



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 11, 2008

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

Agenda Date: March 12, 2008
APN: 057-171-08
Application: 07-0483
Item #: 27
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 September 4, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 19.8 acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. The uses on the property consist of a single family residence and 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. 07-0483 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 August 29, 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. 07-0483, involving property located at the intersection of Whitehouse Creek Road and Daffodil Lane, approximately 3.5 miles east of the intersection with Highway 1, 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 at the intersection of Whitehouse Creek Road and Daffodil Lane, approximately 3.5 miles east of the intersection with Highway 1; 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>
057-171-08	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:

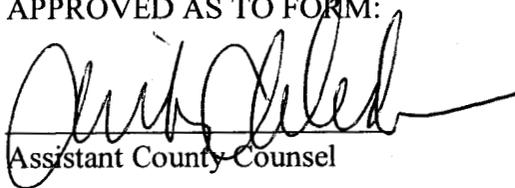
AYES: SUPERVISORS
 NOES: SUPERVISORS
 ABSENT: SUPERVISORS
 ABSTAIN: SUPERVISORS

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

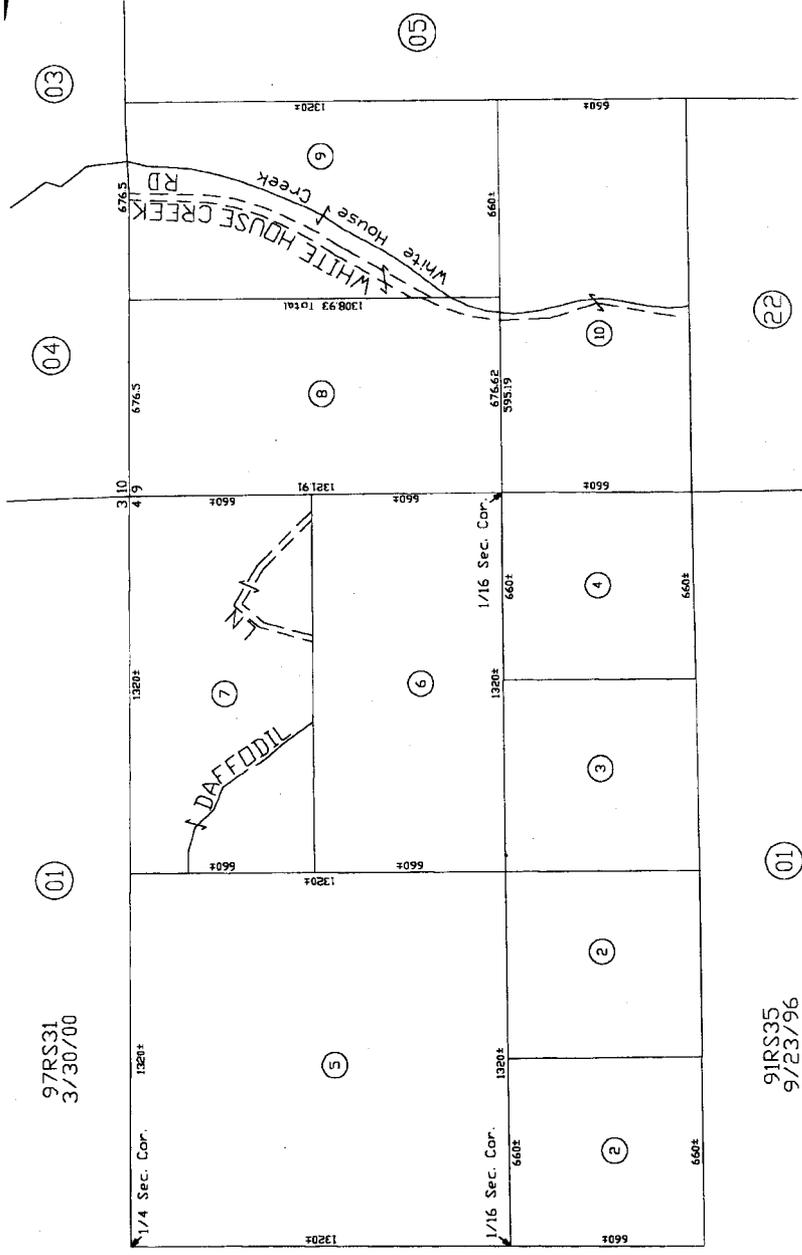
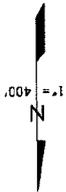
FOR TAX PURPOSES ONLY

THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USERS. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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POR. SECS. 4 & 9
T. 9S., R. 4W., M.D.B. & M.

