



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

August 1, 2007

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

Agenda Date: October 10, 2007
APN: 097-151-09
Application: 07-0276
Item #: 15

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 May 14, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 22 acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of a residence.

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 staking 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 staking 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 staking 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 staking 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 3810h 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.

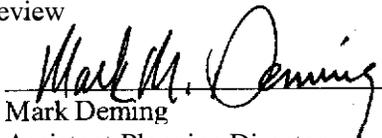
Recommendation

Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0276 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 Joseph Culver, dated May 24, 2007.

Maria Porcila 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 ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 07-0276, involving property located on the west side of Comstock Mill Road (16018 Comstock Mill Road) about one mile south from Stetson Road, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing property from the Special Use (SU) 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 on the west side of Comstock Mill Road (16018 Comstock Mill Road) about one mile south from Stetson Road; 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
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 51 113 or 51 113.5 and County Code Section 13.10.375(c).

EXHIBIT A

SECTION III

Chapter 13.10- Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.2 10- 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>
097-15 1-09	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 _____ 2007, by the Board of Supervisors of the County of Santa Cruz by the following vote:

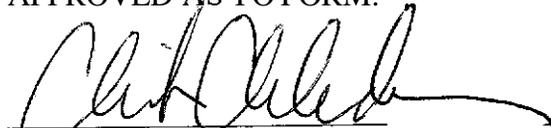
AYES: SIJPERVISORS
 NOES: SUPERVISORS
 ABSENT: SUPERVISORS
 ABSTAIN: SUPERVISORS

