



# COUNTY OF SANTA CRUZ

## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

**TOM BURNS, PLANNING DIRECTOR**

February 11, 2008

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

**Agenda Date:** March 12, 2008

**APN:** 095-181-14

**Application:** 07-0473

**Item #:** 22

**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 29, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 18.7 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.

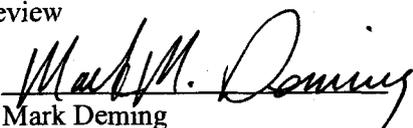
**Recommendation**

Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0473 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 Steven M. Butler, dated August 19, 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. 07-0473, involving property located on the west side of Tucker Road, about 1/2 mile from Sugarloaf 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.

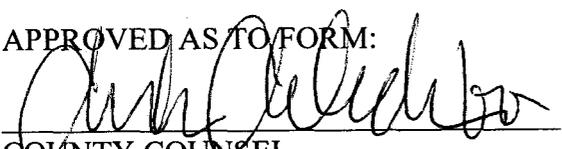
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

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**

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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 Tucker Road, about ½ mile from Sugarloaf 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>
095-181-14	Special Use (SU)	TP

**SECTION IV**

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

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2008, 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

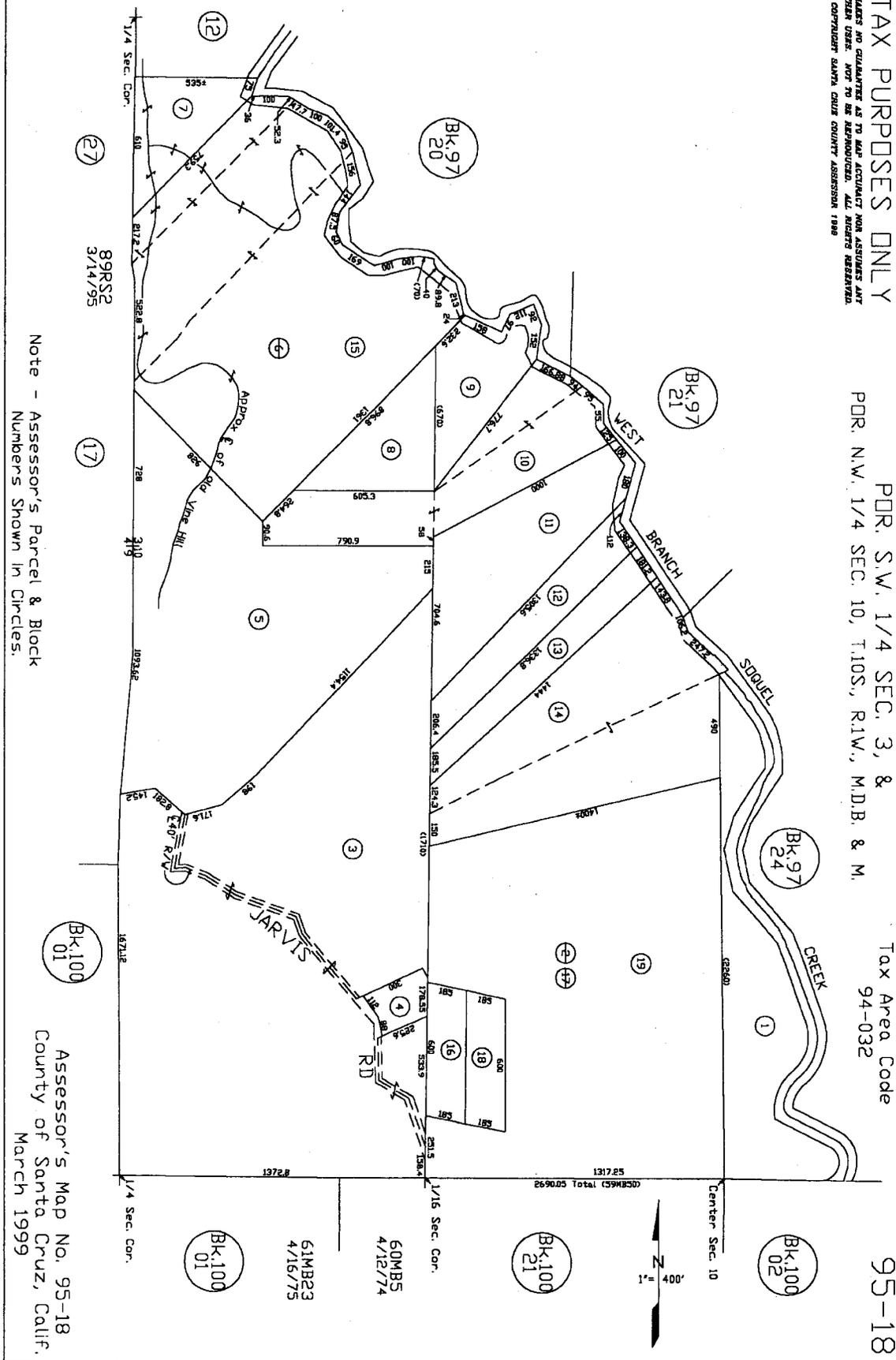
**FOR TAX PURPOSES ONLY**  
 THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1999

PDR. S.W. 1/4 SEC. 3, &  
 PDR. N.W. 1/4 SEC. 10, T.10S, R.1W., M.D.B. & M.

Tax Area Code  
 94-032

95-18

Electronically redrawn 3/31/99 KSA  
 Rev. 9/19/01 nva (changed page refs.)

