



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, PLANNING DIRECTOR

June 11, 2020

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

Agenda Date: June 24, 2020

APNs: 106-251-33, 34, 35

Application: 28381

Agenda Item: 7

Subject: A public hearing to consider a proposal to rezone three (3) contiguous lots of record from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On January 15, 2020, the County Planning Department accepted this application for rezoning three contiguous parcels, totaling approximately 60 acres in size, from the Special Use (SU) zone district to the Timber Production (TP) designation. The parcels are located on the north end of Buzzard Lagoon approximately one mile south of the intersection with Highland Road, within the Summit Planning area. The parcels are currently undeveloped and forested with second growth redwood.

Background and Discussion

The property owners, Shane and Gina Miller own three contiguous parcels totaling approximately 60 acres of land which are zoned Special Use (SU). The subject parcels, APNs 106-251-33, 109-251-34, and 106-251-35 are bordered on three sides by land zoned Timber Production (TP). The project qualifies for a rezoning under California Government Code Section 51113 and further outlined in SCCC 13.10.375(C), which allows a property owner with land that meets all of the requirements of that section (Exhibit F), to petition the County to rezone said land to the TP zone district.

A plan for forest management has been prepared by a registered professional forester which provides for the eventual harvest of timber within a reasonable period of time. The subject parcels meet the definition of "Timberland" as defined in Government Code Section 51104(f) in that the parcels are capable of producing an average of 56 cubic feet of timber per acre annually (Exhibit E). The uses on the parcels, including watershed, wildlife habitat, and timber management, comply with the Timber Production Zone uses set forth in SCCC 13.10.372, and as determined by the Registered Professional Forester (Exhibit E). The land area is in the ownership of one person and comprised of contiguous parcels totaling at least 40 acres in size that can be managed as a single forestry unit. (Exhibit F).

Government Code Section 51113 expressly prohibits local jurisdictions from placing any additional requirements 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 parcels.

Environmental Review

This project qualifies for a statutory exemption in accordance with the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15264 (Timberland Preserves) (Exhibit D).

Conclusion

All of the criteria have been met for rezoning the subject parcels to the Timber Production zoning designation. All required findings can be made to approve this application pursuant to Government Code Section 51113. There are no Williamson Act contracts that apply to the SU-zoned parcel.

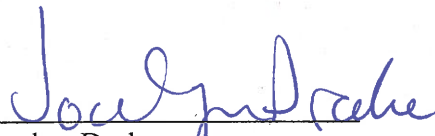
Recommendation

It is recommended that the Commission adopt the attached resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 28381, to adopt the Ordinance rezoning the property to the TP zone district.



Nathan MacBeth
Project Planner
Development Review

Reviewed By: _____


Jocelyn Drake
Principal Planner

Exhibits

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN map
- C. Location, Aerial, Current Zoning and General Plan Designation
- D. Notice of Exemption from CEQA
- E. Timber Management Plan prepared by Joseph Culver, Registered Professional Forester, dated January 15, 2020
- F. State Government & County 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 COUNTY'S ZONING PLAN AND MAP

WHEREAS, the Planning Commission has held a public hearing on Application No. 28381, involving property located on the north end of Buzzard Lagoon approximately one mile south of the intersection with Highland 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 County's zoning plan and map pursuant to Santa Cruz County Code section 13.10.215 and changing identified parcels from the Special Use zone district to the Timber Production zone district.

BE IT FURTHER RESOLVED, that the Planning Commission incorporates the findings on the proposed rezoning contained in the Report to the Planning Commission.

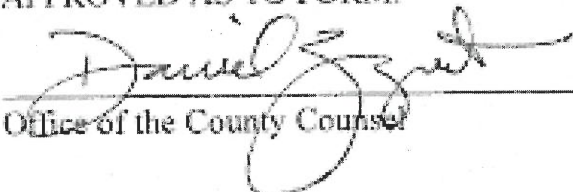
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2020, by the following vote:

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

Chairperson

ATTEST: _____
Jocelyn Drake, Secretary

APPROVED AS TO FORM:



Office of the County Counsel

ORDINANCE NO. _____

**ORDINANCE AMENDING ZONING PLAN AND MAP
PURUSANT TO CHAPTER 13.10 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 public convenience, necessity, and general welfare require the amendment of the County zoning plan and map pursuant to Santa Cruz County Code section 13.10.215 to maintain a stable, desirable, well-balanced pattern of development throughout the County. The Board of Supervisors desires to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the timber resource property located at the north end of Buzzard Lagoon approximately 1 mile south of the intersection with Highland 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.

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; the proposed Timber Production zoning designation qualifies for a statutory exemption in accordance with the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15264 (Timberland Preserves); a Notice of Exemption has been prepared; 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 California Government Code section 51113 and Santa Cruz County Code section 13.10.375(C).

SECTION III

The County's zoning plan and map are hereby amended pursuant to Santa Cruz County Code Chapter 13.10 to change the following parcels from their existing zone districts to new zone districts as follows:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
106-251-33	Special Use (SU)	Timber Production (TP)
106-251-34	Special Use (SU)	Timber Production (TP)
106-251-35	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 _____ 2020, 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

