



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

February 8, 2008

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

Agenda Date: March 12, 2008

APN: 089-011-64

Application: 07-0366

Item #: 10

Time: After 9 AM

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

Members of the Commission:

On July 17, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 10 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.

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

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

- (1) A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.
 - (2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester. The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.
 - (3) (A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.
(B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed.
- Notwithstanding the provisions of Article 4 (commencing with Section 51130), if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the county general plan and whose primary use is other than timberland.
- (4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.
 - (5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.
 - (d) The criteria required by subdivision (c) may also include any or all of the following:
 - (1) The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.
 - (2) The land shall be a certain site quality class or higher under Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.

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

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

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

Conclusion

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

Recommendation

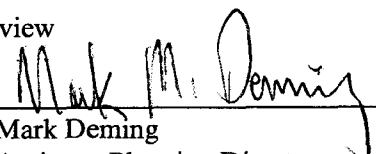
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0366 based on the attached findings (Exhibit B).

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 David Van Lennep, dated September 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. 07-0366, involving property located on the west side of Deer Creek Heights Road approximately .25 miles from the intersection of Deer Creek Road and Deer Creek Heights 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) and 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 on the west side west side of Deer Creek Heights Road approximately .25 miles from the intersection of Deer Creek Road and Deer Creek Heights 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).

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>
089-011-64	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: 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

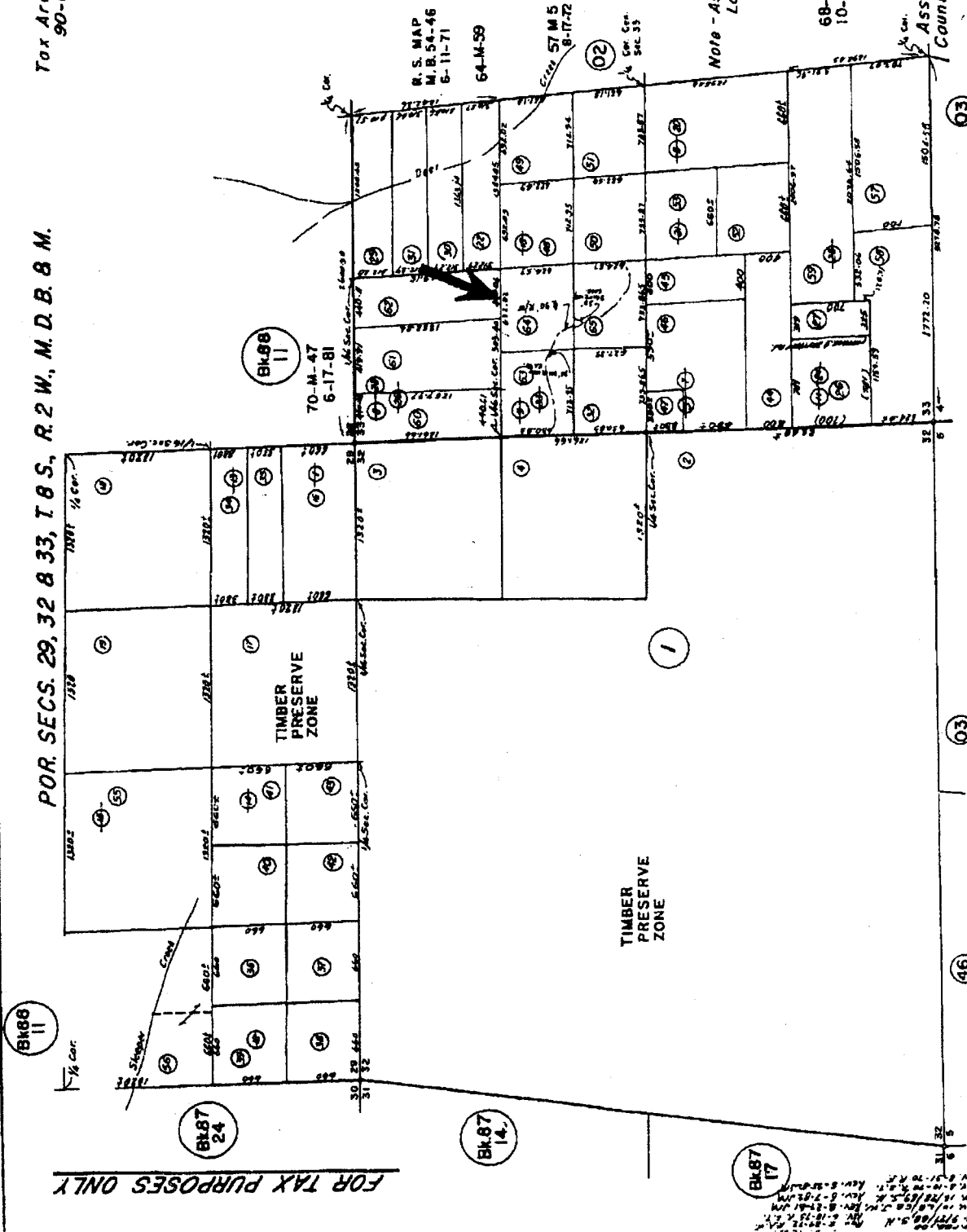
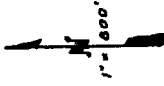
DISTRIBUTION: County Counsel
Planning
Assessor
County

