



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

TOM BURNS, PLANNING DIRECTOR

December 1, 2006

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

Agenda Date: January 10, 2007

APN: 057-171-09

Application: 02-0336

Item #: 13

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

Members of the Commission:

On July 5, 2002, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 20.049 acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of open space, no residences.

Background

This project qualifies for a rezoning under California Government Code Section 51113. This section allows a property owner to petition the County to rezone land to the TP zone. The requirements for this type of rezoning are listed in Government Code section 51113(c)1. The County may not place any additional requirements on this petition to rezone the property to TP. County Code Section 13.10.375(c) – “Zoning to the TP District” implements Government Code section 51113 and specifies the six criteria which must be met in order to rezone to TP.

1 c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland production under this section.

The criteria shall not impose any requirements in addition to those listed in this subdivision and in subdivision (d). The following shall be included in the criteria:

(1) A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.

(2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester.

The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(3) (A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.

(B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed.

Notwithstanding the provisions of Article 4 (commencing with Section

51130), if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the county general plan and whose primary use is other than timberland.

(4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

(5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

(d) The criteria required by subdivision (c) may also include any or all of the following:

(1) The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.

(2) The land shall be a certain site quality class or higher under

Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.

In accordance with County Code Section 13.10.375(c), the project meets the following *six* criteria for rezoning to Timber Production:

1. A map has been submitted with the legal description or assessor's parcel number of the property to be rezoned.
2. A Timber Management Plan, undated, prepared by a registered professional forester has been submitted for the property (Exhibit E).
3. The parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules for the district in which the parcel is located (see Exhibit E).
4. The parcel is timberland, as the entire parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually and is almost entirely located within a mapped Timber Resource area.
5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
6. The land area to be rezoned is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and is comprised of at least five acres in area.

This project qualifies for a statutory exemption (Exhibit D) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703).

Conclusion

All of the criteria have been met for rezoning this parcel to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations.

Recommendation

Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 02-0336 based on the attached findings (Exhibit B).

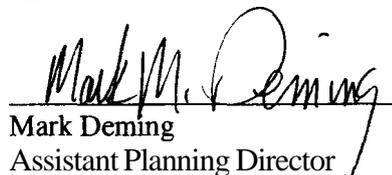
EXHIBITS

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN Map
- C. Location, Current Zoning and General Plan Designation Maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan by Dale Holderman, RPF, dated July 5, 2002



Robin Bolster-Grant
Project Planner
Development Review

Reviewed By:



Mark Deming
Assistant Planning Director

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 north and south sides of White House Creek Road at approximately three miles east from Highway One (about three miles north from Santa Cruz/San Mateo County Lines); finds that the zoning to be established herein is consistent with all elements of the Santa Cruz County General Plan and the Santa Cruz County Code, as modified by the *Big Creek* decision; and finds and certifies that the project is subject to a statutory exemption under the California Environmental Quality Act.

SECTION II

The Board of Supervisors hereby adopts the Zoning Plan Amendment ~~as~~ described in Section III, and adopts the findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and
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>
057-171-09	Special Use - SU	TP

SECTION IV

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

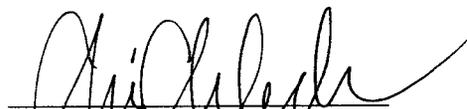
PASSED AND ADOPTED THIS _____ day of _____ 2006, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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 Maps

DISTRIBUTION: County Counsel
 Planning
 Assessor
 County GIS

EXHIBIT A

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. 02-0336, involving property located on the north and south sides of White House Creek Road at approximately three miles east from Highway One (about three miles north from Santa Cruz/San Mateo County Lines), 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 _____, 2006, by the following vote:

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

Chairperson

ATTEST: _____
MARK DEMING, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL

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

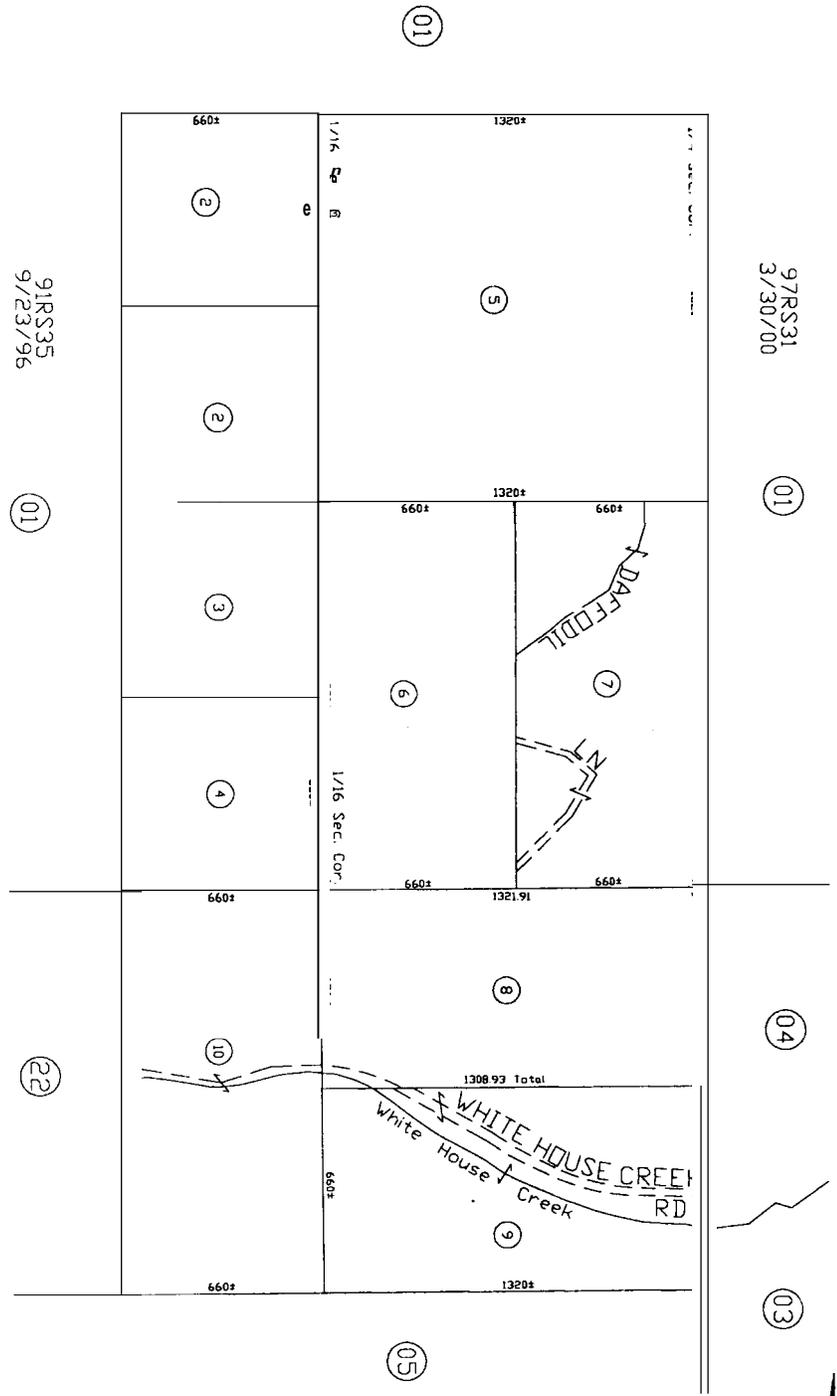
POR. SECS. 4 & 9
 T.9S., R.4W., M.D.B. & M.