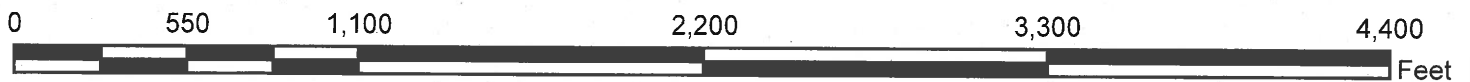
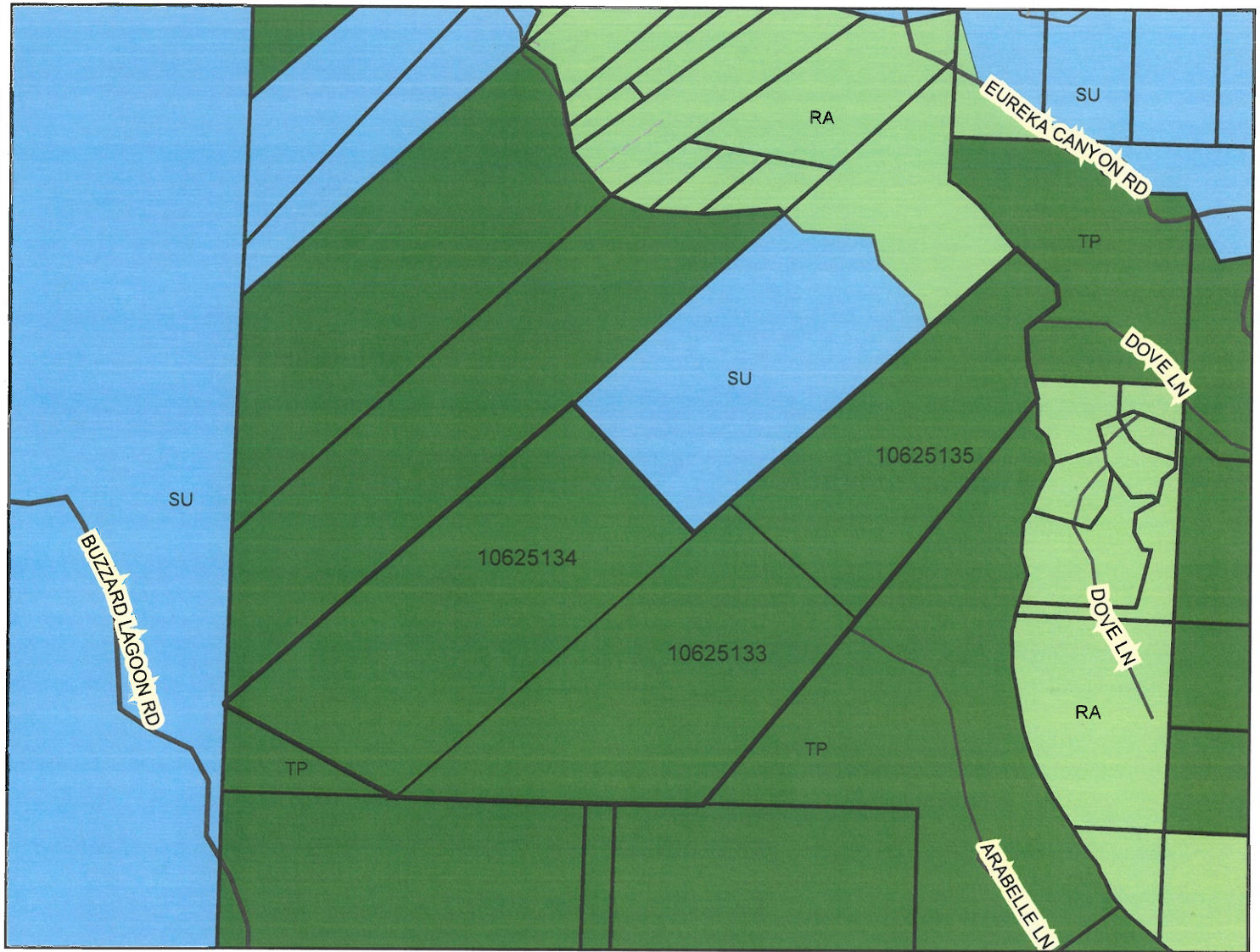
APPROVED AS TO FORM:

Assistant County Counsel

Exhibit: Rezoning Map

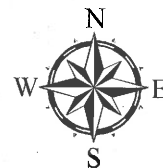
DISTRIBUTION: County Counsel
Planning
Assessor
County GIS

Proposed Zoning Designation



LEGEND

-  Special Use
-  Timber Production
-  Residential Agricultural



Map Created by
County of Santa Cruz
Planning Department
June 2020

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.
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POR. SEC. 14, T.10S, R.1E, M.D.B. & M.

