

# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTACRUZ, CA 95060  
(831)454-2580 FAX (831)454-2131 TDD (831)454-2123

TOM BURNS, PLANNING DIRECTOR

July 3, 2007

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

Agenda Date: **July 25, 2007**

**APN: 057-121-21**

Application: **07-0125**

**Item #: 11**

Subject: A public bearing to consider a proposal to rezone a **single lot of** record from the Agriculture (A) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On March 9, 2007, the County Planning Department accepted this application for rezoning one parcel of about 13.397 acres from the Agriculture (A) zone district to Timber Production.

The property owners, Homer and Emma McCrary, also own approximately 36.6 acres Timber Production zoned parcel, APN 057-251-03, which is contiguous with the subject property. The uses on the property consist of vacant rural acreage on APN 057-251-03 and a **single** family residence on APN 057-121-21

This project qualifies for a rezoning under California Government Code Section 51113.5 "Petition by owner to add to timberland production zone." This section allows a property owner with TP-zoned land to petition the County to rezone contiguous land not zoned TP to the TP zone. The only requirements for this type of rezoning are that the parcels **must** meet the definitions of Government Code Section 51104(f), (g) and (h)<sup>1</sup>. The County may not place any additional requirements on this petition to rezone the property to TP.

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

- The property is contiguous with Timber Production zoned property under the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code (Exhibit C).

### <sup>1</sup> Government Code Section 51104

(f) "Timberland" means privately owned land, or land acquired for state forest purposes, which devoted to and used for growing and harvesting timber, or 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 and 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).

(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.

- The property is timberland, as it is capable of producing an average of 15 cubic feet of timber per acre annually (Exhibit E).
- The uses on the parcels comply with the Timber Production Zone uses set forth in Section 13.10.372.

This project qualifies for a statutory exemption 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 the subject parcels to the Timber Production zoning designation. All required findings can be made to approve this application pursuant to California State Government Code Section 51113.5.

### **Recommendation**

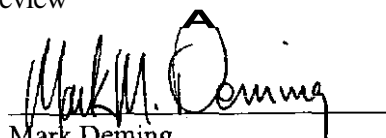
It is recommended that the Commission adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 07-0125, to adopt the Ordinance rezoning the property to the TP zone district.

### **EXHIBITS**

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN map
- C. Location, Current Zoning and General Plan Designation and Ownership maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan, prepared by Dale F. Holderman, dated March 9, 2007

  
Maria Perez  
Project Planner  
Development Review

Reviewed By:

  
Mark Deming  
Assistant Planning Director

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 ZONMG ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 07-0125, involving property located at the end of a private driveway (310 Swanton Road) about 3 miles north from the intersection of Swanton Road and Hwy 1, 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 Agriculture (A) zone district to the Timber Production zone district.

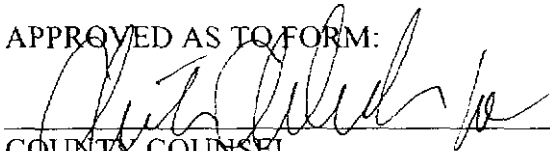
BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

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

\_\_\_\_\_  
Chairperson

ATTEST: \_\_\_\_\_  
MARK DEMING, Secretary

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
COUNTY COUNSEL

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING CHAPTER 13  
OF THE SANTA CRUZ COUNTY CODE  
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

---

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the timber resource property located at the end of a private driveway (310 Swanton Road) about 3 miles north from the intersection of Swanton Road and Hwy 1; 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 11**

The Board of Supervisors hereby adopts the Zoning Plan Amendment as described in Section 111, 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
1. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
2. 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
3. The property meets the requirements of Government Code section 51113 or 51113.5 and County Code Section 13.10.375(c).

## SECTION 111

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>
057-121 -21	Agriculture (A)	TP

## SECTION IV

This ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage

PASSED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_ 2007, **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

