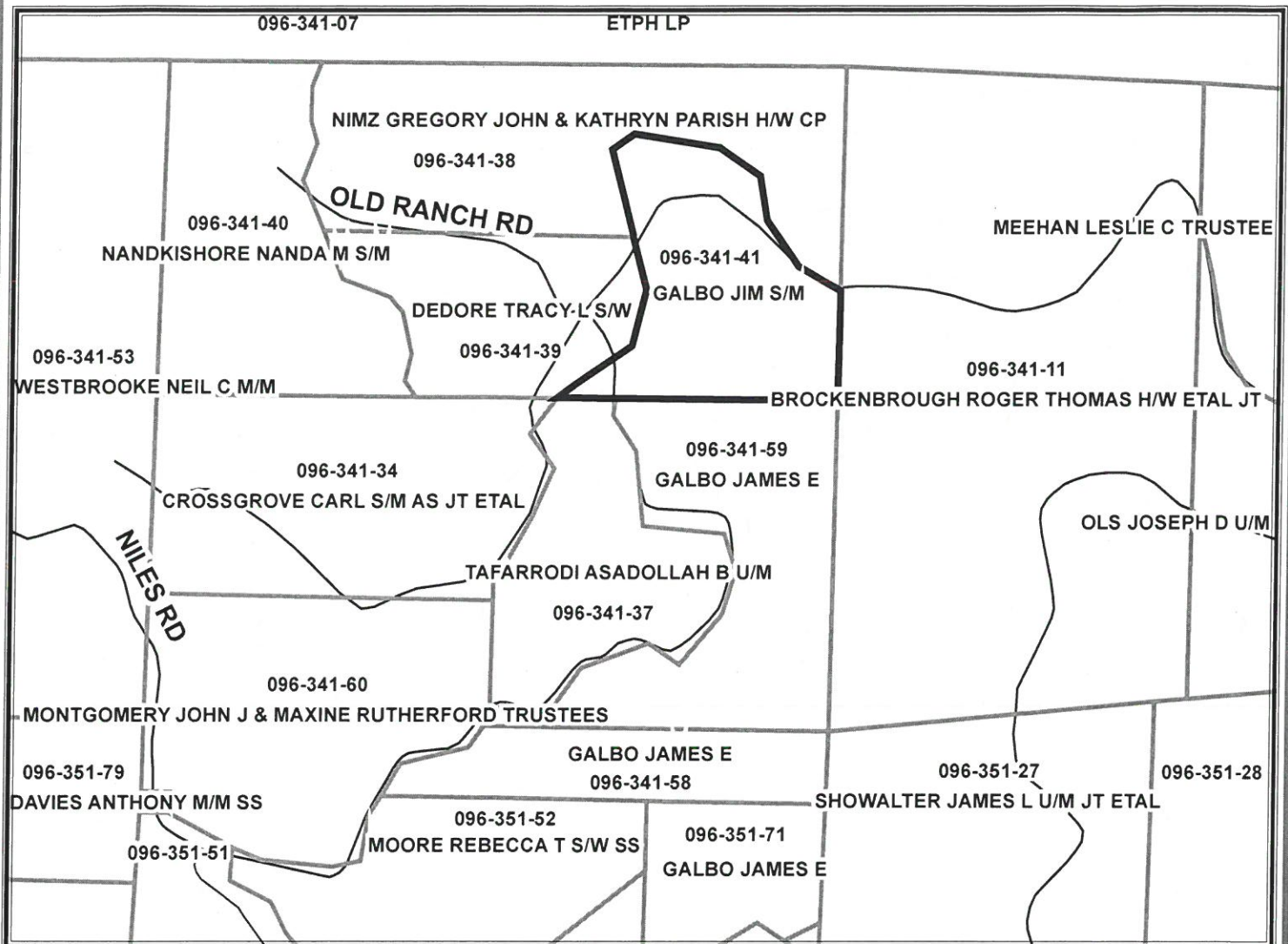
-  APN: 096-341-41
-  Assessors Parcels
-  Street
-  Residential-Mountain



Map Created by
County of Santa Cruz
Planning Department
November 2016



Parcel Ownership Map



LEGEND

- APN: 096-341-41
- Assessors Parcels
- Street



Map Created by
County of Santa Cruz
Planning Department
November 2016

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: 151333

Assessor Parcel Number: 096-341-41

Project Location: South and Southeast side of Old Ranch Road, approximately 3/4 mile north west from Hutchinson Road

**Project Description: Proposal to rezone Special Use (SU) to Timber Production (TP).
Requires a Rezoning**

Person or Agency Proposing Project: Jim Galbo

Contact Phone Number: (408) 315-1078

- 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).
E. X **Categorical Exemption**

Specify type: Article 18, Section 15264

F. Reasons why the project is exempt:

15264. TIMBERLAND PRESERVES : Local agencies are exempt from the requirement to prepare an EIR or Negative Declaration on the adoption of timberland preserve zones under Government Code Sections 51100 et seq. (Gov. Code, Sec. 51119).

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

Sheila McDaniel, Project Planner

Date: _____

JOSEPH CULVER
CONSULTING FORESTER

November 10, 2015

Santa Cruz Planning Department
501 Ocean Street
Santa Cruz, CA 95060



RE: Rezone APN # 096-341-41 to
Timber Production, Adjacent to TPZ
Property Under Same Ownership

Jim Galbo hired me to facilitate the rezoning of APN# 096-341-41 to Timber Production. The county assessor lists the parcel as approximately 3.891 acres in size. The parcel is adjacent to APN #096-341-59, a parcel already zoned Timber production and also owned by Mr. Galbo. Because the parcels are contiguous, APN# 096-341-41 qualifies for an "Adjacency Rezoning" under section 51113.5 of the California Code.