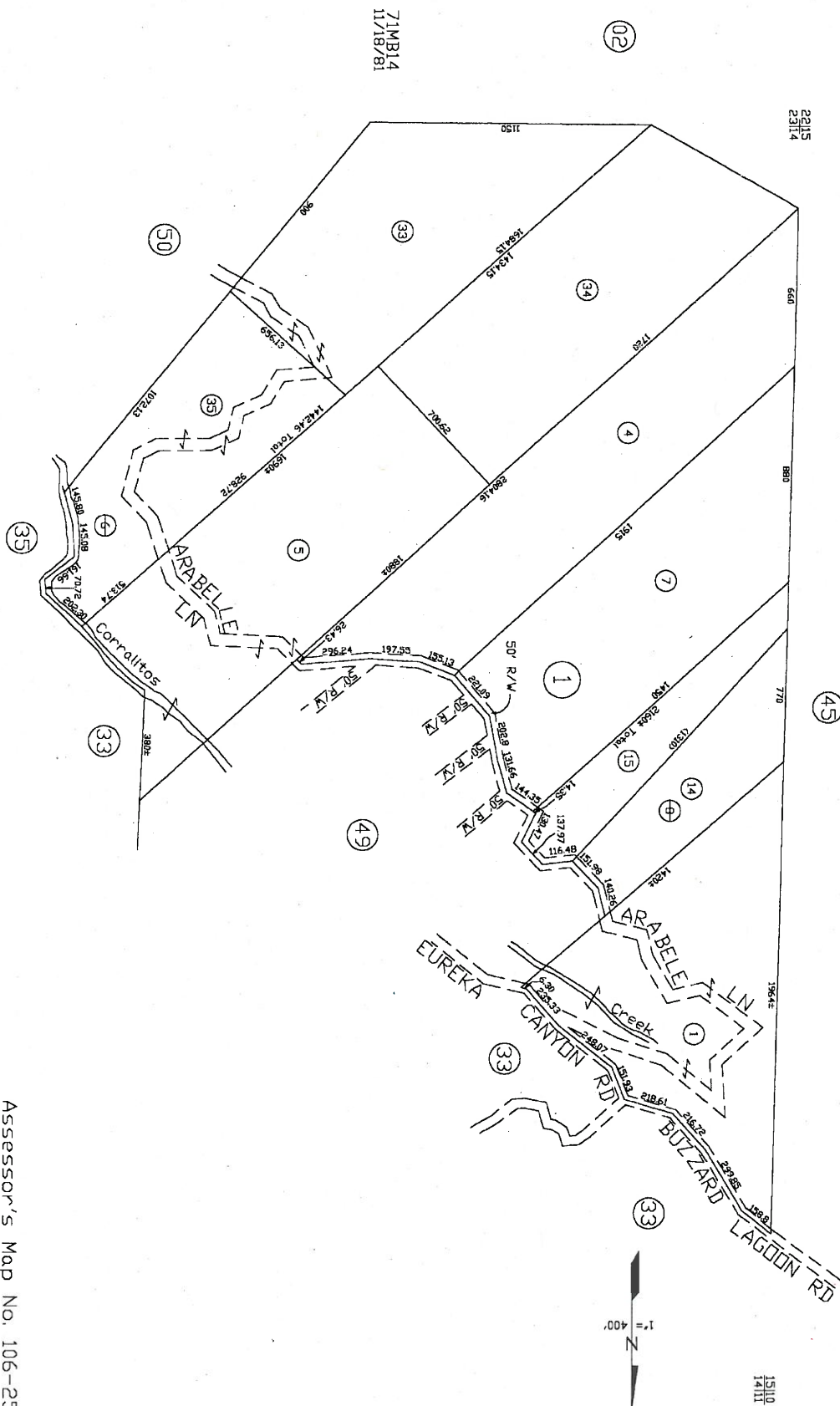
Tax Area Code
69-070

106-25

Electronically drawn 2/24/98 KSA
Rev. 2/24/98 KSA (Cor. to Pg. 49)
Rev. 1/31/01 GG (Cor. APN 1-15)
Rev. 10/5/01 nvn (changed page refs.)

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

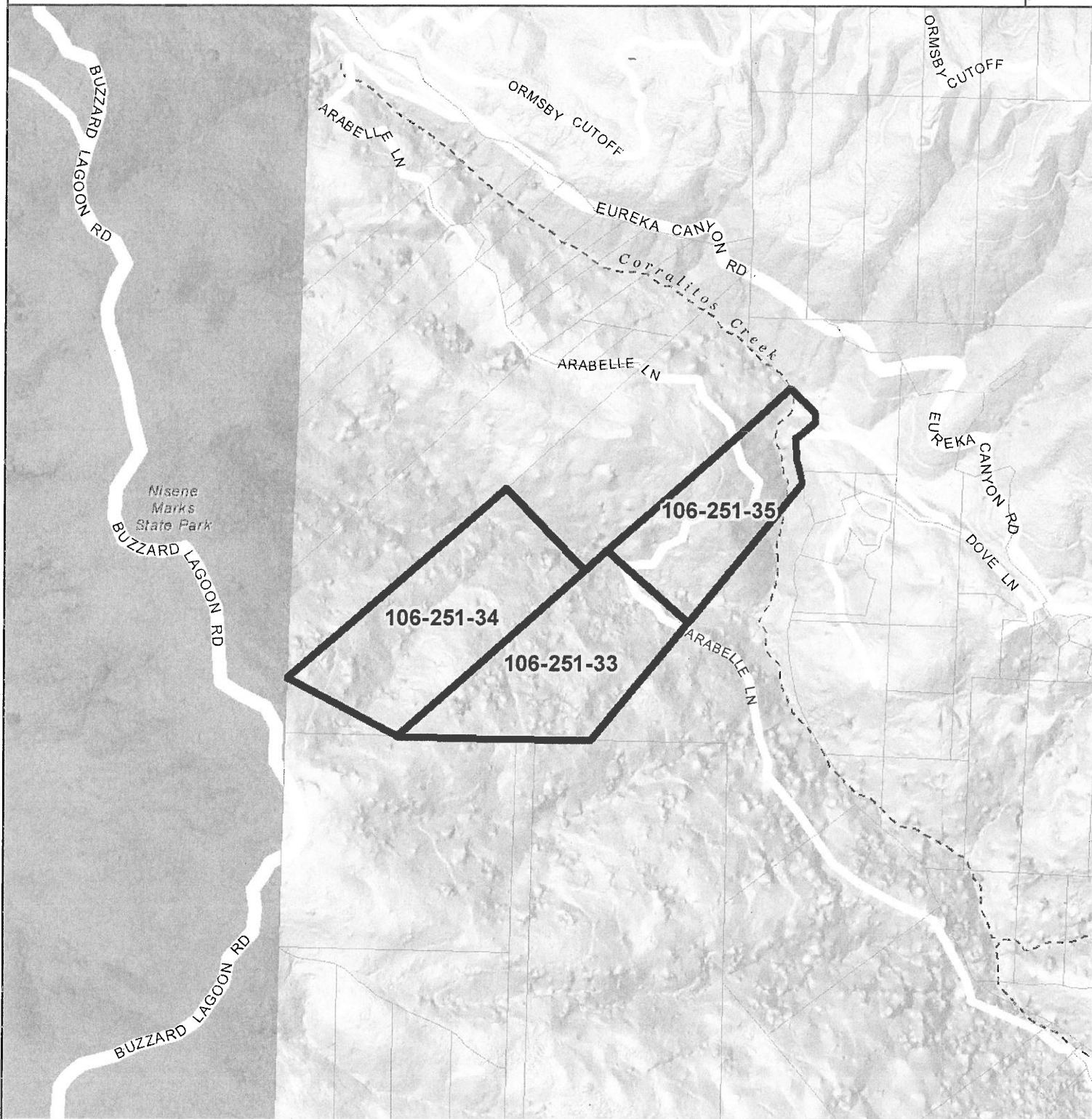
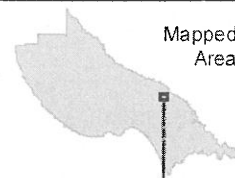
Assessor's Map No. 106-25
County of Santa Cruz, Calif.
Feb. 1998





