



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 6, 2007

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

Agenda Date: October 10, 2007
APN: 063-221-50
Application: 07-0377
Item #: 20

Subject: A public hearing to consider a proposal to rezone a single lot of record from the Rural Residential (RR) 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 37.4 acre parcel from the Rural Residential (RR) zone district to the Timber Production (TP) designation. The uses on the property consist of single family 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, 1911, 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, of 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 current? 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, and 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 parcel 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

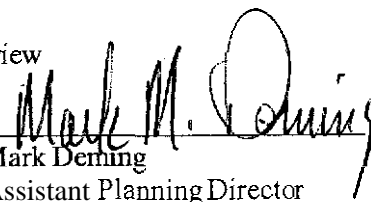
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0377 based on the attached findings (Exhibit B)

EXHIBITS

- A. Planning Commission Resolution, with Ordinance/ Finding
- 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 July 12, 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. 07-0377, involving property located at the end of Azalea Lane (301 Azalea Lane) about .25 miles south from the intersection with Pineridge 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 Rural Residential (RR) 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 Azalea Lane (301 Azalea Lane) about .25 miles south from the intersection with Pineridge 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 51113 or 51113.5 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 13.10.210- 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>
063-221-50	Rural Residential (RR)	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: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairman of the Board **of** Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:

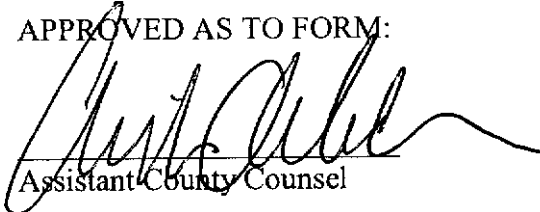

Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
Planning
Assessor
County

EXHIBIT A

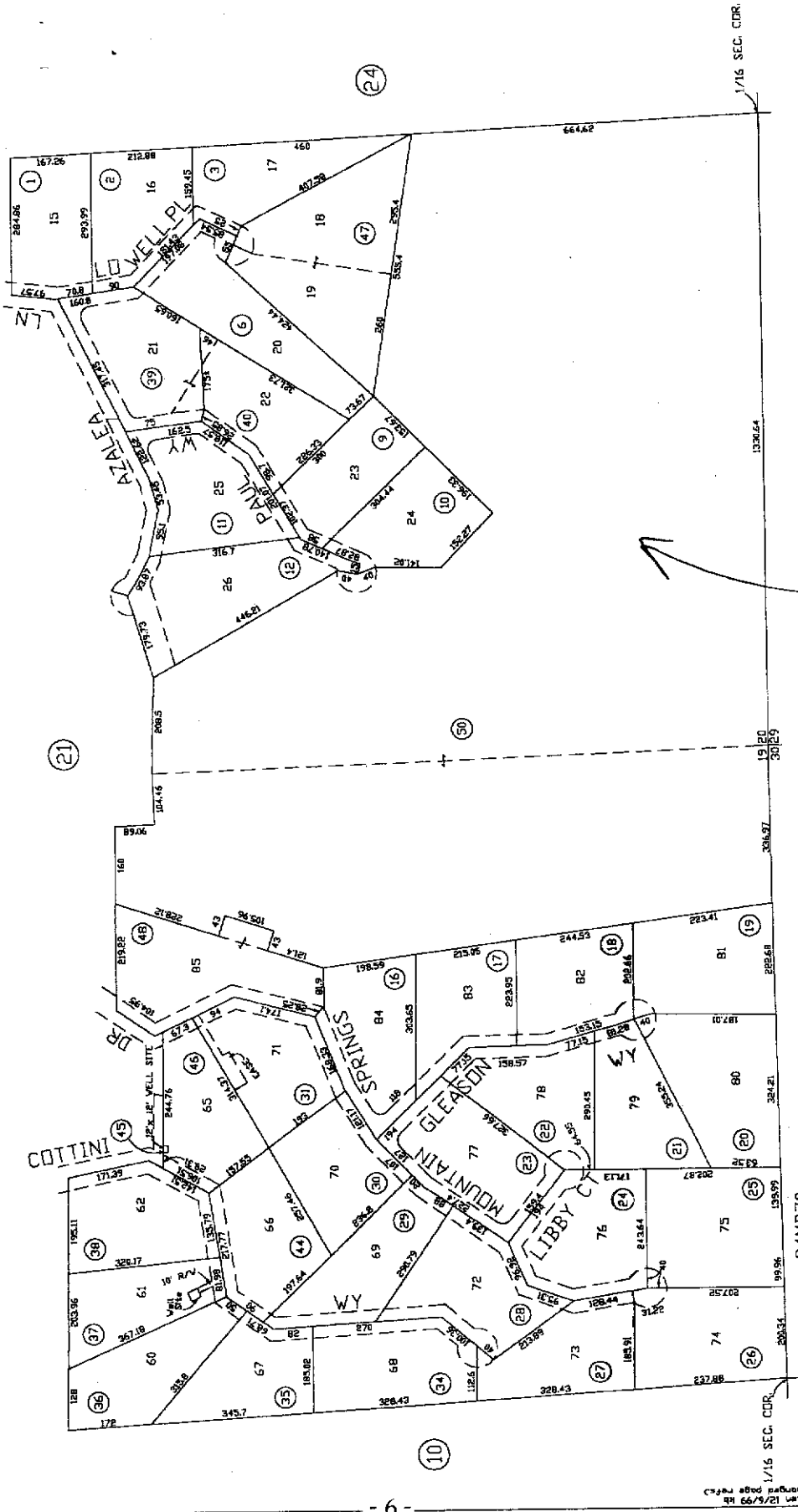
GIS

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 1999

POR. S.E. 1/4 SEC. 19 & S.W. SEC. 20,
 T.10S., R.2W., M.D.B. & M.

Tax Area Code
 58-004

63-22



Bk. 62
 18

Assessor's Map No. 63-22
 County of Santa Cruz, Calif.
 Nov. 1999

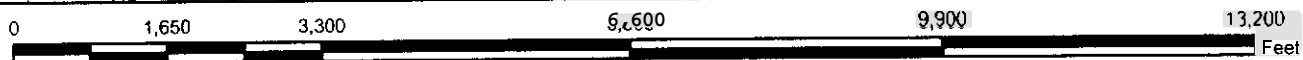
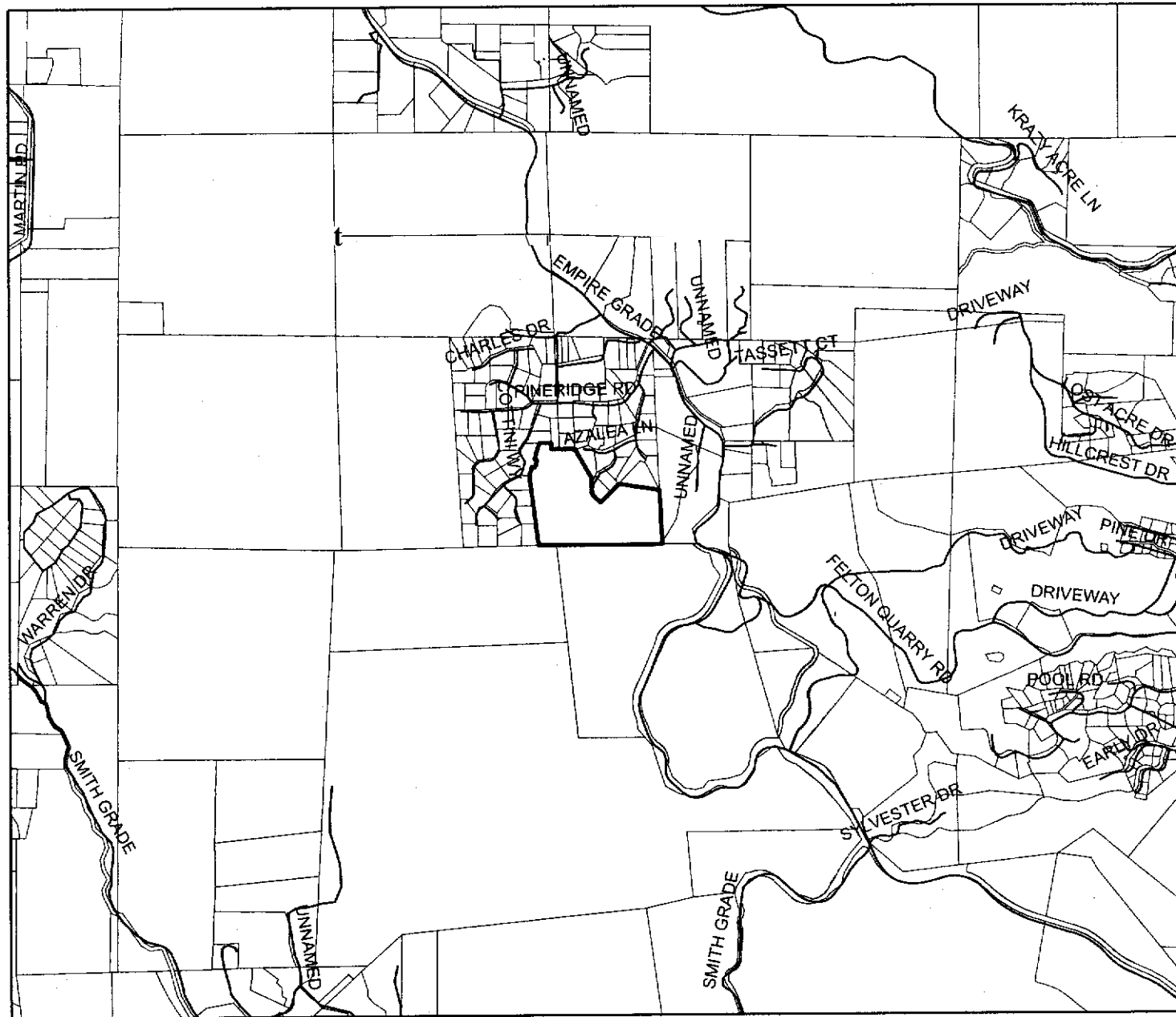
Note - Assessor's Parcel & Block
 Numbers Shown in Circles.