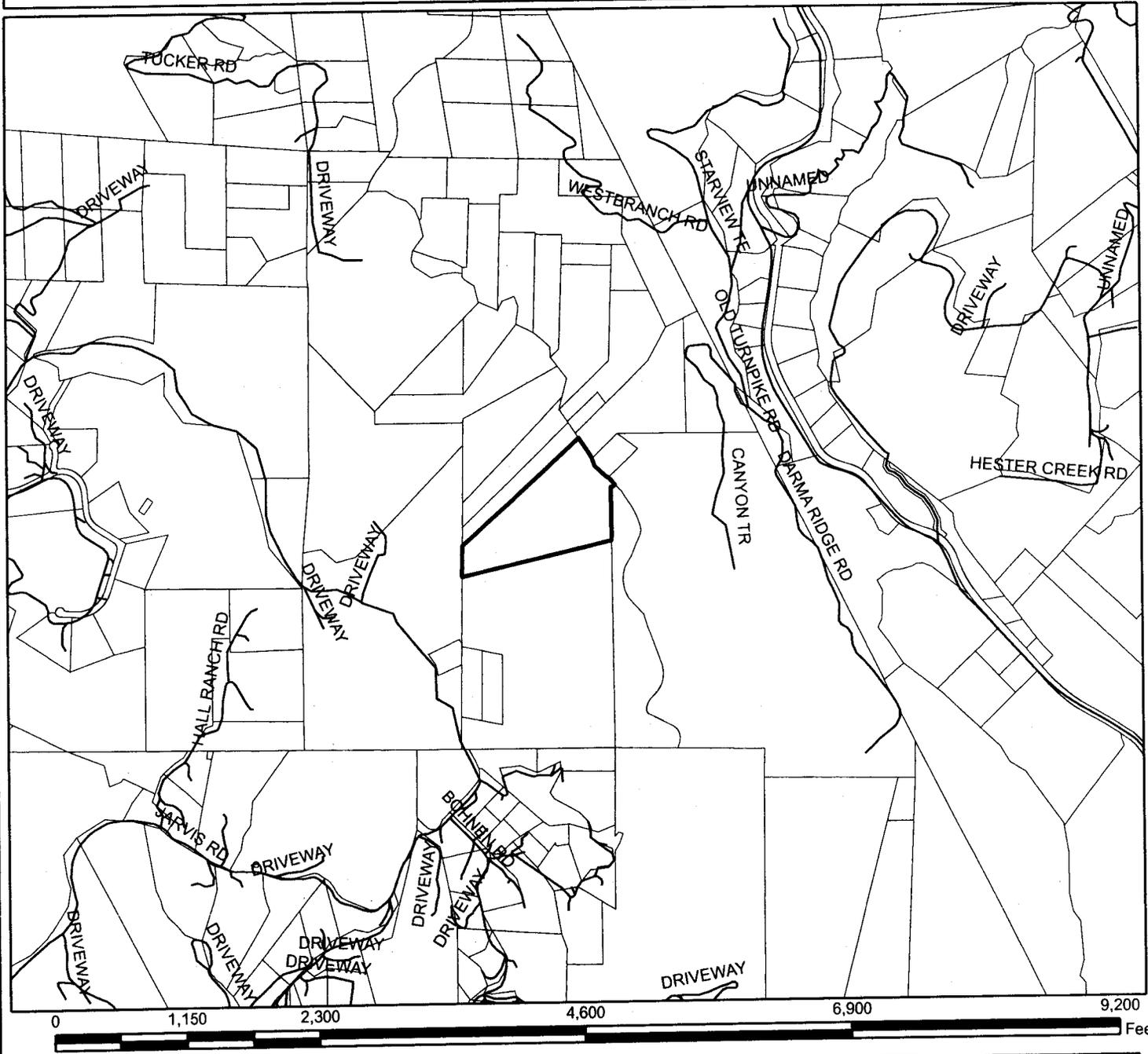


Note - Assessor's Parcel & Block  
 Numbers Shown in Circles.