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

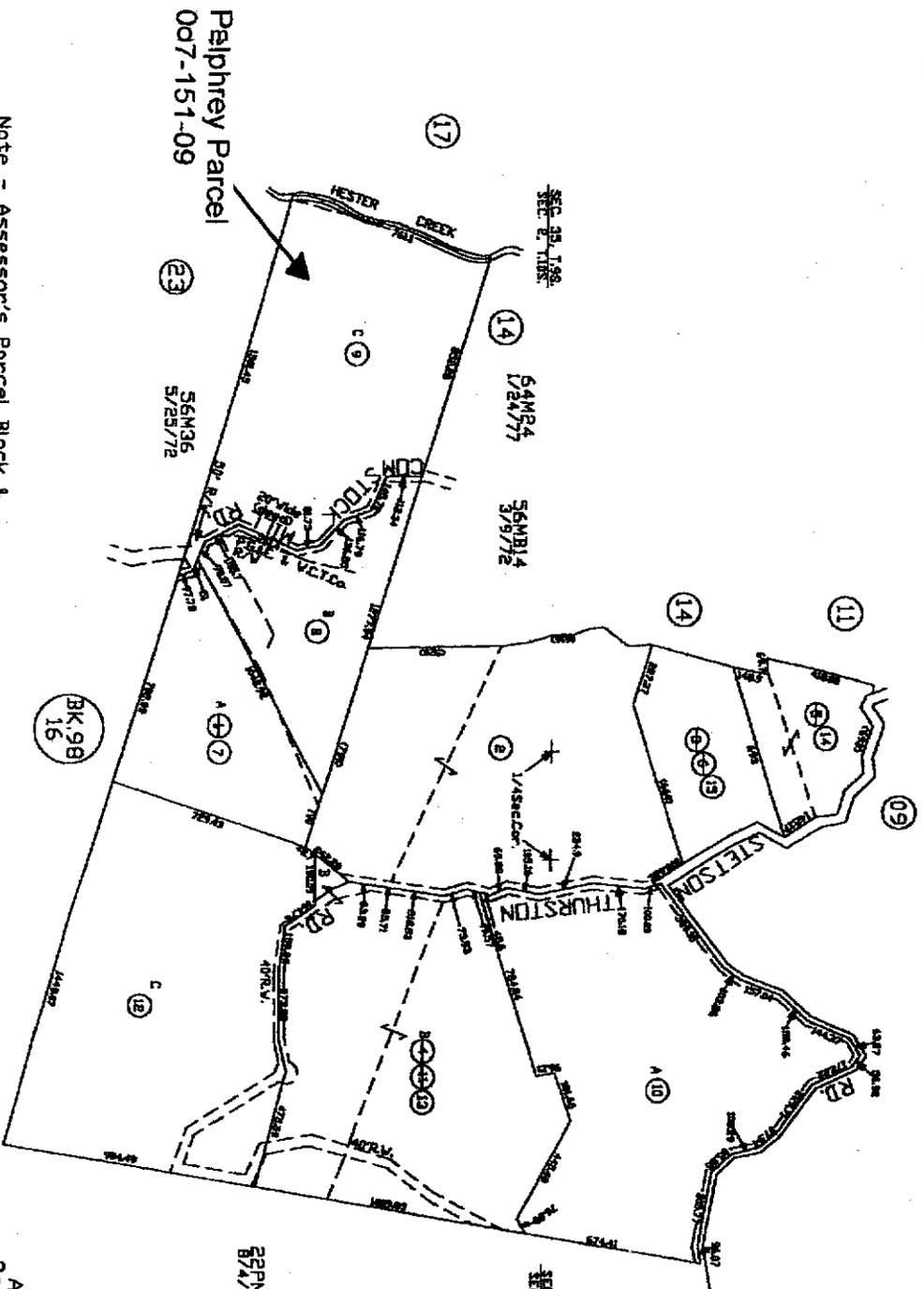
FOR TAX PURPOSES ONLY

THE ASSessor HAS MADE AN ATTEMPT TO OBTAIN THE BEST AVAILABLE TAX MAP INFORMATION FROM THE COUNTY RECORDS. THE COUNTY RECORDS MAY BE INCOMPLETE AND THE ASSessor IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.

SDQUEL AUGMENTATION RANCHO
PDR. SEC. 35, T.19S., R.1W., & SEC. 2, T.10S., R.1W., M.D.B. & M.

Tax Area Code
79-032

97-15

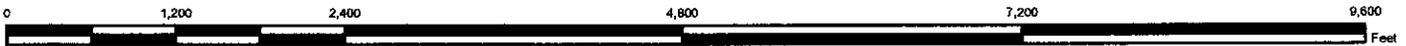


Note - Assessor's Parcel Block 8.