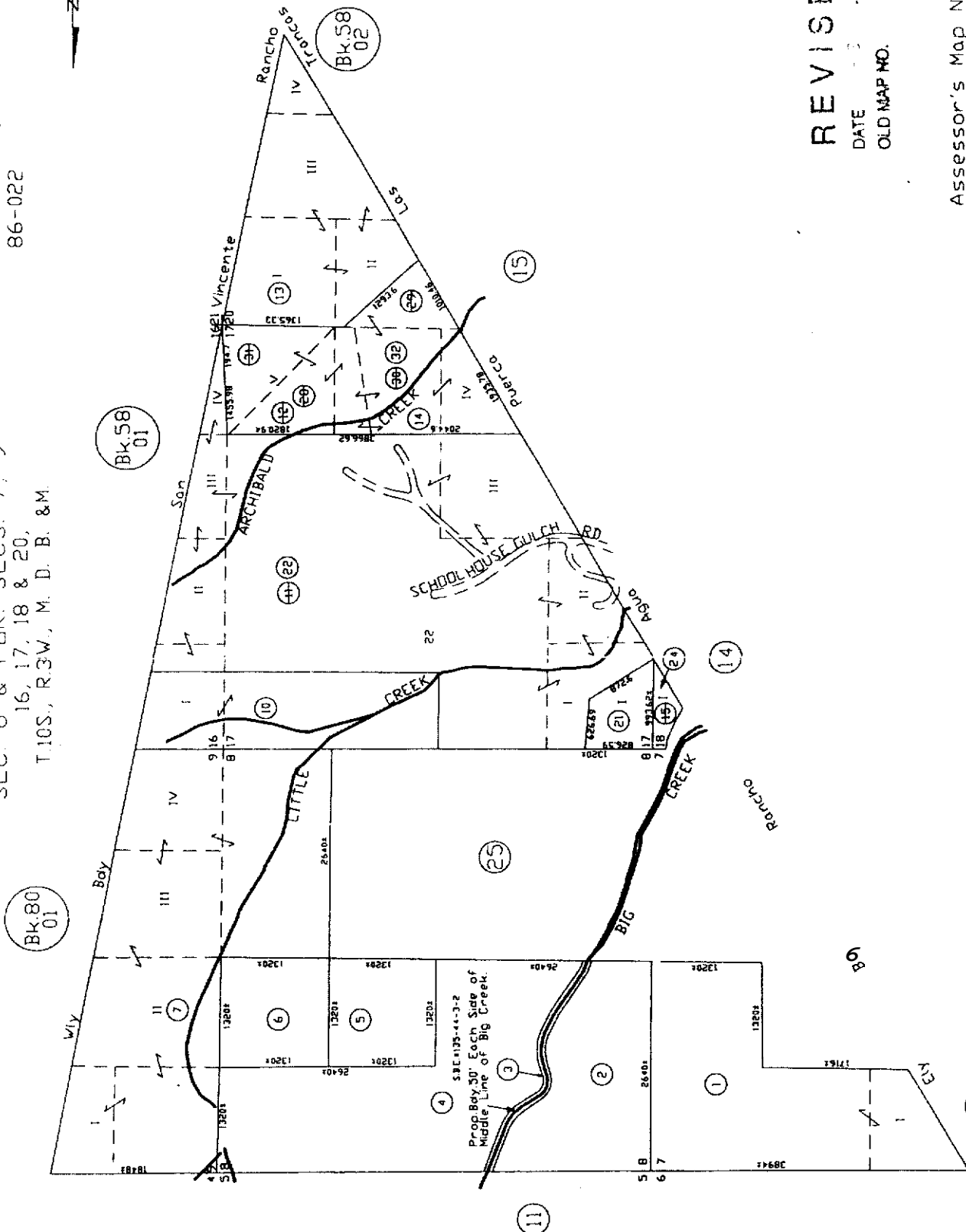
Exhibit: Rezoning Map

DISTRIBUTION:    County Counsel  
                         Planning  
                         Assessor  
                         County

GJS

65-15747 CB (PO. to PG 57-25)  
 6/25/01 NVA (changed page ref.)  
 6/8/02 NVA (ICR)

## EXHIBIT B



Note Assessor's Parcel & Block Numbers Shown in Circles

Assessor's Map No. 57-12  
County of Santa Cruz, Calif  
Sept 1996

REVISÉD

DATE \_\_\_\_\_  
OLD MAP NO. \_\_\_\_\_

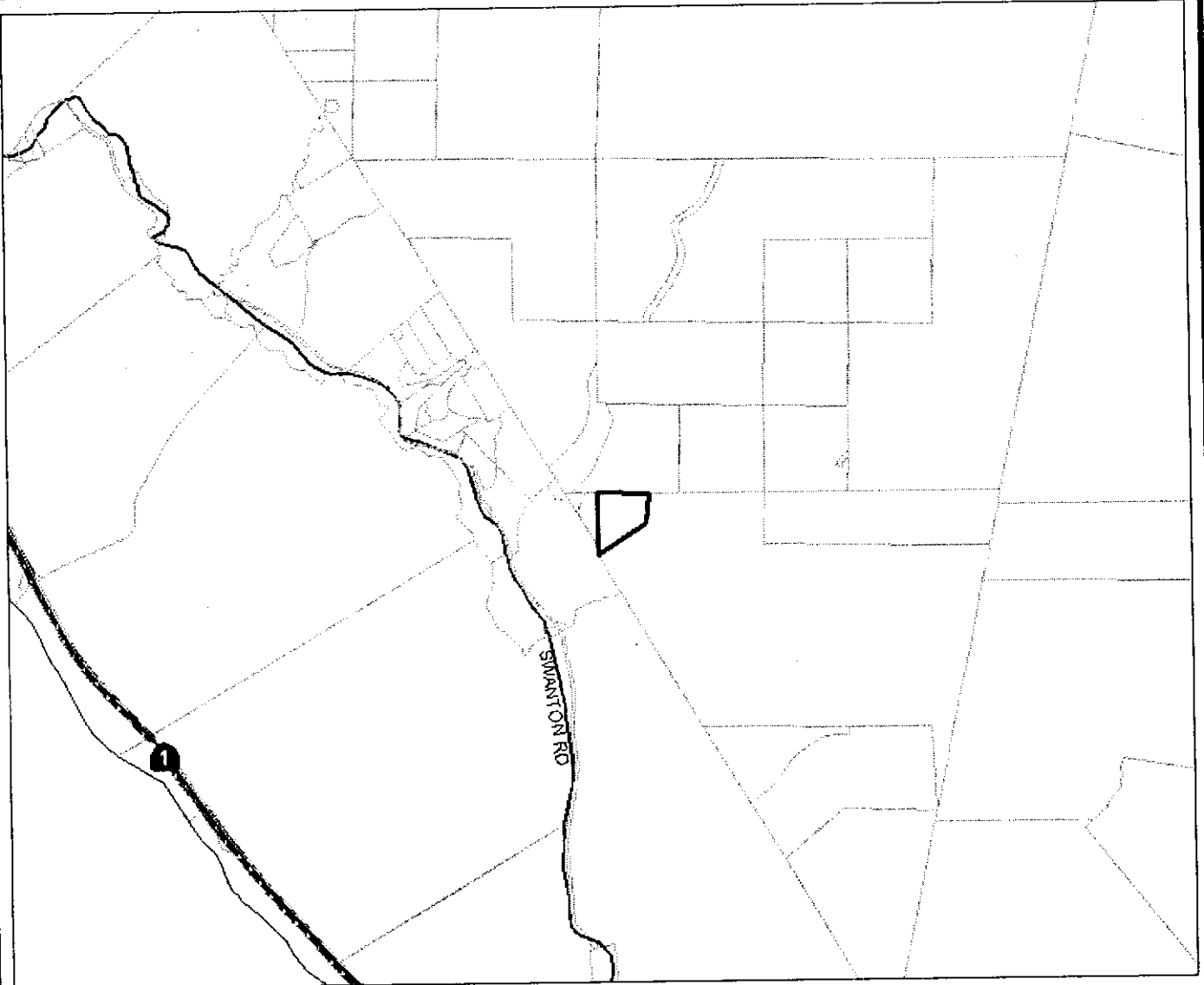
SEC. 8 & POR. SECS. 7, 9  
16, 17, 18 & 20,  
T10S., R3W., M. D. B. & M.

