



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: 086-111-39

Application: 07-0417

Item #: 13

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 August 8, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 27.611-acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of a 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

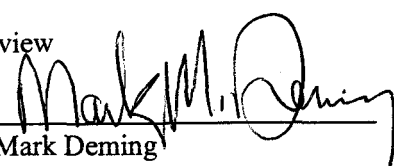
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0417 based on the attached findings (Exhibit B).

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 Hildreth Forestry Consulting LLC # 2639 July 23, 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. 07-0417, involving property located on the on the west side of Hopkins Gulch Road, approximately 0.3 miles north of the intersection with Bear Creek 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 Hopkins Gulch Road approximately 0.3 miles north of the intersection with Bear Creek 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
2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
3. 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
4. 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>
089-111-39	Special Use (SU)	TP

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

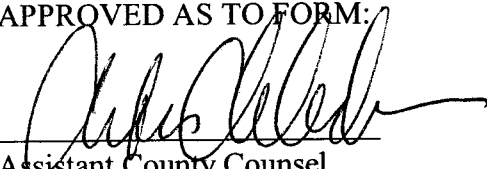
PASSED AND ADOPTED THIS ____ day of _____ 2007, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

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.
 © 1999 SANTA CRUZ COUNTY ASSESSOR 1999

POR. N. 1/2 SEC. 20, T.9S., R.2W., M.D.B. & M.