Assessor's Map No. 97-15
County of Santa Cruz, Calif

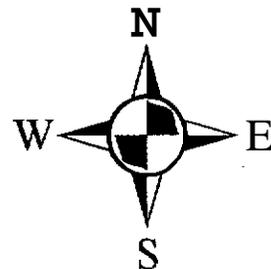


Location Map



Legend

-  APN 097-151-09
-  Assessors Parcels
-  Streets selection

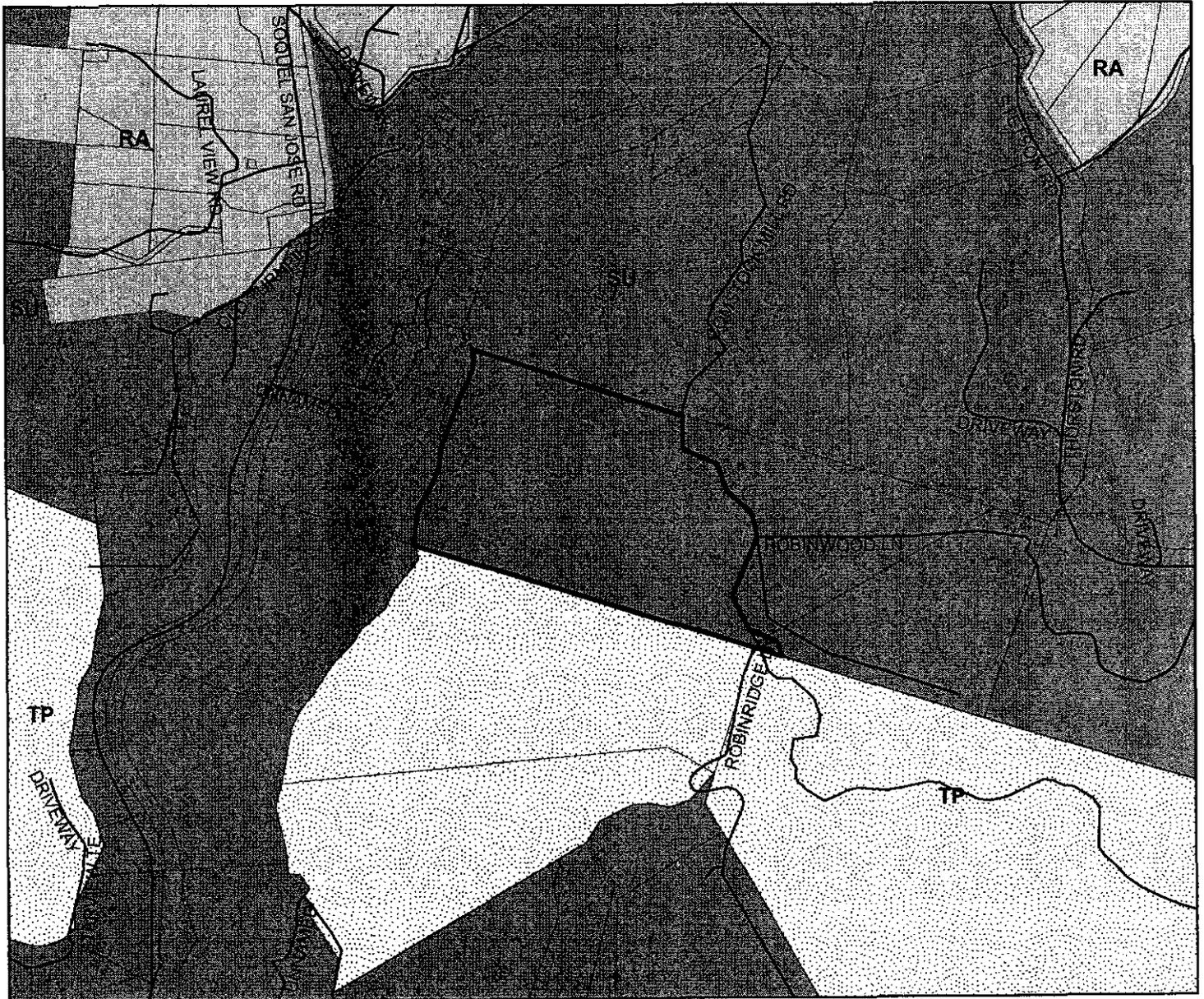


Map Created by
 County of Santa Cruz
 Planning Department
 June 2007

EXHIBIT C

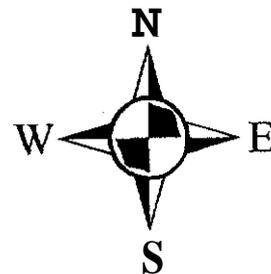


Zoning Map



Legend

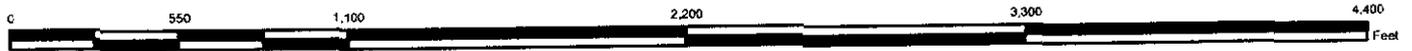
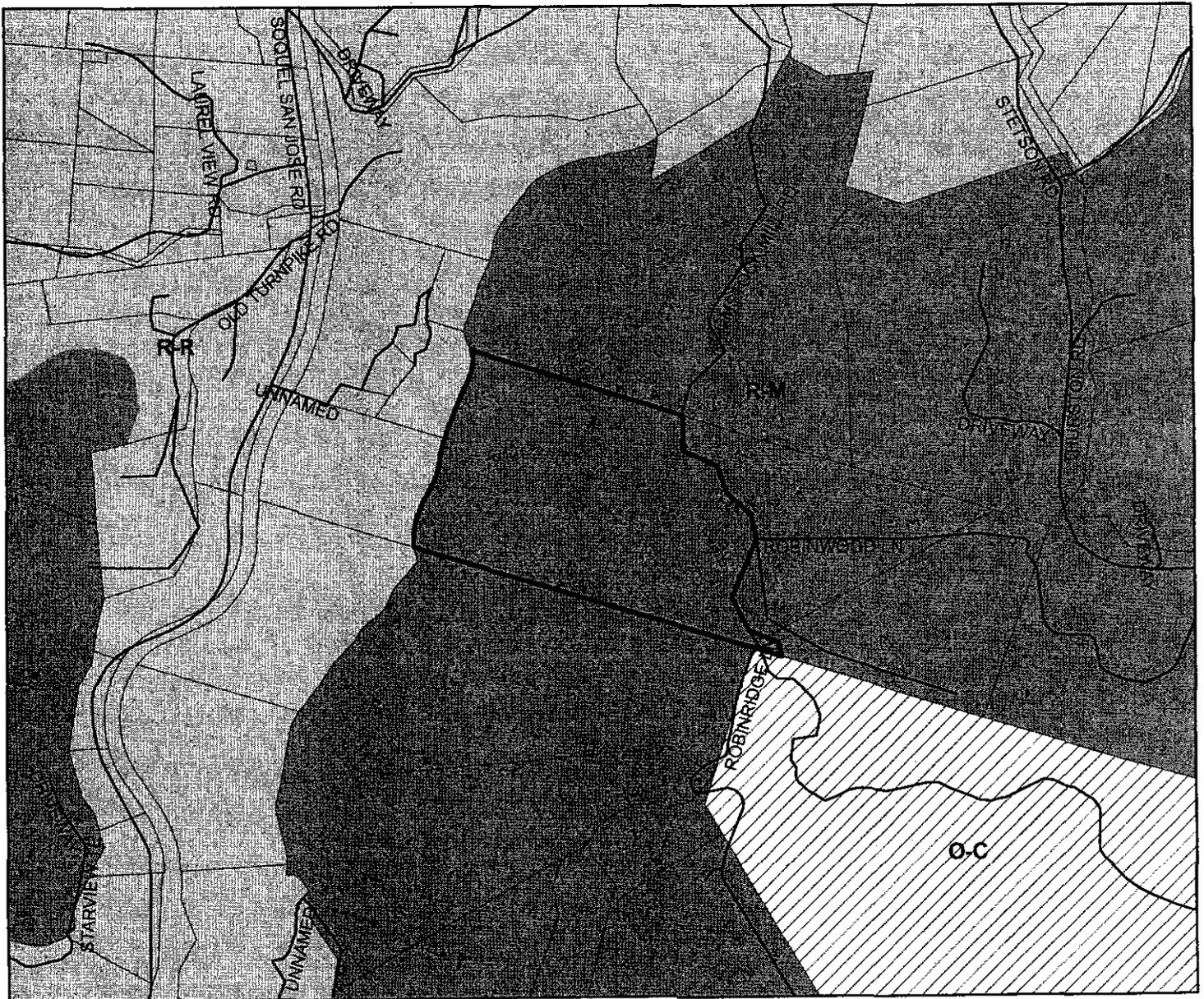
-  APN 097-151-09
-  Assessors Parcels
-  Streets
-  SPECIAL USE (SU)
-  AGRICULTURE RESIDENTIAL (RA)
-  TIMBER PRODUCTION (TP)



Map Created by
County of Santa Cruz
Planning Department
June 2007

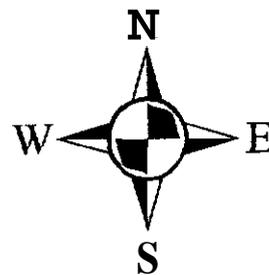


General Plan Designation Map



Legend

-  APN 097-151-09
-  Assessors Parcels
-  Streets
-  Resource Conservation (O-C)
-  Residential-Rural(R-R)
-  Residential-Mountain(R-M)



Map Created by
 County of Santa Cruz
 Planning Department
 June 2007

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: 07-0276

Assessor Parcel Number: 097-151-09

Project Location: Property located on the west side of Comstock Mill Road (16018 Comstock Mill Road). About one mile south from Stetson Road.

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

Person or Agency Proposing Project: Pelphrey Dennis

Contact Phone Number: (408) 353-3538

- 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 17031]

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



Maria Porcila Perez, Project Planner
Maria Porcila Perez, Project Planner

Date: August 13 2007

Timber Management Plan

**Lands of Pelphrey
16018 Comstock Mill Road
Santa Cruz County**

**Portion of Section 2
Township 10 South
Range 1 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
May 24, 2007**

MANAGEMENT OBJECTIVES AND GOALS

Mr. Pelphrey intends to continue to manage the property for high quality forest products, while enhancing the related values of aesthetics and wildlife. As the previous selective harvest occurred 7 years ago the next harvest should occur in 5-10 years. Future harvests should be spaced approximately 12-15 years apart and should focus on the following objectives:

1. Prescribe and implement a forest improvement program to improve stocking, increase tree vigor and maximize growth.
2. Maintain a healthy and vigorous forest of well-spaced trees growing at the highest rates feasible considering the other values of the forest.
3. Maintain a high degree of aesthetic consideration during all aspects of forest management.
4. Improve wildlife habitat as part of continuing forest management.