Tax Area Code  
86-022






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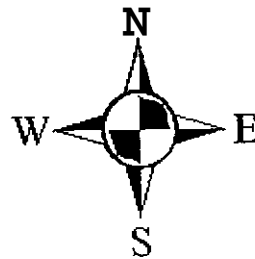


# Location Map



## Legend

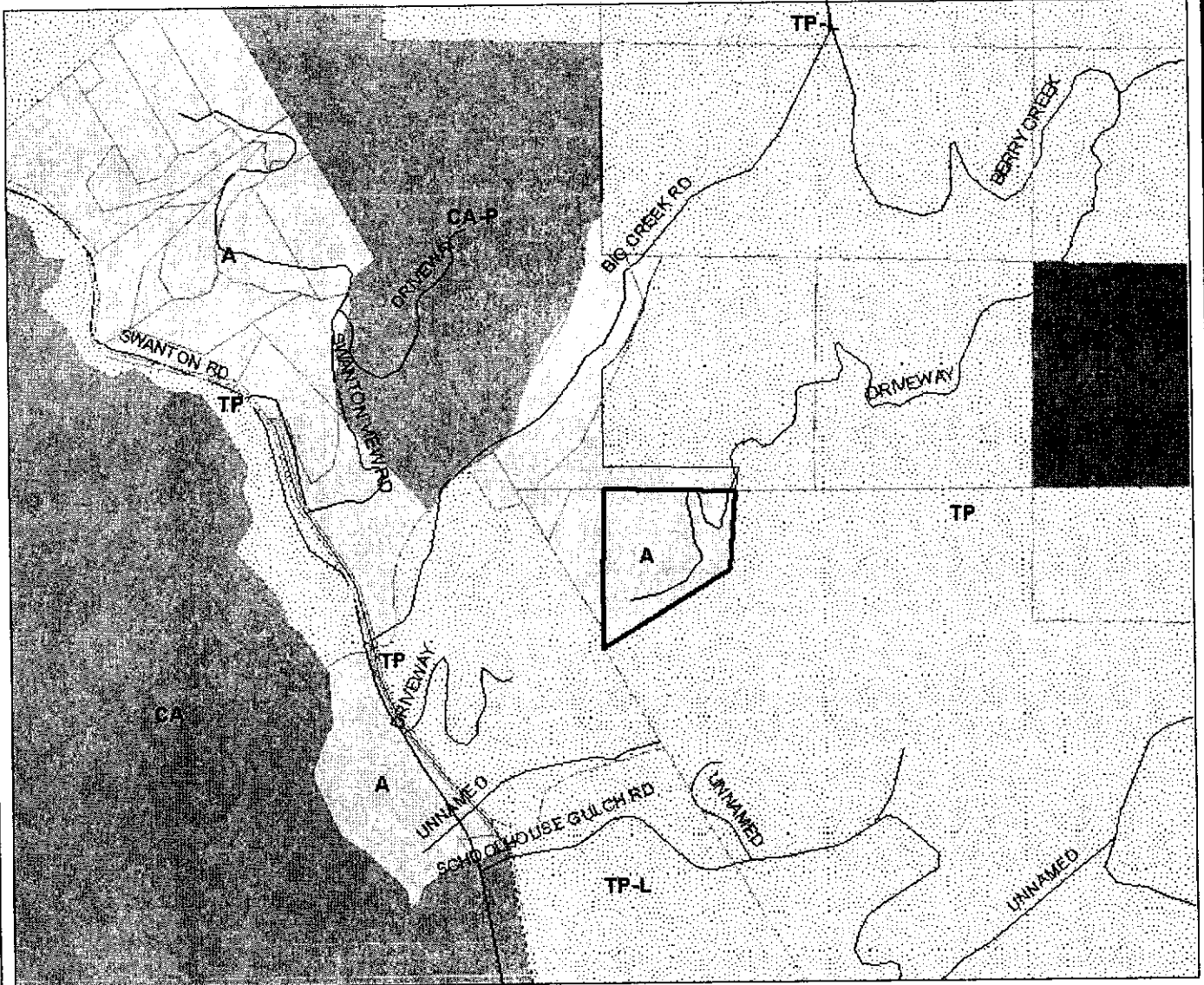
-  07-0125 Subject Parcel
-  Assessors Parcels
-  Major Roads
-  State Highways
-  County Boundary