Tax Area Code
86-023

57-17



97RS31
3/30/00

91RS35
9/23/96

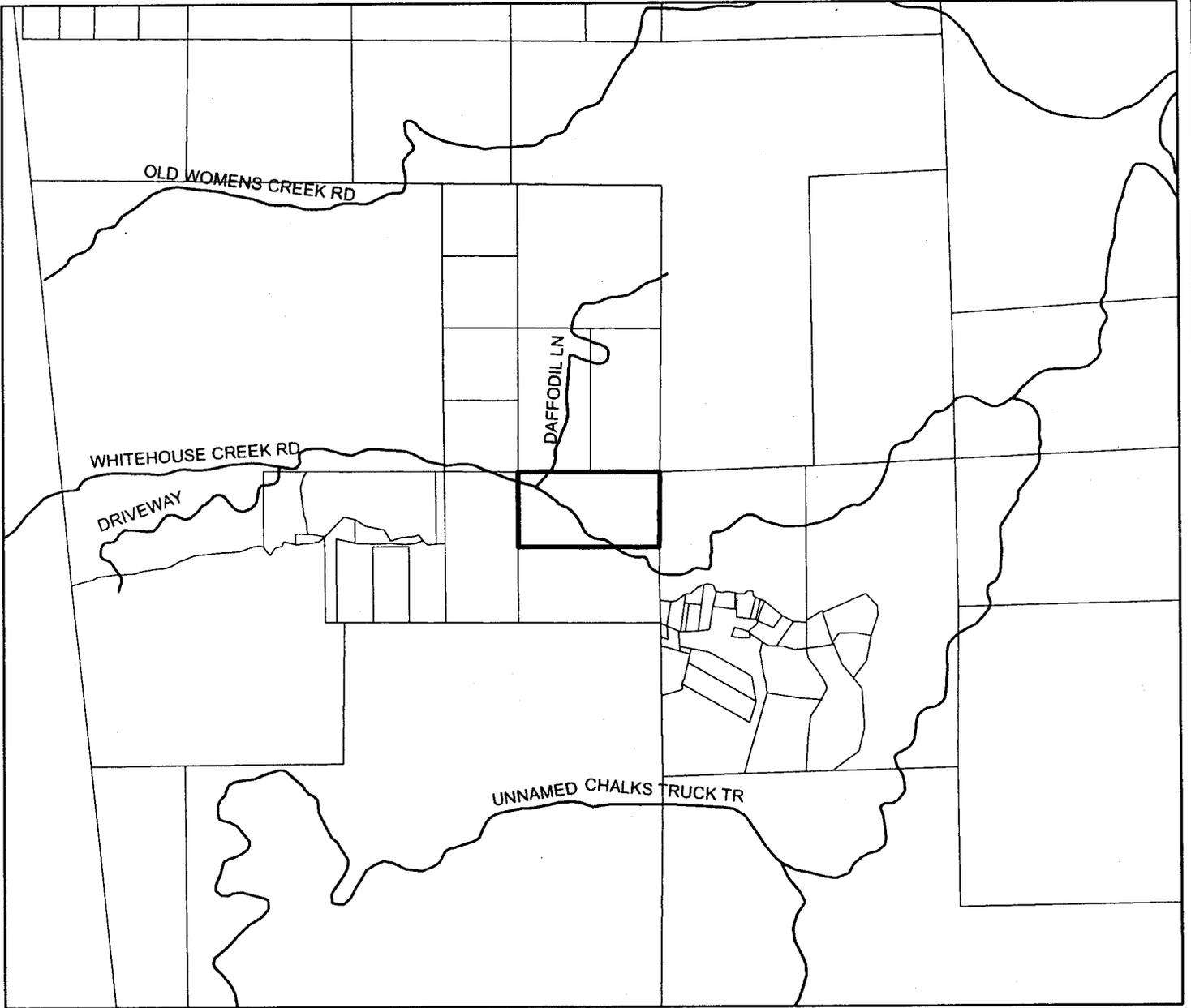
Note - Assessor's Parcel & Block
Numbers are Shown in Circles.