79RS53 34MB70
 12/27/88 12/18/99





EXHIBIT B

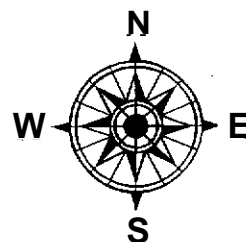


Location Map



LEGEND

-  **APN: 063-221-50**
-  **Streets**
-  **Assessors Parcels**
-  **State Highways**

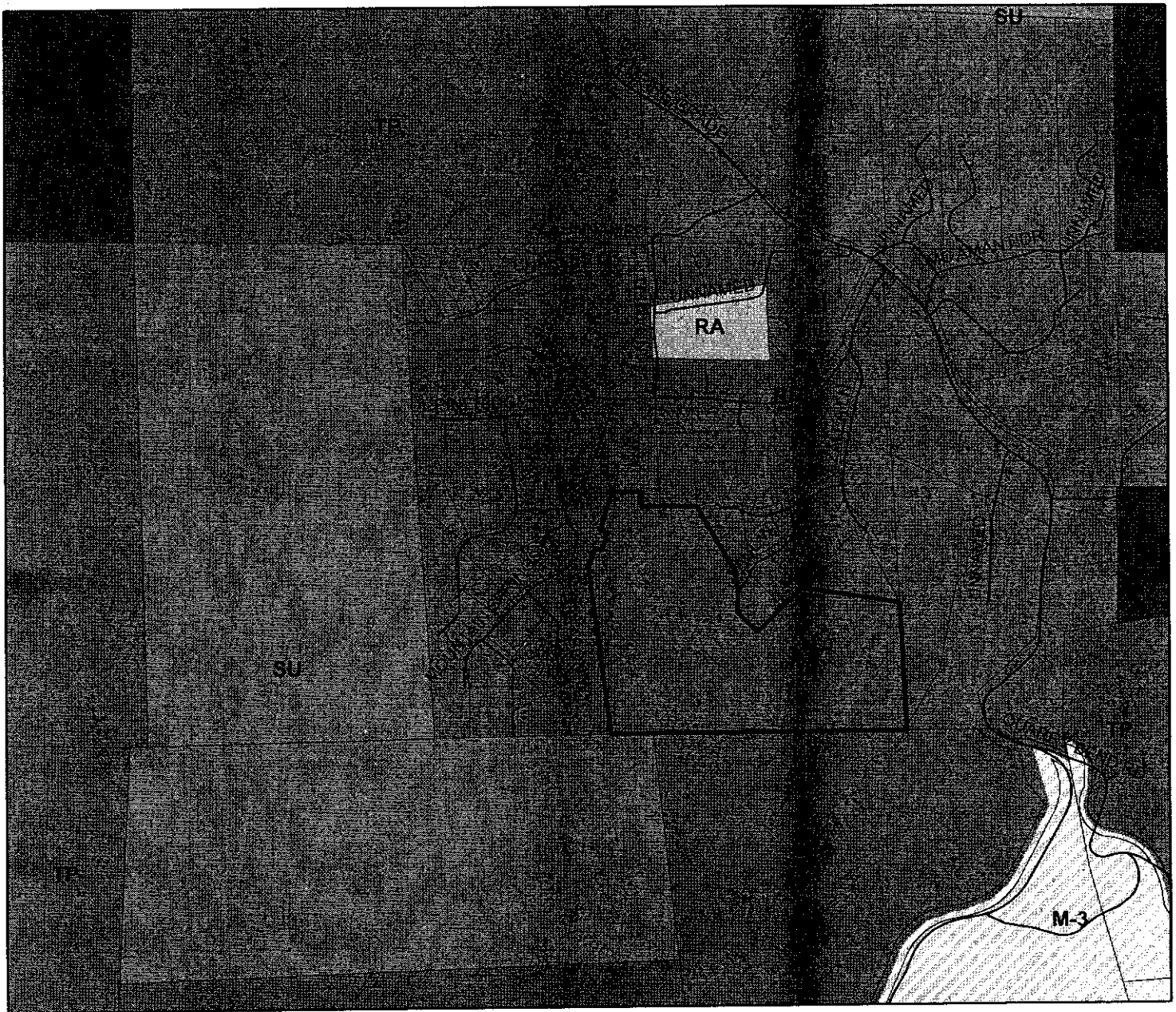


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

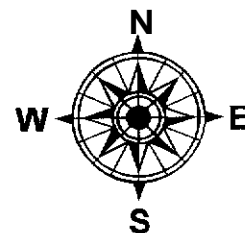


Zoning Map



LEGEND

- APN: 063-221-50
- Streets
- Assessors Parcels
- State Highways
- AGRICULTURE RESIDENTIAL
- MINERAL EXTRACTION
- PARK
- SPECIAL USE
- TIMBER PRODUCTION