GIS

Tax Area Code 89-01
90-018

POR. SECS. 29, 32 & 33, T 8 S., R. 2 W., M. D. B. & M.

FOR TAX PURPOSES ONLY



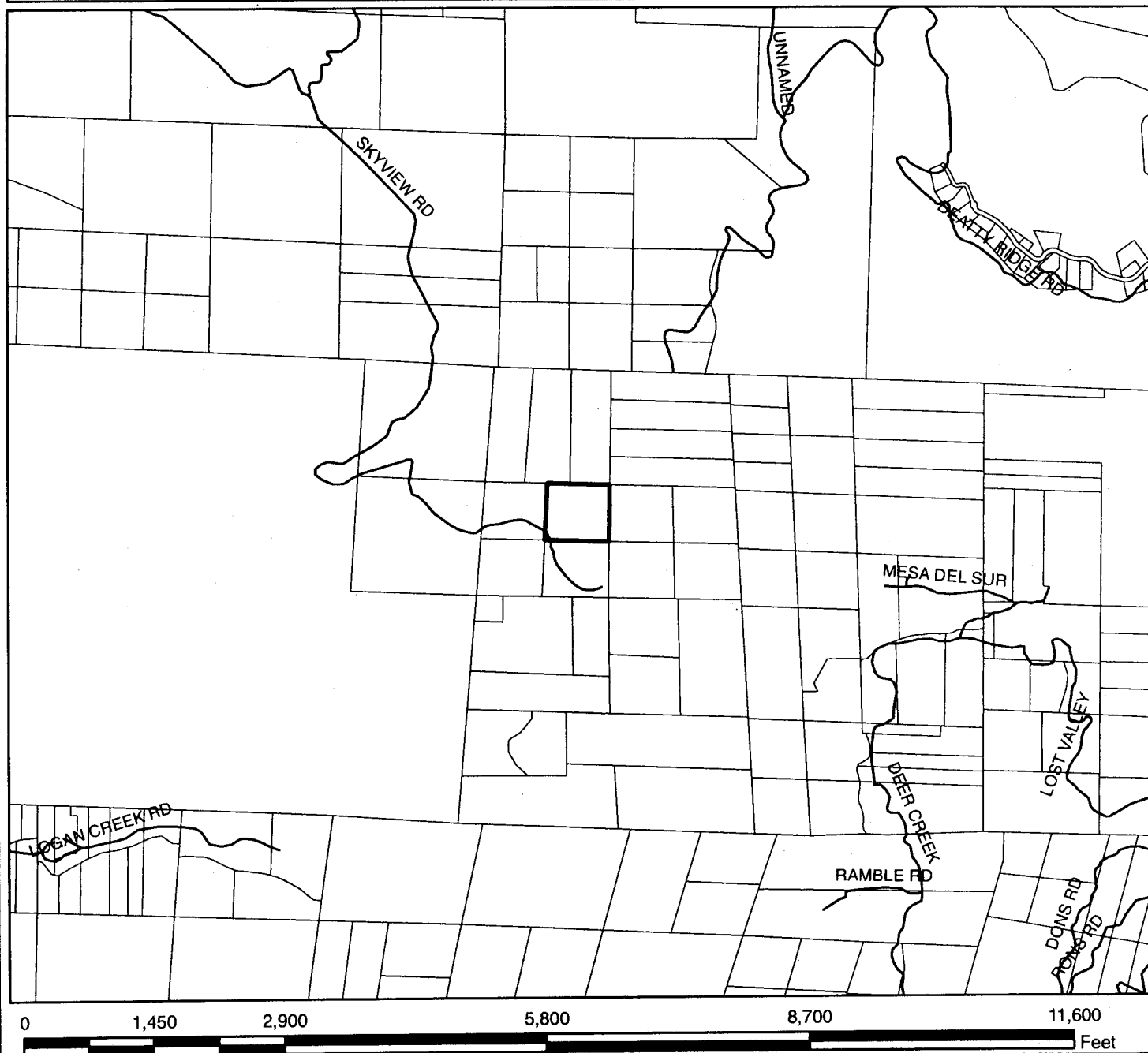
Note - Assessor's Parcel Block & Lot Numbers Shown in Circles.