Assessor's Map No. 95-18  
 County of Santa Cruz, Calif.  
 March 1999

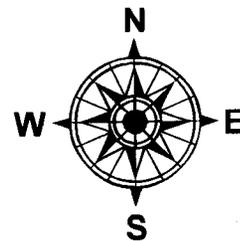


# Location Map



## LEGEND

-  APN: 095-181-14
-  Assessors Parcels
-  Streets

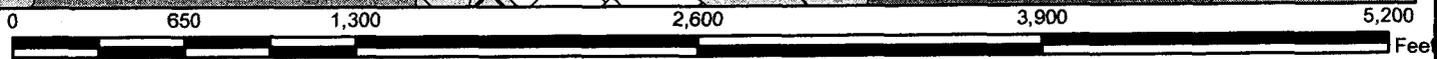
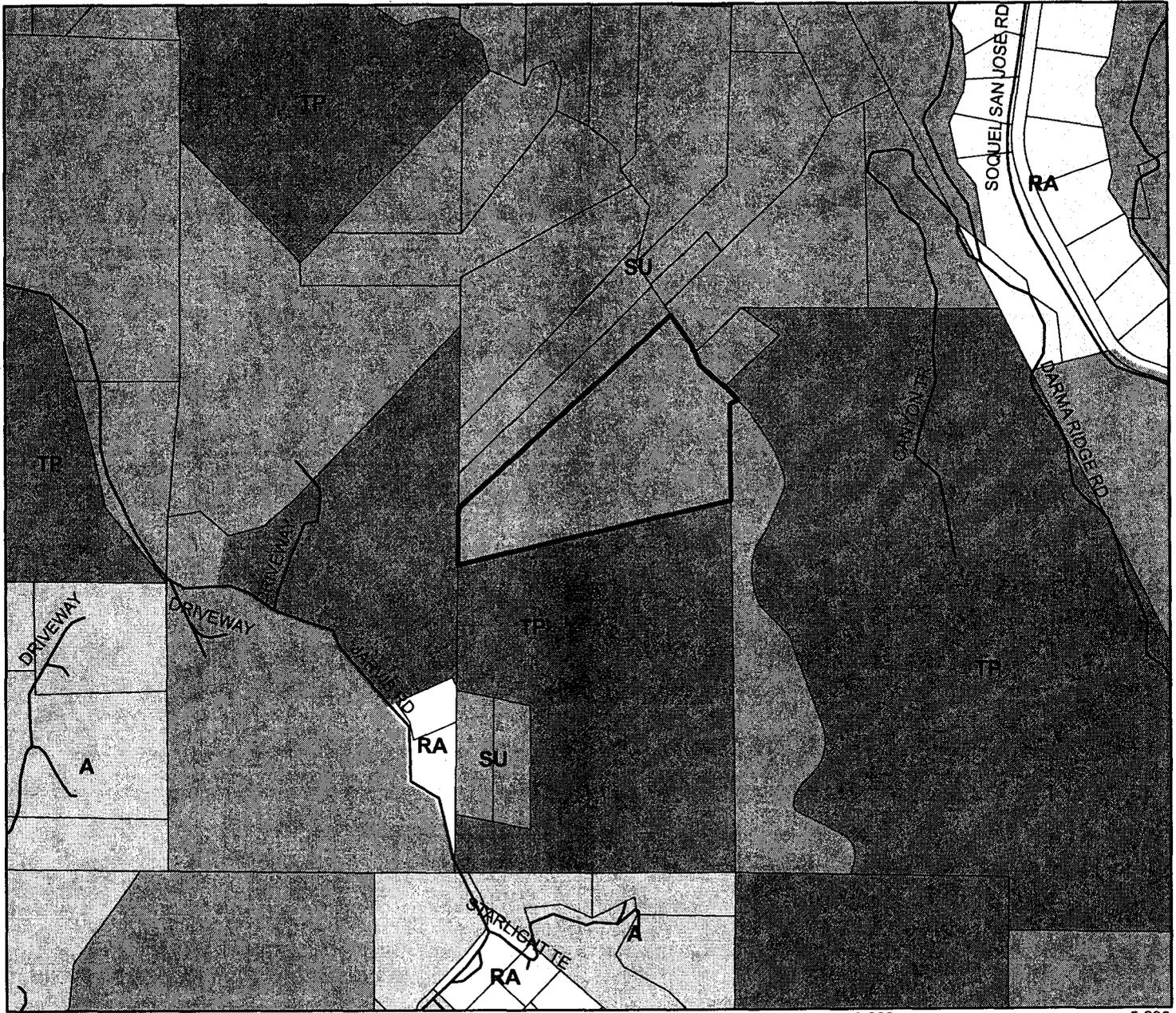


Map created by  
 County of Santa Cruz  
 Planning Department  
 August 2007

### EXHIBIT C

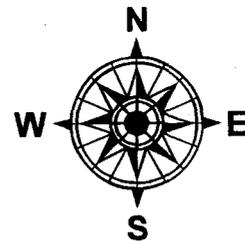


# Zoning Map



## LEGEND

-  APN: 095-181-14
-  Assessor's Parcels
-  Streets
-  AGRICULTURE
-  AGRICULTURE RESIDENTIAL
-  SPECIAL USE
-  TIMBER PRODUCTION

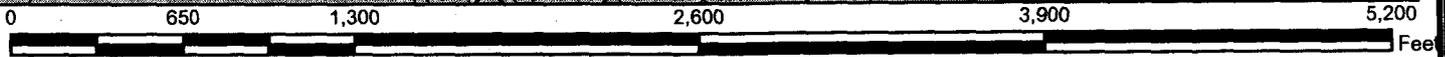
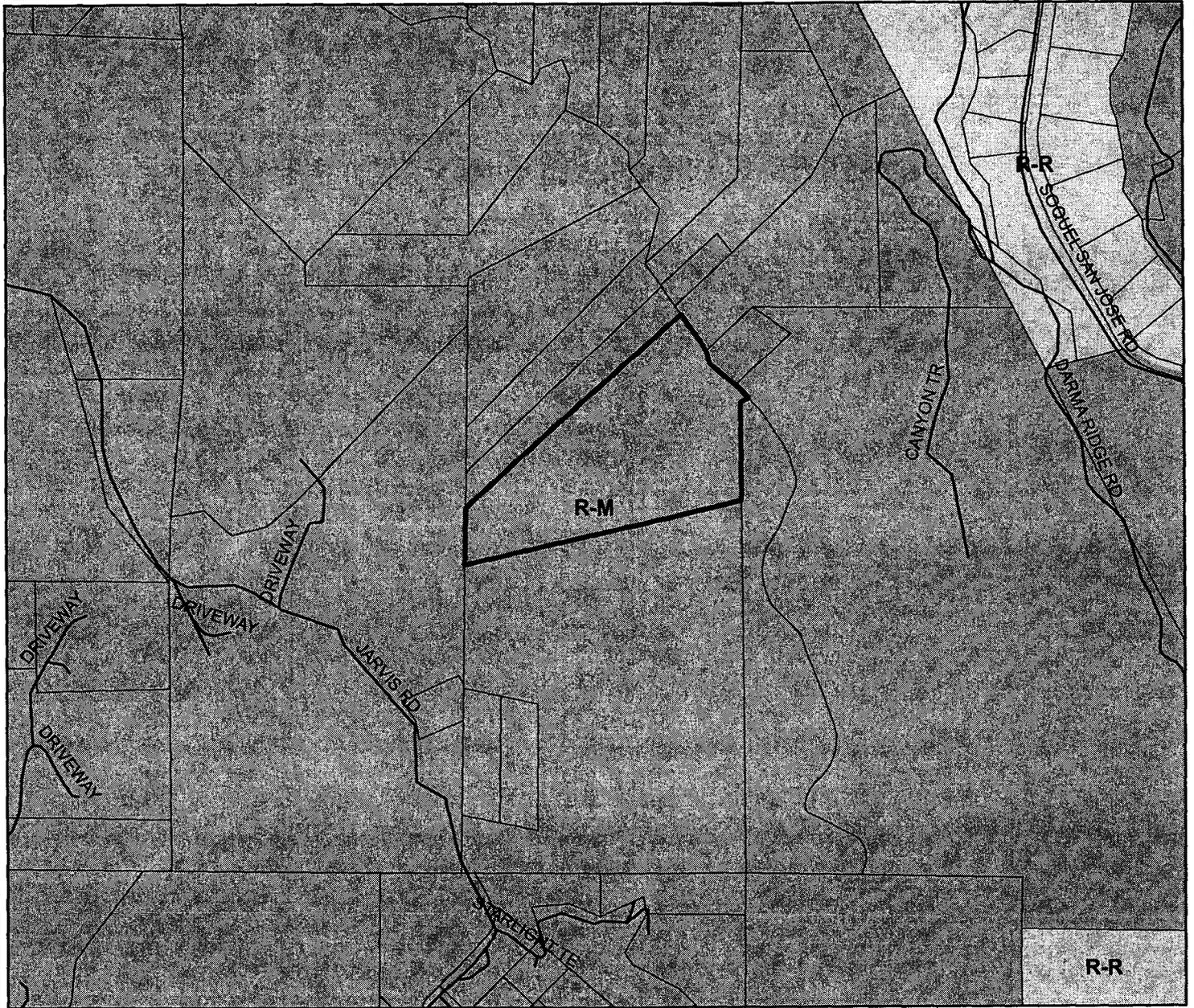