Tax Area Code
 86-023

57-17

EXHIBIT B

97RS31
 3/30/00



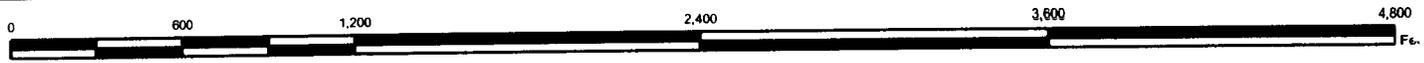
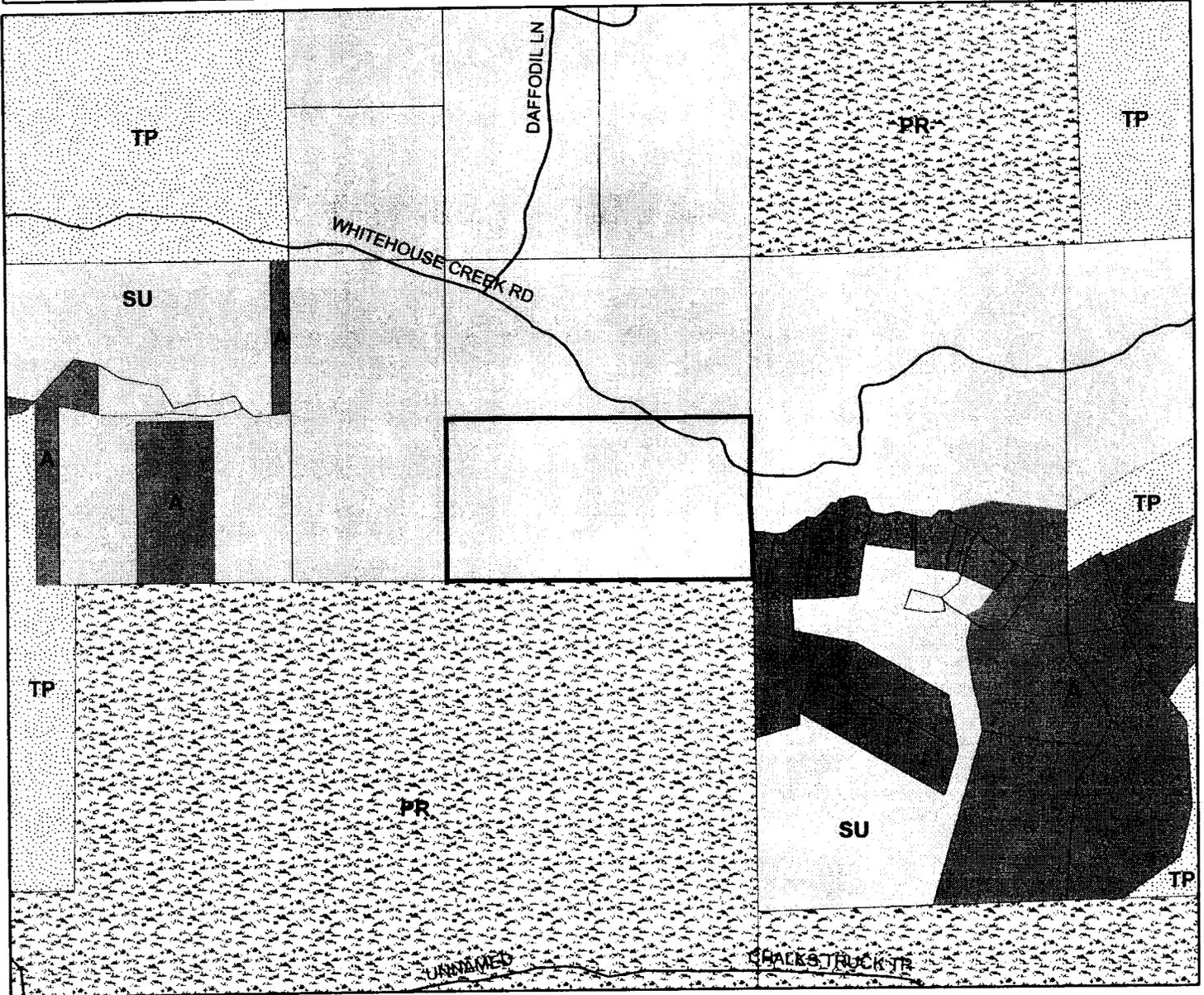
91RS35
 9/23/96