Assessor's Map No. 89-
County of Santa Cruz, Ca
Aug. 1953




Ben Cude Road

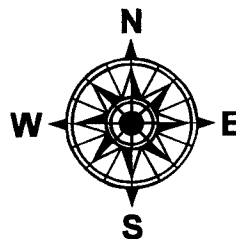


Location Map



LEGEND

-  APN: 089-011-64
-  Assessors Parcels
-  Streets

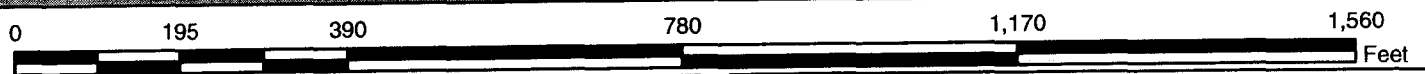
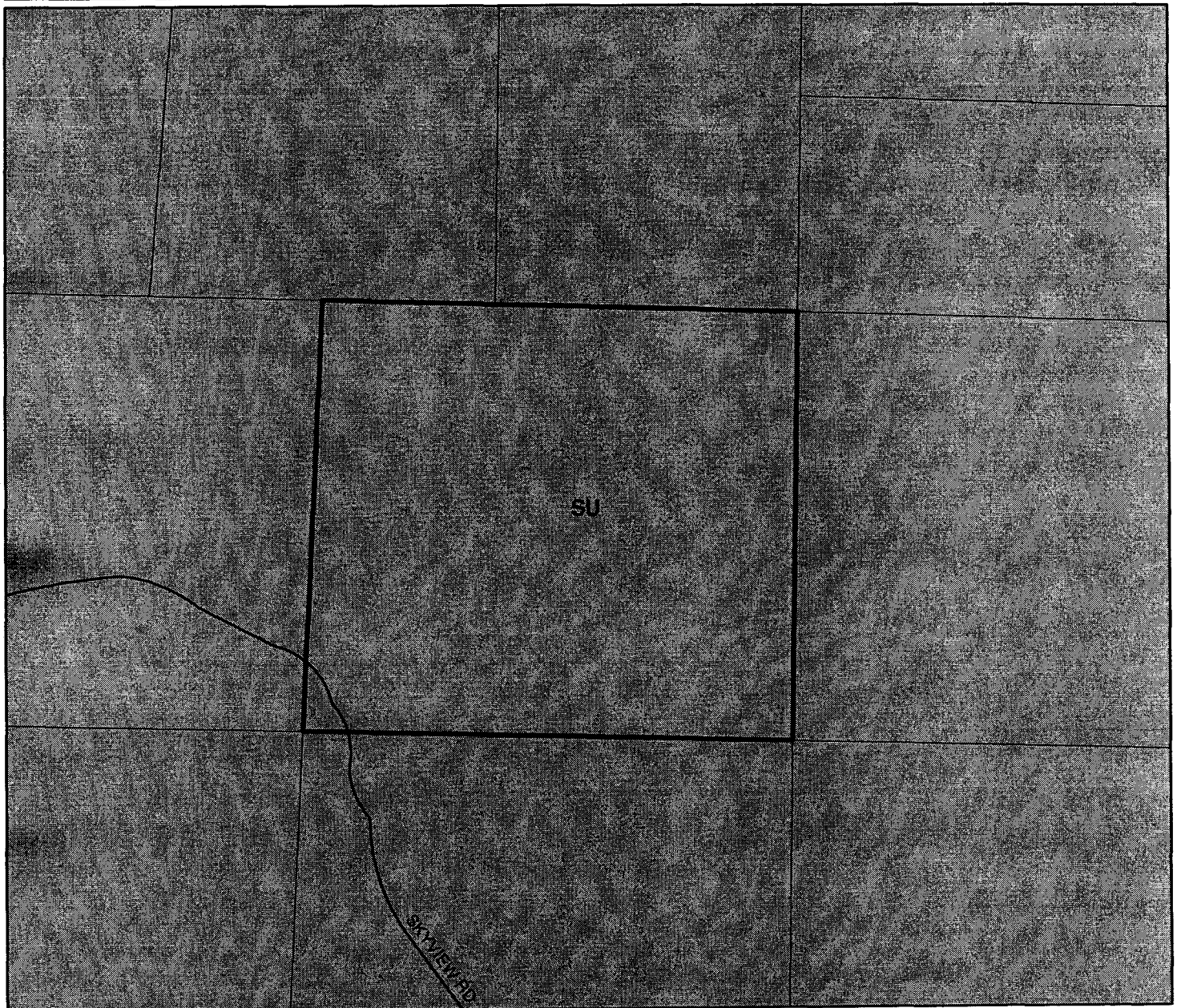


