

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: 105-421-11 Application: 07-0391

Item #: 21

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 24.84 acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of vacant rural acreage.

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.

¹c) On or before March I, 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 Excestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the bard or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the pard 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 5 1121

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

Notwithstanding \mbox{the} provisions \mbox{of} Article 4 (commencing with Section

^{51130),} if the parcel fails to meet the timber stocking standards, the boardor 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 51 111

⁽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.

Application 07-0391 Page 2

Agenda Date: October 10, 2007

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

Staffrecommends that your Commission adopt the attached Resolution (Exhibit **A**), sending a recommendation to the Board of Supervisors for approval **of** Application No. 07-0391 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 July 19,2007

Maria Porcila Perez

Project Planner

Development Review

Reviewed By:

Assistant Planning Director

BEFORE THE PLANNING COMMISSION OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

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. 07-0391, involving property located at the intersection of Aptos View Road and Fern Flat Road, approximately 7-10 miles north-northeast of the intersection of Trout Gulch and Soquel Drive (80 Columbine Way), 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 ADOP	TED by the Plan	nning Commission of the County of Santa Cruz, State
of California	, this	_ day of	, 2007, by the following vote:
	-	_	
AYES:	COMMIS	SIONERS	
NOES:	COMMIS	SIONERS	
ABSENT:	COMMIS	SIONERS	
ABSTAIN:	COMMIS	SIONERS	
			Chairperson
ATTEST:			
M	ARK DEMI	NG, Secretary	
APPROVED	AS TO FOR	QM:	
/ // / /	5 / Bil	100/12/1-	_
-1/1/1		Y44 - 1/1	
CONNALLC	OUNSEL	V	

ORDINANCE NO	
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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 1

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 intersection of Aptos View Road and Fern Flat Road, approximately 7-10 miles north-northeast of the intersection of Trout Gulch and Soquel Drive (80 Columbine Way); 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 Supervisorshereby adopts the Zoning Plan Amendment as described in Section III, and adopts the findings in support thereof without modification as set forth below:

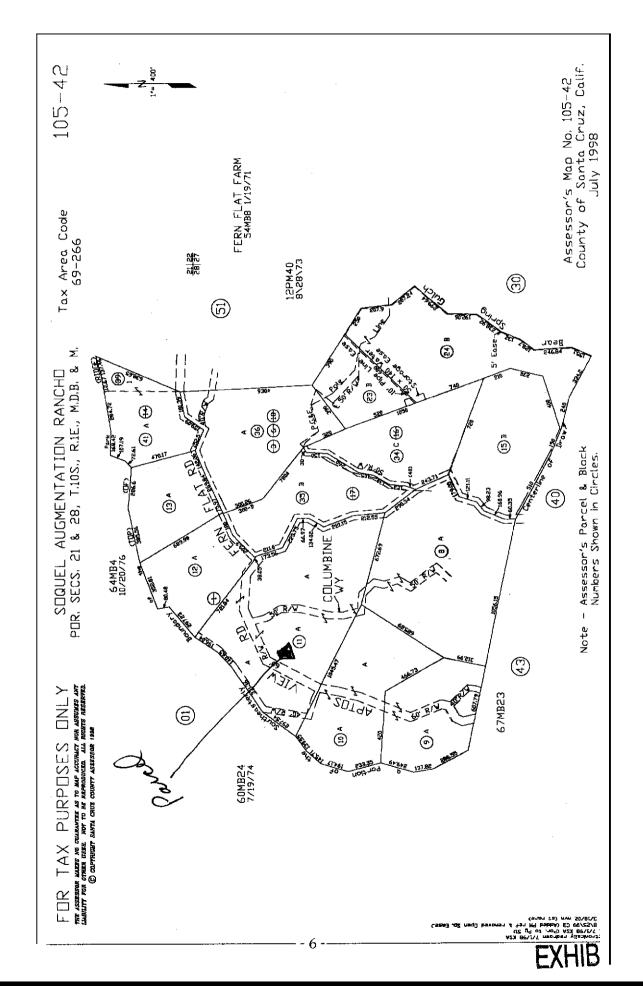
- 1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land **use** designations of the adopted General Plan; and
- 1. The proposed zone district is appropriate for the level of utilities and community services available to the 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