SANTA CRUZ COUNTY PLANNING DEPARTMENT

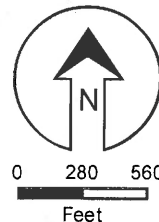
Parcel Location Map



Parcel: 10625133,10625134,10625135

-  Study Parcel
-  Assessor Parcel Boundary
-  Existing Park

Map printed: 7 May, 2020



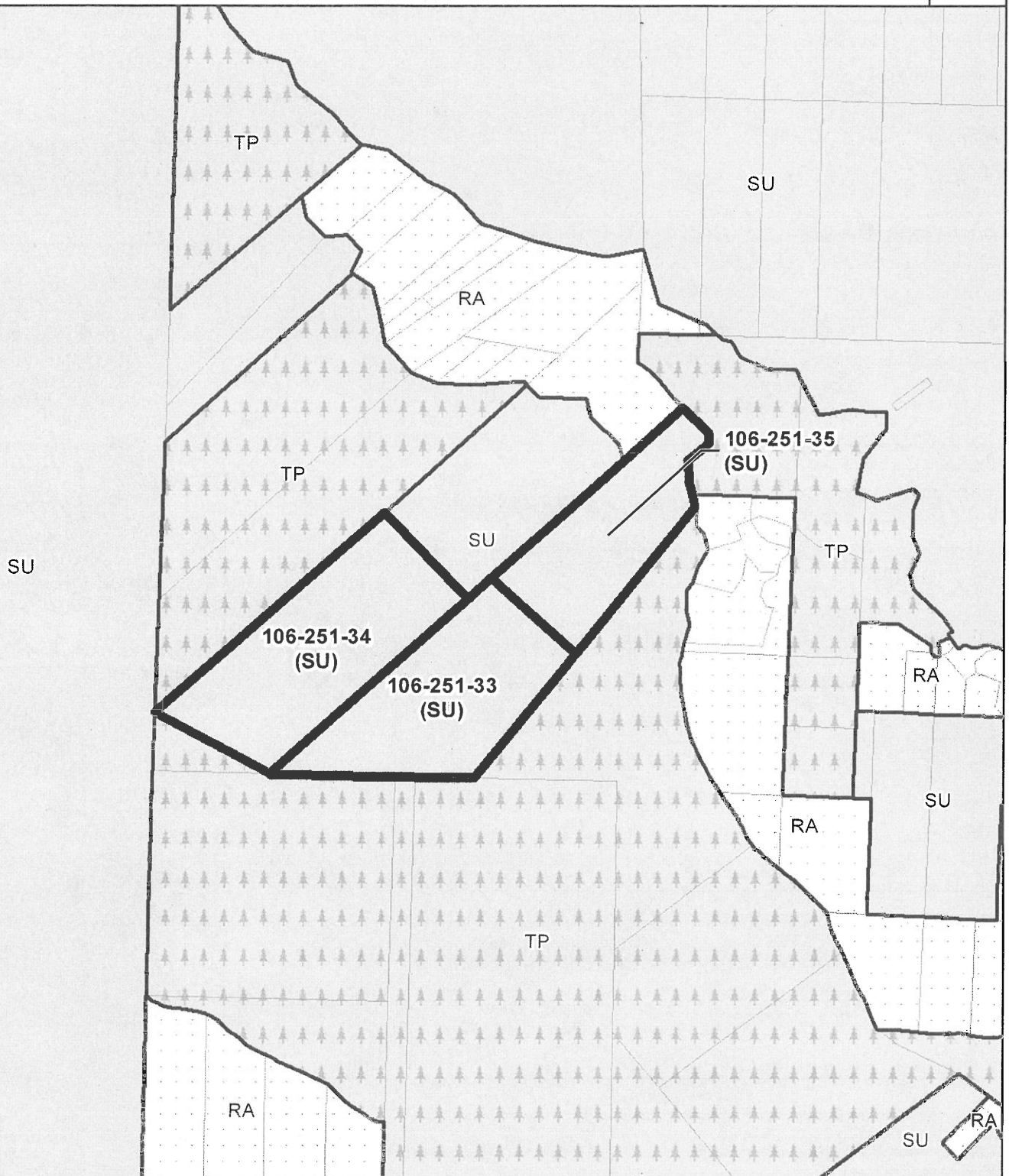
Aerial of Project Location



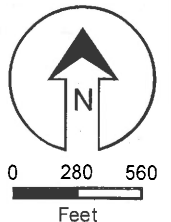


SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Zoning Map

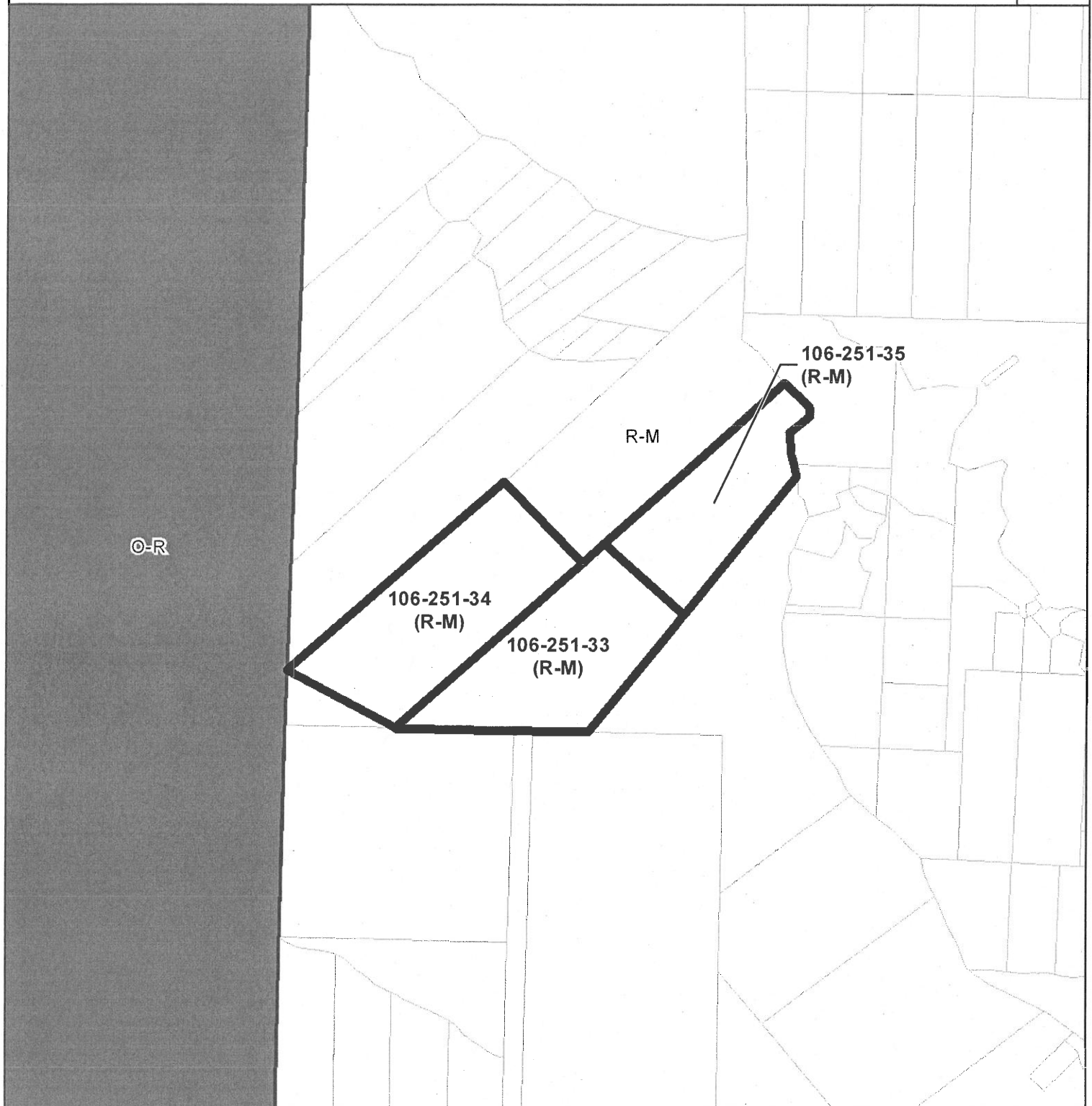


- RA Residential Agricultural
- SU Special Use
- TP Timber Production

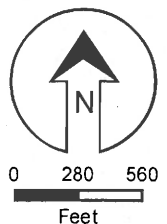




Parcel General Plan Map



- O-R Parks, Recreation & Open Space
- R-M Residential Mountain



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: 28381

Assessor Parcel Number: 106-251-33, 106-251-34, 106-281-35

Project Location: North end of Buzzard Lagoon approximately one mile south of the intersection with Highland Road.

Project Description: Proposal to rezone three contiguous parcels from Special Use (SU) to Timber Production (TP).

Person or Agency Proposing Project: Joseph Culver, Registered 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 15260 to 15285).
- E. ☐ **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.


Nathan MacBeth, Project Planner

Date: 5-5-20

Timber Management Plan

**Lands of Miller
Buzzard Lagoon Road
Santa Cruz County**

**APN# 106-251-33
APN# 106-251-34
APN# 106-251-35**

**Portion of Section 14
Township 10 South
Range 1 East
Mount Diablo Base & Meridian**

**Report Prepared By
Coastal Forestry
January 15, 2020**

PREFACE

In January 2020, Coastal Forestry was commissioned by Shane and Gina Miller to prepare a Timber Management Plan for APN #106-251-33, 106-251-34, 106-251-35. The three parcels are contiguous and total approximately 63 acres combined. The Millers 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 parcels are located in a remote part of Santa Cruz County between Buzzard Lagoon Road and Eureka Canyon Road approximately 5 miles north of the community of Corralitos. The parcels are accessed from the west through a private unnamed road off of Buzzard Lagoon and from the east from private Arabelle Lane off of Eureka Canyon Road. The parcels are in the upper portion of the Corralitos Creek Watershed. An unnamed tributary of Corralitos Creek flows through the northern portion of parcels 106-251-33 and 106-251-34. The main stem of Corralitos Creek flows defines the northeast boundary of parcel 106-251-35. The San Andreas Rift Zone is located near the northern project boundary. Slopes on the property are generally steep with more gentle ground found near the ridges associated with Buzzard Lagoon Road and Arabella Lane. Slopes near the perennial creeks are steeper and unstable in areas.

Elevation ranges from 1,240 feet where the unnamed tributary to Corralitos Creek leaves the property to 2,200 feet on the ridge near Buzzard Lagoon Road in the southwestern corner of the project area. The legal description of the parcel is Township 10 South, Range 1 East, portion of section 14. Timber site classification of the forested portions of the property is site III.

60 acres of the project area is comprised of a 80-110 year old conifer and mixed hardwood forest. The primary overstory trees in the forest are redwood and tanoak. Lesser species include madrone, Douglas-fir and maple. The remaining 3 acres of the project area are located on a large slide that appears to have been activated approximately 30 years ago. The slide has re-vegetated with young redwood, Douglas-fir and hardwood.