Assessor's Map No. 57-17
County of Santa Cruz, Calif.
Nov. 2000

Electronically redrawn 11/16/00 KSA

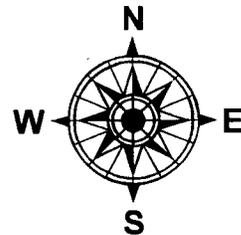


Location Map



LEGEND

-  APN: 057-171-08
-  Assessors Parcels
-  Streets

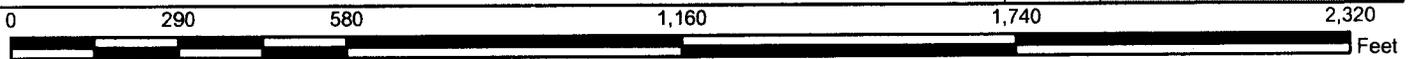
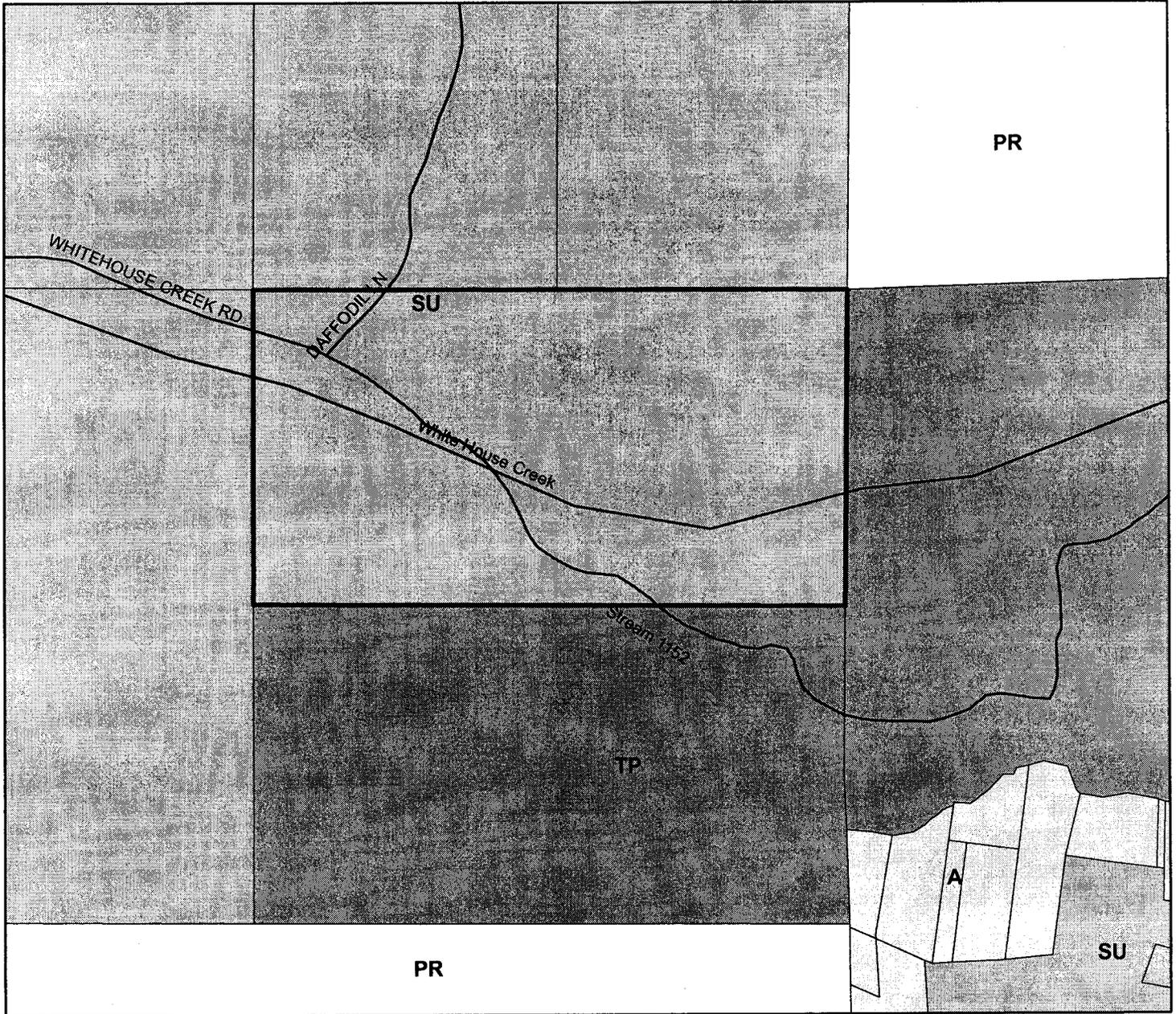


