



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

October 14, 2020

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

Agenda Date: October 28, 2020

APNs: 064-231-01

Application: 201268

Agenda Item:6

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

Members of the Commission:

On August 17, 2020, the County Planning Department accepted this application for rezoning one parcel, of approximately 25 acres, from the Special Use (SU) zone district to the Timber Production (TP) designation.

The parcel is located 200 feet north of Empire Grade, approximately half a mile south of the intersection of Empire Grade and Smith Grade. The property is sandwiched between two other parcels that are bordered by Ferrari Drive from the north and Empire Grade from the south. Currently there are two access points to this parcel: one is a former haul road from Empire Grade, and the other is through the adjacent parcel to the east (APN: 064-231-02), which is under the same ownership.

The parcel is currently undeveloped. The timber on site is a mix of second and third growth redwood and Douglas fir.

Background and Discussion

The property owner, Ferrari 289 LLC, owns an approximately 100-acre TP zoned parcel (APN 064-231-02), which is contiguous with the subject property. According to the Forester's letter (Exhibit E), both parcels have been used to grow timber for the past 40 years. The last time that the owner utilized both parcels to harvest timber was in 1994. Since then the Santa Cruz County Code has been revised to only allow timber harvesting in certain zoning districts. SU is not one of the zoning districts that permits timber harvesting. Therefore, the applicant is proposing to rezone the subject parcel (APN 064-231-01) from SU to TP.

The project qualifies for a rezoning under California Government Code Section 51113.5 (Exhibit F), 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 Sections 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).

In accordance with Section 51113.5, and Section 51104 by reference, Cassady Bill Vaughan, Registered Professional Forester, provided a letter documenting the parcel’s compliance with the definitions of “Timberland” and “Timberland production zone” (Attachment E). Therefore, the parcel 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 and comprised of contiguous parcels totaling at least 125 acres in size that can be managed as a single forestry unit, as defined in Section 38106 of the Revenue and Taxation Code (Exhibit F).
- 2) The property meets the definition of “Timberland” as defined in Government Code Section 51104(f) in that the parcels are capable of producing an average of 99 cubic feet of timber per acre annually, where a minimum of 15 cubic feet is required (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).

Government Code Section 51113.5 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 parcel.

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 51113.5. There are no Williamson Act contracts that apply to the subject parcel.

Staff 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 201268, to adopt the Ordinance rezoning the property to the TP zone district.

Prepared By:
Shila Bagley
Project Planner

Reviewed By:
Annette Olson
Principal Planner

Exhibits

- A. Planning Commission Resolution, with Ordinance/Findings
- B. APN Map
- C. Aerial, Location, Current Zoning and General Plan Designation Maps
- D. Notice of Exemption from CEQA
- E. Forester's Letter by Cassady Bill Vaughan, Registered Professional Forester, dated July 29, 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. 201268, involving property located 200 feet north of Empire Grade, approximately half a mile south of the intersection of Empire Grade and Smith Grade; 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

Exhibit A

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 200 feet north of Empire Grade, approximately half a mile south of the intersection of Empire Grade and Smith Grade, 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).

Exhibit A

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>
064-231-01	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