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

Assessor's Map No. 57-17
 County of Santa Cruz, Calif
 Nov. 2000

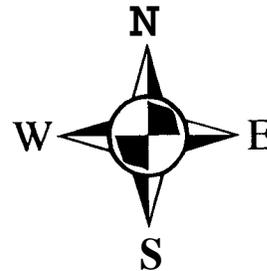


Zoning Map



Legend

-  APN 057-171-09
-  Assessors Parcels
-  Streets
-  SPECIAL USE (SU)
-  AGRICULTURE (A)
-  PARK (PR)
-  TIMBER PRODUCTION (TP)

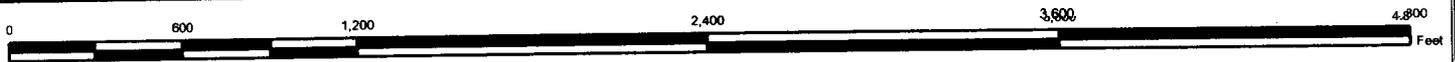
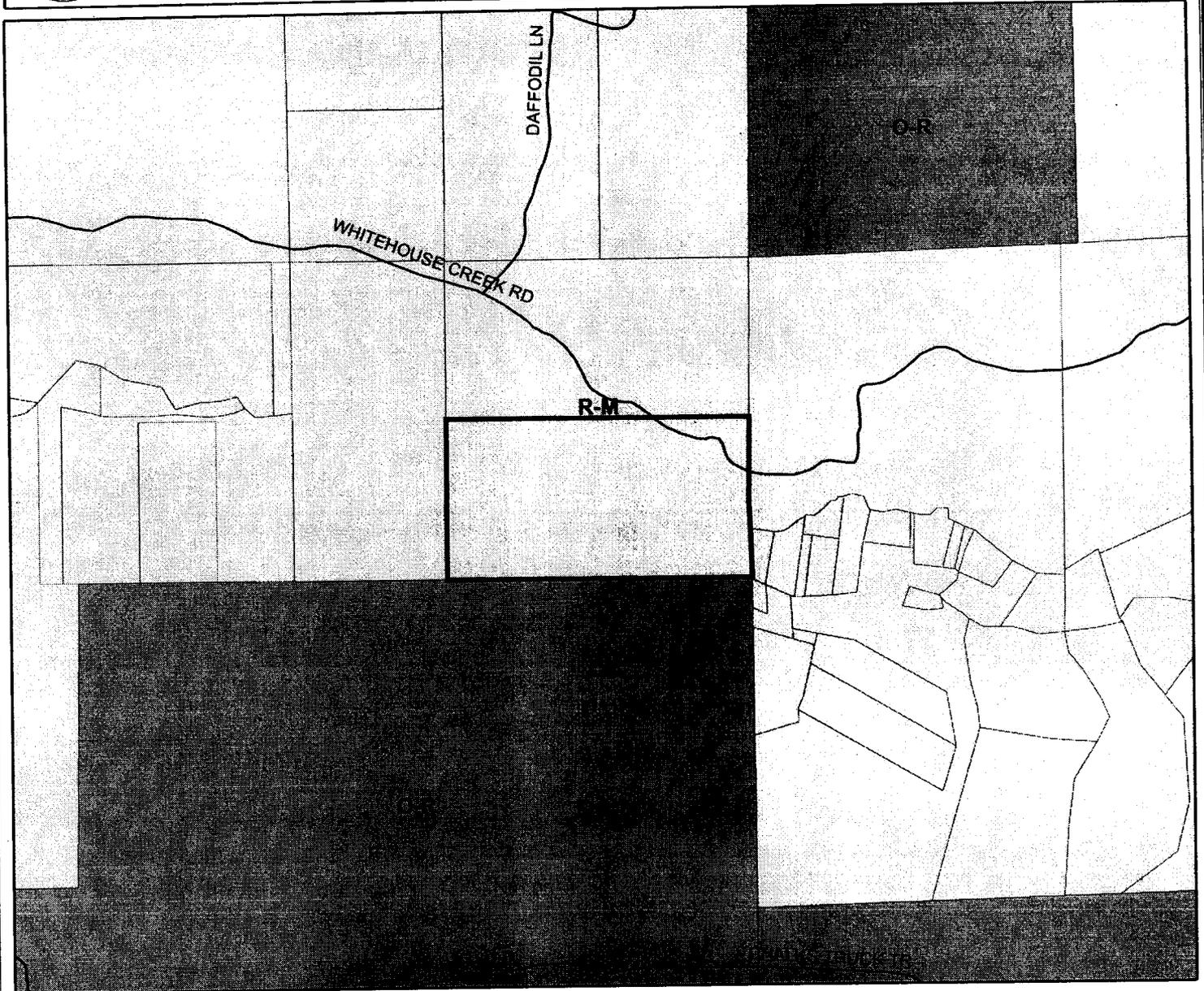


Map Created by
County of Santa Cruz
Planning Department
October 2006

EXHIBIT

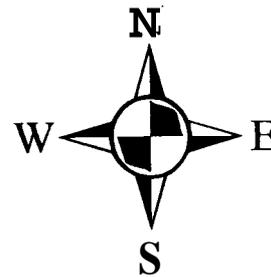


General Plan Designation Map



Legend

-  APN 057-171-09
-  Assessors Parcels
-  Streets
-  Residential-Mountain (R-M)
-  Parks and Recreation (O-R)