Map created by
County of Santa Cruz
Planning Department
December 2007





EXHIBIT C

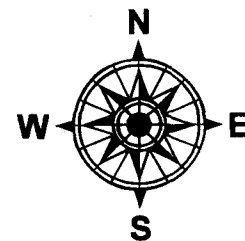


Zoning Map



LEGEND

-  APN: 089-011-64
-  Assessors Parcels
-  Streets
-  SPECIAL USE

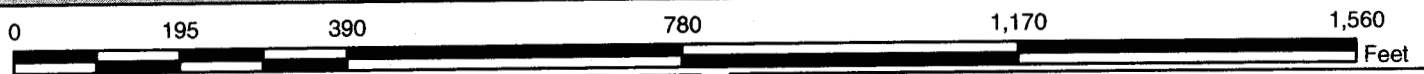
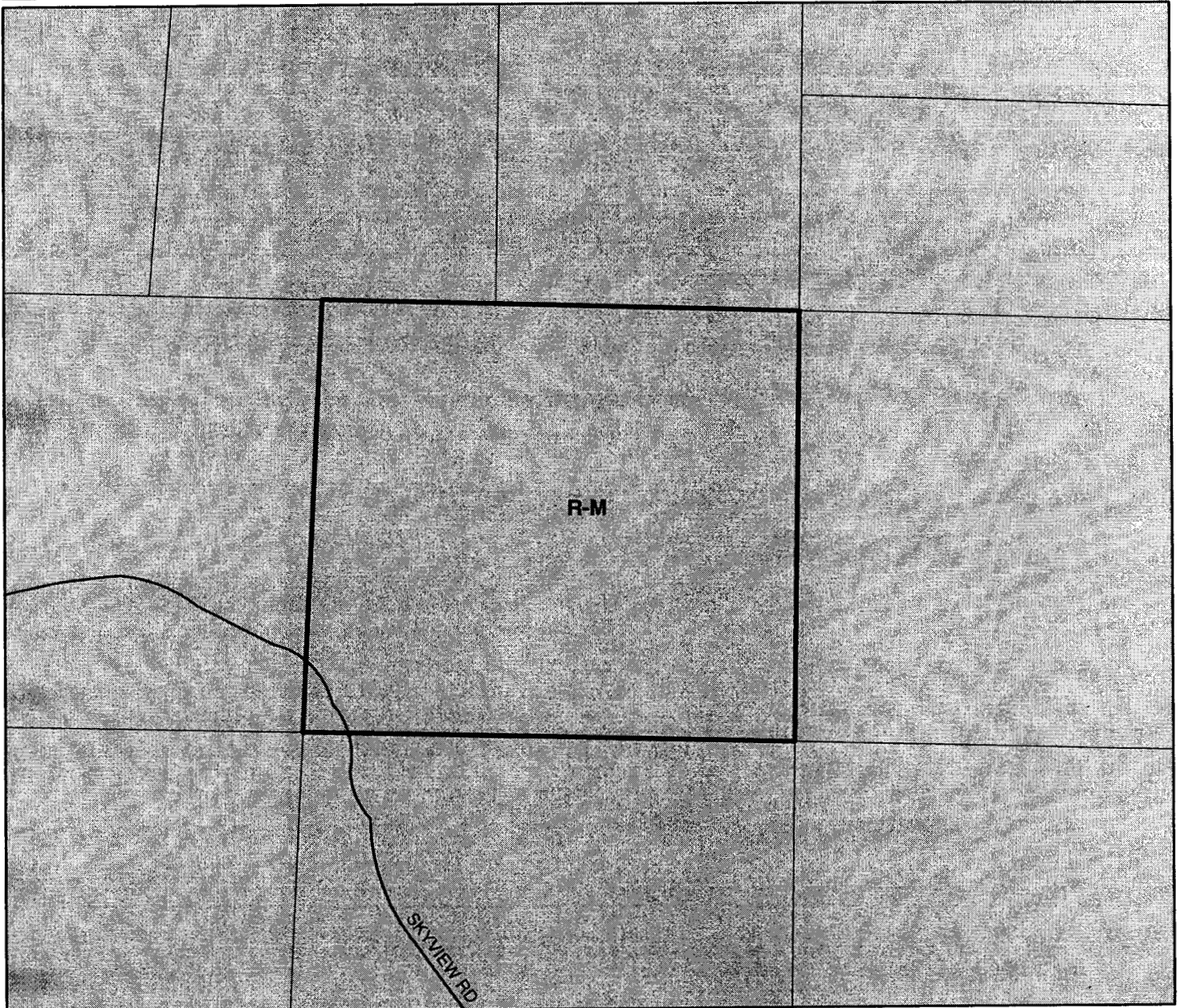


Map created by
County of Santa Cruz
Planning Department
December 2007





EXHIBIT C

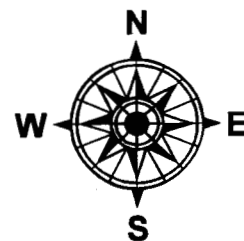


General Plan Designation Map



LEGEND

-  APN: 089-011-64
-  Assessors Parcels
-  Streets
-  Residential-Mountain



Map created by
County of Santa Cruz
Planning Department
December 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: 07-0366

Assessor Parcel Number: 089-011-64

Project Location: Property located on the west side of Deer Creek Heights Road approximately, .25 miles from the intersection of Deer Creek Road and Deer Creek Heights Road.