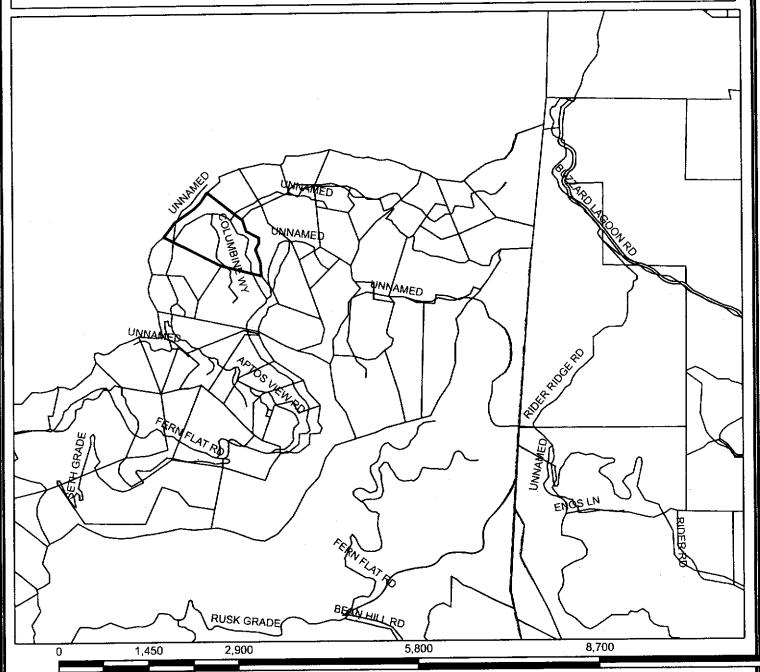
Chapter 13.10- Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.210 - Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

Assessor's Parcel Number		Existing Zone District	New Zone District		
105-421-1]		Special Use (SU)	TP		
		SECTION IV			
This ordinance shall take effect on the 31 st day after the date of final passage.					
	ADOPTED THIS _ Santa Cruz by the		_ 2007, by the Board of Supervisors		
NOES: SI ABSENT: SI	UPERVISORS UPERVISORS UPERVISORS UPERVISORS				
		Chairman of the	Board of Supervisors		
ATTEST:Clerk	of the Board				
ASSISTANT County	TO FORM: Counsel				
Exhibit: Rezonin	ig Map				
DISTRIBUTION	V: County County Planning Assessor County	nsel	GIS		





Location Map



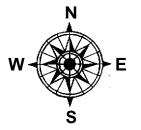


APN: 105-421-11

---- Streets

Assessors Parcels

____ State Highways

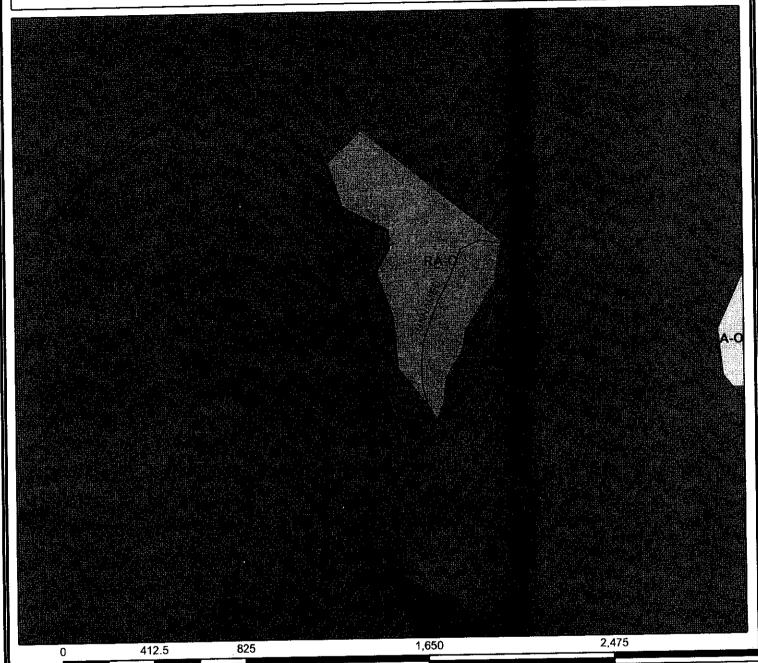


Map created by
County of Santa Cruz
Planning Department
August 2007
EXHIBIT

C



Zoning Map



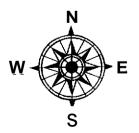
LEGEND APN: 105-421-11 **Streets** Assessors Parcels