RECOMMENDED LOGGING SYSTEM

The recommended logging system for this property is to use ground based logging equipment such as tractors and log skidders. The road and trail system is already in place from the previous harvests. Very little, if any, infrastructure is required to continue timber management on this property.

PRESENT AND FUTURE STAND CONDITIONS

On May 10, 2007 a 10% timber inventory was conducted on the property to determine conifer volume per acre, species composition, basal area, stocking levels and stand growth. Based on the stand data gathered from the inventory, the 22 acres of forestland have the following approximate stand conditions:

Species Composition	86% redwood, 14% Douglas-fir
Basal Area	180 square feet per acre
Gross Volume/acre (redwood)	26,700 board feet
Gross Volume/acre (Douglas-fir)	4,300 board feet
Gross Overall property volume	682,000 board feet

The volume per acre and overall property volume stated above are gross volumes. In general, the net volume for redwood will be about 8% less due to fire scar, rot and other minor defects in the standing timber. The defect in the Douglas-fir is higher due to the presence of conk in many of the butt logs and is estimated at 15%. With these factors in mind the overall net conifer volume on the property is approximately 621,000 board feet.

Increment boring data gathered during the timber inventory combined with general tree growth rates in the Santa Cruz Mountains indicate that the redwood forest is growing at an approximate rate of 3.4% per year. This rate is slightly higher than the typical growth rate in this area as the trees are well spaced and in good growing condition due to the two previous selective harvests. A growth rate of 3.4% per year equates to an annual increase in the forest resource of 21,114 board feet over the

entire property. Converting this figure to cubic feet gives a current growth rate of 1,760 cubic feet over the entire property, or 80 cubic feet per acre per year. This well exceeds the required average of 15 cubic feet per acre per year to classify a property as timberland.

OTHER PROPERTY USES

The property serves as the primary residence for Mr. Pelphrey and his wife. A garage and shop are located near the residence. Mr. Pelphrey gathers his domestic water from a spring source located in the western portion of the property.

CONCLUSION

The property is well suited for timber management into the future. The property has been selectively managed for second growth timber under two separate harvest plans in the last 25 years and the forest resource is currently healthy and experiencing a high growth rate. Mr. Pelphrey has indicated that he wants to continue to manage the timber resource and stand conditions warrant another harvest in five to ten years. Current stocking levels meet the requirements of PRC 4561 with an average basal area of 180 square feet over the property. Average growth rates well exceed the required amounts to classify the property as timberland. Current uses on the property appear to be in compliance with the Timber Production Zone uses set forth in section 13.10.372 of Santa Cruz County Code.

Timber Management Plan Prepared By:



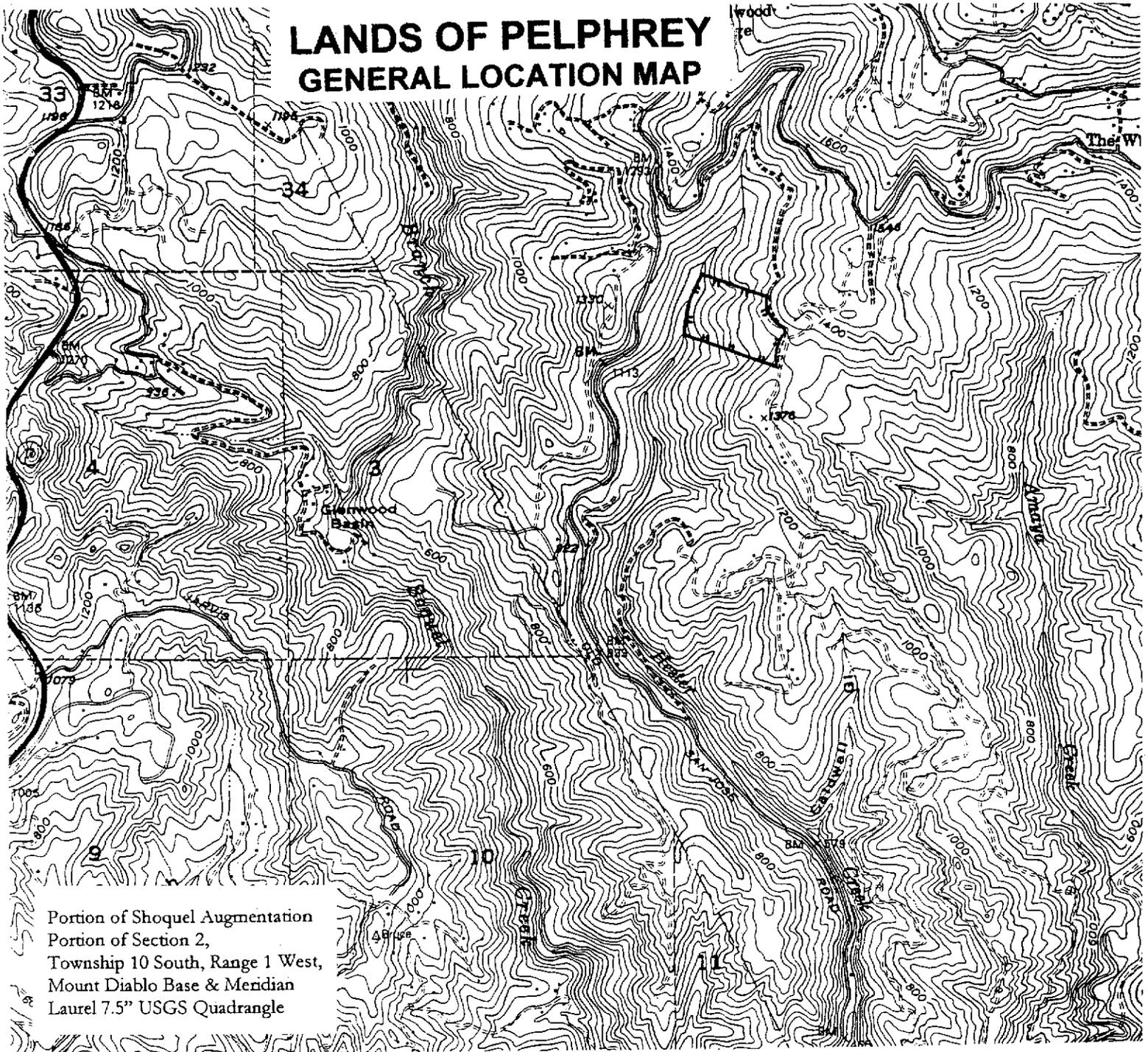
Joseph Culver

Registered Professional Forester #2674

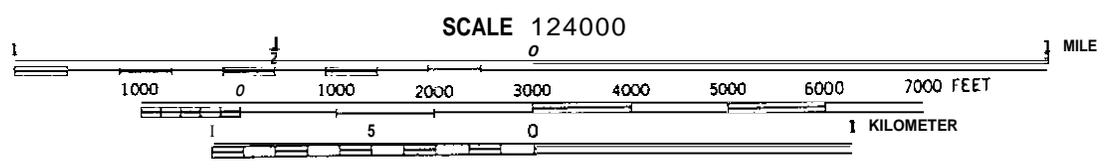


Date

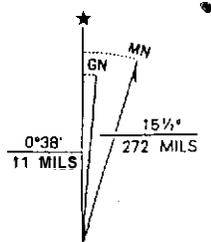
LANDS OF PELPHEY GENERAL LOCATION MAP



Portion of Shoquel Augmentation
 Portion of Section 2,
 Township 10 South, Range 1 West,
 Mount Diablo Base & Meridian
 Laurel 7.5" USGS Quadrangle