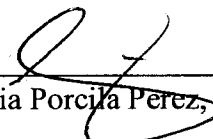
Project Description: Rezone a single parcel from the Special Use (SU) zone districts to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Kevin Hamilton Jarvis, Trustee

Contact Phone Number: (831) 420-0811

- 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: 2/04/08

September 24, 2007

**Timber Management Plan
For Parcel 089-011-64
Deer Creek Heights Road, Fat Buck Ridge**

Property Description:

The property consists of one parcel of approximately 10 acres, ranging from about 1600 to 1800 feet in elevation. The parcel is located in the Deer Creek drainage, more specifically described as the NE ¼ of the SW ¼ of the NW ¼ of Section 33, T8S, R2W, Mount Diablo Base and Meridian (T.H. Riley, LS 3007), within the Bear Creek CALWATER Planning Watershed. This property is currently zoned SU.

Species Composition:

The timber stand is comprised of redwood, mostly in clumps with patches of pure hardwood and scattered Douglas-fir. Coniferous regeneration in the form of seedlings, saplings, and poles are scattered within this forest, mostly as a result of the most recent harvest entry. Over time, this will provide a much denser coniferous component in the future. Hardwood, including tanoak, live oak, and madrone, account for the remaining forest component.

The overstory is primarily redwoods and Douglas-fir which occupies about 80% of the current stand, with a hardwood component of tanoak, madrone, and live oak for the remaining 20%. The understory species present are: tanoak, live oak, blue blossom, redwood seedlings, poison oak, redwood sorrel, various fern species, and grasses and forbs.

History:

The original harvest of timber in the Santa Cruz Mountains began in the mid to late 1800's and continued on into the early part of the next century. The original harvest were characterized by clear cutting and burning, then logging with animals, steam donkey engines, and finally with tractors and other modern harvesting equipment. The subject parcel has been harvested with the last decade to thin the dense second-growth timber resulting from the original harvest. This selection harvest occurred in 1999.

Soils:

The parcel is located on Ben Lomond sandy loam soils (#112 in the Santa Cruz County Soil Survey 1976).

These soils are used mainly for timber, recreation, wildlife habitat, and watershed. They are well suited for conifer production.

Future Timber Harvesting:

Future timber harvest shall follow the California State Forest Practice Rules that include rules specific to Santa Cruz County (CCR 926). These rules require the use of uneven

aged silviculture and minimum return intervals of ten to 14 years. Specific details of the harvest will be addressed and reviewed through the Timber Harvest Plan process, per state law. Timing of the next harvest entry will be determined by the landowner to achieve management goals. This future entry will most likely utilize the harvest and road infrastructure that currently serve the parcel. The methods employed to harvest timber will be predominantly ground based, as in the 1999 entry. The parcel is small and can be easily harvested using these methods.