AGRICULTURE

AGRICULTURE RESIDENTIAL

SPECIAL USE

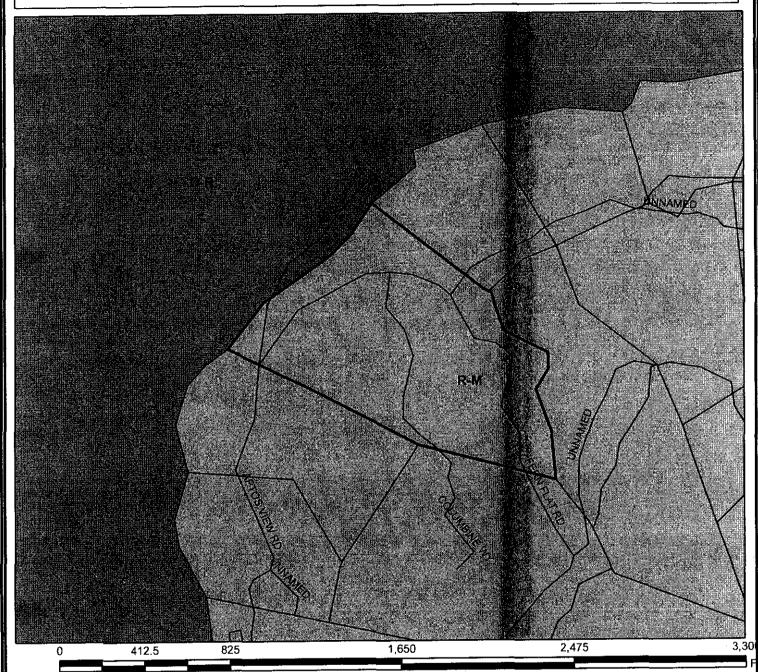
TIMBER PRODUCTION

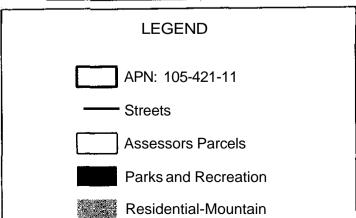


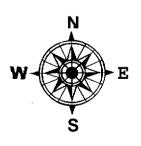
Map created by County of Santa Cruz Planning Department August 2007



General Plan Designation Map







Map created by County of Santa Cruz Planning Department August 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: 07-0391

	cel Number: 105-421-11
-	ion: Property located at the intersection of Aptos View Road and Fern Flat Road, y 7-10 miles north-northeast of the intersection of Trout Gulch and Soquel Drive
(80 Columbia	•
Project Desc	eription: Rezone a single parcel from the Special Use (SU) zone district to the Timber Production (TP) zone district.
Person or Ag	gency Proposing Project: Howard Swann Trustee etal
Contact Pho	ne Number: 831-588-8998
A	The proposed activity is not a project under CEQA Guidelines Section 15378.
В	The proposed activity is not subject to CEQA as specified under CEQA
C	Guidelines Section 15060 (c). Ministerial Project involving only the use of fixed standards or objective
	measurements without personal judgment.
D. <u>X</u>	Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285). [Section 1703]
In addition, n	one of the conditions described in Section 15300.2 apply to this project.
2	Date: 8/13/07
Maria Porcila	Perez, Project Planner

Timber Management Plan

Lands of Swann and Dyer 80 Columbine Way Aptos, CA

APN# 105421-11
Portion of Section 28
Township 10 South
Range 1 East
Mount Diablo Base & Meridian

Report Prepared By Joseph Culver, Consulting Forester July 19,2007

PREFACE

In July 2007, Joseph Culver, Consulting Forester, was commissioned by Anita Dyer and Howard Swann **to** prepare a Timber Management Plan for APN #105-421-11. The county assessor lists the parcel as 24.8 acres in size. Mr. Swann and **Ms.** Dyer would like to rezone the parcel to Timber Production and the TMP will be part of an application packet submitted **to** the County of Santa Cruz. The management plan incorporates field work and currently available resource data.

GENERAL PROPERTY DESCRIPTION

The parcel is located approximately five miles northeast of Aptos at the upper intersection of Fern Flat Road and Aptos View Road. The property is located in the Valencia Creek Watershed. The property **slopes to** the southeast at a gradient averaging approximately 30%. The eastern edge of the properly is defined by Fern Flat Road and the western edge borders Nisene Marks State Park.

Elevation ranges from 1,240 feet in the southeast corner to 1,480 feet along the ridge defining the western boundary. The legal description of the parcel is Township 10 South, Range 1 East, portion of section 28. Timber site classification throughout the timbered portions of the property is site III.