Map created by
 County of Santa Cruz
 Planning Department
 August 2007

EXHIBIT C

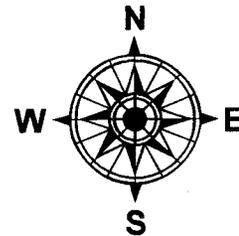


Zoning Map



LEGEND

- APN: 057-171-08
- Assessors Parcels
- Streets
- Streams**
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- AGRICULTURE
- SPECIAL USE
- TIMBER PRODUCTION
- PARK

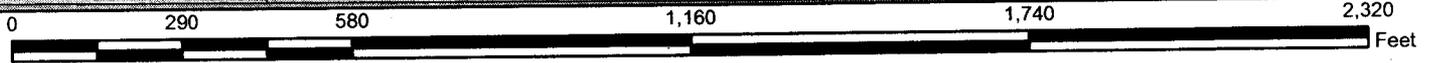
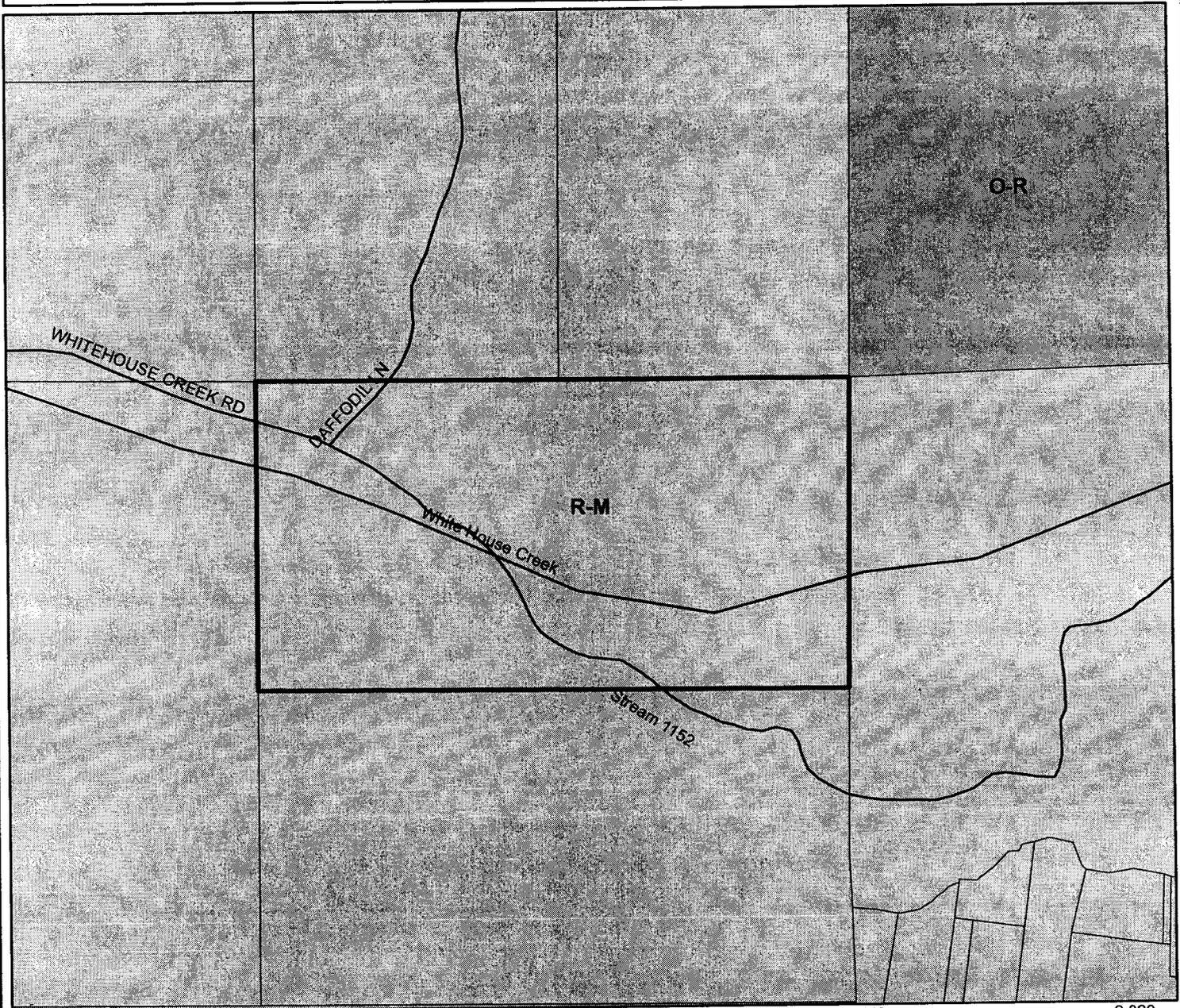