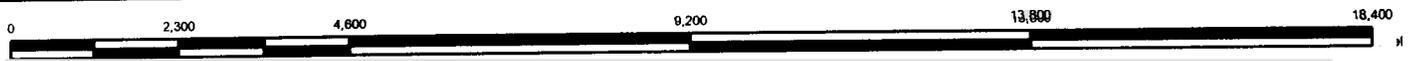
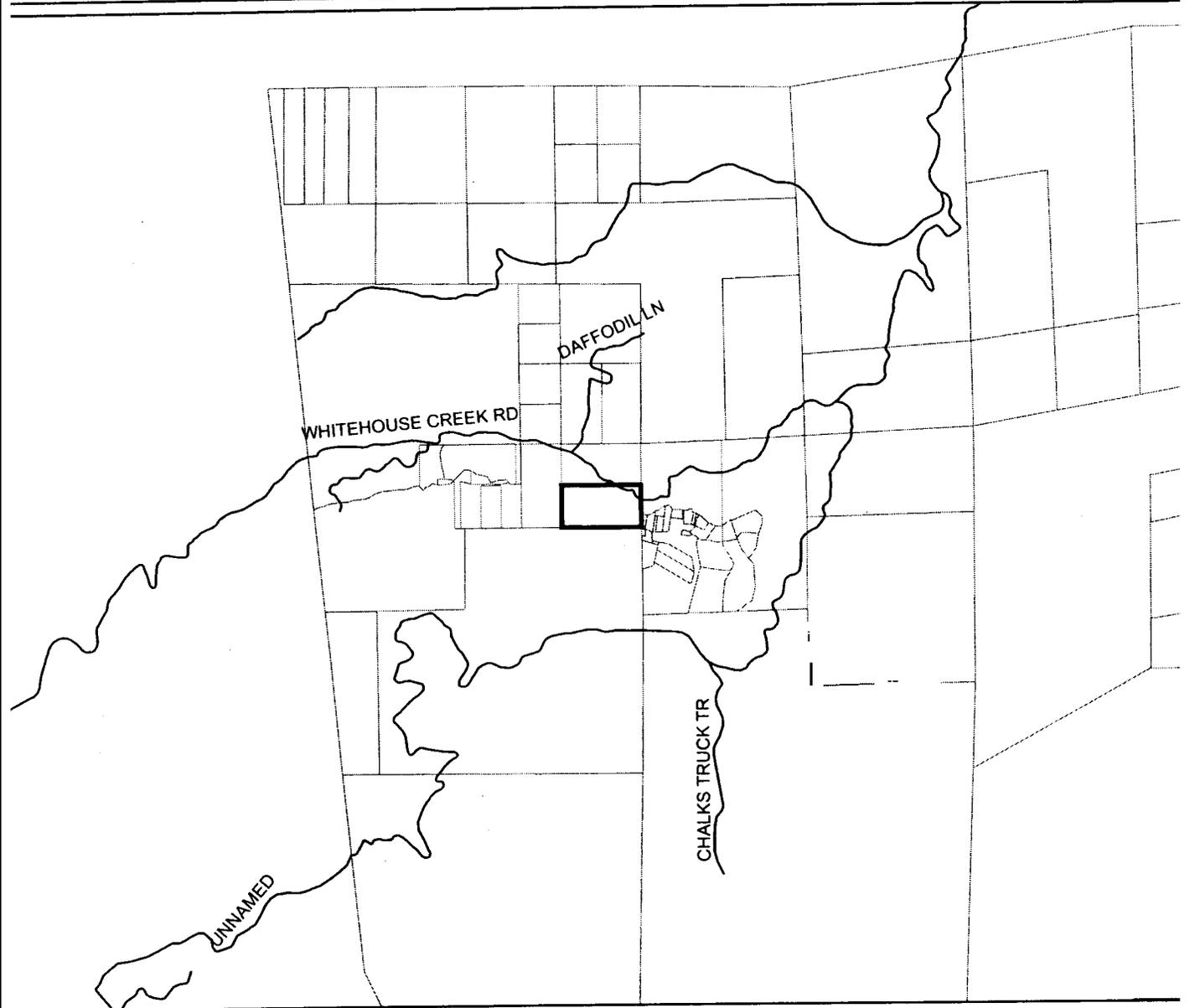


Map Created by
 County of Santa Cruz
 Planning Department
 October 2006

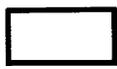
EXHIBIT C

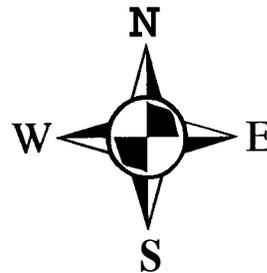


Location Map



Legend

-  APN 057-171-09
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
October 2006

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: 02-0336

Assessor Parcel Number: 057-171-09

Project Location: No Situs Address, Whitehouse Creek Road, Davenport, California

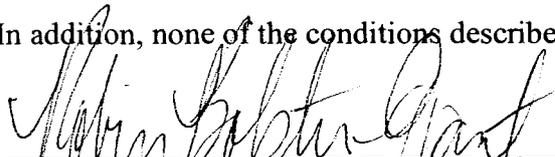
Project Description: Rezone a single parcel from the Special Use Zone (SU) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Dale Holderman

Contact Phone Number: (831) 426-6964

- A. The proposed activity is not a project under CEQA Guidelines Section 15378.
- B. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- C. **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- D. **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285). [Section 1703]

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



Robin Bolster-Grant, Project Planner

Date: 12/5/06

EXHIBIT D

July 5, 2002

Planning Department
County of Santa Cruz
Government Center
Santa Cruz, CA 95060

Re: Zoning APN 057- 171-09 Timber Production District

Greetings:

Pursuant to Government Code section 51113, Big Creek Lumber Company, owner of APN 057- 171-09, hereby request that its 20 acre parcel be zoned Timber Production District.