Soils on approximately four acres of the property consist of Fagan loam. This deep, well-drained soil is in mountainous areas and formed in residuum derived from sandstone and shale. Permeability of this Fagan soil is slow. Effective rooting depth is 40 to 65 inches. Runoff is rapid, and the hazard of erosion is moderate to high.

Five acres of the property is underlain by the Nisene-Aptos soil complex. According to the Natural Resource Conservation Service the soil complex is well suited for the production of timber. The Nisene and Aptos soils are deep and well-drained. They formed in residuum derived from sandstone, siltstone or shale. Permeability of the soils is moderate. Effective rooting depth **of** the Nisene soil **is 40** to 60 inches and 20-**40** inches for the Aptos soil. Runoff is rapid, and the hazard of erosion is high.

Soils on the remaining 14.8 acres are comprised of Lompico Variant loam. This moderately deep, well-drained soil is on terraces and mountains, mainly on ridges and in small, bench-like areas. It formed in residuum derived from sandstone, shale, or mudstone. Permeability of this Lompico soil is slow. Effective rooting depth is 20 to 40 inches. Runoff is medium or rapid, and the hazard of erosion is moderate or high. This soil is well suited to the production of Douglas fir and redwood.

The entire property is comprised of coniferous forest. The well stocked forest consists primarily of second growth redwood and scattered Douglas fir as the dominant overstory species. Hardwood species of tanoak, Pacific madrone and coastal live oak are interspersed throughout the stand, primarily as an intermediate species. The hardwood species are the dominant tree in some small areas, particularly in the southeast portion of the property. Understory species on the property consist primarily of tanoak seedlings, poison oak, bunch grasses and bracken fern.

TIMBER HARVEST HISTORY

The old-growth redwood logging in the Santa Cruz area, including this property, occurred approximately 110 years ago. As was common throughout the area, this clear-cut logging was often followed by fire, usually intentionally set to burn bark and slash. Fire scars on the old-growth stumps are evidence of this fire activity.

According to Mr. Swann, and based on stumps observed in the field, the property was next harvested around 1969. This selective harvest removed approximately 5040% of the larger second growth trees. Mr. Swann bought the property soon after this and the property has not been harvested since.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Mr. Swann and Ms. Dyer intend to manage the forest land for high quality forest products, while enhancing the related values of aesthetics and wildlife. As there has been no harvesting on the property for almost 40 years the forest trees have substantially closed in on themselves and the next harvest should occur in the next five years. Future harvests should be spaced approximately 12-15 years apart and should focus on the following objectives:

- 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. Maintain and improve wildlife habitat where possible 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. Appropriate harvesting infrastructure would be developed during preparation of a Timber Harvest Plan.

PRESENT AND FUTURE STAND CONDITIONS

In July of 2007 an 8% 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 24.8 acres of forest land have the following approximate stand conditions:*

Species Composition 98% second growth redwood

2% Douglas-fir

Basal Area 130 square feet per acre

Gross Volume/acre 22,600 board feet Gross Overall property volume 560,500 board feet

The volume per acre and overall property volume stated above are gross volumes. In general, the net volume will be about 10% less due to fire scar, rot and other minor defects in the standing timber. The overall net conifer volume on the property is approximately 504,400 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 2.4% per year. This growth rate is below the average for stands of second growth trees as the property has not been recently harvested. Over the past 40 years the trees have closed in on each other and are competing for the same amount of sunlight water and nutrients. A growth rate of 2.4% per year equates to an annual increase in the forest resource of 13,450 board feet over the entire-property. Converting this-figure to cubic feet gives a current growth rate of 1,120 cubic feet over the entire property, or 45 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 extrapolated 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 property contains no structures and is maintained primarily as watershed and forest land. Aptos View Road and a private road accessing a neighbor's home travel through the property.

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. Swann and Ms. Dyer 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.....in areas which the registered professional forester has determined are site II classification or lower, the minimum average residual basal area shall be 50 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 130 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 **45** cubic feet per acre and therefore meets the definition of timberland.