Map created by
County of Santa Cruz
Planning Department
August 2007

EXHIBIT C

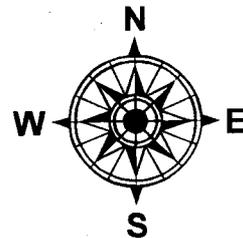


General Plan Designation Map



LEGEND

- APN: 057-171-08
- Assessors Parcels
- Streets
- Streams**
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- Parks and Recreation
- Residential-Mountain



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: 07-0483

Assessor Parcel Number: 057-171-08

Project Location: Property located at the intersection of Whitehouse Creek Road and Daffodil Lane, approximately 3.5 miles east of the intersection with Highway 1..

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: Joseph Culver for ~~Glenda Andino~~, M/W SS

Contact Phone Number: (831) 359-5989

- 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

**Lands of Andino
Whitehouse Canyon Road
Santa Cruz County**

**APN# 057-171-08
Portion of Section 9
Township 9 South
Range 4 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
August 29, 2007**

PREFACE

In August 2007 Joseph Culver, Consulting Forester was commissioned by Glenda Andino to prepare a Timber Management Plan for APN #057-171-08. The county assessor lists the parcel as 19.8 acres in size. Ms. Andino 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 in the northern portion of Santa Cruz County approximately three miles northeast of Ano Nuevo State Preserve. The property is located in the Whitehouse Creek Watershed. The property is generally defined as a southwest trending hillside with gentle slopes located in the west and south and steeper slopes along several ridges in the northern and eastern portion of the property. A seasonal watercourse drains the hillside towards Whitehouse Creek located just south of the property.

Elevation ranges from 600 feet in the southwest corner near Whitehouse Creek to 900 feet along a ridge in the northern portion of the property. The legal description of the parcel is Township 9 South, Range 4 West, portion of section 9. Timber site classification throughout the timbered portions of the property is site III.

The entire property is comprised of coniferous forest. This forest contains a fairly even distribution of second growth coastal redwood and Douglas-fir. As is typical with these species, the redwood tends to grow in clumps while the Douglas-fir is more evenly distributed. Intermediate hardwood species of tanoak, coastal live oak and madrone are also interspersed through the stand. The southeastern portion of the property has the highest concentration of redwood while the western portion of the property is mostly covered with Douglas-fir with only scattered redwood groves. The upper slopes of the property contain lesser amounts of Douglas-fir mixed with coastal live oak, madrone and chaparral. Understory species through the property are typical and include tanoak seedlings, hemlock, poison oak, bunch grasses, huckleberry and sword fern.

The eastern third, northwest corner and southwest corner of the property are underlain by the Ben Lomond-Felton complex. The Ben Lomond and Felton soils are deep and well drained. Ben Lomond soils formed in residuum derived from sandstone or granitic rock and Felton formed from sandstone, shale, schist, or silt stone. Permeability of the Ben Lomond soil is moderately rapid while permeability of the Felton soil is moderately slow. Effective rooting depth of the complex is 40-70 inches. Runoff is rapid, and the hazard of erosion is high.

The remainder of the property is underlain by Soquel loam. This very deep, moderately well-drained soil is on plains and fans and formed in alluvium. Permeability of this Soquel soil is moderately slow and effective rooting depth is 60 inches. Surface runoff is medium, and the hazard of erosion is moderate. According to the Natural Resources Conservation Service, the Soquel soil is well suited to the production of timber.