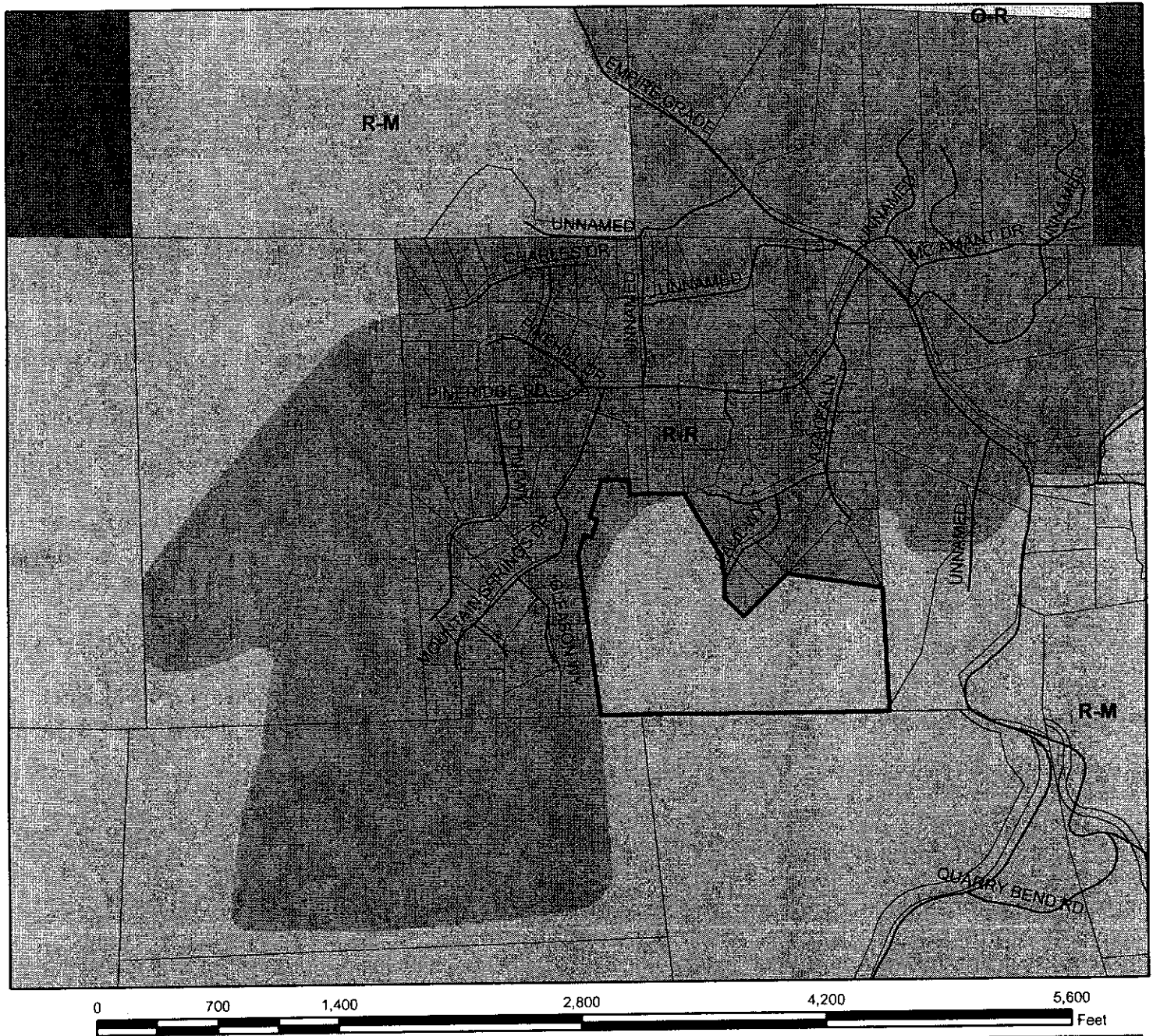


Map created by
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August 2007

EXHIBIT C

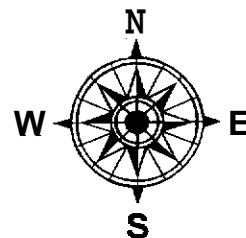


General Plan Designation Map



LEGEND

- APN: 063-221-50
- Streets
- Assessors Parcels
- State Highways
- Resource Conservation
- Residential-Mountain
- Residential-Rural
- Parks and Recreation



Map created by
County of Santa Cruz
Planning Department
August 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: 07-0377

Assessor Parcel Number: 063-221-50

Project Location: Property located at the end of Azalea Road (301 Azalea Lane) about .25 miles south from the intersection with Pineridge Road.


Project Description: Rezone a single parcel from the Rural Residential (RR) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Craig & Nancy Kille

Contact Phone Number:

- 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

Date: 8/31/07

Timber Management Plan

**Lands of Kille
301 Azalea Lane
Bonny Doon**

**Portion of Sections 19, 20
Township 10 South
Range 2 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
July 12, 2007**

PREFACE

In June 2007, Joseph Culver, Consulting Forester, was commissioned by Nancy and Craig Kille to prepare a Timber Management Plan for APN # 063-221-50. The county assessor lists the parcel as 37.4 acres in size. Mr. and Mrs. Kille would like to rezone the parcel to Timber Production and the TMP will be part of the application packet submitted to the County of Santa Cruz. The management plan incorporates field work and currently available resource data.

GENERAL PROPERTY DESCRIPTION

The property is located on the southern edge of the Pine Ridge Development off of Empire Grade approximately five miles northwest of UCSC. The property is located in the upper portions of Majors Creek and has a south facing aspect. The property is generally defined by two south trending perennial watercourses separated by a prominent ridge. Slopes on the property are steep and average approximately 50%. Elevation ranges from 1230 feet in the southwest corner of the property to 1650 feet along the driveway entering the property from the north. The legal description of the parcel is Township 10 South, Range 2 West, portion of sections 19 and 20.