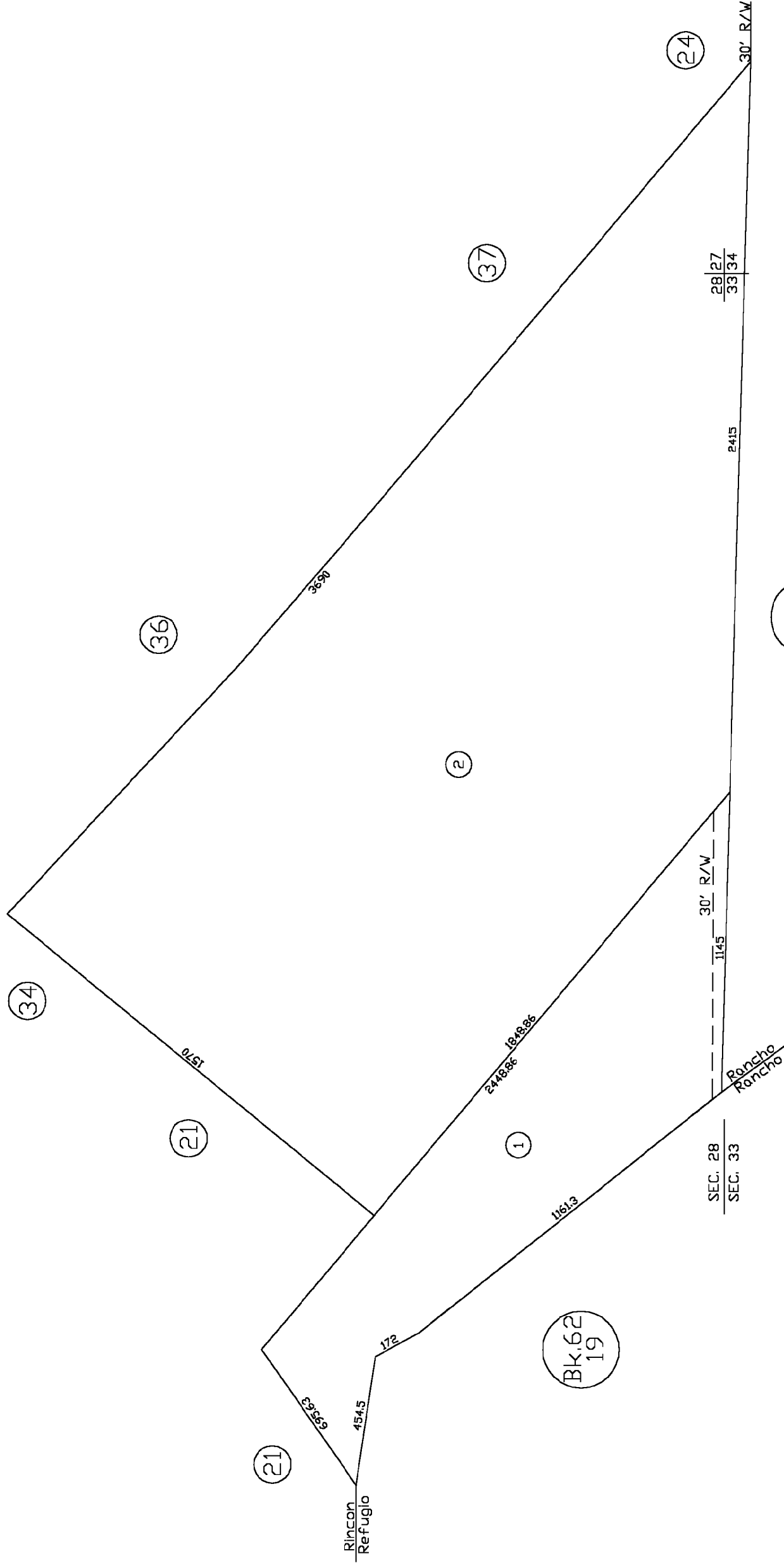
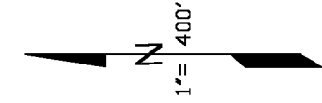
Exhibit A

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, RANCHO CANADA DEL RINCON
SECS. 27 & 28, T.10S., R.2W., M.D.B. & M.