Tax Area Code
 90-063 90-103

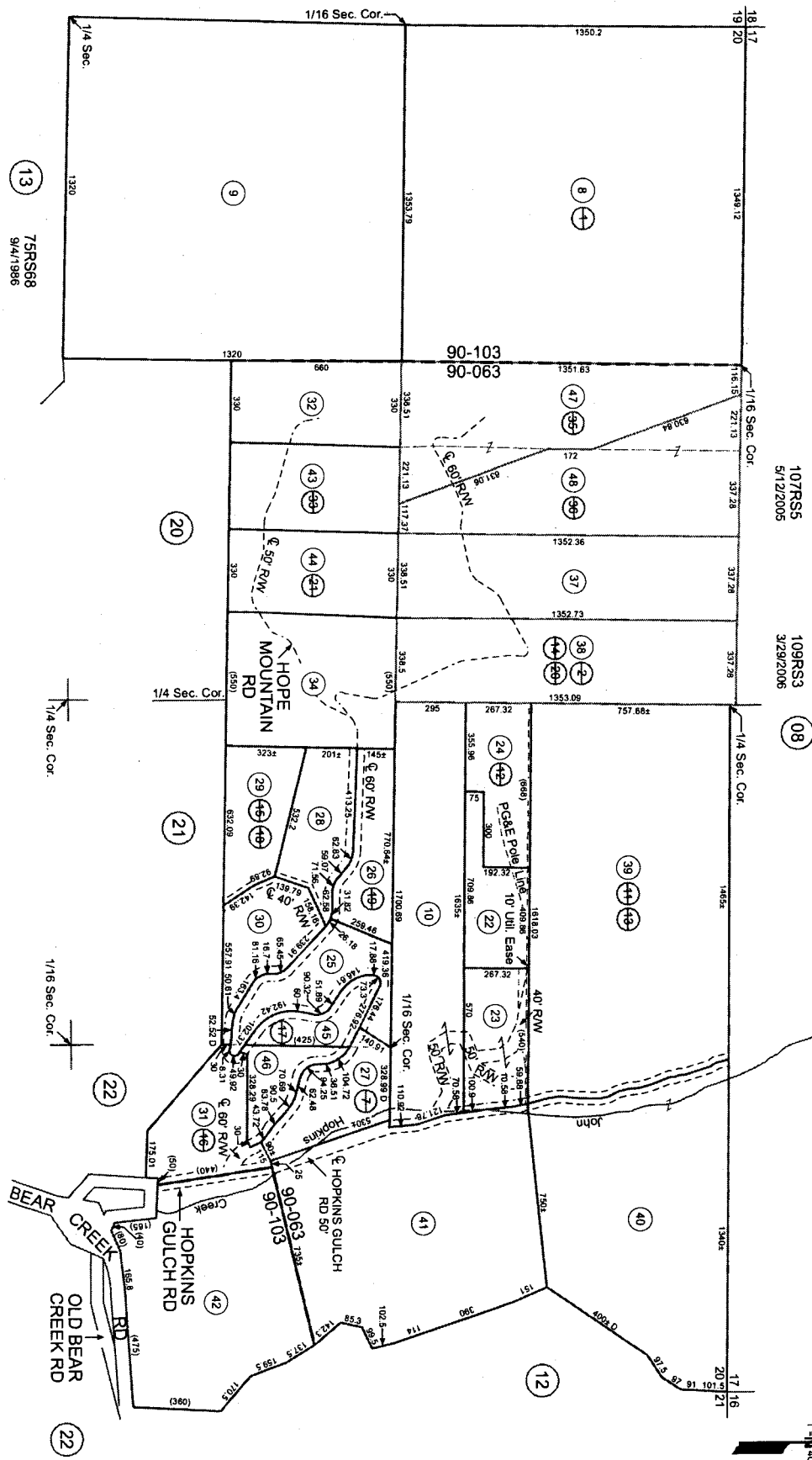
89-11

EXHIBIT B

Electronically Redrawn 12/09/99 mvm
 Rev. 11/04/04 mvm (2004-0022833 & 34, LBA 1-47 & 48)
 Rev. 5/5/05 mvm (added Hope Mountain Rd. per Emergency Services)
 Rev. 8/31/05 mvm (107RS5)
 Rev. 10/10/07 Id (109RS3)

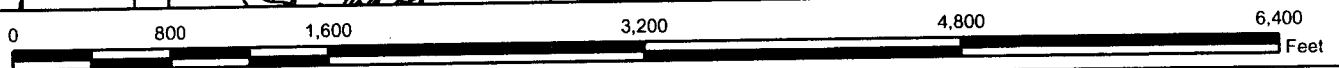
Note - Assessor's Parcel & Block
 Number Shown in Circles.