The Ben Lomond-Felton soil complex underlies the majority of the project area. According to the Natural Resource Conservation Service, this soil complex is well suited to the production of redwood and Douglas-fir.

The Ben Lomond soil is deep and well drained. It formed in residuum derived from sandstone or granitic rock. Permeability of the Ben Lomond soil is moderately rapid and effective rooting depth is 40 to 60 inches. The Felton soil is also deep and well drained. It formed in residuum derived from sandstone, shale, schist, or silt stone. Permeability of the Felton soil is moderately slow and effective rooting depth is 40 to 70 inches.

The Maymen Variant sandy loam underlies approximately five acres in the northwest portion of the project area. This shallow, somewhat excessively-drained soil formed in material weathered from granite or schist. Fractured, weathered granitic rock is at a depth of 19 inches. Permeability of this Maymen Variant soil is moderate and effective rooting depth is 12 to 20 inches.

Approximately 19.4 acres of the property is comprised of coniferous forest. A mix of original and second growth coastal redwood trees is the primary tree in this forest type. The average tree size is large due to the limited amount of past timber harvesting. Scattered Douglas-fir and tanoak is also present in the stand. Typical understory in this closed-in, shady forest is tanoak saplings, huckleberry, sword fern and woodwardia fern.

PRESENT AND FUTURE STAND CONDITIONS

In June of 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 19.4 acres of forestland have the following approximate stand conditions:*

Species Composition	46% second growth redwood 19% Douglas-fir 35% original growth redwood
Basal Area	166 square feet per acre
Gross Volume/acre	41,746 board feet
Gross Overall property volume	809,872 board feet

The volume per acre and overall property volume stated above are gross volumes. In general, the net volume for the second growth redwood and Douglas-fir will be about 15% less due to fire scar, rot and other minor defects in the standing timber. The net volume in the original growth redwood will be about 30% less. Factoring in this defect, the overall net conifer volume on the property is approximately 651,234 board feet.

Increment boring data gathered during the timber inventory combined with general tree growth rates in the Santa Cruz Mountains indicate that the growth of the coniferous forest has slowed down and is growing at an approximate rate of 1.4% per year. This slow growth rate is expected due to the closed in conditions of the forest and will increase following a selective harvest. A growth rate of 1.4% per year equates to an annual increase in the forest resource of 11,338 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 945 cubic feet over the entire property, or 25 cubic feet per acre per year. This exceeds the required average of 15 cubic feet per acre per year to classify a property as timberland.

**Limitation This data is based on a field sample and an estimated growth rate for the previous ten years. This data should only be used as a guide for management purposes and should not be extended or taken out of context for other purposes*

OTHER PROPERTY USES

The parcel contains the Kille residence. The home is located outside of the timbered portion of the property and will not interfere with timber harvest operations.

CONCLUSION

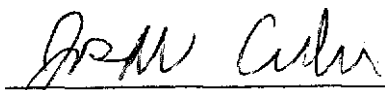
The property is well suited for timber management into the future. The forest resource is currently healthy but growth rates have begun to decline due to overstocked stand conditions. Mr. and Mrs. Kille have indicated that they want to manage the timber resource and stand conditions warrant a harvest in the near future.

TIMBER STOCKING: To rezone a property to the "Timber Production" zoning a property must meet the timber stocking standards set forth in Section 4561 of the Public Resources Code. Section 4561 states in part that "The average residual basal area, measured in stems one inch or larger in diameter is at least 85 square feet per acre. Rock outcroppings and other areas not normally bearing timber shall *not* be considered as requiring stocking." The average residual basal area in the timbered portions of the property is 166 square feet and therefore meets the stocking standards.

TIMBERLAND: To rezone a property to the "Timber Production" zoning a property must meet the definition of timberland. Section 51104 of the California Code states that "Timberland means privately owned land.....capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre." The property proposed for rezoning is capable of growing an annual average volume of wood fiber of 25 cubic feet per acre and therefore meets the definition of timberland.