Throughout the property redwood trees typically grow in spaced out clumps and create a near continuous forest canopy in select areas of the property. Tanoak is present throughout the property as an understory species and as an intermediate canopy tree. Particularly heavy populations of tanoak occur along the upper slopes. Pacific

Madrone is also present in the middle and upper slopes in lesser amounts than Tanoak. The eastern portion of the project area partially burned in the 2008 Summit fire. The trunks of redwood and Douglas-fir trees are blackened up to 30 feet above ground. Medium to larger sized conifers do not appear to have been impacted by the fire and are healthy today. A number of tanoak were killed by the fire and have fallen over.

Per the Soil Conservation Service the entire property is underlain by Lompico-Felton Complex. Soils that comprise the complex are located on foot slopes and wide ridges that range in slope percents from 30 to 75 percent. This Unit is approximately 35 percent Lompico loam and about 30 percent Felton sandy loam. This complex embraces soils that are moderately deep to deep and well drained. Permeability of the Lompico soil is moderate. Effective rooting depth is 20 to 40 inches. Permeability of the Felton soil is moderately slow. Effective rooting depth is 40 to 72 inches. These soils are well suited to the production of timber. The complex is capable of producing between 50,000-60,000 board feet of merchantable timber per acre from a fully stocked, even aged stand of 80 year old trees. The erosion hazard is the main limitation of these soils and care must be taken during harvesting to minimize erosion.

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 majority of the larger redwood trees growing on the property are sprouts from the cut stumps of the original harvest. A scattering of Douglas-fir most likely seeded in shortly after the clear-cut as well due to the advantageous rooting and growing conditions.

It appears that the second growth redwood on the property was first cut in the mid 1990's under THP 1-94-066 SCR. Based on stump evidence approximately 50% of the larger second growth trees (generally 24-48 inches in diameter) were removed during the harvest. Trees left following the harvest were generally smaller but well spaced and healthy. An additional cohort of sprouts and seedlings were generated from the selective harvest. No harvesting has occurred on the property for the last 25 years.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, the Millers intend to manage the land for high quality forest products, while maintaining the related values of aesthetics and wildlife. The Forest Practice Rules allow for selective harvesting every ten years. As the last selective harvest occurred 25 years ago, 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, Coastal Forestry recommends that future harvesting be spaced at a 14-18 year interval to maximize the volume removed in each harvest, and to minimize harvesting impacts. Future harvests should focus on the following objectives:

1. Prescribe and implement a forest improvement program to improve stocking, reduce tanoak and madrone occupancy, 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.

The average basal area per acre for hardwood throughout the property is relatively high for a coniferous forest. Tanoak averages 28 square feet per acre and Madrone averages 12 square feet per acre. To encourage increased conifer occupancy of the forest, hardwoods should be cut that are growing near existing redwood clumps or individual redwoods and Douglas-firs. This can be done simultaneously with the next timber harvest. Removal of hardwoods should focus on trees within 20 feet of existing conifer trees.