The property meets the following criteria:

1. The parcel currently meets 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 for the Southern Subdistrict of the Coast Forest District. (See the accompanying Stocking Analysis.)
2. The parcel is timberland as defined in Section 51104(f) of the Government Code. (See the accompanying Wood Fiber Analysis.)
3. The parcel meets the permitted use requirements of Section 13.10.372 of the County Code. (See the accompanying Compatible Use Analysis.)
4. The parcel is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code.
5. The property is comprised of a single parcel consisting of at least five acres in area.

Submitted herewith are:

1. A timber management plan for the property that provides for the eventual harvest of timber within a reasonable period of time.
2. A map showing the assessor's parcel of the property desired to be zoned.
3. A check payable to the County in the amount of \$750.

Sincerely,

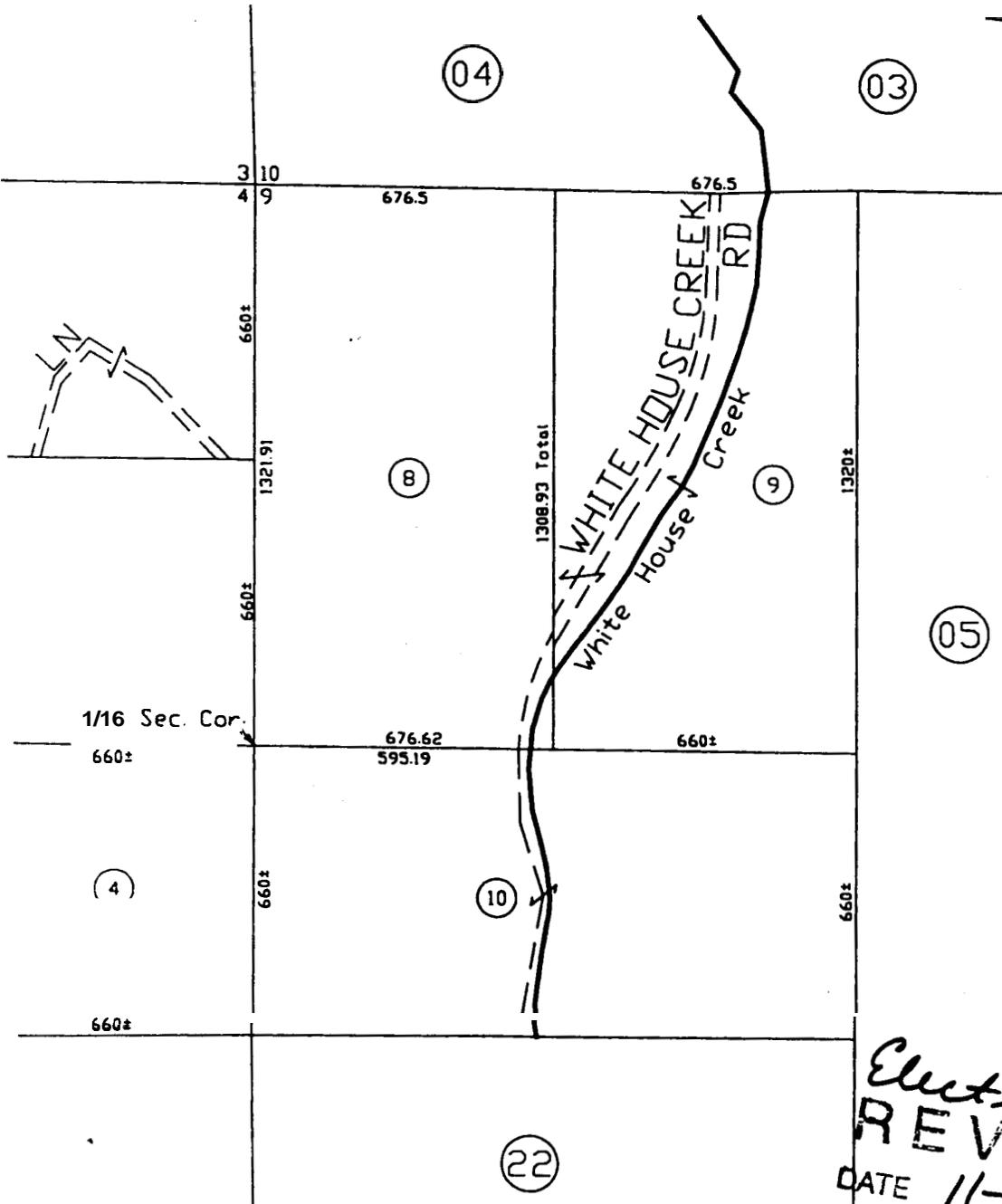
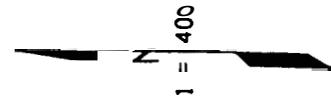


Dale F. Holderman, Forester
Big Creek Lumber Company

4 & 9
D.B. & M.

Tax Area Code
86-023

57-17



Electronically Revised
REVISED
 DATE 11-14-00
 OLD MAP NO. 57-17

Assessor's Parcel & Block
numbers are shown in Circles.

Assessor's Map No. 57-17
County of Santa Cruz, Calif.
Nov. 2000

STOCKING ANALYSIS

Government Code section 51113(c)(3)(A) requires that the parcel must currently meet the timber stocking standards in Section 4561 of the Public Resources Code and in Section 913.8(a)(1) of the California Code of Regulations. The timber stocking standards of California Code of Regulations section 913.8(a)(1) are met if the parcel contains an average basal area, measured in stems 1 inch or larger in diameter, of at least 100 square feet per acre for Site Class II lands. The requirements of Public Resources Code section 4561 are less stringent.

Analysis: A review of the property found that the height of the dominant redwoods does not exceed the standard for Site Class II, or 179 feet in total height. It is fair to say that the Site Class for the parcel is no higher than Site Class II.

The stand contains much more than 100 square feet of basal area per acre. (Basis: observation) Thus, the parcel meets the minimum stocking requirements for Site Class II lands.