CONTOUR INTERVAL 40 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929



UTM GRID AND 1994 MAGNETIC NORTH
 DECLINATION AT CENTER OF SHEET

LEGEND

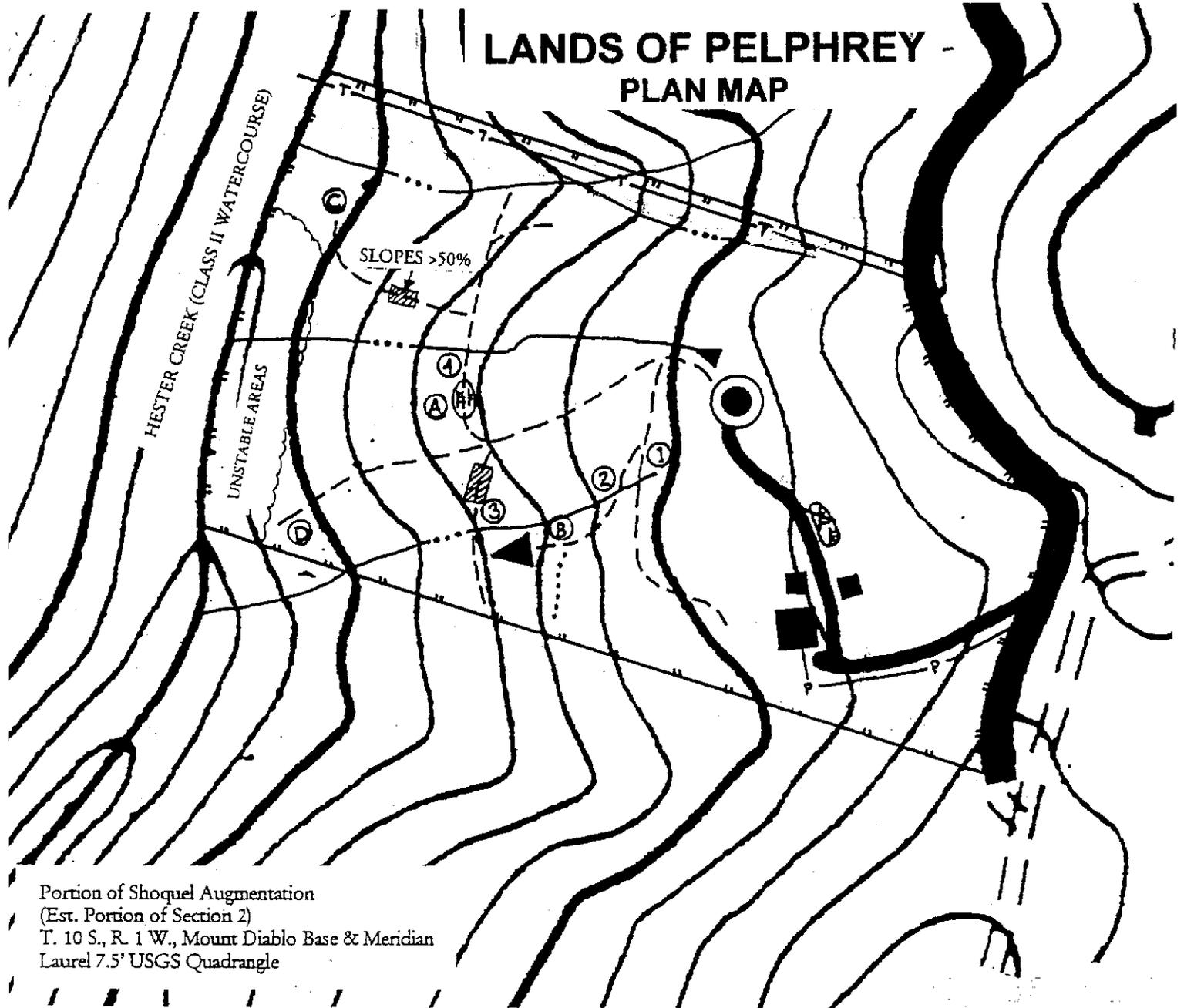
PROPERTY BOUNDARY



SCALE

1 24,000
 1 INCH = 2000 FEET

LANDS OF PELPHREY - PLAN MAP



Portion of Shoquel Augmentation
 (Est. Portion of Section 2)
 T. 10 S., R. 1 W., Mount Diablo Base & Meridian
 Laurel 7.5' USGS Quadrangle

LEGEND

PROPERTY BOUNDARY	
EXISTING ROAD, PERMANENT	
EXISTING SKID TRAIL	
PROPOSED SKID TRAIL	
LANDING	
WATERCOURSE CROSSING	
UNSTABLE AREA	
CLASS III WATERCOURSE	
POWERLINE	
TELEPHCINELINE	
STRUCTURES	
WET AREA	

SCALE
 1 : 3000
 1 INCH = 250 FEET