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. The property does not appear to have been commercially harvested since the original clear-cut.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Ms. Andino intends to manage the forest land for high quality forest products, while maintaining the related values of aesthetics and wildlife. As there has been no harvesting on the property for over 100 years the next harvest should occur in the next five years. Although State law allows for a harvest every 10 years, due to the small size of the timbered area it is recommended that future harvesting be spaced at a 15-20 year interval to maximize the volume removed in each harvest, and to minimize neighborhood impacts. Future harvests should focus on the following objectives:

1. 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 wildlife habitat as part of continuing forest management.

RECOMMENDED LOGGING SYSTEM

As the property has not been commercially harvested for over 100 years, appropriate harvesting infrastructure will be developed during preparation of a Timber Harvest Plan.

PRESENT AND FUTURE STAND CONDITIONS

In August 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 19.8 acres of coniferous forest have the following approximate stand conditions:*

Species Composition	42% second growth redwood, 58% Douglas-fir
Basal Area	222 square feet per acre
Gross volume/acre (redwood)	14,000 board feet
Gross volume/acre (Douglas-fir)	19,470 board feet
Gross Overall property volume	662,700 board feet

The volume per acre and overall property volume stated previously are gross volumes. In general, the net volume for redwood will be about 10% less due to fire scar, rot and other minor defects in the standing timber. The defect in the Douglas-fir is higher due to the presence of conk in many of the butt logs and is estimated at 18%. With these factors in mind the overall net conifer volume on the property is approximately 565,600 board feet.

Increment boring data gathered during the timber inventory combined with general tree growth rates in the Santa Cruz Mountains indicate that the conifer component of the forest is growing at an approximate rate of 2.2% per year. This growth rate is below the average for managed stands of second growth trees as the property has not been recently harvested. Over time the trees have closed in on each other and are competing for the same amount of sunlight, water and nutrients. A growth rate of 2.2% per year equates to an annual increase in the conifer resource of 13,250 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 1,100 cubic feet over the entire property, or 56 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

There is an abandoned structure located along the northern property line that does not appear to have been lived in for a number of years. A gravel road runs through the property to residences north of the property.

CONCLUSION

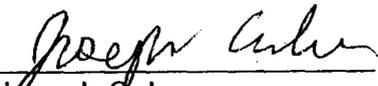
The property is well suited for timber management into the future. The forest resource is currently healthy but growth rates have begun to decline due to overstocked stand conditions. Ms. Andino has indicated that she wants to manage the timber resource and stand conditions warrant a harvest in the near 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 222 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 56 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.