Map Created by  
County of Santa Cruz  
Planning Department  
May 2007

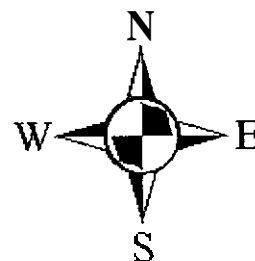


# Zoning Map



## Legend

- 07-0125 Subject Parcel
- Assessors Parcels
- Streets
- State Highways
- AGRICULTURE (A)
- AGRICULTURE COMMERCIAL (CA)
- AGRICULTURE RESIDENTIAL (RA)
- TIMBER PRODUCTION (TP)

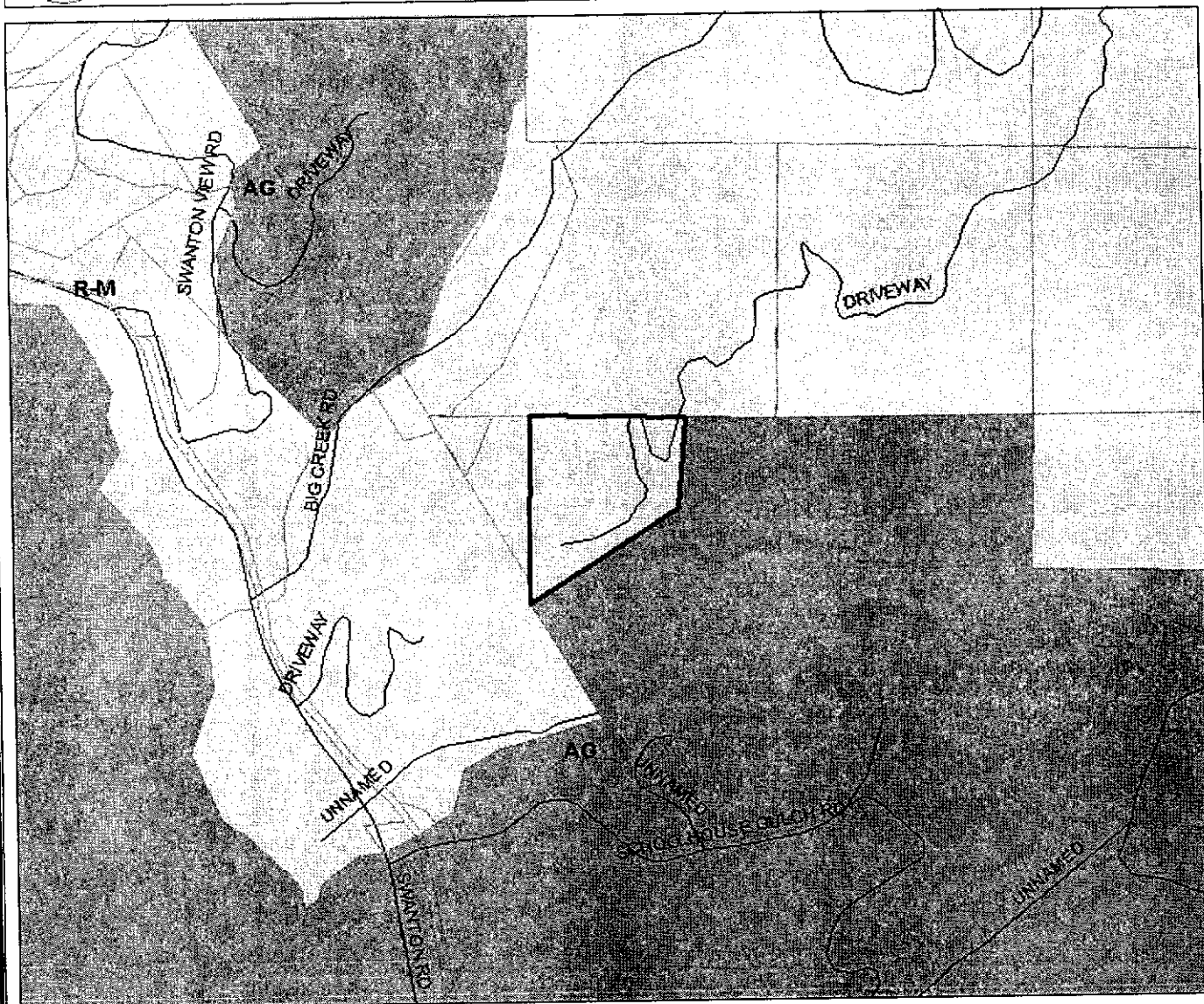


Map Created by  
County of Santa Cruz  
Planning Department  
May 2007








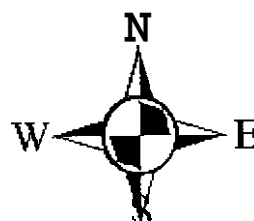


# General Plan Designation Map



## Legend

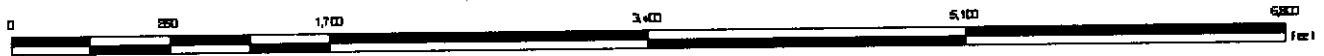
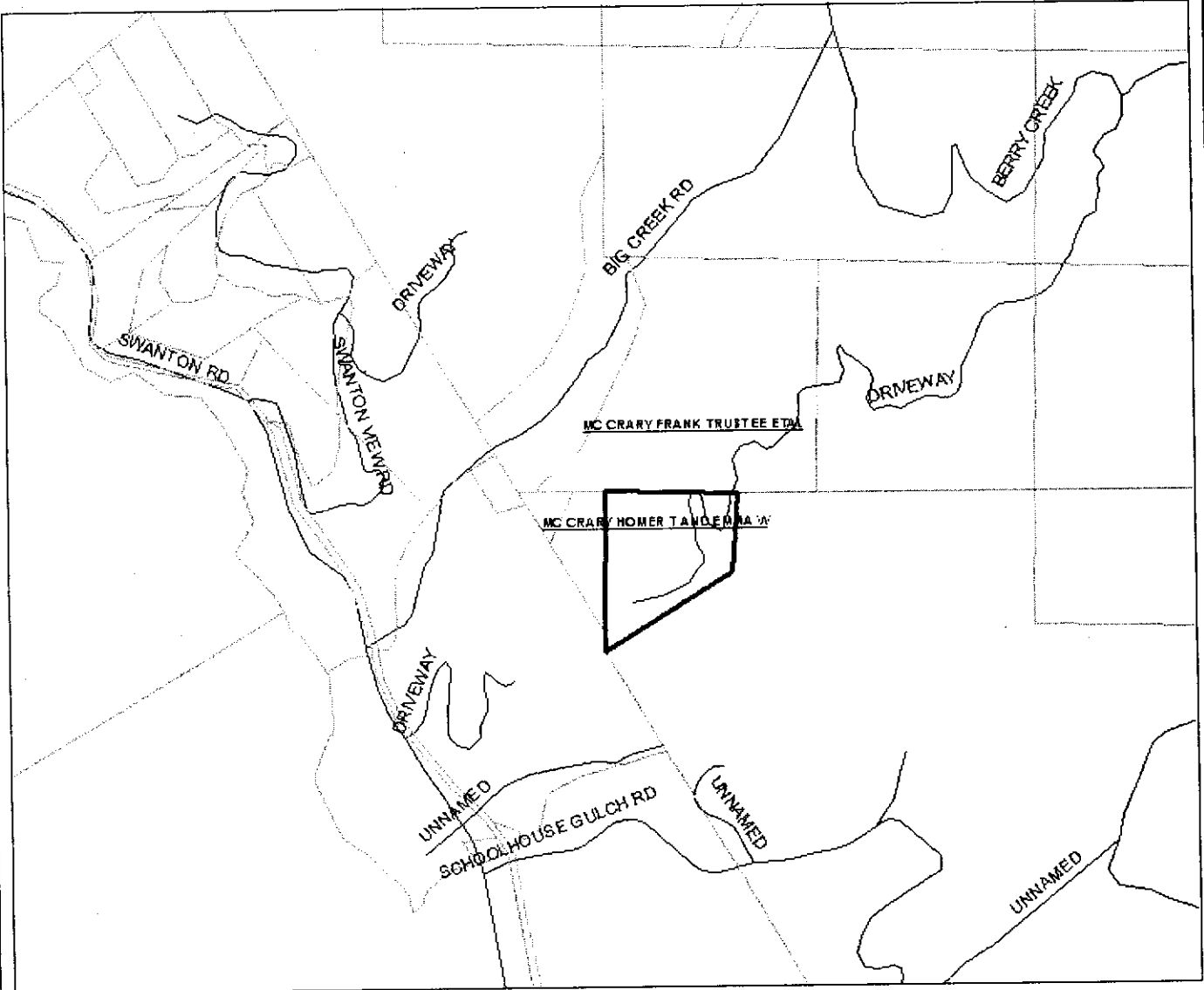
-  07-0125 Subject Parcel
-  Assessors Parcels
-  Streets
-  State Highways
-  Residential-Mountain (R-M)
-  Agriculture (AG)



Map Created by  
County of Santa Cruz  
Planning Department  
May 2007



# Ownership Map



## Legend



07-0125 Subject Parcel

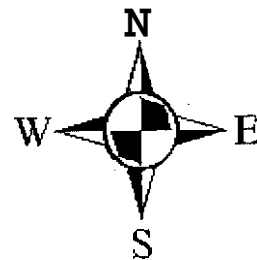
Assessors Parcels



Streets



State Highways



Map Created by  
County of Santa Cruz  
Planning Department  
May 2007

# 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: 07-0125

Assessor Parcel Number: 057-121-21

Project Location: Property located at the end of a private driveway (310 Swanton Road) about 3 miles north from the intersection of Swanton Road and Hwy 1.