Map created by  
 County of Santa Cruz  
 Planning Department  
 August 2007

**EXHIBIT C**

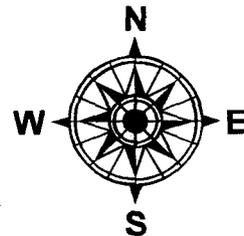


# General Plan Designation Map



## LEGEND

-  APN: 095-181-14
-  Assessors Parcels
-  Streets
-  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: 07-0473

Assessor Parcel Number: 095-181-14

Project Location: Property located on the west side of Tucker Road, about ½ mile from Sugarloaf Road

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

**Person or Agency Proposing Project: Henry E. Raab, Trustee**

**Contact Phone Number: (415) 664-3366**

- 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: \_\_\_\_\_

Timber Management Plan  
for the lands of

Henry Raab  
APN 095-181-14  
Santa Cruz County, Calif.

August 19, 2007  
Prepared by  
Steven M. Butler, RPF #2390  
781 Oak Drive  
Felton CA 95018



The purpose of this management plan is to provide basic forest management details and information to the landowner and to meet the county requirements for rezoning said parcel from its current zoning designation of Special Use (SU) to Timber Production Zoning (TPZ).

TPZ is a zoning classification applied to private timberland and State forests by local government under the Forest Taxation Reform Act of 1976. In addition to the definition of "timberland" applied in the Forest Practice Act, land within a TPZ is also subject to the definition in Section 51104 (f) of the Government Code (GC). In the GC 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.

Land zoned TPZ is restricted for use in timber growing or compatible uses, such as outdoor recreation or grazing. This restriction on use lasts ten years and is renewed each year; in return, landowners receive reduced property tax assessments on the land.

"Conversion" from timber growing to other land uses may occur either on land that is zoned for timber production or land that is still timberland but which is not zoned for timber production. Within TPZ lands, timberland conversion means the immediate rezoning of TPZ, whether timber operations are involved or not. Some exemptions may apply. Within non-TPZ timberlands, under Section 1100 (g) of the California Code of Regulations (CCR), timberland conversion means transforming timberland to a non-timber growing use through timber operations where:

1. Future timber harvests will be prevented or infeasible because of land occupancy and activities thereon; or
2. Stocking requirements of the applicable district forest practice rules will not be met within five years after completion of timber operations; or
3. There is a clear intent to divide timberland into ownerships of less than three acres. In these cases, a timberland conversion permit is required.

A timberland conversion exemption is applicable to the following situations of converting timberland for (Section 1104, CCR):

1. Non-timber use only, of less than three acres in one contiguous ownership, whether or not it is a portion of a larger land parcel and shall not be part of a THP;
2. Construction or maintenance of right-of-way by a public agency on its own or any other public property;
3. Construction and maintenance of gas, water, sewer, oil, electric, and communication right-of-way by private or public utility; and
4. Subdivision development outside of TPZ.

General Property Description - The parcel is about 18.7 acres in size. The parcel is redwood forestland. Portions of the parcel are quite steep while others are gentle. The parcel is bordered by the West Branch of Soquel Creek. It is parcel 095-181-14. It is located on the Laurel USGS Quad Map, on a portion of Section 10 T10S R1W MDB&M. Elevation ranges from 400 feet where Soquel Creek leaves the boundary to 960 feet at the southwestern corner of the parcel adjacent to the Culver Parcel. The West Branch of Soquel Creek is a class I anadromous fish stream. Two class III seasonal streams exist on the parcel.

History - The parcel was originally logged in the late 1800's or early 1900's. The area was harvest for second growth in 1994. This was THP 1-93-346SCR. This parcel was actually amended onto that THP. A copy of the THP amendment map showing this parcel and the original THP map are both attached to this report. The parcel was purchased with an existing cabin near Soquel Creek, which was destroyed in a landslide. A second cabin was constructed near the west property line, remnants of this cabin are still present. The parcel has been owned by same family for a long time.

Access and Boundaries - The parcel has a legal right of way off of Tucker road and down the banks and gravel beds of Soquel Creek, similar to other parcels in the area. The parcel is at least partially surveyed. Access to the 1994 harvest was via a temporary easement across the Lands of Culver.

Timber/Cover Types - The parcel has one cover type which is redwood forest. The type is fairly variable. The redwood density and size increase the closer you get down near Soquel Creek. The mid slope portion of the parcel is heavy to hardwood. The redwood forest has a fairly high component of Douglas Fir. Hardwoods including Tan oak, Madrone, Bay, and Maple are also present in the stand.