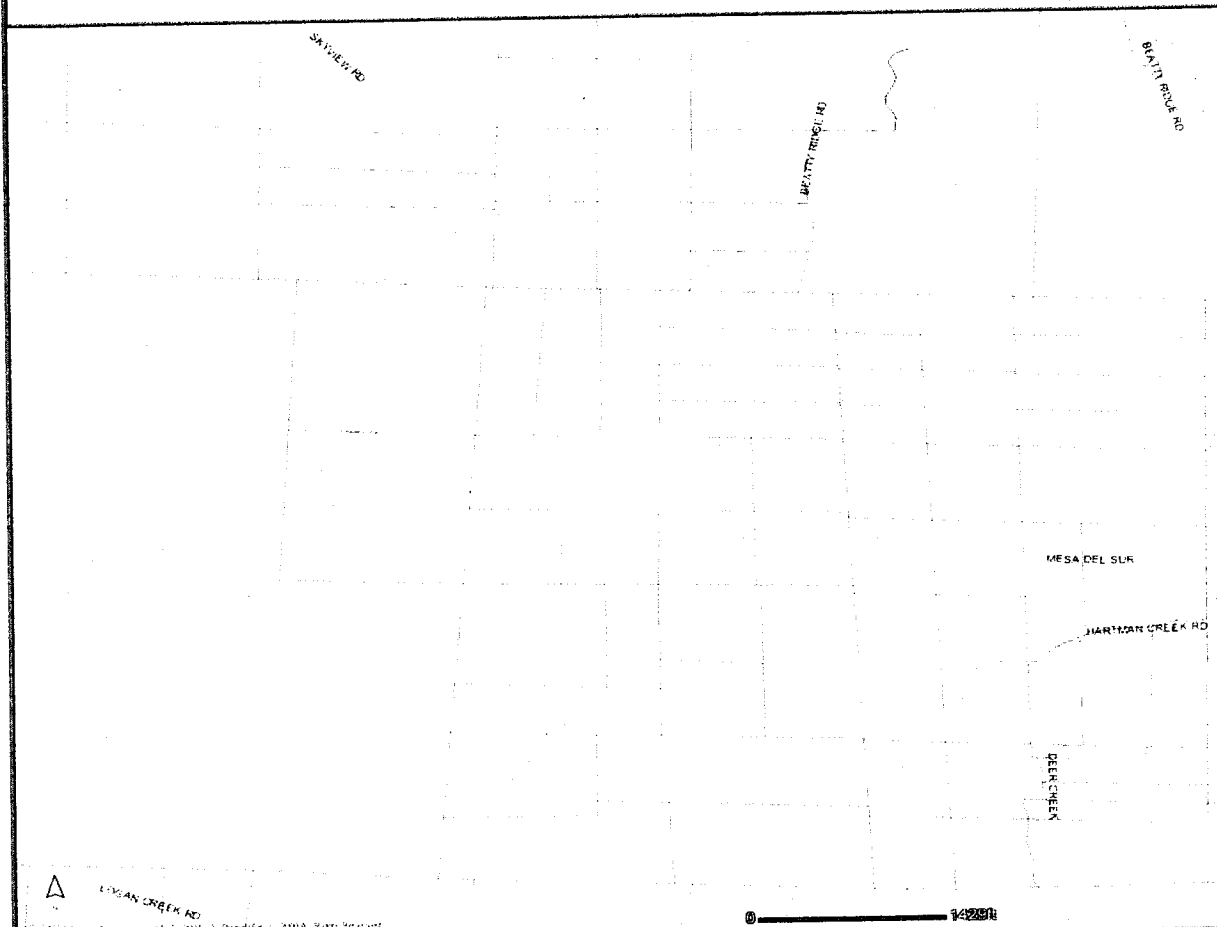
Timberland Requirements:

- a. "Timberland" means privately owned land, or land acquired for state forest purposes, which is devoted to and used 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 (51104(f)).
- b. Parcel 089-011-64 meets the State definition of "Timberland."
- c. Current stand growth exceeds 15 cubic feet per acre per year.
- d. The property is currently vacant land and is utilized for growing timber and recreation by the landowner. These uses are within the "Compatible Uses" for Timber Production Zoning (51104(h)).

A handwritten signature in cursive script, reading "David Van Lennep". The signature is written in dark ink and is positioned above the printed name.