RECOMMENDED LOGGING SYSTEM

Seasonal roads access the property from both Buzzard Lagoon Road and Eureka Canyon Road. These roads were used in the mid 1990's for hauling logs off of the property. The majority of the property appears to have been tractor logged by ground based equipment skidding logs to log landings. Most of the seasonal road system and skid trails appear intact and stable and suitable for use in a future harvest. Portions of the property do not appear accessible by ground-based machinery and cable yarding would most likely be required. These areas include the slopes leading towards Corralitos Creek in the northwest portion of the property and the steeper slopes in the northwestern portion of the project area. Appropriate harvesting infrastructure would be further reviewed and developed during preparation of a Timber Harvest Plan.

PRESENT AND FUTURE STAND CONDITIONS

In January 2020, Coastal Forestry placed 22 one-tenth acre sample plots on an evenly spaced grid pattern throughout the timbered portions of the property. This 3.5% timber inventory was conducted on the property to determine conifer volume per acre, species composition, basal area, stocking levels and stand growth. Based on the stand data gathered from the inventory, the 60 acres of coniferous forest have the following approximate stand conditions:*

Species Composition	95% second growth redwood, 5% Douglas-fir
Basal Area	95 square feet per acre
Gross Volume/acre (redwood)	21,800 board feet
Gross Overall property volume	1,308,000 board feet

The volume per acre and overall property volume stated previously are gross volumes. In general, the net volume for redwood and Douglas-fir will be about 10% less due to fire scar, rot and other minor defects in the standing timber. With these factors in mind the overall net conifer volume on the property is approximately 1,177,200 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 1.8% per year. This growth rate is slightly lower than the average for managed stands of second growth trees as the property has not been harvested for 25 years and the forest has begun to close in on itself. A growth rate of 1.8% per year equates to an annual increase in the conifer resource of 20,121 board feet over the entire property. Converting this figure to cubic feet for the average sized tree gives a current annual growth rate of 3,353 cubic feet over the entire property, or 56 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 timberland, watershed and wildlife habitat. A seasonal road system exists in portions of the property. The road prism is mostly intact and well drained and appears to have had little recent use. The Millers have started clearing brush from the road and using an ATV for access. There are no residences on the property.

CONCLUSION

The property is suited for timber management into the future. The forest resource is currently healthy but growth rates have begun to decline due to the time interval since the last timber harvest. The Millers have indicated that they want to manage the timber resource and stand conditions warrant a harvest in the near future. Rezoning the property to Timber Production Zone (TPZ) is required in Santa Cruz County before obtaining a Timber Harvest Plan. The parcels are located in a rural portion of the county surrounded by medium to larger parcels, many of which are already zoned TPZ.

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 95 square feet per acre and exceeds the required stocking standards.

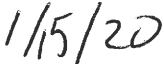
TIMBERLAND: To rezone a property to the "Timber Production" zoning a property must meet the definition of timberland. Section 51104 of the California Code states that "Timberland means privately owned land...capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre." The property proposed for rezoning is currently growing coniferous wood fiber at an estimated average annual rate of 56 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.

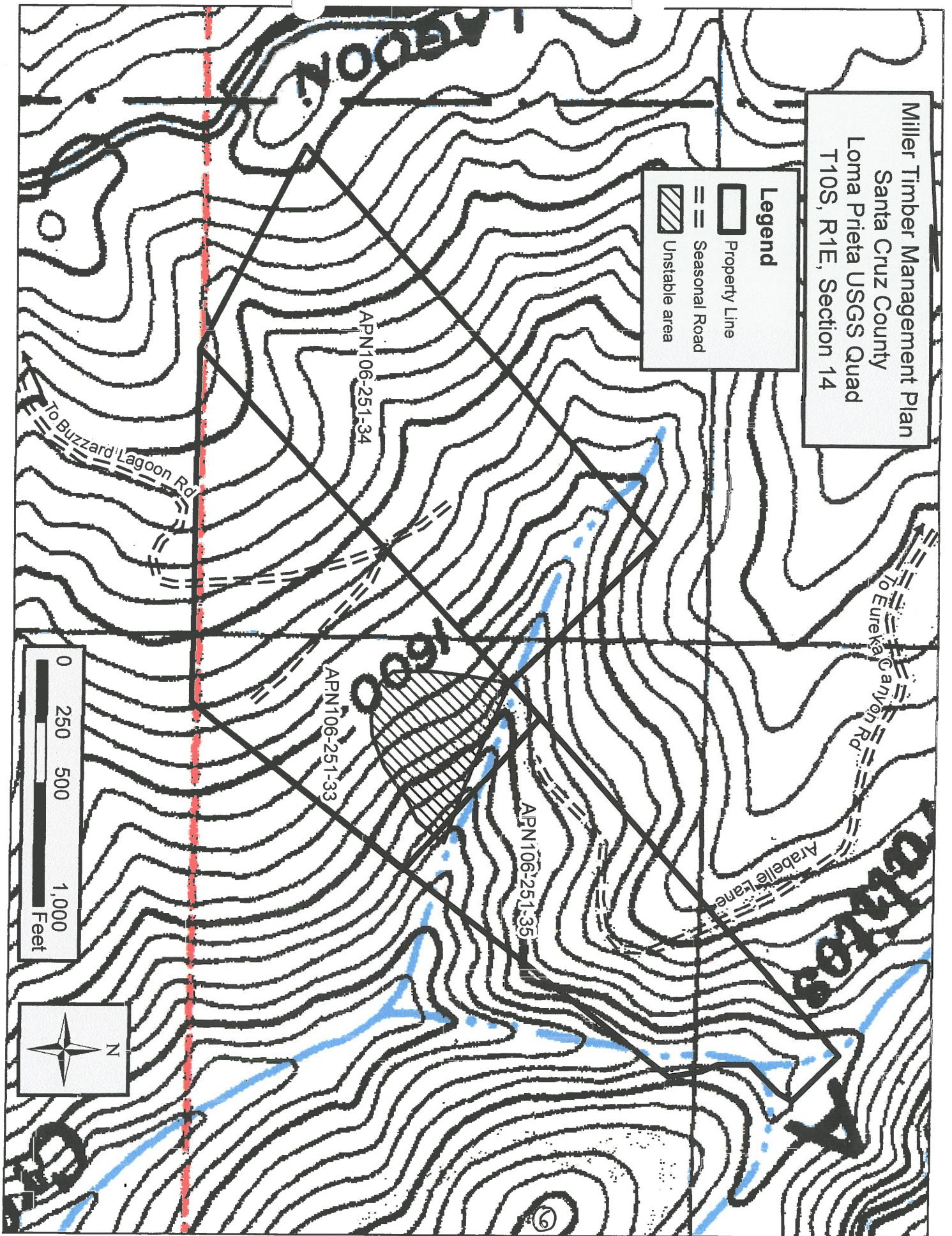
Timber Management Plan Prepared By:



Joseph Culver
Registered Professional Forester #2674
Coastal Forestry



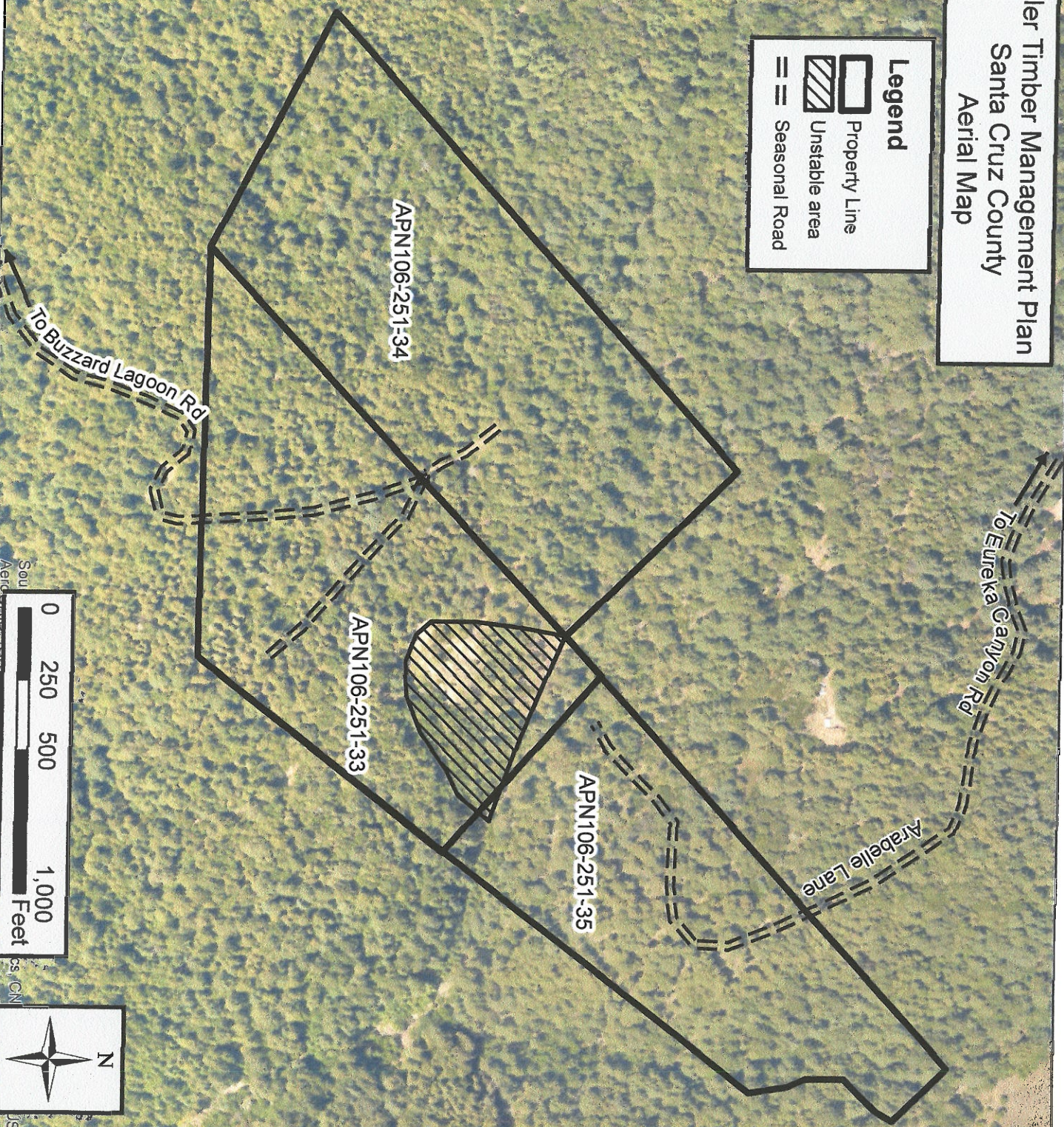
Date



Miller Timber Management Plan
Santa Cruz County
Aerial Map

Legend

- Property Line
- Unstable area
- Seasonal Road



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POR. SEC. 14, T.10S, R.1E, M.D.B. & M.