**Project Description: Rezone a single parcel from the Agriculture (A) zone district to the Timber Production (TP) zone district.**

**Person or Agency Proposing Project: Homer & Emma McCary**

**Contact Phone Number: (831)457-5025**

- 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

  
\_\_\_\_\_  
Maria Porcila Perez, Project Planner

Date: July 3, 2007

EXHIBIT D 1

TIMBER MANAGEMENT PLAN

FOR

HOMER T. AND EMMA W. MCCRARY

APN 057-121-21

PREPARED BY

DALE F. HOLDERMAN  
REGISTERED PROFESSIONAL FORESTER  
LICENSE NUMBER 69

2007

TIMBER MANAGEMENT PLAN

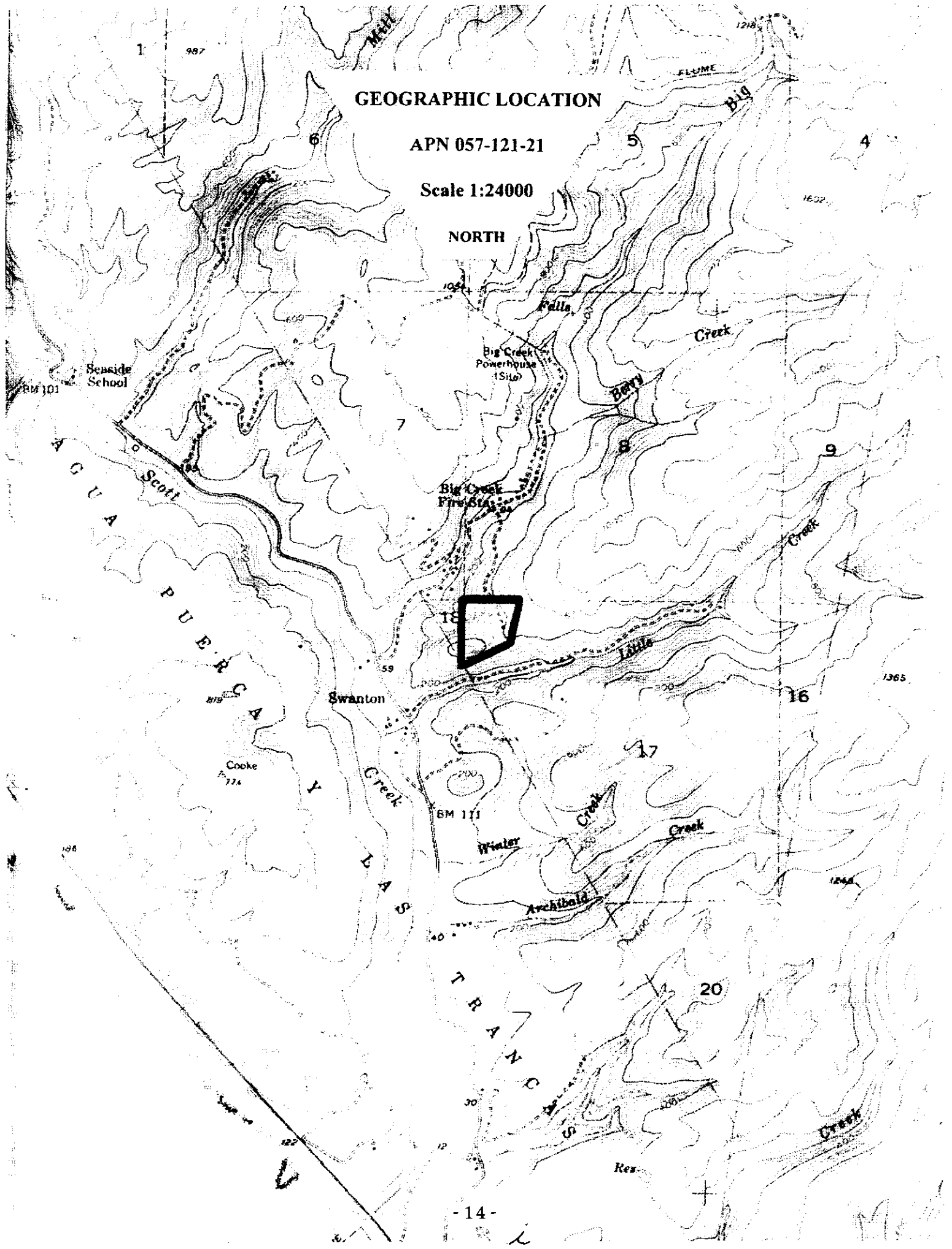
MAPS	PAGE
Geographic Location (1:24,000 scale). . . . .	1
- north indicator	
Lands of Homer T. and Emma W. McCrary (1:400 scale or larger)	ii
- north indicator	
- assessor's parcel number	
- existing property boundaries	
- existing roads	
- tractor roads and landings - none	
- existing residence	
- well - none	
- historical structures - none	
- archeological sites - none	
- streams and drainages	
- springs and <b>seeps</b> - none	
Soil Description . . . . .	iii
- north indicator	
- soil	