In November of 2015 I completed a sample inventory of APN# 096-341-41 to determine forest characteristics. The inventory consisted of 3 plots 1/5 acre in size randomly placed across the parcel (15% sample). At each plot I determined tree diameter, height, and merchantable volume of all conifers greater than 12 inches in diameter within the plot boundaries. I also cored a smaller sample of trees to determine radial growth of the stand over the last ten years. I then processed the collected data to determine the current stocking levels and growth capability of the parcel as detailed below.

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 residual basal area in the timbered portions of the property is 184 square feet per acre and therefore meets the stocking standards.

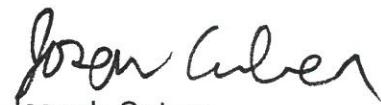
TIMBERLAND: To rezone a property to the "Timber Production" zoning a property must meet the definition of timberland. Section 51104 of the California Code states that "Timberland means privately owned land.....capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre." The property proposed for rezoning is capable of growing an annual average volume of wood fiber of 72 cubic feet per acre and therefore meets the definition of timberland.

COMPATIBLE USE: Current property use of the parcels include watershed, wildlife habitat and timber management. Existing infrastructure on the parcels does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

The property is entirely forested with mature second growth redwood. The property does not appear to have been harvested since the original clear-cut approximately 100 years ago. The forest is healthy but growth-rates have slowed do to the closed in forest conditions. The owner has indicated that he would like to manage the timber resource and stand conditions warrant another harvest in the near future. A future harvest should focus on increasing spacing between residual trees by thinning out tightly spaced clumps.

The property meets required state stocking levels, qualifies as "Timberland," and the current use is compatible with the Timber Production zoning.

Thank you for your time in this matter,



Joseph Culver
RPF #2674

Government Code Provisions

Provisions Relating to Timberland

CHAPTER 6.7. TIMBERLAND*

ARTICLE 2. TIMBERLAND PRODUCTION ZONES†

SECTION 51113.5

51113.5. **Additions to timberland production lands.** (a) After March 1, 1977, an owner with timberlands in a timberland production zone pursuant to Section 51112 or 51113 may petition the board or council to add to his or her timberland production lands that meet the criteria of subdivisions (f) and (g) of Section 51104 and that are contiguous to the timberland already zoned as timberland production. Section 51113 shall not apply to these lands.

(b) In the event of land exchanges with, or acquisitions from, a public agency in which the size of an owner's parcel or parcels zoned as timberland production pursuant to Section 51112 or 51113 is reduced, the timberland production shall not be removed from the parcel except pursuant to Section 51121 and except for a cause other than the smaller parcel size.

History.—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted "and (g) of section 51100 and that contiguous to the timberland already zoned as timberland preserve." for "of Section 51100 or other holdings that now satisfy that section in subdivision (a)." Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after "timberland" wherever applicable, and added "or her" after "his" and substituted "51104" for "51100" after "Section" in the first sentence of subdivision (a).

* Chapter 6.7 was added by Stats. 1976, Ch. 176, p. 305, in effect May 24, 1976. Secs. 20 and 21 thereof provided no payment by state to local governments because of this act.

† Article 2 heading was amended by Stats. 1982, Ch. 1489, in effect January 1, 1983.

Do you have feedback about the BOE website?

California Government Code

51104.

As used in this chapter, unless otherwise apparent from the context:

(a) "Board" means the board of supervisors of a county or city and county, whether general law or chartered, which establishes or proposes to establish a timberland production zone pursuant to this chapter.

(b) "Contiguous" means two or more parcels of land that are adjoining or neighboring or are sufficiently near to each other, as determined by the board or council, that they are manageable as a single forest unit.

(c) "Council" means the city council of a city, whether general law or chartered, which establishes or proposes to establish a timberland production zone pursuant to this chapter.

(d) "County" or "city" means the county or city having jurisdiction over the land.

(e) "Timber" means trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees, but does not mean nursery stock.

(f) "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.

(g) "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).

With respect to the general plans of cities and counties, "timberland preserve zone" means "timberland production zone."

(h) "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

(1) Management for watershed.

(2) Management for fish and wildlife habitat or hunting and fishing.

(3) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas.

(4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.

(5) Grazing.

(6) A residence or other structure necessary for the management of land zoned as timberland production.

(i) "Parcel" means that portion of an assessor's parcel that is timberland, as defined.

(j) "Anniversary date" means the anniversary of the date on which zoning is established pursuant to Section 51112 or 51113 takes effect.

(k) "Tax rate area" means a geographical area in which there is a unique combination of tax levies.

(I) "Nonconforming use" means any use within a TPZ which lawfully existed on the effective date of zoning established pursuant to Sections 51112 and 51113, and continuing since that time, which is not a compatible use.

(Added by renumbering Section 51100 by Stats. 1982, Ch. 1489, Sec. 1.)

Revenue and Taxation Code

Division 2. Other Taxes

PART 18.5. TIMBER YIELD TAX

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

SECTION 38106

38106. "Person". "Person" includes any individual, firm, partnership, joint venture, association, social club, fraternal organization, corporation, limited liability company, estate, trust, business trust, receiver, trustee, syndicate, this state, any county, city and county, municipality, district, or other political subdivision of the state, or any other group or combination acting as a unit.

History.—Stats. 1994, Ch. 1200, in effect September 30, 1994, substituted "partnership," for "copartnership," after "firm," and added "limited liability company," after "corporation,".

Do you have