Tax Area Code
90-045

64-23

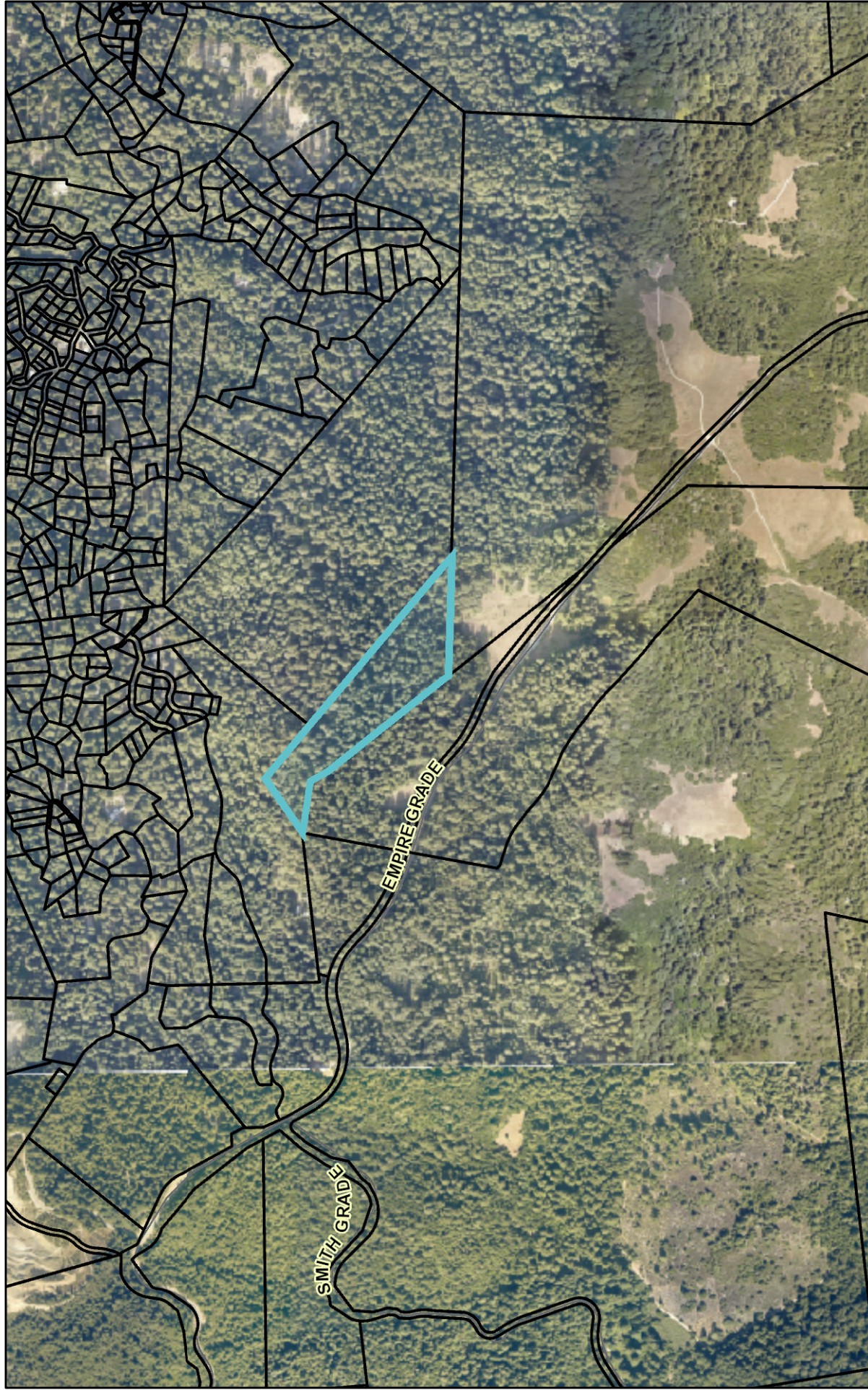


Note - Assessor's Parcel & Block
Numbers Shown in Circles.

Assessor's Map No. 64-23
County of Santa Cruz, Calif.
March, 2000