Assessor's Map No. 89-11
 County of Santa Cruz, Calif.
 Dec., 1999







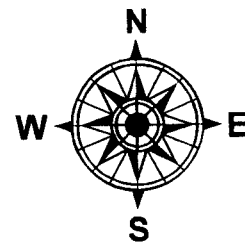


Location Map



LEGEND

-  APN: 089-111-39
-  Streets
-  Assessors Parcels
-  State Highways

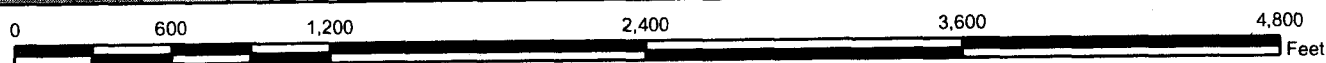
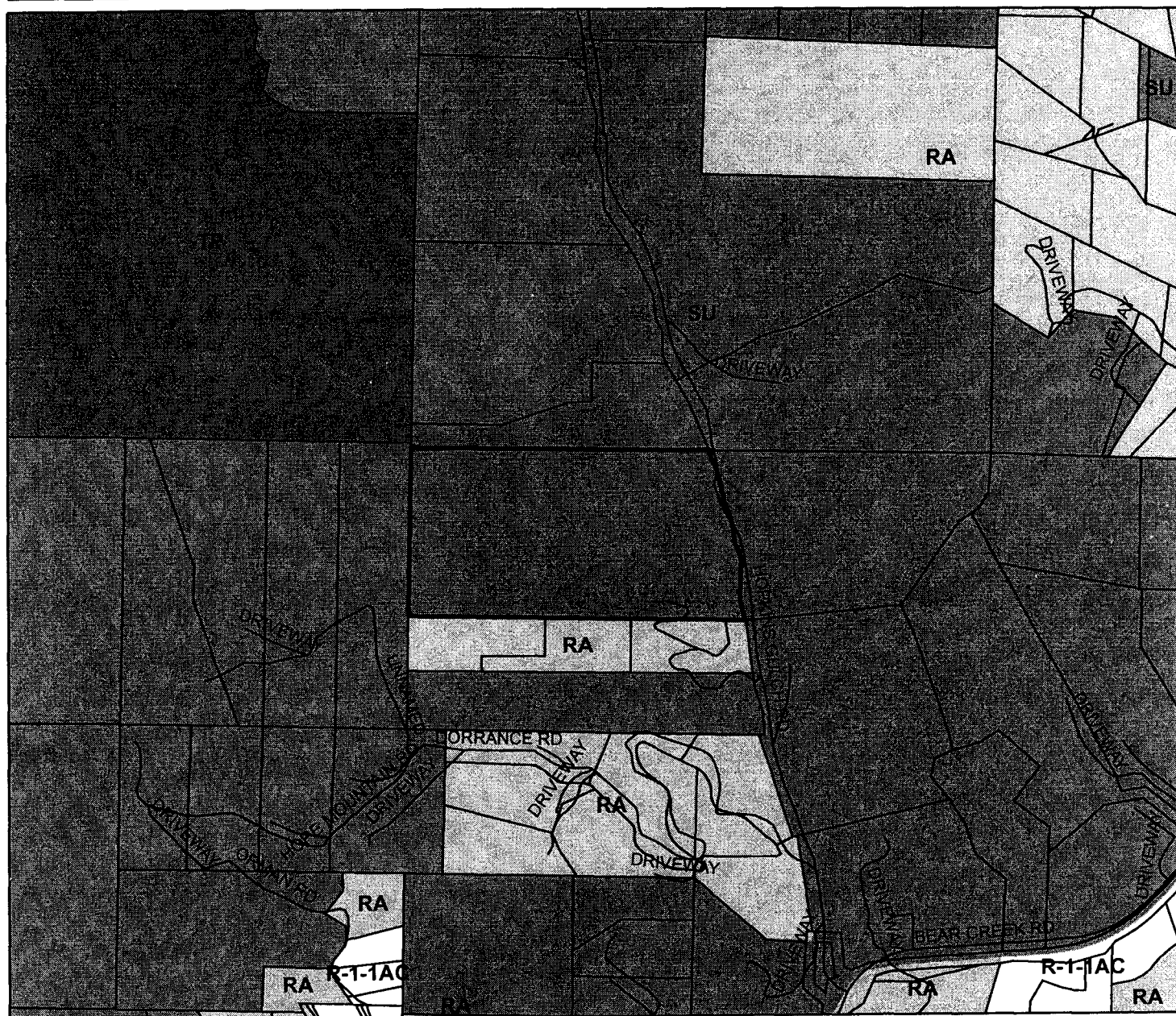