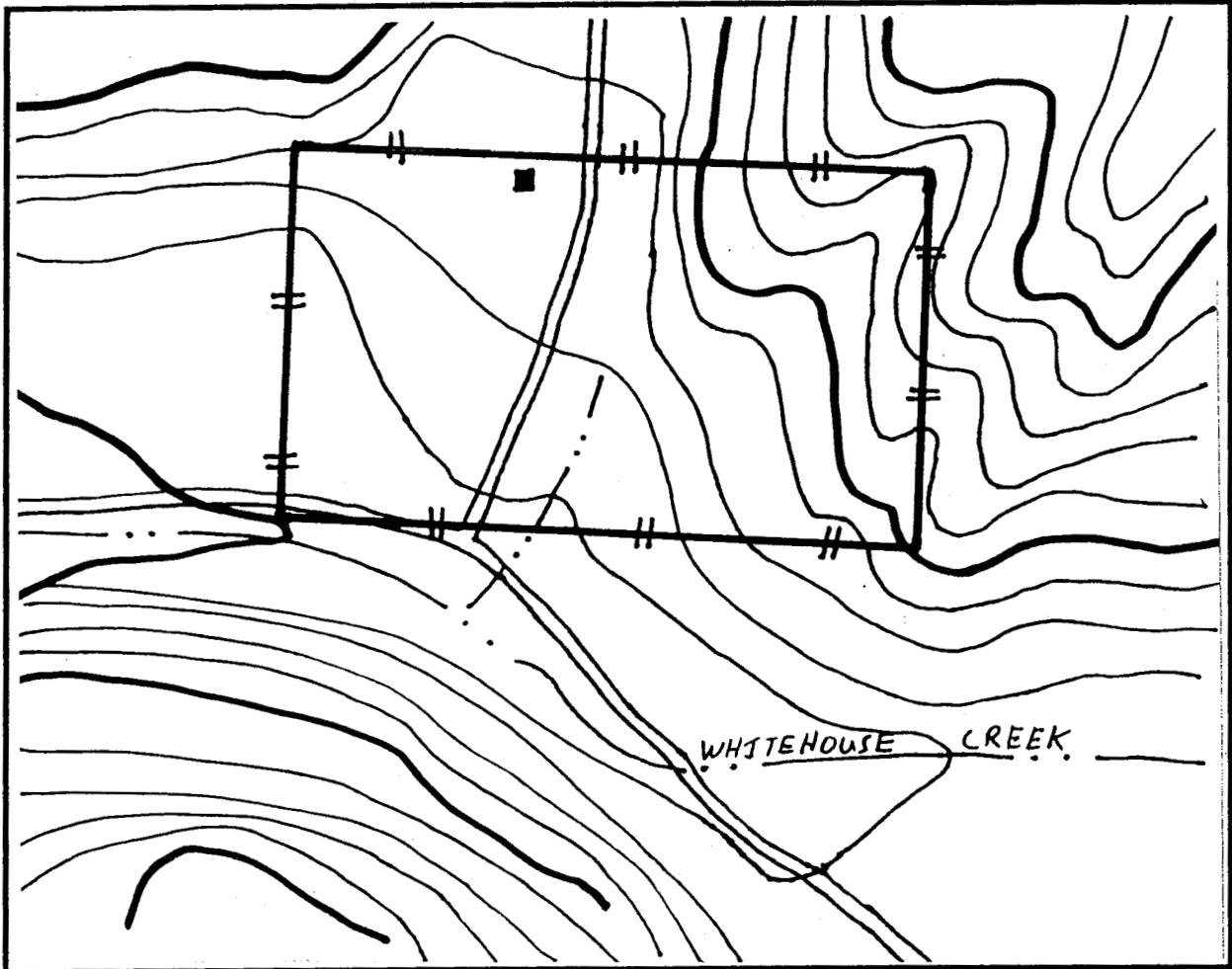
Timber Management Plan Prepared By:



Joseph Culver
Registered Professional Forester #2674

8/29/07
Date

LANDS OF ANDINO
PLAN AREA MAP
 SANTA CRUZ COUNTY
 T9S, R4W, SEC. 9, MDB&M



LEGEND

- PROPERTY BOUNDARY
- FOREST BOUNDARY
||
||
- PERMANENT ROAD
- WATERCOURSE
- STRUCTURE

SCALE: 1 INCH = 370

CONTOUR INTERVAL = 40 FEET



RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

ROBERT J. SEHR, JR.,
A PROFESSIONAL CORPORATION
39 Quail Court, Suite 300
Walnut Creek CA 94596

MAIL TAX STATEMENTS TO

Glenda Andino
2780 Miranda Avenue
Alamo CA 94507

VOL. 5169 PAGE 289

94913

SANTA CRUZ
COUNTY RECORDER

92 DEC 15 PM 1 44

RECORDED

094913

RE 3
MI 7
SF 7
SM
LN
CO
OP

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Trust Transfer Deed

TTD 879 HE

THIS FORM FURNISHED BY TRUSTORS SECURITY SERVICE

181618

Grant Deed (Excluded from Reappraisal Under Proposition 13, i.e., Calif. Const. Art 13A§1 et. seq.)

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct:
THERE IS NO CONSIDERATION FOR THIS TRANSFER.

Documentary transfer tax is \$ -0-

Computed on full value of property conveyed, or computed on full value less value of liens and encumbrances remaining at time of sale or transfer.

There is no Documentary transfer tax due. (state reason and give Code § or Ordinance number) no consideration

Unincorporated area: City of _____ and
This is a Trust Transfer under §62 of the Revenue and Taxation Code and Grantor(s) has (have) checked the applicable exclusion:

- Transfer to a revocable trust;
- Transfer to a short-term trust not exceeding 12 years with trustor holding the reversion;
- Transfer to a trust where the trustor or the trustor's spouse is the sole beneficiary;
- Change of trustee holding title;
- Transfer from trust to trustor or trustor's spouse where prior transfer to trust was excluded from reappraisal and for a valuable consideration, receipt of which is acknowledged.
- Other: transfer from deceased parent to child

GRANTOR(S): Glenda Andino, Trustee of the Sumner Trust dated 7/3/90
hereby GRANT(S) to Glenda Andino, a married woman as her sole and separate property

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

Being the North one-half (1/2) of the Northeast one-quarter (1/4) of the Northeast one-quarter (1/4) of Section 9, Township 9 South, Range 4 West of Mt. Diablo Meridian and containing an area of 20 acres more or less.