WOOD FIBER ANALYSIS

Government Code section 51113(c)(4) requires that the parcel shall be timberland. Section 51104(f) defines timberland as privately owned land devoted to and used for growing and harvesting timber, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

The stand is capable of producing wood fiber far in excess of 15 cubic feet per acre year. (Basis: observation.)

The productivity of the soils confirms that observation. The predominant soils on the parcel are Ben Lomond-Felton complex, 50-75 percent slopes, Soquel loam, 2 to 9 percent slopes, and Lompico-Felton complex, 50-75 percent slopes. These soils are capable of wood fiber production between 129 and 167 cubic feet per acre per year. (Source: Soil Survey of Santa Cruz County, California, U. S. Department of Agriculture, Soil Conservation Service, in cooperation with University of California, Agriculture Experiment Station, 1980.)

COMPATIBLE USE ANALYSIS

The parcel is used for growing and harvesting timber.

OBSERVATION and EXPERIENCE vs. MEASUREMENT

If the total obviously exceeds the minimum required, one can clearly say that the minimum has been met. Asked if a quart jar full of beans contains at least 100 beans, you can easily answer yes. Simple observation tells you that.

If the minimum is large or close to the total, you may not be able to observe whether the minimum has been met. Asked if a quart jar full of beans contains at least 1,000 beans, you can't answer that by observation. But if you had counted the beans in a quart jar several times and found that they always exceeded 1,000, you could answer yes. Experience tells you that.

If observation is unclear or if experience is inadequate, measurement may be necessary. But that is the only time it should be needed.

The author, a registered professional forester, has more than thirty years experience harvesting timber in the Santa **Cruz** Mountains from stands like the subject parcel. The required minimums are so much smaller than the total present that observation and experience are all that is needed to determine that they clearly have been met. Measurement is neither prudent nor necessary.

TIMBER MANAGEMENT PLAN

FOR

BIG CREEK LUMBER COMPANY

APN 057-171-09

PREPARED BY

DALE F. HOLDERMAN
REGISTERED PROFESSIONAL FORESTER
LICENSE NUMBER 69

2002

TIMBER MANAGEMENT PLAN

MAPS	PAGE
Geographic Location (1:24,000 scale).	1
- north indicator	
Lands of Big Creek Lumber Company (1:400 scale or larger).	ii
- north indicator	
- assessor's parcel number	
- existing property boundaries	
- existing roads	
- tractor roads and landings - none	
- existing residence - none	
- well - none	
- historical structures - none	
- archeological sites - none	
- areas covered by recommended logging system	
- streams and drainages	
- springs and seeps - none	
Soil Description and Vegetative Type.	iii
- north indicator	
- soil	
- vegetation type	
- ancient trees (200 years +) - not mapped	
Geologic Map	iv
- north indicator	

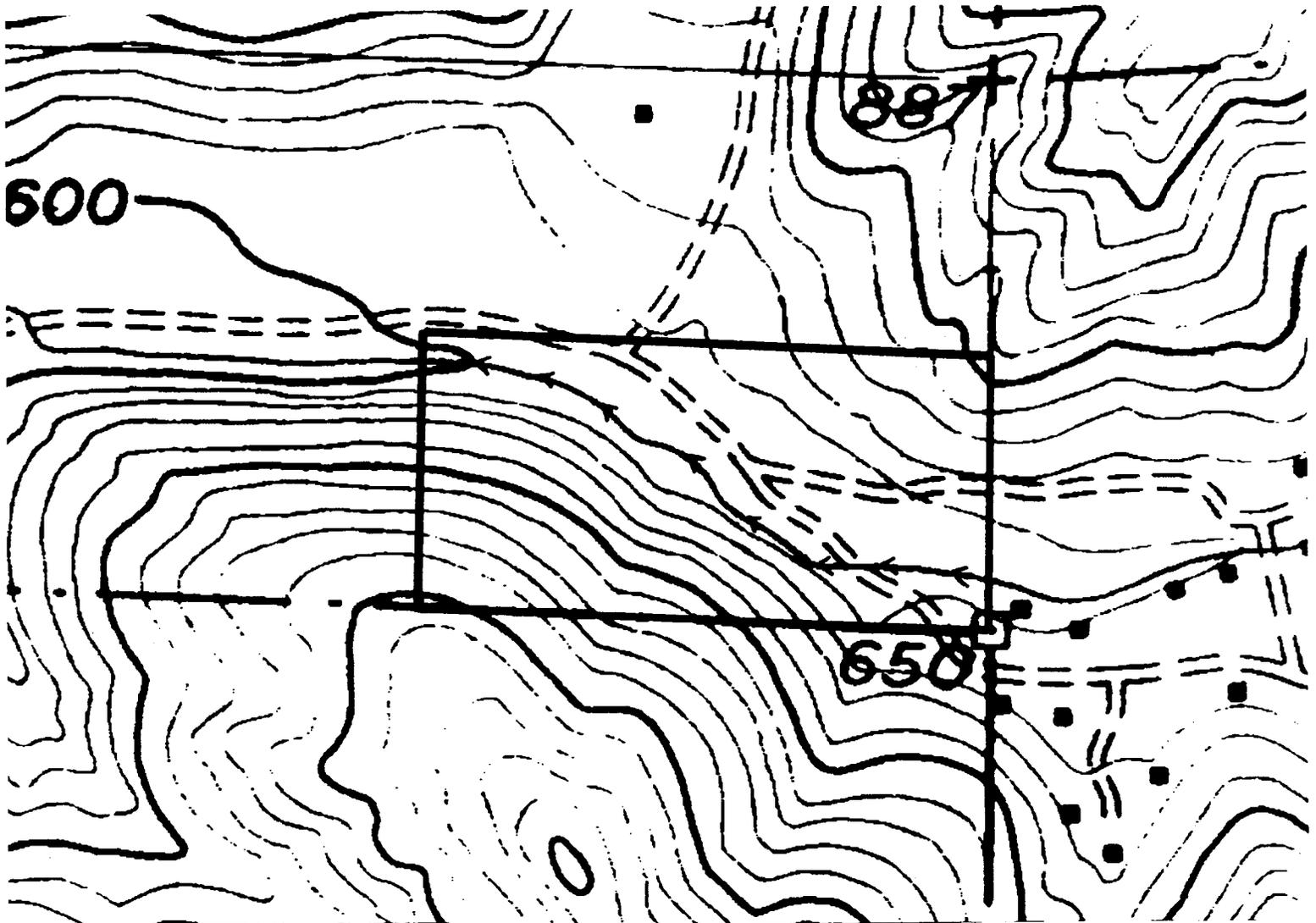
LANDS OF BIG CREEK LUMBER COMPANY

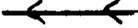
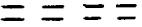
APN 057-171-09