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

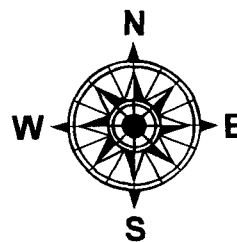


Zoning Map



LEGEND

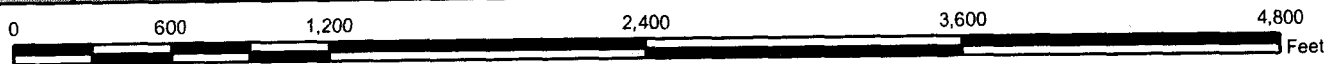
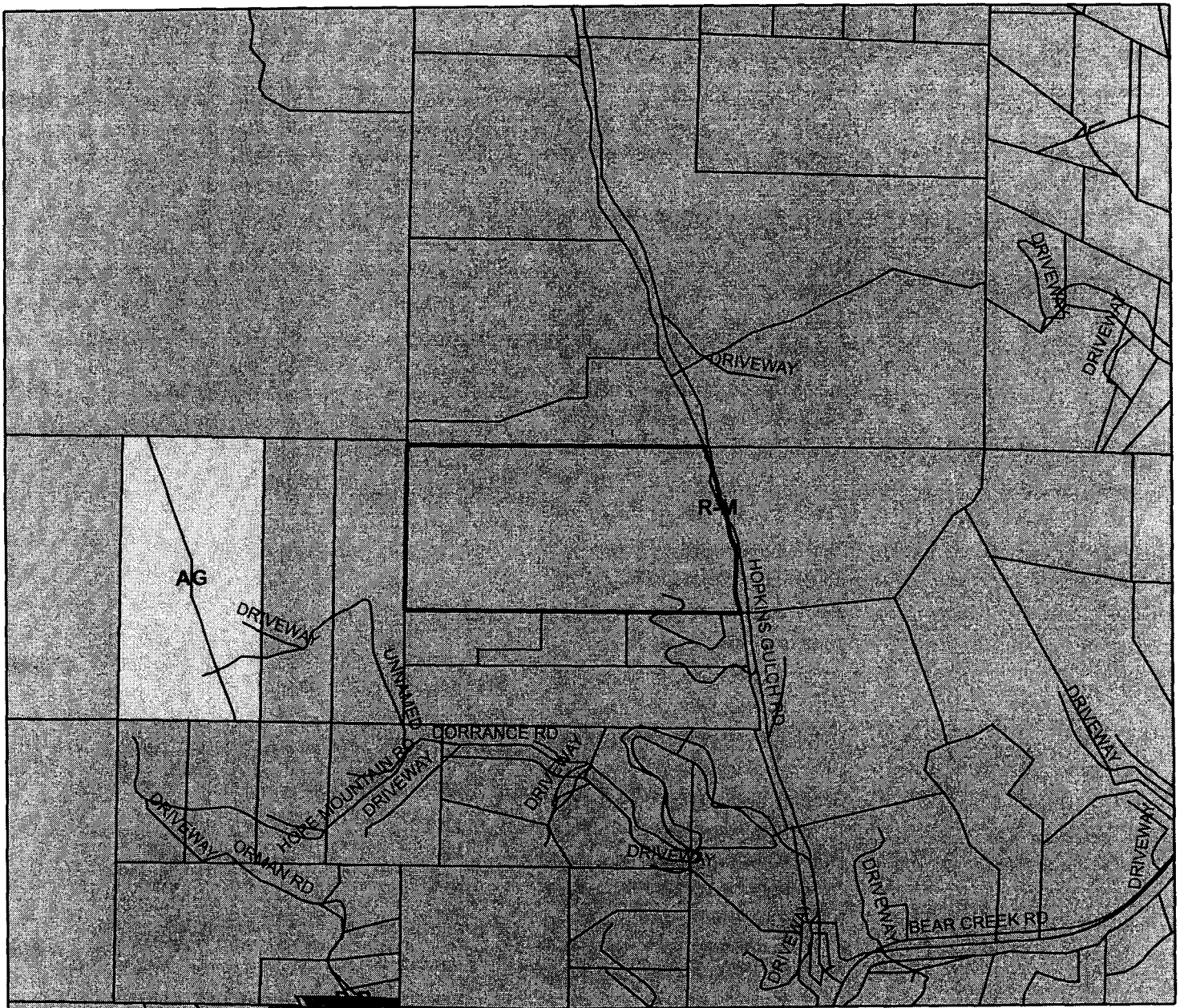
- APN: 089-111-39
- Streets
- Assessors Parcels
- State Highways
- AGRICULTURE RESIDENTIAL
- RESIDENTIAL-SINGLE FAMILY
- SPECIAL USE
- TIMBER PRODUCTION










Map created by
County of Santa Cruz
Planning Department
August 2007

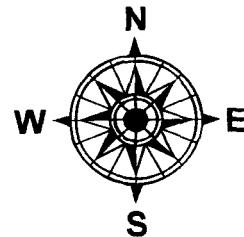


General Plan Designation Map



LEGEND

-  APN: 089-111-39
-  Streets
-  Assessors Parcels
-  State Highways
-  Agriculture
-  Residential-Mountain
-  Residential-Rural



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: 07-0417

Assessor Parcel Number: 089-111-39

Project Location: Property located on the West side of Hopkins Gulch road approximately 0.3 miles North of the intersection with Bear Creek Road.