COMPATIBLE USE: Existing infrastructure on the property does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

Timber Management Plan Prepared By:



Joseph Culver
Registered Professional Forester #2674

7/12/07

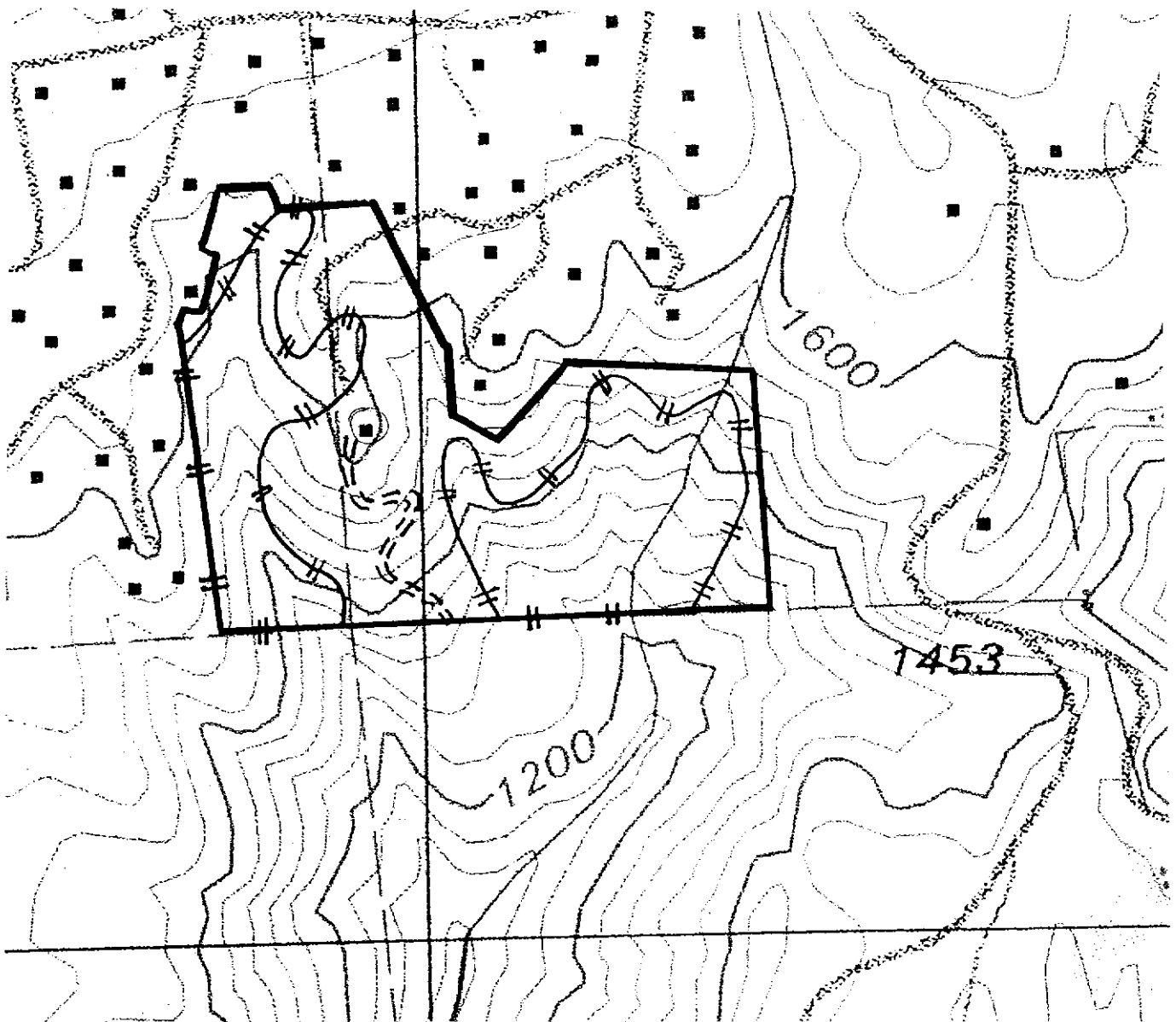
Date

LANDS OF KILLE

PLAN AREA MAP

SANTA CRUZ COUNTY

T10S, R2W, SEC. 19, 20, MDB&M

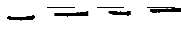


LEGEND

PROPERTY BOUNDARY



CONIFEROUS FOREST
SEASONAL ROAD



STRUCTURE



SCALE 1 INCH = 500 FEET

CONTOUR INTERVAL = 40 FEET