Exhibit B

Aerial of Project Location



September 24, 2020

Parcels  **Major Roads**  Major Roads

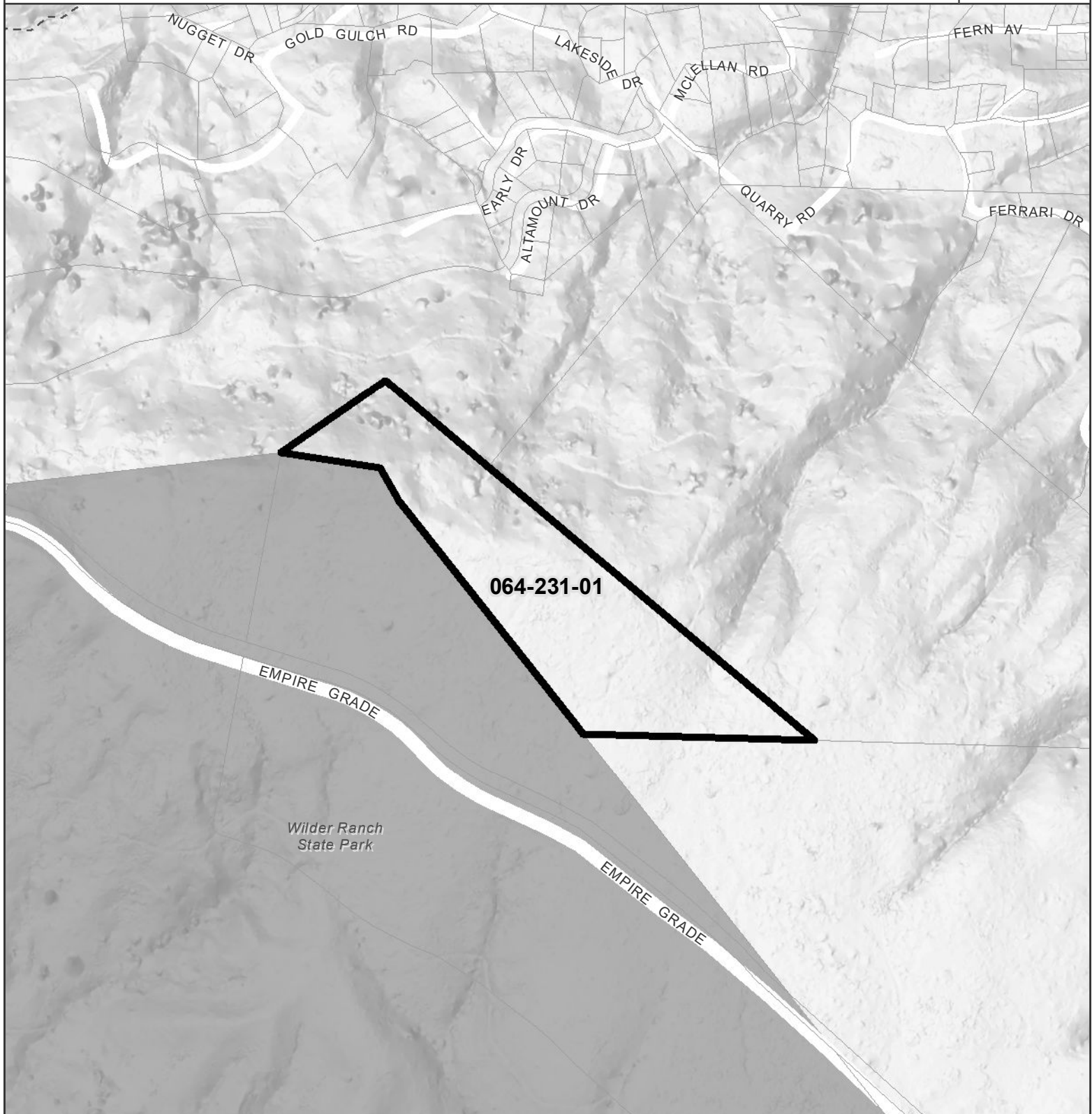
1:14,400
0 650 1,300 2,600 ft
0 200 400 800 m
County of Santa Cruz