Soils - There are two mapped soil types on the parcel:

113 - Ben Lomond-Catelli-Sur Complex 30-75% slopes. This deep sandy loam is a good timber soil. This soil under lays the upper 75% of the parcel.

158 - Nisene-Aptos Complex 50-75% slopes. This deep sandy loam occupies the lower elevation portions of the property by the creek and support thick redwood forests stands.

**Volume, Growth and Yield - This entire parcel is productive timber land which is available and capable of growing a crop of commercial tree species in quantities greater than 15 cubic feet of wood fiber per year.**

The timbered portion of the parcel is considered low site III tending toward site III as you must down slope. The site index is estimated at 130-150. The area is roughly 45% stocked with conifers. The yield table estimates the current cubic feet stocking as 8290 cubic feet per acre. My estimate of stocking is roughly 20,000 board feet (BF) per acre. Growth is estimated 3% or 248 cubic feet/acre/year, 600 BF/acre/year.

The total standing volume of conifer is estimated at 370,000 BF.

The parcel carries roughly 5 cords per acre of hardwood, for an estimated 100 cords. Most of this is actually concentrated in the mid slope portion of the parcel.

**Future Timber Management and Units-** Approximately 15 acres are accessible utilizing traditional ground skidding access. The remaining 5 acres of timber would likely require cable yarding. This is what occurred in 1994. Temporary or permanent access would need to be secured for harvest access from adjacent parcels as it was in the past. The use of helicopters is also a feasible access means but would definitely need to be tied into nearby harvest to be economically profitable.

The next entry anticipated to yield 160 MBF (thousand board feet) under a 50% - 60% selection harvest. This could be repeated on a 14 year cycle. Utilizing the stumpage values (price paid for standing trees) provided by the California Tax Board the stumpage value of such a sale would yield  $\$580/\text{MBF} \times 160 \text{ MBF} = \$92,800$ .

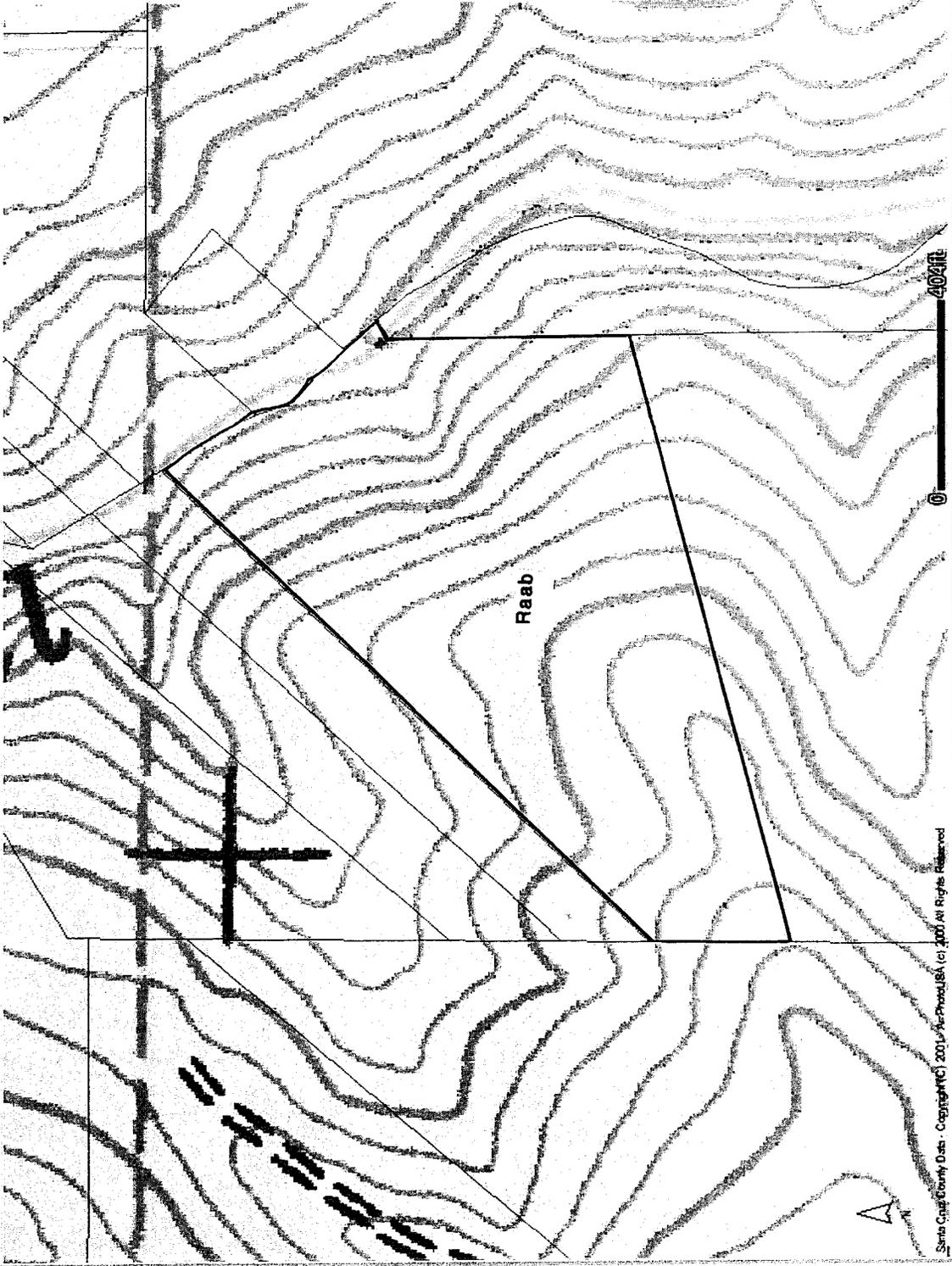
The cost of obtaining an easement and Timber Harvest Plan (THP; harvesting permit) would need to be subtracted from this value. THP's are fairly expensive and carry a high fixed cost. To obtain a THP for your 18 acres could cost \$15,000 - \$25,000.