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

Person or Agency Proposing Project: Lester T & Mildred M Holmes Trustees ETAL

Contact Phone Number: (831) 438-1722

- 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: _____

**HOPKINS GULCH PROPERTY
TIMBER MANAGEMENT PLAN**

JULY 23, 2007

PORTIONS OF
Township 9 South - Range 2 West
Section 20
Santa Cruz County, California

PREPARED BY
Hildreth Forestry Consulting LLC
P.O. Box 1224 Capitola CA 95010 (831) 464-1196

INTRODUCTION

This Timber Management Plan is for the Holmes Hopkins Gulch property located near Boulder Creek, California. This plan is required by Santa Cruz County in connection with the landowner's application to have the property placed in Timberland Production Zoning (TPZ).

The subject property is made up of one parcel. It is, as recorded by the Santa Cruz County Assessor, as follows:

OWNER	PARCEL OWNER	ACRES	CURRENT ZONING
Holmes Lumber Company	APN # 089-111-39	28	Special Use

FOREST MANAGEMENT OBJECTIVES

The owner desires to manage this forestland for the production of merchantable timber. This goal is to be achieved without degrading the quality of other forest resources such as soils, watershed, wildlife, and recreation. The immediate objective is to obtain Timber Production Zoning, which will allow management of the property consistent with these objectives.

GENERAL LOCATION

This property is located approximately 1 ½ miles northeast of Boulder Creek in portions of Township 9 South, Range 2 West, Section 20, MDB&M of Santa Cruz County, California. The property is accessible from Bear Creek Road and Hopkins Gulch Road. The site is located in the Bear Creek watershed within the greater San Lorenzo River basin.

HISTORY

The property appears to have been clearcut harvested during the late 1800's or early 1900's. Portions of the property have been selectively harvested (thinned) twice under Timber Harvest Plans approved in 1978 and 1991.

TIMBER DESCRIPTION

The property contains merchantable stands of coast redwood. The redwood occurs in well-stocked clumps, intermixed with hardwoods (primarily tan oak with a small amount of madrone) and a few, scattered Douglas-fir. The average site index is site III. The stand consists primarily of three age classes of approximately 100, 29 and 16 years. The timber is located primarily on moderate slopes. Elevation ranges from approximately 600 to 100 feet.

The area appears to have been clearcut around the turn of the 20th century. The redwoods naturally

regenerated after this harvest. Over time, growth slowed as the trees grew larger and closer together, and began competing for available water, nutrients, and sunlight. The selective harvesting approximately 29 and 16 years ago reduced competition, and trees in all size classes were retained.

Future harvests will continue to create an uneven-aged stand. This will be accomplished by selectively thinning clumps of redwoods. The goal of future selective harvests will be to produce adequate light for vigorous stump sprouting, to promote growth on residual trees, to promote continued production of high quality redwood timber by maintaining good spacing and good distribution of diameter classes.

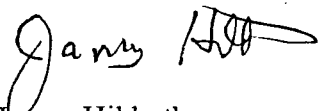
TIMBERLAND CERTIFICATION

The subject parcel is considered timberland as defined in California Government Code Section 51104(f) as the parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually.

The subject 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 Southern subdistrict of the Coast Forest District.

The subject parcel exceeds the current Santa Cruz County minimum five acre parcel size for Timber Production zoning.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James Hildreth", with a stylized flourish at the end.