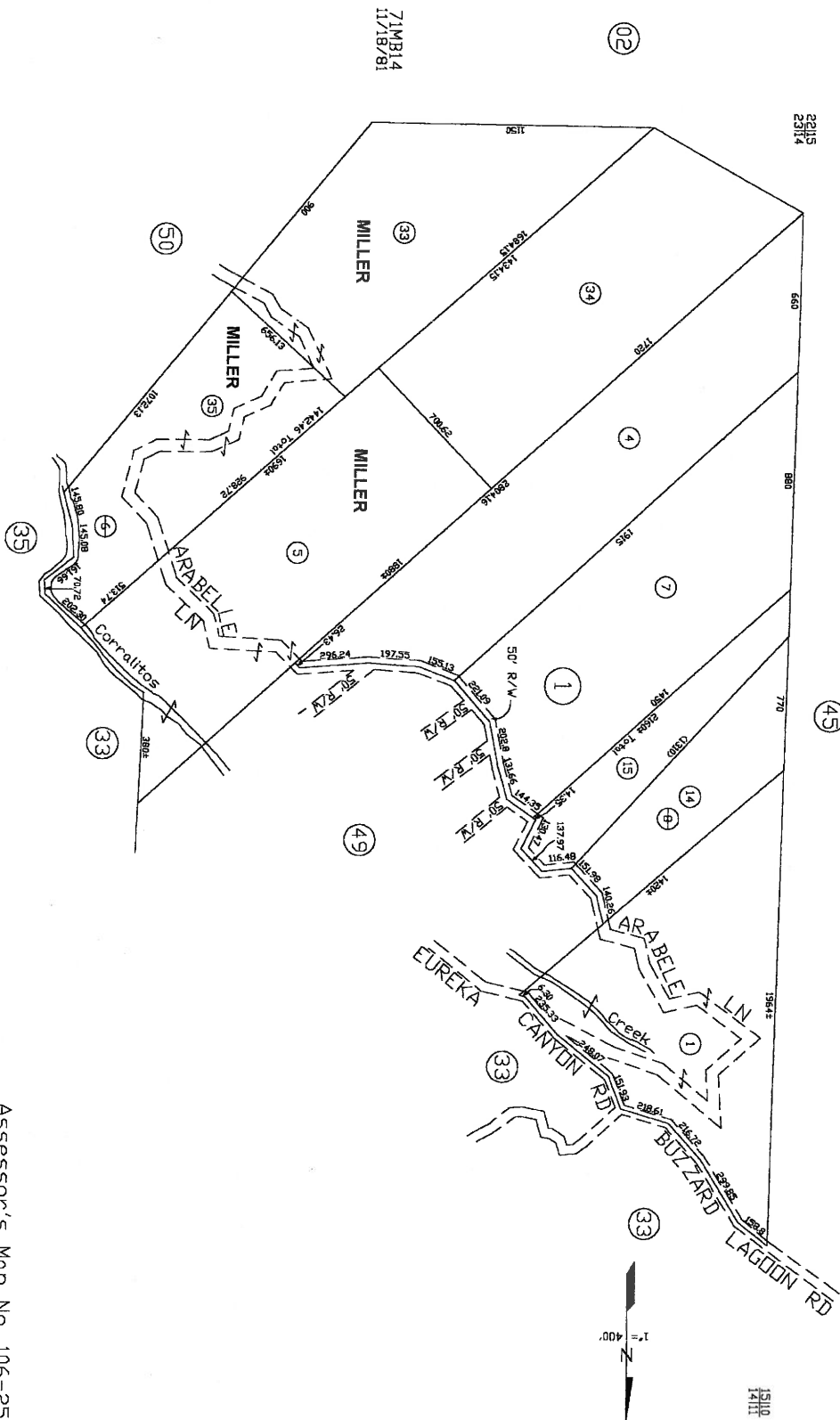
Tax Area Code
 69-070

106-25

Electronically drawn 2/24/98 KSA
 Rev. 2/24/98 KSA (Per. to Pg. 49)
 Rev. 1/31/01 GS (Cor. ANN 1-15)
 Rev. 10/5/01 nwn (changed page refs.)

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

Assessor's Map No. 106-25
 County of Santa Cruz, Calif.
 Feb. 1998



GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57550]

(Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 1. CITIES AND COUNTIES [50001 - 52203]

(Division 1 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES AND COUNTIES [50001 - 51298.5]

(Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 6.7. Timberland [51100 - 51155]

(Chapter 6.7 added by Stats. 1976, Ch. 176.)

ARTICLE 2. Timberland Production Zones [51110 - 51119.5]

(Heading of Article 2 amended by Stats. 1982, Ch. 1489, Sec. 5.5.)

51113.

(a) (1) An owner may petition the board or council to zone his or her land as timberland production. The board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels submitted to it by petition pursuant to this section, which meet all of the criteria adopted pursuant to subdivision (c). Any owner who has so petitioned and whose land is not zoned as timberland production may petition the board or council for a rehearing on the zoning.

(2) This section shall not be construed as limiting the ability of the board or council to zone as timberland production any parcel submitted upon petition that is timberland, defined pursuant to subdivision (f) of Section 51104, and which is in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

(b) The board or council, on or before March 1, 1977, by resolution, shall adopt procedures for initiating, filing, and processing petitions for timberland production zoning and for rezoning. The rules shall be applied uniformly throughout the county or city.

(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.

(Amended by Stats. 1998, Ch. 972, Sec. 5. Effective January 1, 1999.)

13.10.375 Special standards and conditions for the Timber Production TP District.

(A) Required Special Findings for Nontimber Growing and Harvesting Uses. The following special findings shall be made in addition to the findings required by Chapter 18.10 SCCC:

(1) The proposed uses will be physically compatible with the growing and harvesting of Productivity Act of 1982 and the purposes of SCCC 13.10.371.

(2) The proposed use is supported by a compatibility analysis, as defined in SCCC 13.10.700-C, submitted as a part of the application for such proposed use, and which compatibility analysis has been approved as submitted, or as amended by the County, as a condition upon any permit granted.

(B) Agricultural Resource Protection. The regulations and requirements of Chapter 16.50 SCCC, Agricultural Land Preservation and Protection, and the General Plan and Local Coastal Program Land Use Plan policies pertaining to agricultural resource lands shall apply to all agricultural resource lands designated pursuant to Chapter 16.50 SCCC and located within the TP District.

(C) Zoning to the TP District. An owner may petition to rezone land to the Timber Production District. The Board of Supervisors shall, by ordinance, upon the advice of the Planning Commission pursuant to Government Code Section 51110.2, and after public hearings, zone as Timber Production parcels submitted to it by petition pursuant to Government Code Section 51113, which meet all of the following criteria:

(1) Submittal of a map with the legal description or assessor's parcel number of the property to be zoned.

(2) Submittal of a timber management plan for the property that has been prepared, or approved as to content, by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(3) The parcel must either 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 Board of Forestry for the Southern Subdistrict of the Coast Forest District, or the owner must enter into an agreement with the Board of Supervisors that the parcel shall meet such stocking standards and Forest Practice Rules by the fifth anniversary of the signing of the agreement. Failure to meet such stocking standards and Forest Practice Rules within this time period shall constitute grounds for rezoning the parcel.

(4) Upon the fifth anniversary of the signing of the agreement, the Board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed. If the parcel fails to meet the timber stocking standards, the Board shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the General Plan/Local Coastal Program Land Use Plan and whose primary use is other than timberland.

(5) The parcel is timberland as defined in subdivision (f) of Government Code Section 51104.

(6) Use of the parcel complies with the Timber Production Zone uses set forth in SCCC 13.10.372.

(7) The land area to be rezoned 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 consisting of at least 40 acres in area.

(D) Rezoning to Another District. Rezoning of the land from Timber Production (TP) to another zone district shall conform to the requirements of the Forest Taxation Reform Act of 1976, in addition to any other applicable rezoning requirements. [Ord. 5015 § 1, 2008; Ord. 4873 §§ 7, 8, 2007; Ord. 4577 § 10, 1999; Ord. 4496-C § 36, 1998; Ord. 3632 § 11, 1985; Ord. 3432 § 1, 1983].

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.

(l) "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,".