Exhibit C






SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Location Map

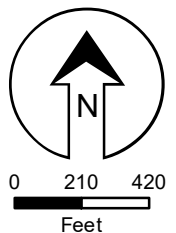


Parcel: 06423101

-  Study Parcel
-  Assessor Parcel Boundary
-  Existing Park

Map printed: 28 Sep. 2020






Exhibit C

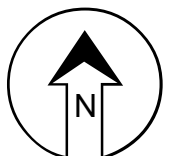




Parcel General Plan Map



-  AG *Agricultural*
-  P *Public Facilities*
-  R-M *Residential Mountain*
-  R-R *Residential Rural*
-  R-S *Residential Suburban*



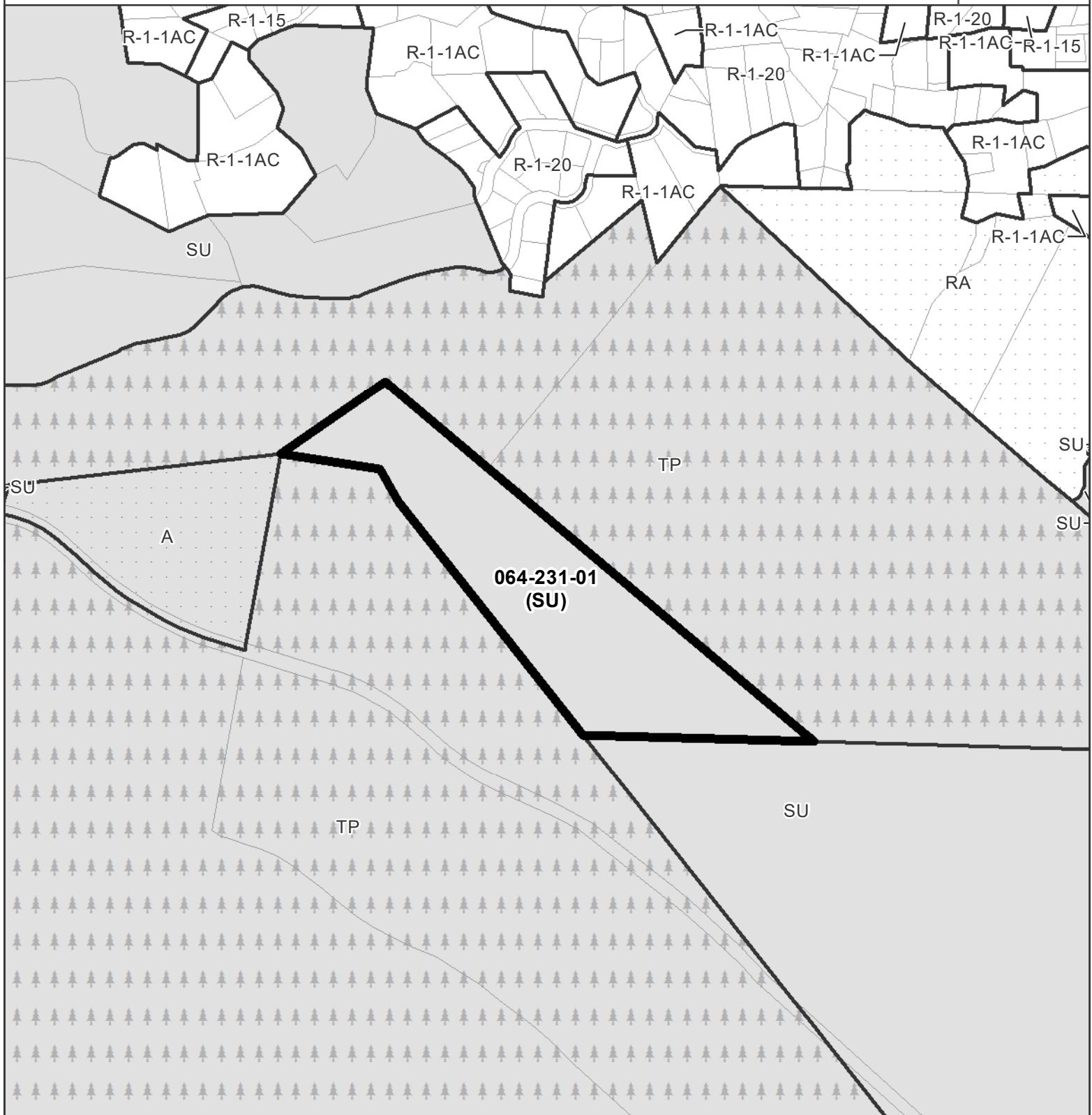
0 210 420
Feet

Exhibit C



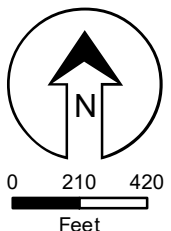
SANTA CRUZ COUNTY PLANNING DEPARTMENT

Parcel Zoning Map



-  A Agriculture
-  RA Residential Agricultural
-  R-1 Single-Family Residential
-  SU Special Use
-  TP Timber Production

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: 201268

Assessor Parcel Number: 064-231-01

Project Location: The parcel is located 200 feet north of Empire Grade, approximately half a mile south of the intersection with Smith Grade.

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

Person or Agency Proposing Project: Vaughan Forestry, Registered Professional Forester

Contact Phone Number: (831) 566-5955

- 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.

Shila Bagley, Project Planner

Date: _____

VAUGHAN FORESTRY



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

July 29, 2020

RE: Rezone APN # 064-231-01 from Special Use (SU) to Timber Production (TP) pursuant to CA Government Code Section 51113.5 (adjacent TP-zoned parcel under the same ownership)

I have been hired to facilitate rezoning of Santa Cruz County APN # 064-231-01 from the Special Use (SU) Zone District to Timber Production (TP). The Santa Cruz County Assessor lists the above referenced SU-parcel as 25.375 acres, owned by Ferrari 289 LLC. The parcel lies adjacent to APN # 064231-02, a 100-acre TP-zoned parcel, also owned by Ferrari 289 LLC. An APN Map is attached as *Figure 1*. APN # 064-231-01 meets the State's definition of "timberland" based on field reconnaissance and timber inventory sampling completed in June 2020. Timber production has been the primary land use on both the SU and TP parcels for the last 40+ years based on harvest records from the late 1977 and 1981, as well as my personal involvement with a selective timber harvest in 1994-95 (THP Cover Page and Map attached as *Figure 2*). Because the subject parcel meets the State's minimum TP standards, and because it is contiguous to APN # 103-041-03 which is already zoned TP, it qualifies for an "adjacency rezoning" under CA Government Code Section 51113.5.

In June of 2020, I completed a sample inventory of APN # 064-231-01 to determine timberland characteristics, harvestability, and timber stocking (age, size, and density). The inventory consisted of six 1/10 acre randomly selected sample plots throughout the parcel. At each plot, tree diameter, total height, and defect were estimated for all conifers greater than 12 inches in diameter within the 1/10-acre plot boundaries. I also used an increment core to sample radial growth in a smaller subset of trees to determine annual volume growth contribution on a per acre basis. The inventory data was processed to produce current stocking levels (volume/acre) and growth capability (accrued volume/acre/year) on the parcel. The parcel is carrying an average of 23,000 board feet/acre of redwood and 11,000 board feet/acre of Douglas-fir. Annual growth rates average about 3.5%, which equates to 805 board feet/ac/year of redwood and 385 board feet/acre/year of Douglas-fir.