GEOGRAPHIC LOCATION

APN 057-121-21

Scale 1:24000

NORTH



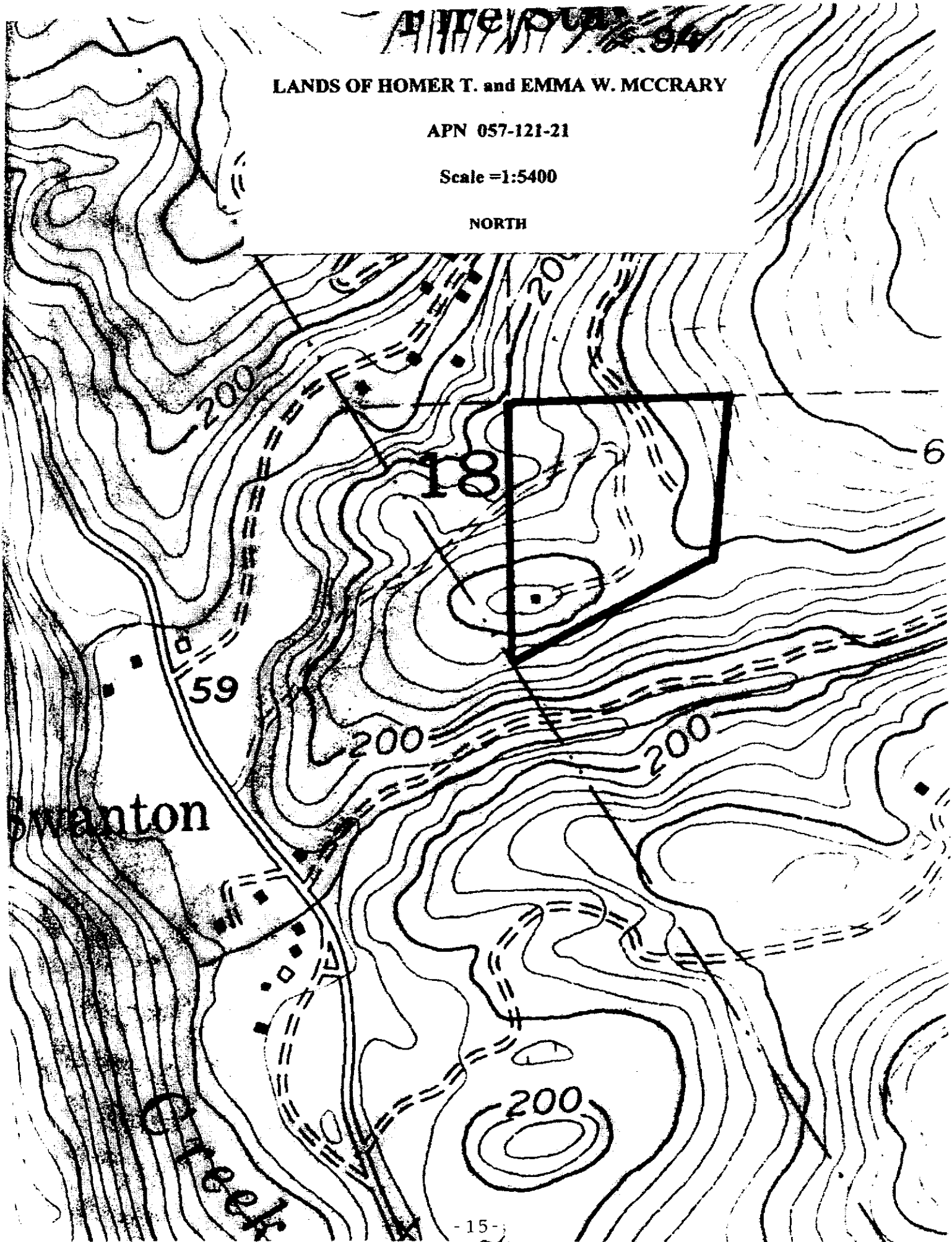
11/10/94

LANDS OF HOMER T. and EMMA W. MCCRARY

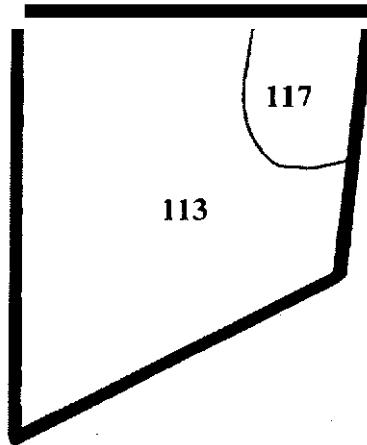
APN 057-121-21

Scale = 1:5400

NORTH



## SOILS



Soil type 113 Ben Lomond-Catelli-Sur complex, 30 - 77 percent slopes, capable of producing 121 cubic feet per acre per year of merchantable redwood timber

Soil type 117 Bonnydoon loam, 30 - 50 percent slopes. The capability of this soil has not been estimated, but appears to be somewhat less productive than soil type 113. (In calculating the average cubic feet per acre growth capability of the parcel, this soil type was considered to make zero contribution.)