Scale: 1:400

NORTH

All tractor and skidder harvesting.



- | | | | |
|-------------------------------------------------------------------------------------|-------------------|--------------------------------------------------------------------------------------|---------------------|
|  | Property Boundary |  | Class I Watercourse |
|  | Existing Road |  | Existing Residence |

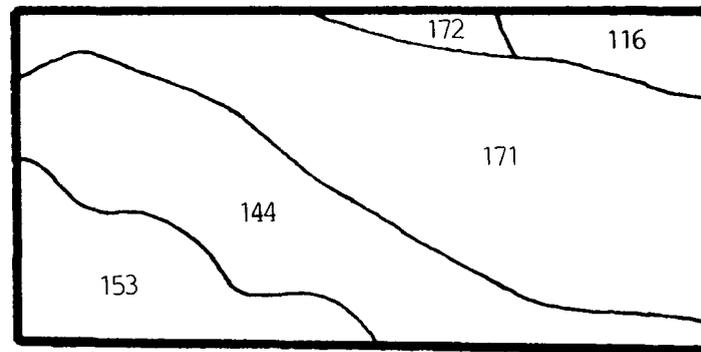
SOIL DESCRIPTION AND VEGETATIVE TYPE

APN 057-171-09

Scale 1:400

NORTH

Vegetative Type: redwood-tanoak



Soil Type 116: Bonnydoon loam, **5 to 30** percent slopes. The soil is shallow and somewhat excessively drained. Permeability is moderate.

Soil Type 144: Lompico-Felton complex, **30 to 50** percent slopes. The Lompico soil is moderately deep and well drained. Permeability is moderate. The Felton soil is deep and well drained. Permeability is moderately slow. These soils are well suited to conifer production.

Soil Type 153: Maymen-Rock outcrop complex, 50 to 75 percent slopes. The soil is shallow and somewhat excessively drained. Permeability is moderate.

Soil Type 171: Soquel loam, **0 to 2** percent slopes. The soil is very deep and moderately well drained. Permeability is moderately slow. This soil is well suited to conifer production.

Soil Type 172: Soquel loam, 9 to 15 percent slopes. The soil is very deep and moderately well drained. Permeability is moderately slow. This soil is well suited to conifer production.

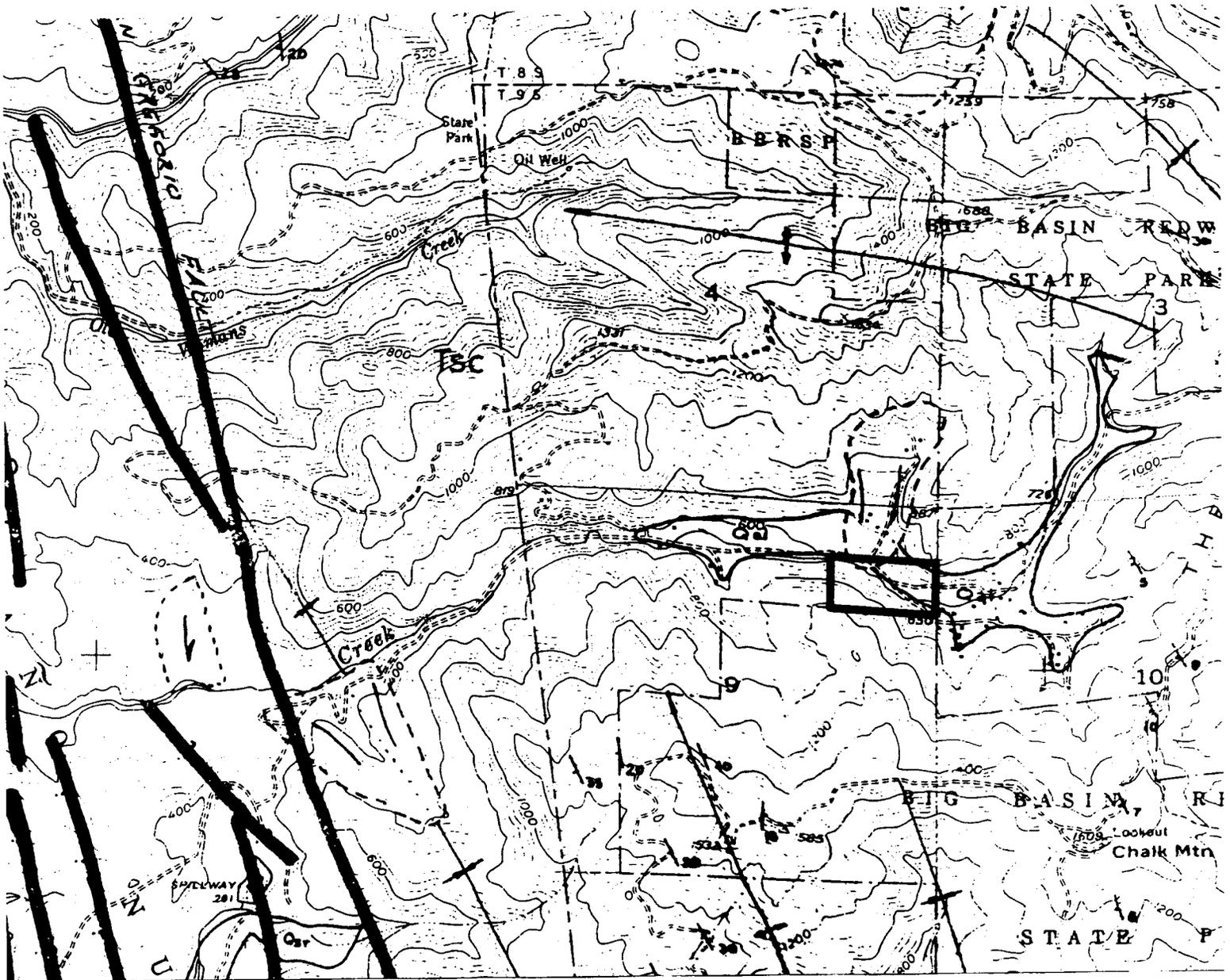
Source: Soil Survey of Santa Cruz County, California, U. S. Department of Agriculture, Soil Conservation Service in cooperation with University of California, Agriculture Experiment Station, 1980.