TIMBER STOCKING: To rezone a property to TP, a property must meet minimum post-harvest timber stocking standards set forth in Section 4561 of the California Public Resources Code. Section 4561(b) states, in part, that:

"(1) The average residual basal area, measured in stems one inch or larger in diameter, is at least 85 square feet per acre, except in areas where the registered professional forester has determined that the timberland is site II classification or lower, whereon the minimum residual basal area shall be 50 square feet per acre (50 sq. ft./ac)."

"(3) Rock outcroppings and other areas not normally bearing timber shall not be considered as requiring stocking and are exempt from the stocking provisions."

As a Registered Professional Forester (RPF), I have determined that the parcel that is the subject of this letter is in fact site class II and lower timberland. Current redwood stocking on the timbered portions of the subject parcel averages 160 sq. ft./ac of redwood and 45 sq. ft./ac. of Douglas-fir. Residual (post-harvest) conifer basal area following any future harvest is not expected to drop below 125 sq. ft./ac., which far exceeds the minimum stocking standards per PRC 4561 above."

TIMBERLAND: To rezone a property to TP, it must meet the definition of “timberland”. Paraphrased, California Government Code Section 51104 defines timberland as: “...privately owned land capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.” Growth and inventory data gathered in 2020 suggest the parcel’s redwood stands are growing at a rate of 805 board feet per acre per year (approximately 67 cubic feet annually) and Douglas-fir at a rate of 385 board feet per acre per year (approximately 32 cubic feet annually). Combined, these conifer growth rates exceed the State’s minimum timberland growth standards by more than 6X. This is to say the parcel contains very productive timberland that greatly exceeds both the definition of “timberland” and the State’s timber stocking standards.

COMPATIBLE USE: The parcel is exclusively open-space and timberland. There are no structures on the parcel. It is extremely flat with ample room to facilitate log processing, and gentle enough terrain to allow for conventional ground-based harvesting. The existing haul route from the parcel out to Empire Grade has been identified in the field and confirmed by deeded right. The owner anticipates pursuing a selective timber harvest in the next year or two and this re-zoning is in preparation for THP submission. Current and future use of the property are expected (and mandated by County Code) to be compatible with growing and harvesting timber.

This letter will accompany an Adjacency Rezoning Application. Thank you and please let me know if there are any questions.

A handwritten signature in black ink that reads "Cassidy Bill Vaughan". The signature is fluid and cursive, with a period at the end.

Cassady Bill Vaughan, RPF #2685

FIGURE 2

Date, Amos, Christlock THP

Revised May 17, 1994 *WRA*

Contour Interval 40 feet

500' 1000'

MAY 18 1994



Approximate parcel line between APN 064-231-01 and 02

Appurtenant Road

Added Landing Slide with waterbar Drainrock to waterbars

①
③
④

RESOURCE MANAGEMENT

- ===== Existing Permanent Road
- ===== Existing Seasonal Road
- Existing Skid Road
- Proposed Skid Road
- Existing Landing
- Watercourse Class Change
- Class 1 Watercourse
- Class 2 Watercourse
- Class 3 Watercourse
- Water Intake
- Water Tank
- Water Pump
- Slide/Unstable
- Text Reference
- Gate
- House
- Seep