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.



## 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	
Timber management .....	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 - Homer T. and Emma W. McCrary

ASSESSOR'S PARCEL NUMBER - 057-121-21

SIZE OF PARCEL - 13.397 acres

#### ACREAGE IN DIFFERENT VEGETATION TYPES

The parcel consists of an overstory of moderately dense over-mature Douglas-fir, with a thinly scattered oak, tanoak, bay and madrone understory, and a few scattered dense patches of redwoods.

#### SITE CLASS

The parcel is no higher than Site Class III

#### PARCEL TIMBER HARVEST HISTORY

The property has not been cut, although a small patch was apparently cleared for agriculture around the turn of the century. The former clearing is now in second growth redwoods.

#### APPROVED STATE OR COUNTY TIMBER HARVEST PLANS & HAUL ROUTE

There has been no state or county timber harvest plan for the property. The haul route is Swanton Road to the Big Creek Lumber Company sawmill.

#### MANAGEMENT OBJECTIVES AND GOALS

The objective and goal is to produce an even flow of high quality Douglas-fir and 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 more or less even-aged stand is dominated by moderately dense over-mature Douglas-fir. Quality is declining as limbs grow larger and heart rot increases. **Conks** are readily apparent. The dense clumps of redwood generally *are* almost stagnate because of their density. The future stand will consist of smaller, younger more thrifty Douglas-fir trees, with enough spacing to promote growth. Likewise, more widely spaced redwoods will promote better growth

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 slow. The Douglas-fir are aging. The redwoods are too dense. Following thinning, future growth will be improved because the trees will be younger and the spacing will be greater. While the cutting prescription described below clearly works for redwood, it is not as certain in Douglas-fir. The relative openness of the Douglas-fir today will be retained by cutting a substantial portion of the overstory. Repeatedly removing a like amount of Douglas-fir **overstory at** periodic intervals should maintain a sufficiently open stand to foster Douglas-fir regeneration and growth.

## 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 logs is guaranteed by doing nothing more than applying a simple cutting prescription. Cut 50-60 percent of the conifer trees 18 inches in diameter and larger. Take the largest trees first.

## HARVEST CYCLE

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

## REGENERATION

Douglas-fir are good seed producers. Douglas-fir seed generally is quite viable. In a Douglas-fir stand, regeneration from seed is assured in the bare soil following harvesting. Since redwoods sprout from the stump, regeneration is assured.

## 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

No significant trees more than 200 years old were noted on the property. While some redwoods appear to be old, because they are so dense, they are still quite small compared to typical 200 year old redwoods - very much like young growth redwoods in appearance. There are very few larger old redwoods scattered *about* the property.

#### SNAGS AND DOWNED WOOD INVENTORY.

There are a few Douglas-fir snags and several down Douglas-fir trees.

#### FISH AND WILDLIFE MANAGEMENT

Fish and wildlife management is not proposed.

#### FIRE PROTECTION PLAN

There is no fire protection plan that is practicable.

#### RECREATION

There is no recreation on the parcel other than family recreation.

#### URBAN INTERFACE ISSUES

The setting is very rural, almost remote. There are no other homes nearby. The nearest homes are those of relatives.

#### EROSION HAZARD INVENTORY AND PLAN

There are no erosion hazards presently.

#### ARCHAEOLOGICAL AND HISTORICAL SITES

There are nor archaeological or historical sites on the property.

#### PROPOSED DEVELOPMENT

There is no development proposed.

#### ANALYSIS OF ANY CONFLICTS BETWEEN PROPOSED DEVELOPMENT AND FUTURE HARVESTING

There are none.

Dale F. Holderman  
Registered Professional Forester  
License Number **69**

March 9,2007

## 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) (I) 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 75 square feet per acre for Site Class III lands. The requirements of Public Resources Code section 4561 are less stringent.

Analysis: A review of the property found that the total height of dominant Douglas-fir does not exceed 163 feet, the upper limit for Site Class III. Thus, the site cannot be greater than Site Class III.

The stand contains much more than 75 square feet of basal area per acre. (Basis: observation) Thus, the parcel meets the minimum stocking requirements for Site Class III 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 soil on the parcel, covering approximately 10 acres, is Ben Lomond-Catelli-Sur complex. The potential production of merchantable timber from a fully stocked, even-aged stand of redwood trees 80 years old is about 13,360 cubic feet on the Ben Lomond soil; about 10,240 cubic feet on the Catelli soil; and about 5,510 cubic feet on the Sur soil. The unweighted average production for the complex  $(13,360 + 10,240 + 5,510) / 3$  gives an estimate of 9,703 cubic feet per acre for a fully stocked stand at age 80, or growth of about 121 cubic feet per acre per year.

Douglas-fir volume would be somewhat less, though not significantly less. But let's say it was half that for redwood, or some 4,851 cubic feet per acre. Ten acres at 4,851 cubic feet per acre equals 48,510 cubic feet. Divide that by the 13.397 acres of the parcel  $(48,510 / 13.397)$  gives us 3,621 cubic feet average for the parcel at age 80. Divide 3,621 by 80 equals 45 cubic feet per acre average, well above the 15 cubic feet per acre required.

(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 and one single family residence