While this still produces a viable stand alone sale, your best course of action would be to tie your harvest in with a nearby timber harvest during the preparation stages of a nearby sale. This would require you to contact the half dozen RPF'S that prepare plans in the area and let them know you are interested in harvesting your parcel and wait for them to prepare a harvest plan on a nearby parcel.

The 18 acre unit discussed is a stand alone unit in that would have its own adequate landing areas and skid road access.



# Henry R.



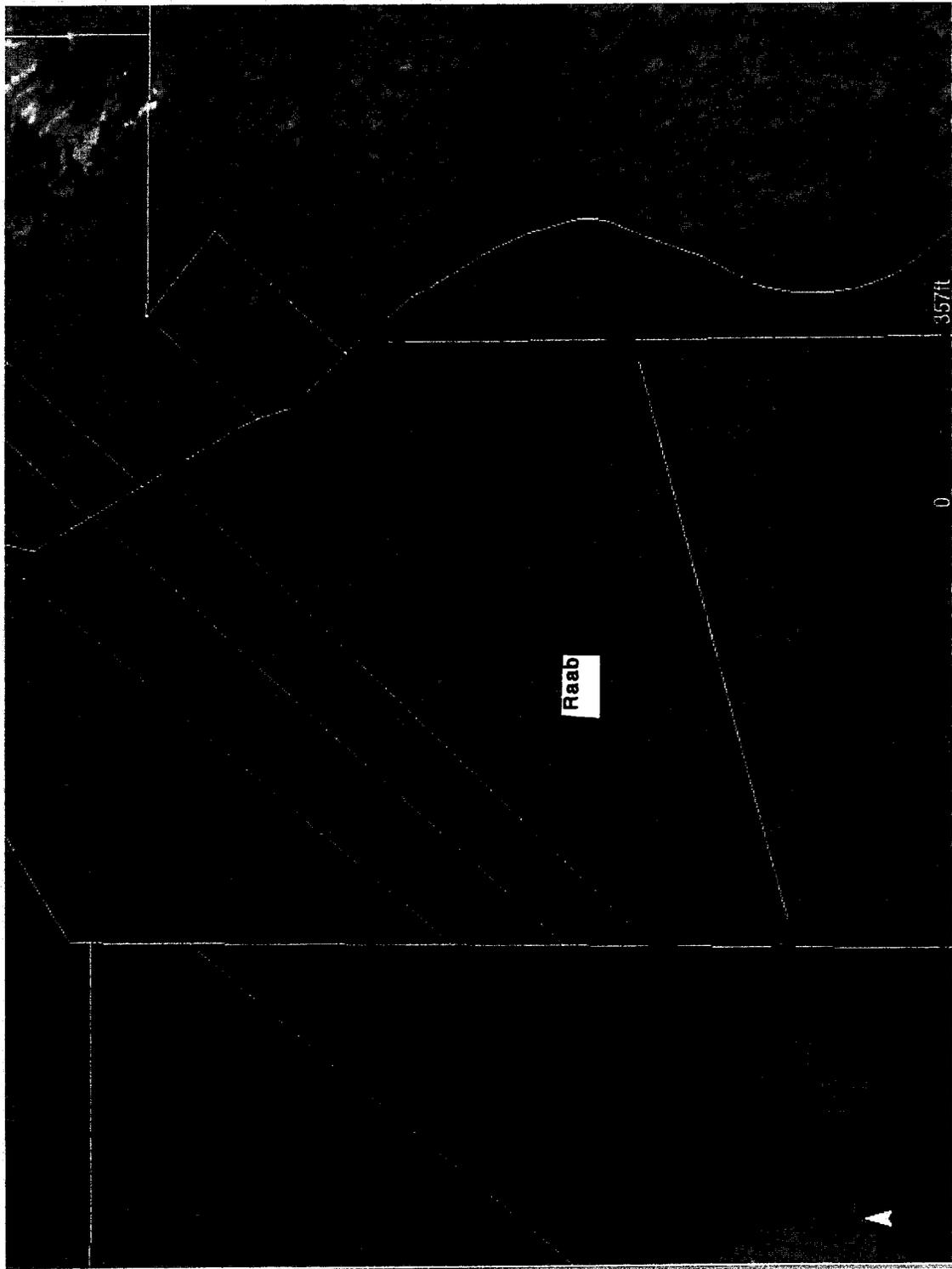
## Legend

- Legend
- Parcel (Assessor)
- Parcel (Assessor)
- State Highways
- City Limits
- Santa Cruz County Boundary
- USGS Quads (contour maps)



Santa Cruz County Data - Copyright (C) 2001 by GeoSource, Inc. All Rights Reserved

# Henry R.



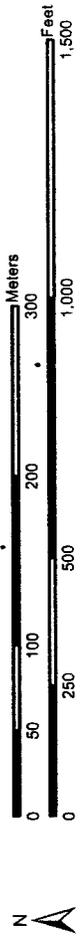
## Legend

- Legend**
- Parcel (Assessor)
- State Highways
- City Limits
- Santa Cruz County Boundary



- Aerial Photos
- 6in. Pixel
- 2Ft Pixel

Soil Map—Santa Cruz County, California  
(Henry Raab Soils Map)



Web Soil Survey 2.0  
National Cooperative Soil Survey

USDA  
Natural Resources  
Conservation Service

Map Unit Symbol	Map Unit Name
113	Ben Lomond-Catelli-Sur complex, 30 to 75 percent slopes
158	Nisene-Aptos complex, 50 to 75 percent slopes