GEOLOGY

APN 057-171-09

Scale: 1:24000

NORTH



Qal - Alluvium (Quaternary)

Tsc - Santa Cruz Mudstone



Landslide

Source: State of California, Resources Agency, Department of Forestry, Regional Geologic Group, 1970.

TIMBER MANAGEMENT PLAN

	TEXT	PAGE
Property description		1
- owners name		
- assessor's parcel number		
- size of parcel		
- discussion of acreage in different vegetation types		
- site class		
Previous timber operations		1
- parcel timber harvest history		
- approved State or County timber harvest plans & haul route		
Timbermanagement		1
- management objectives and goals		
- recommended logging systems'		
- present and future stand conditions		
- present and future growth		
- commencement of harvesting		
- cutting prescription		
- harvest cycles		
- regeneration		
- future growth model		
- management units		
- forest improvement		
- ancient trees		
- snags and downed wood inventory		
- fish and wildlife management		
- fire protection plan		
- recreation		
- urban interface issues		
- erosion hazard inventory and plan		
- archaeological and historical sites		
Proposeddevelopment		3
Analysis of any conflicts between proposed development and future harvesting.		3

OWNER'S NAME - Big Creek Lumber Company

ASSESSOR'S PARCEL NUMBER - 057-171-09

SIZE OF PARCEL - 20 acres

ACREAGE IN DIFFERENT VEGETATION TYPES

The parcel consists of a young growth redwood overstory with a tanoak understory.

SITE CLASS

The parcel is no higher than Site Class II.

PARCEL TIMBER HARVEST HISTORY

The property was clear-cut probably in the early 1900's. Some young-growth redwood and almost all of the Douglas-fir were cut in the early 1970's.

APPROVED STATE OR COUNTY TIMBER HARVEST PLANS & HAUL ROUTE

It is unlikely that the cutting in the early 1970's was done pursuant to an approved plan. No record of that harvest could be found. The haul route is Whitehouse Road and Highway 1.

MANAGEMENT OBJECTIVES AND GOALS

The objective and goal is to produce an even flow of high quality redwood logs through periodic harvesting.

RECOMMENDED LOGGING SYSTEMS

The recommended logging system is crawler tractor and/or rubber tired skidder.

PRESENT AND FUTURE STAND CONDITIONS

The present even-aged stand is dominated by a moderately dense stand of young growth redwood with an understory of tanoak. Growth of the redwood is declining as competition for growing space increases.

The future stand will be an all-aged stand with a greater variety of tree sizes. The oldest trees will be about 80 years old, with about an equal number of crop trees in each of five age classes.

PRESENT AND FUTURE GROWTH

Current growth is moderate and slowing due to increasing competition. Following thinning, future growth will be improved because additional growing space will be provided.

COMMENCEMENT OF FUTURE HARVESTING

The cutting prescription below is immediately applicable. The timber in this stand serves as a reserve for Big Creek's sawmill. Harvesting will commence when Big Creek needs timber for its sawmill that it cannot otherwise obtain on the open market.

CUTTING PRESCRIPTION

The even flow of high quality redwood logs from any stand is guaranteed by doing nothing more than applying a simple cutting prescription. Cut **50-60** percent of the trees 18 inches in diameter and larger. Take the largest trees first.

HARVEST CYCLE

Don't cut again until a sampling of dominant redwoods, not growing in advantageous habitat such as standing alone or near water, have grown six inches in diameter. A sample equal to two trees for every 10 acres, or portion thereof, is enough.

REGENERATION

Since redwoods sprout from the stump, regeneration is assured without any intervention.

FUTURE GROWTH MODEL

The cutting prescription will produce an even flow of harvest trees, mostly 24 to 30 inches in diameter. Assuming just one replacement tree for each tree cut, ultimately the distribution of crop trees prior to each harvest will look something like this:

TREE DISTRIBUTION			
50% CUT		60% CUT	
NUMBER	DIAMETER	NUMBER	DIAMETER
20%	24-30"	14.4%	24-30"
20%	18-24"	21.4%	18-24"
20%	12-18"	21.4%	12-18"
20%	6-12"	21.4%	6-12"
20%	0-6"	21.4%	0-6"

MANAGEMENT UNITS

The entire parcel is one management unit.

FOREST IMPROVEMENT

No forest improvement is proposed, other than the cutting prescription detailed above.

ANCIENT TREES

The property was clear cut probably in the early 1900's. The original growth was removed at that time. No significant trees more than 200 years old were noted on the property.

SNAGS AND DOWNED WOOD INVENTORY.

There are many redwood and Douglas-fir stumps and a few snags.

FISH AND WILDLIFE MANAGEMENT

Fish and wildlife management is not proposed.