David Van Lennep RPF #2591

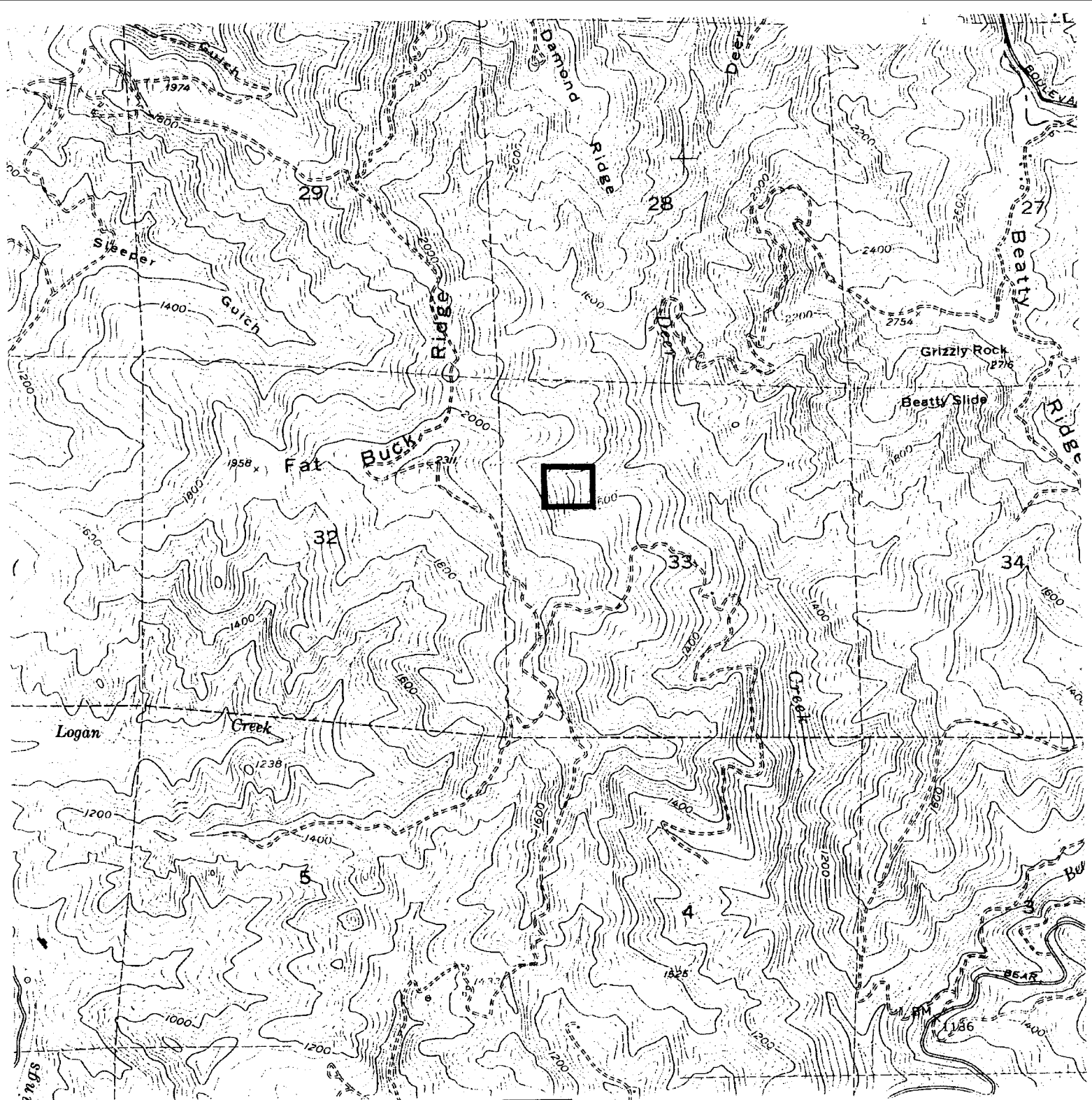
Jarvis



Legend

- Legend**
Selected Features
 Parcel (Assessor)0
 State Highways
 County Streets
 City Limits
 Santa Cruz County Boundary






Jarvis Parcel

APN 089-011-64

1"= 2000'



N