James Hildreth
Registered Professional Forester #2639

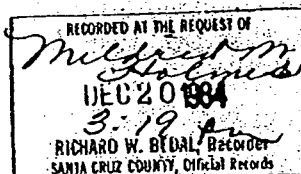
WHEN RECORDED RETURN TO:

BOOK 3788 PAGE 58

060379

DONALD K. STRUCKMANN
Attorney At Law
151 Callan Avenue, Suite 305
San Leandro, CA. 94577
Tel: (415) 352-8900

RE	MI	SM	OP
4	1	10	



NO DOCUMENTARY TRANSFER TAX FOR THIS TRANSFER
TO A REVOCABLE TRUST.

Donald K. Struckmann
Donald K. Struckmann, esq

Grant Deed (REVOCABLE TRUST)

For value received LESTER T. HOLMES and MILDRED M. HOLMES, husband and wife, as Community Property, as to an undivided one-half interest
GRANT to LESTER T. HOLMES and MILDRED M. HOLMES, as Trustees of the HOLMES REVOCABLE TRUST, under agreement dated July 2, 1984 as to an undivided one-half interest.
all that real property situate in the

County of SANTA CRUZ

, State of California described as follows:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

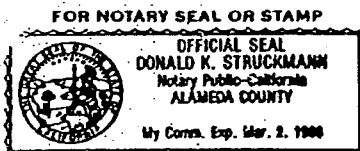
Assessors Parcel No.: 89-111-39

Property Commonly known as:

Dated December 17, 1984

Lester T. Holmes
LESTER T. HOLMES

Mildred M. Holmes
MILDRED M. HOLMES



MAIL TAX STATEMENTS TO

Mr. and Mrs. Lester Holmes

666 Mt. Hermon Road

Scotts Valley, CA 95066

STATE OF CALIFORNIA } SS.
COUNTY OF Santa Cruz
On December 17, 1984 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared LESTER T. HOLMES and
MILDRED M. HOLMES

known to me
to be the persons whose names subscribed to the within instru-
ment and acknowledged that they executed the same.

Signature *Donald K. Struckmann*
DONALD K. STRUCKMANN

Name (Typed or Printed)

DESCRIPTION

SITUATE in the County of Santa Cruz, State of California, and described as follows:

PARCEL ONE:

BEING a part of the Northeast 1/4 of Section 20, T. 9 S., R. 2 W., M.D.B. & M., and also being a part of the lands conveyed by John Baptist Gamba to Donald V. Mahony, et al, by Deed recorded October 22, 1959 in Volume 1278, Page 561, Official Records of Santa Cruz County, and being more particularly described as follows:

BEGINNING at a point on the centerline of Hopkins Gulch Road at the Northeast corner of the lands conveyed by Donald V. Mahony, et al, to Robert J. Young, et ux, by Deed recorded March 1, 1965 in Volume 1678, Page 134, Official Records of Santa Cruz County; thence from said point of beginning Northerly along the centerline of said Hopkins Gulch Road to the intersection thereof with the North boundary of the above mentioned lands of Mahony, being also the North boundary of Section 20, T. 9 S., R. 2 W., M.D.B. & M.; thence along said North boundary Westerly 1465 feet, more or less, to the 1/4 section corner on the North boundary of said Section 20, being also the Northwest corner of said lands of Mahony; thence along the West boundary of said lands, being also the 1/4 section line running North and South through the center of said Section 20, South 0° 30' West 757.68 feet, more or less, to the Northwest corner of said lands of Young; thence along the North boundary of said lands North 39° 30' East 1618.03 feet to the point of beginning.

EXCEPTING THEREFROM all mineral rights as reserved in the Deed from John Baptist Gamba recorded October 22, 1959 in Book 1278, Page 561, Official Records.

TOGETHER WITH and reserving a right of way 50 feet in width over Hopkins Gulch Road.

PARCEL TWO:

A Right of Way 50 feet in width as reserved in the Deed from Donald V. Mahony, et al, to Robert J. Young, et ux, recorded March 1, 1965 in Volume 1678, Page 134, Official Record of Santa Cruz County.

Assessor's Parcel No. 89-111-39

STR: NONE