THP Boundary

Amos

Bate

EMPIRE

Christlock

Contour Interval 40 feet

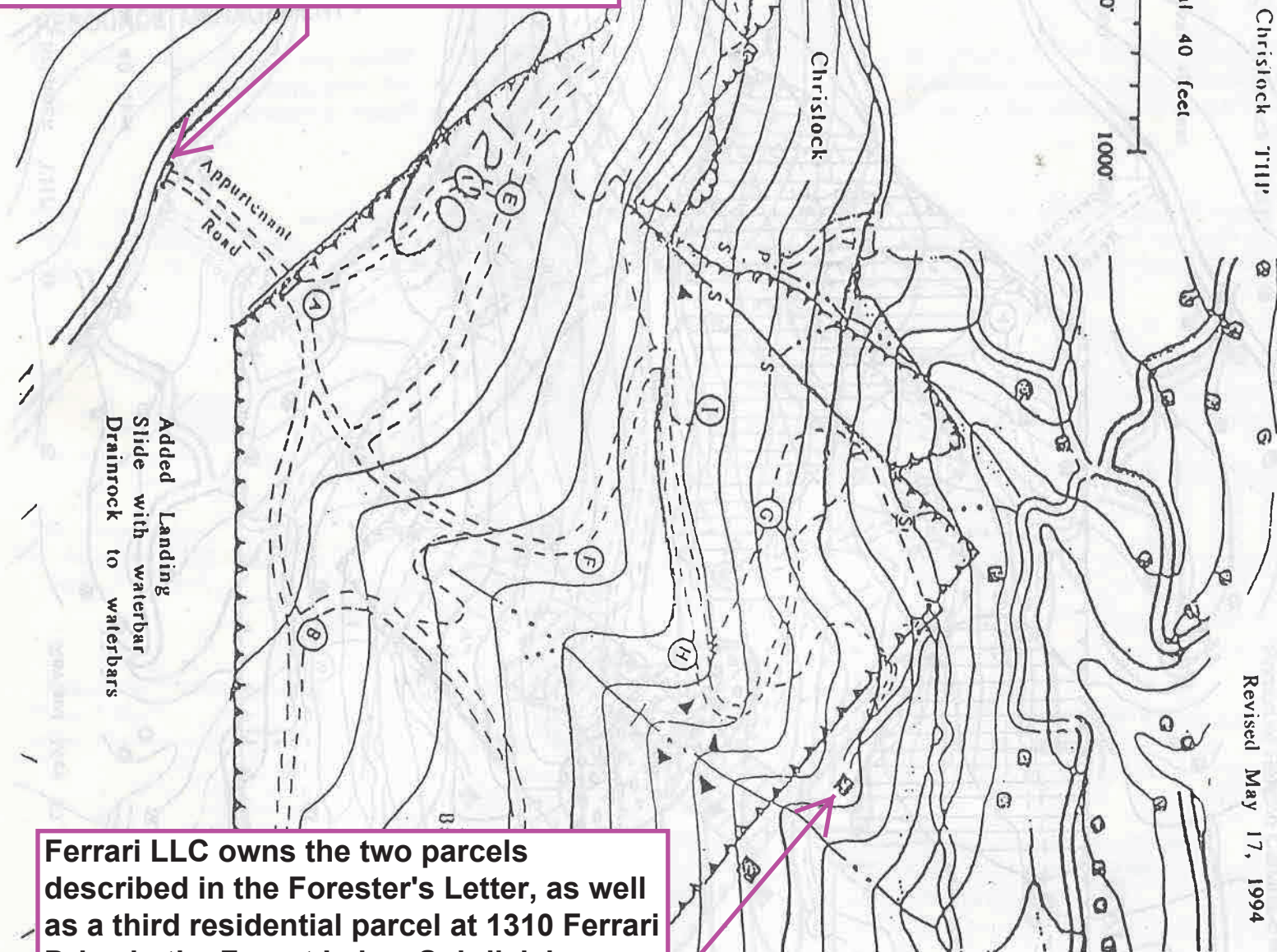
500' 1000'

MAY 18 1994



Christlock

The 1995 haul road entered onto Empire Grade at this location, midway between Smith Grade and "Twin Gates" on UCSC land. No situs address. The haul road is currently used as a mountain bike and hiking trail.



Added Landing
Slide with waterbar
Drainrock to waterbars

Ferrari LLC owns the two parcels described in the Forester's Letter, as well as a third residential parcel at 1310 Ferrari Drive in the Forest Lakes Subdivision, Felton. The arrow points to the house at 1310 whose driveway is gated below on Ferrari Drive.

- Existing Permanent Road
- Existing Seasonal Road
- Existing Skid Road
- Proposed Skid Road
- Existing Landing
- Watercourse Class Change
- Class 1 Watercourse
- Class 2 Watercourse
- Class 3 Watercourse
- Water Intake
- Water Tank
- Water Pump
- Slide/Unstable
- Text Reference
- Gate
- House
- Seep

THP Boundary

RESOURCE MANAGER

MAY 23 1994

REGION 1

Received CDF

State Government & County Code Sections

State of California Government Code – GOV

- TITLE 5. LOCAL AGENCIES [50001 - 57607] (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.)

51113.5. (aka “adjacency rezoning”)

(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)¹ and (g)² 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.

¹ 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.

² 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).

51112.

(a) On or before March 1, 1977, 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 appearing on list A submitted by the assessor pursuant to subdivision (d) of Section 51110 which are not designated as "contest," unless it finds by a majority vote of the full body that a parcel or parcels are not devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses.

The basis for such a finding is limited to either of the following:

(1) The parcel is not in fact capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre;

(2) The use of the parcel has changed subsequent to the lien date in 1976, and that such use no longer meets the definition of timberland, or of compatible uses as defined and as adopted by the board or council pursuant to Section 51111.