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

Timber Management Plan Prepared By:

Moseph Culver

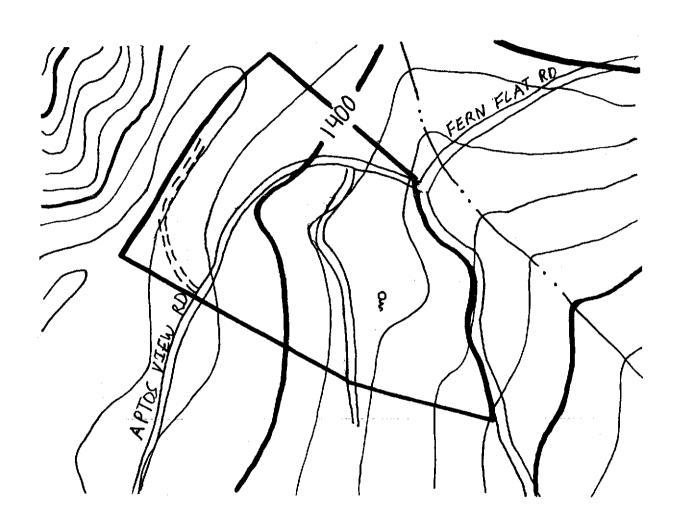
Registered Professional Forester #2674

Date

LANDS OF SWANN AND DYER

PLANAREA MAP

SANTA CRUZ COUNTY T10S, R1E, SEC. 28, MDB&M



LEGEND

PROPERTY BOUNDARY
CONIFER FOREST
PERMANENT ROAD
SEASONAL ROAD
WATERCOURSE
SPRING



SCALE: 1 INCH = 400 FEET

CONTOUR INTERVAL = 40 FEET



Timber Management Pion, lands of Swann and Dyer Prepared by: Joseph Culver, Consulting Forester

RECORDING REQUESTED BY

Lucille Des Jardins, Attorney at Law 555 Soquel Avenue, Suite 290 Santa Cruz, CA 95062

AND WHEN RECORDED MAIL TO

Howard Swann and Anita Dyer, Trustees 1675 **Weston Road** Scotts Valley, **CA** *95066*

2005-0076418

REC FEE

Recorded
Official Records
County of
Santa Cruz
GARY E. HAZELTON
Recorder

16.00

SURVEY MONUMENT 10.00 CC CONFORMED COP 1.00

, bkb

@1:18PM 28-Oct-2005 | Page 1 of 2



SPACE ABOVE THIS LINE FOR RECORDERS USE

GRANT DEED

The undersigned Grantors declare under penalty of perjury that the following is true and correct. Documentary transfer tax is \$-0-. Property was not sold.

Transfer to a revocable trust for the benefit of Grantors. Calif. Revenue 8 Taxation Code 611911

GRANTORS:

HOWARD SWANN and AKITA DYER, husband and wife,

as community property

hereby GRANT to

HOWARD SWANN and ANITA DYER, as Trustees of the

2005, 20 PER/SWANN TRUST dated fiet bev 20

the following described real properly in the County of Santa Cruz, State of California:

[See Exhibit A attached hereto and incorporated herein by reference]

Assessor's Parcel No. 105-421-f1

Properly Address: 80 Columbine Way, Aptos, CA 95003

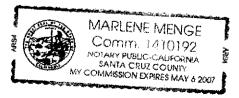
Dated: _______,2005

HOWARD SWANN

ANITA DYER

State of California, County of Santa Cruz) ss.

On Cottle 2. 2005, before me, MARLENE MENGE , a Notary Public, personalty appeared HOWARD SWANN and ANITA DYER, proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity(ies), and that by their signatures on the instrument the persons, or the entity(ies) upon behalf of which the persons acted, executed the instrument. WITNESS my hand and official seal.



Marlene Menge Notary Public

EXHIBIT A

SITUATE IN THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED **AS** FOLLOWS:

PARCEL DESIGNATED AS "2250 O R 703 ATCHISON" **AS** THE **SAME** IS SHOWN AND SO DESIGNATED ON RECORD OF SURVEY, FILED FOR RECORD JULY 19, 1974 IN **BOOK** 60 OF **MAPS AT PAGE** 24 **SANTA** CRUZ, COUNTY RECORDS.

EXCEPTING THEREFROM AN UNDIVIDED ½ INTEREST IN AND TO ALL OIL GAS AND OTHER MINERAL AND HYDROCARBON SUBSTANCES AS CONTAINED IN THE DEED FROM SANTA CRUZ LAND TITLE COMPANY A CORPORATION ET AL, RECORDEC MARCH 15, 1957, IN VOLUME 1122, PAGE 268 OFFICIAL RECORDS OF SANTA CRUZ COUNTY

Santa Cruz County APN: 105-421-11

Address: 80 Columbine Way, Aptos, CA 95003