**EXHIBIT E**

**LANDS OF RAAB**  
SANTA CRUZ COUNTY, CALIFORNIA  
SECTION 10, T.10S, R.1W MDBM

**LANDS OF CULVER**  
THP 1-93-346

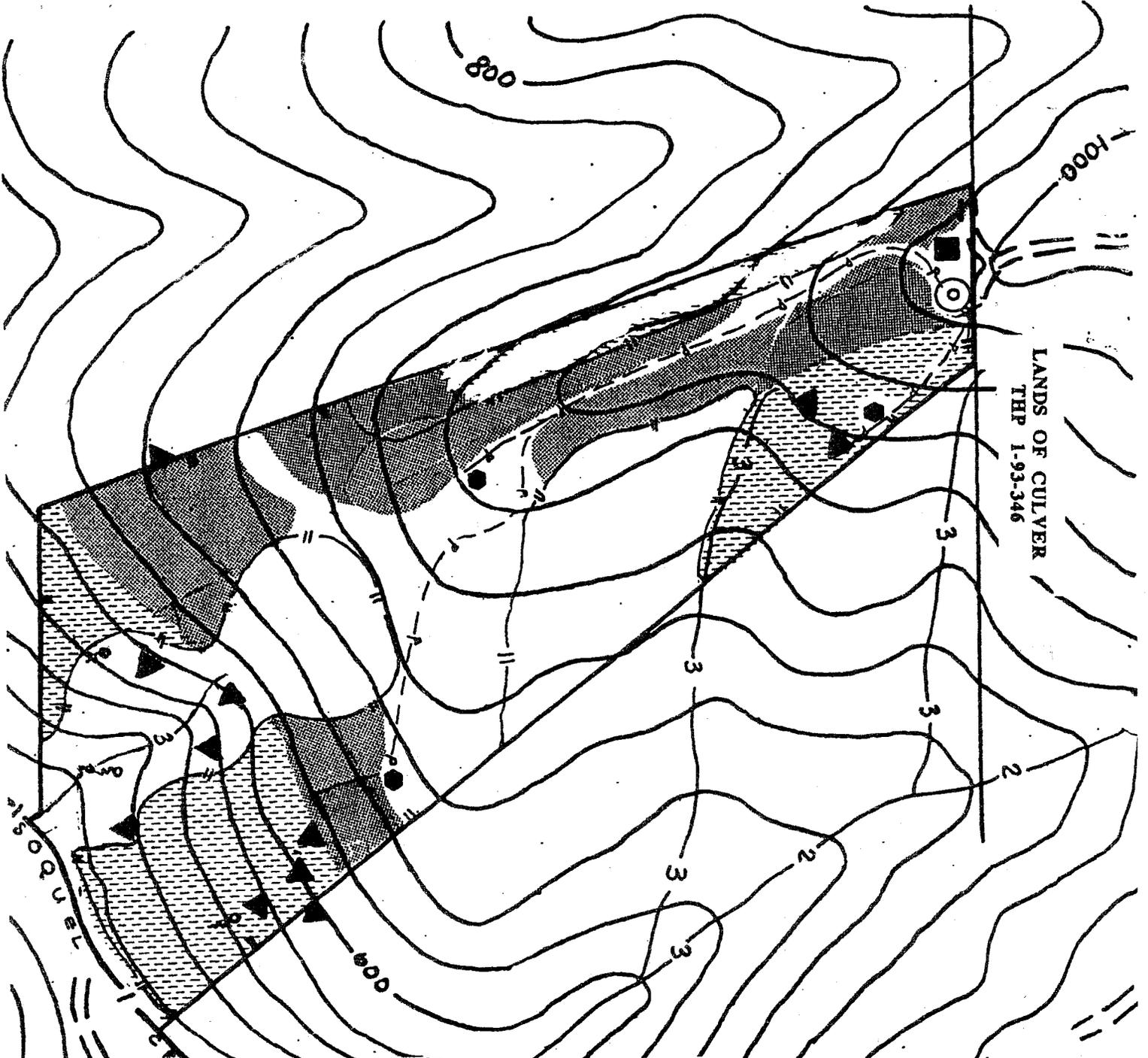
THP MAP

Scale

0 200 Feet

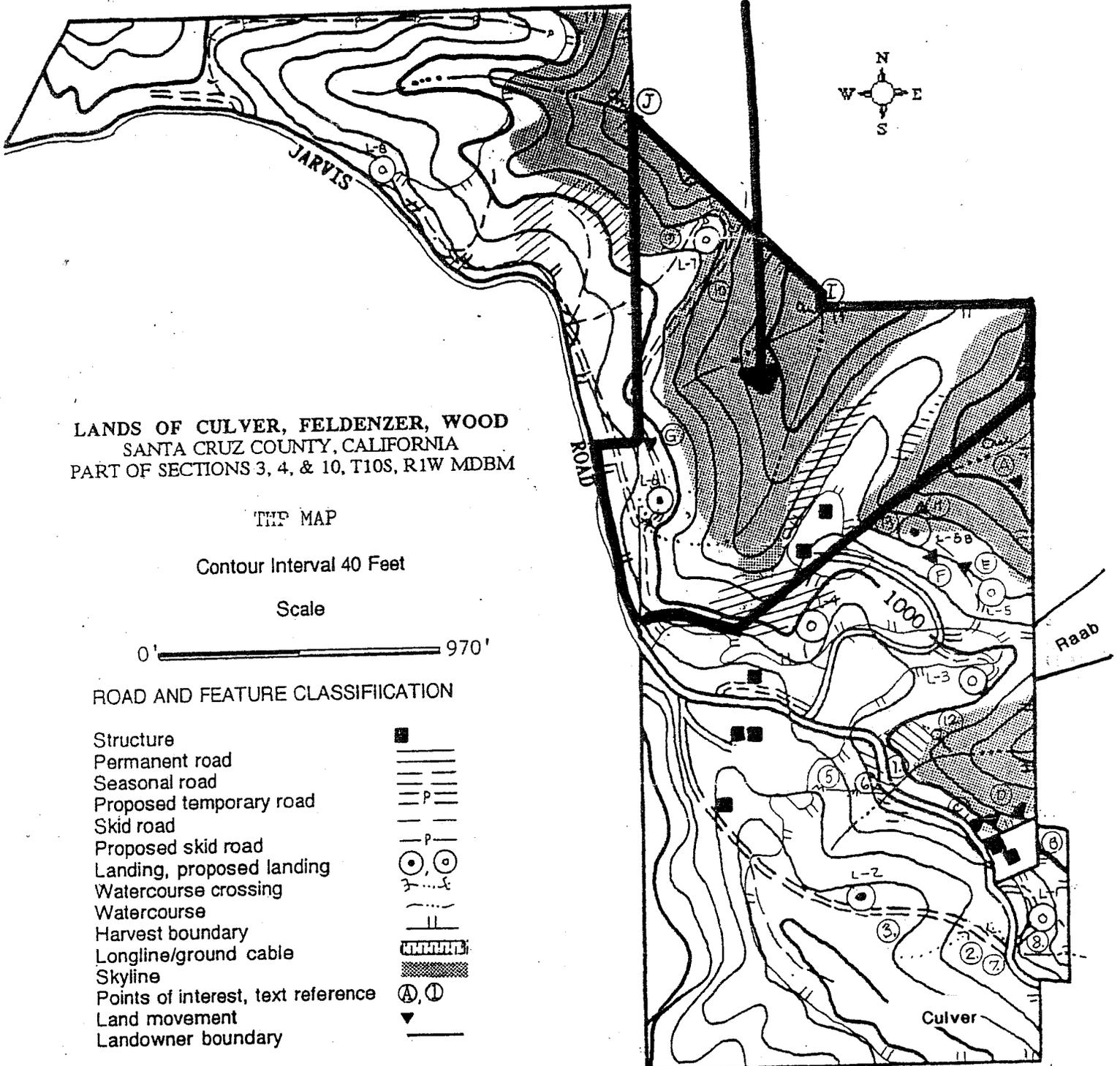
**ROAD AND FEATURE CLASSIFICATION**

- Structure
- Permanent road
- Seasonal road
- Proposed temporary road
- Skid road
- Proposed skid road
- Landing, proposed landing
- Skyline setting
- Watercourse, Class 1, 2, 3 spring
- Harvest boundary
- Longline/gnd cable, skyline
- Skyline
- Points of interest, text reference
- Land movement
- Landowner boundary



MAR 29 1994

Work Completed on  
 Warren Property Portion  
 of THP# ~~1-94-263 SCR~~ on Nov 15, 1994  
 1-97-746 SCR



RECEIVED

JUL 22 1996

COAST AREA OFFICE  
 RESOURCE MANAGEMENT  
 - 19 -

EXHIBIT E

BEGINNING on the 1/16 section line extending northerly and southerly through the northwest quarter of section 10, Township 10, south of range 1 West, N.P.M. & B. at the most southerly corner of the lands conveyed by John Dubuis et al. to Inna C. Holmes by deed dated July 16, 1915, and recorded in the office of the County Recorder of the said County of Santa Cruz, in Volume 229 of deeds at page 155; thence along the southeasterly boundary of said last mentioned lands north  $47^{\circ} 18'$  east 1441 feet to the most easterly corner thereof in the middle of the West branch of Sequel Creek from which an alder tree 8 inches in diameter marked "W.F.", bears South  $50 \frac{3}{4}^{\circ}$  West 13.2 feet distant, and the East prong of an alder tree bears North  $55 \frac{3}{4}^{\circ}$  east 17 feet distant; thence down the middle of said West branch of Sequel Creek, South  $37^{\circ}$  East 143.8 feet to a station, from which an alder 8 inches in diameter marked "W.T.B. 20" bears North  $36 \frac{1}{2}^{\circ}$  East 20 feet distant; thence South  $25 \frac{1}{2}^{\circ}$  East 106.2 feet to a station from which the West prong of an alder marked "W.T." bears South  $15^{\circ}$  West 11.8 feet distant; thence South  $46 \frac{1}{2}^{\circ}$  East 217.2 feet to a station from which the West prong of a three pronged alder marked "W.T." bears North  $69 \frac{1}{2}^{\circ}$  East, 13.6 feet distant; thence leaving said creek South  $62^{\circ} 20'$  West 1550-1/2 feet to a station on said 1/16 section line extending through the Northwest quarter of said section 10; and thence along said 1/16 section line North 124.5 feet to the place of beginning; containing Ten (10) acres, more or less.

Reserving however, a right of way for all of the purposes of a roadway over, along and across the above described lands leading by the most practicable route to the West branch of Sequel Creek to the road of Glenwood Station, and also the following described land:

Being part of the East half of the Northwest Quarter of Section 10, Township 10, South of Range 1 West, Mount Diablo Meridian and Base, and bounded and more particularly described as follows, to-wit:

BEGINNING on the 1/16 line running Northerly and Southerly through the middle of said Northwest quarter of section 10 at a station from which the most Southerly corner of the lands conveyed to Holmes by that certain deed recorded in the office of the County Recorder of said Santa Cruz County in Volume 229 of deeds at page 155 et seq. bears North 274.5 feet distant; thence along said 1/16 section line North 150 feet to a station; thence North  $62^{\circ} 20'$  East 1550.5 feet to a station in the middle of the West branch of Sequel Creek from which the West prong of a three pronged alder tree marked "W.T." bears North  $69 \frac{1}{2}^{\circ}$  East 13.6 feet distant; thence along the middle of the West branch of Sequel Creek South  $46^{\circ} 30'$  East 10 feet to a station on the quarter Section line running northerly and southerly through said section 10; thence along said quarter section line Southerly 490 feet to a station; thence Southeasterly 1400 feet, more or less, to the place of beginning; containing Ten (10) acres of land, a little more or less. Subject to all existing liens and incumbrances.