APN: 057-171-08

Commonly Known As: 180 Daffodil Land, Davenport, CA

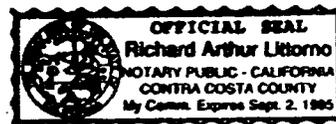
Dated 12-10-92

Glenda Andino
Glenda Andino, Trustee

State of California
County of Contra Costa
On this the 10th day of December 1992.
before me, Richard A. Littorno
the undersigned Notary Public, personally appeared
Glenda Andino

Grantor - Transferor (s)

personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Notary Signature: Richard Arthur Littorno

(This area for official notarial seal)

Title Order No. _____ Escrow, Loan or A-17 File No. _____

MAIL TAX STATEMENTS REQUESTED ABOVE

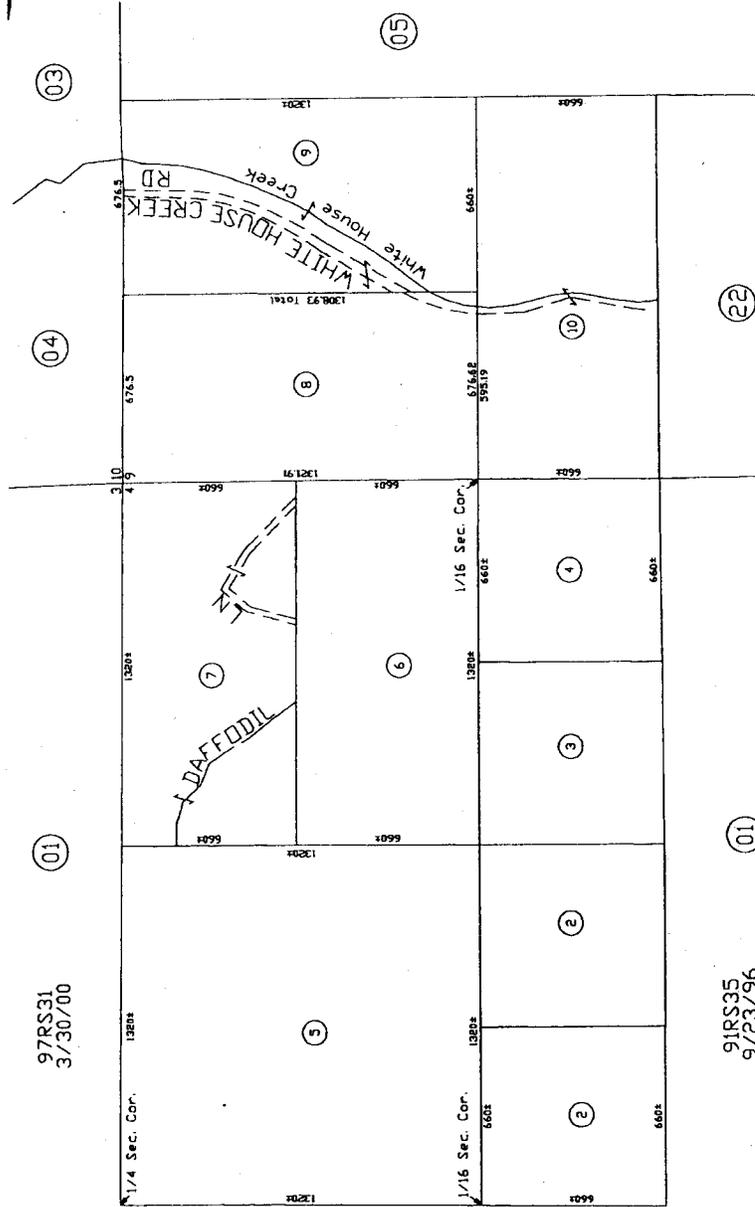
EXHIBIT E

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.
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POR. SECS. 4 & 9
 T.9S., R.4W., M.D.B. & M.

Tax Area Code
 86-023

57-17



97RS31
 3/30/00

91RS35
 9/23/96

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

Assessor's Map No. 57-17
 County of Santa Cruz, Calif.
 Nov. 2000

Electronically prepared 11/16/00 KSA