(b) On or before March 1, 1977, 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 appearing on list A which are designated as "contested" pursuant to subdivision (c) of Section 51110, except those parcels which it finds by a majority vote of the full body to be in the public interest to exclude from such a zone.

(c) On or before March 1, 1978, 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 appearing on list B submitted by the assessor pursuant to subdivision (c) of Section 51110.1, except those parcels which it finds by a majority vote of the full body to be in the public interest to exclude from such a zone.

(d) On parcels excluded from the timberland production zone under this section, the board or council shall apply an alternate zone which is in conformance with the county general plan and whose primary use is other than timberland, if no such appropriate zone currently applies to such parcels.

(e) The owner of the land shall be given written notice at least 20 days prior to the hearing of the board or council, and notice of hearing shall be published pursuant to Section 6061 of this code, and shall include a legal description, or the assessor's parcel number, of the land which is proposed to be included within the timberland production zone.

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 51110.2³, 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 51111⁴.

(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.

³ 51110.2. The county or city planning commission shall hold a public hearing on parcels referred to it for review by the board or council pursuant to subdivision (d) of Section 51110 and subdivision (c) of Section 51110.1 according to Section 65854, and shall render its decision in the form of a written recommendation to the board or council according to Section 65855. The planning commission shall include in its recommendation to the board or council considerations as to the exact zoning boundaries to be drawn within each assessor's parcel contained in list A or list B.

- 51110(d) On or before October 15, 1976, the assessor shall submit to the board or council a list of all parcels, regardless of size, which as of the lien date in 1976, are assessed for growing and harvesting timber as the highest and best use of the land, including such parcels designated as "contested" pursuant to subdivision (c). This list shall be known as "list A".
- 51110.1 (c) On or before October 15, 1977, the assessor shall submit to the board or council a list of all parcels, which as of the lien date in 1976, appear to constitute timberland, but which are not assessed for growing and harvesting timber as the highest and best use of the land. This list shall be known as "list B".

⁴ 51111. On or before October 1, 1976, the board or council shall adopt a list and a detailed description of additional compatible uses for parcels zoned as timberland production. (*Amended by Stats. 1984, Ch. 678, Sec. 2.*)

(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 Code⁵, 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.

⁵ 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.

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- DIVISION 4. FORESTS, FORESTRY AND RANGE AND FORAGE LANDS [4001 - 4958] (*Division 4 repealed and added by Stats. 1965, Ch. 1144*)
 - PART 2. PROTECTION OF FOREST, RANGE AND FORAGE LANDS [4101 - 4789.7] (*Part 2 added by Stats. 1965, Ch. 1144.*)
 - CHAPTER 8. Z'berg-Nejedly Forest Practice Act of 1973 [4511 - 4630.2] (*Chapter 8 repealed and added by Stats. 1973, Ch. 880.*)

ARTICLE 5. Resource Conservation Standards [4561 - 4562.9] (*Article 5 added by Stats. 1973, Ch. 880.*)

4561. It is the purpose of this section to set forth resource conservation standards for timber operations, and to ensure that a cover of trees of commercial species, sufficient to utilize adequately the suitable and available growing space, is maintained or established after timber operations.

To that end, the following resource conservation standards define minimum acceptable stocking, and an area covered by a timber harvesting plan shall be classified as acceptably stocked if either of the following conditions exist within five years after completion of timber operations:

(a) The area contains an average point count of 300 per acre, except that in areas that the registered professional forester who prepares the timber harvesting plan has determined are site IV classification or lower, the minimum average point count shall be 150 per acre. Point count shall be computed as follows:

(1) A countable tree that is not more than four inches in diameter at breast height to count as one.

(2) A countable tree over 4 inches and not more than 12 inches in diameter at breast height to count as three.

(3) A countable tree over 12 inches in diameter at breast height to count as six.

(b) (1) The average residual basal area, measured in stems one inch or larger in diameter is at least 85 square feet per acre, except that in areas that the registered professional forester who prepares the timber harvesting plan has determined are site II classification or lower, the minimum average residual basal area shall be 50 square feet per acre.

(2) The board, on a finding that it is in furtherance of the purposes of this chapter, may encourage selection, shelterwood, or other types of management of timber if consistent with the biological requirements of the tree species and may regulate the size and shape of areas in which even-age management of timber is utilized.

(3) Rock outcroppings and other areas not normally bearing timber shall not be considered as requiring stocking and are exempt from the stocking provisions.

Santa Cruz County Municipal Code

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].