



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 12, 2008

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

Agenda Date: March 26, 2008
APN: 091-081-09
Application: 07-0524
Item 13

Subject: A public hearing to consider a proposal to rezone one parcel from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On September 13, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone 24.5 acres from the Special Use (SU) zone district to the Timber Production (TP) zone district. The uses on the property consist of a residence.

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 the 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

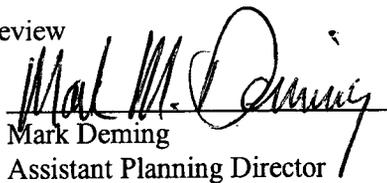
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0524 based on the attached findings (Exhibit B).

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, RPF #2674, dated October 5, 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. 07-0524, involving property located on the east side of East Zayante Road, approximately 2 miles south of the intersection with Summit 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 (TP) 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 _____, 2008, 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 east side of East Zayante Road, approximately 2 miles south of the intersection with Summit 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>
091-081-09	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 _____ 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

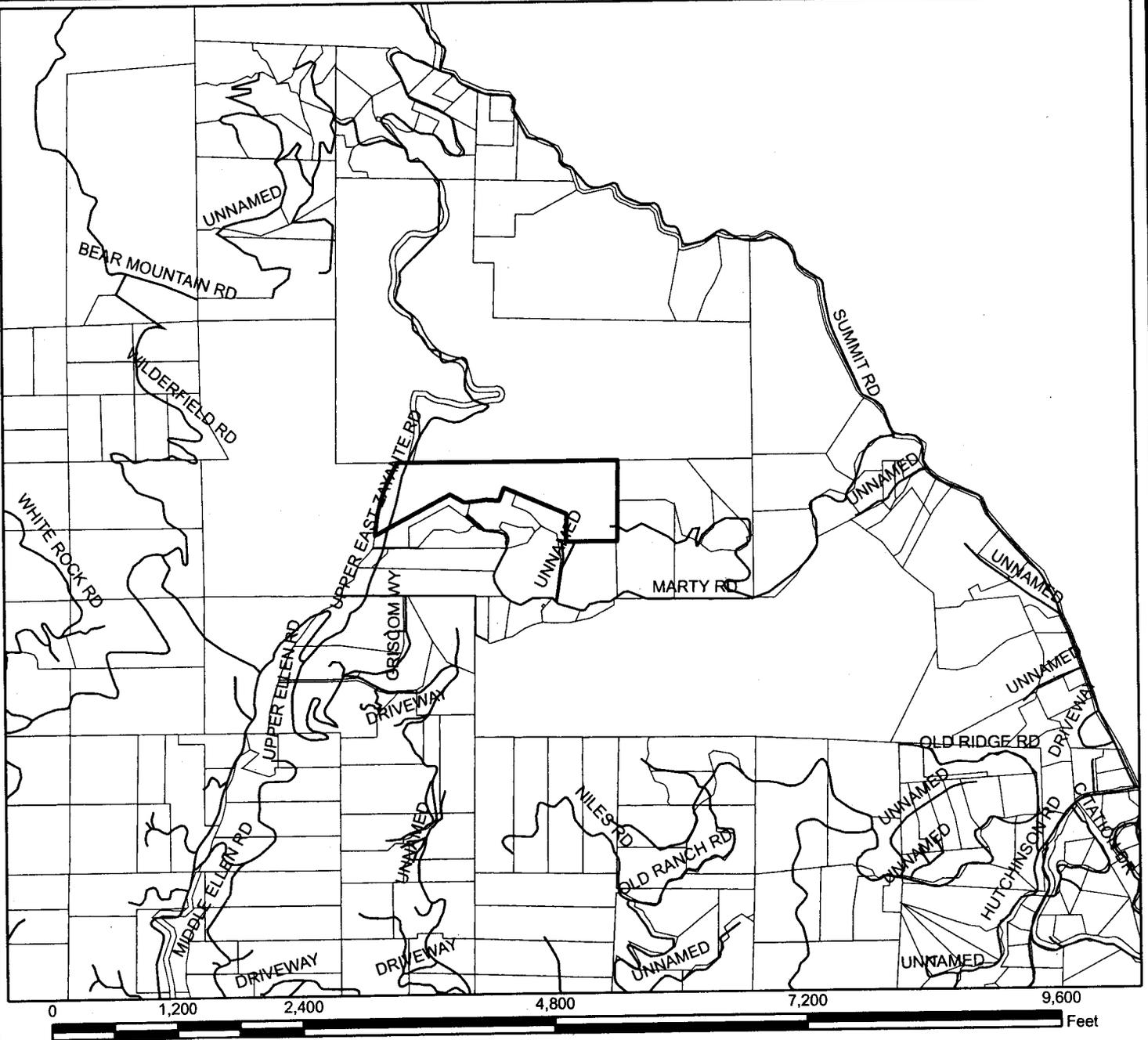
Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
Planning
Assessor
County

GIS

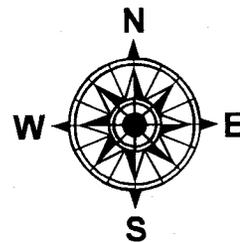


Location Map



LEGEND

-  APN: 091-081-09
-  Assessor's Parcels
-  Streets
-  County Boundary

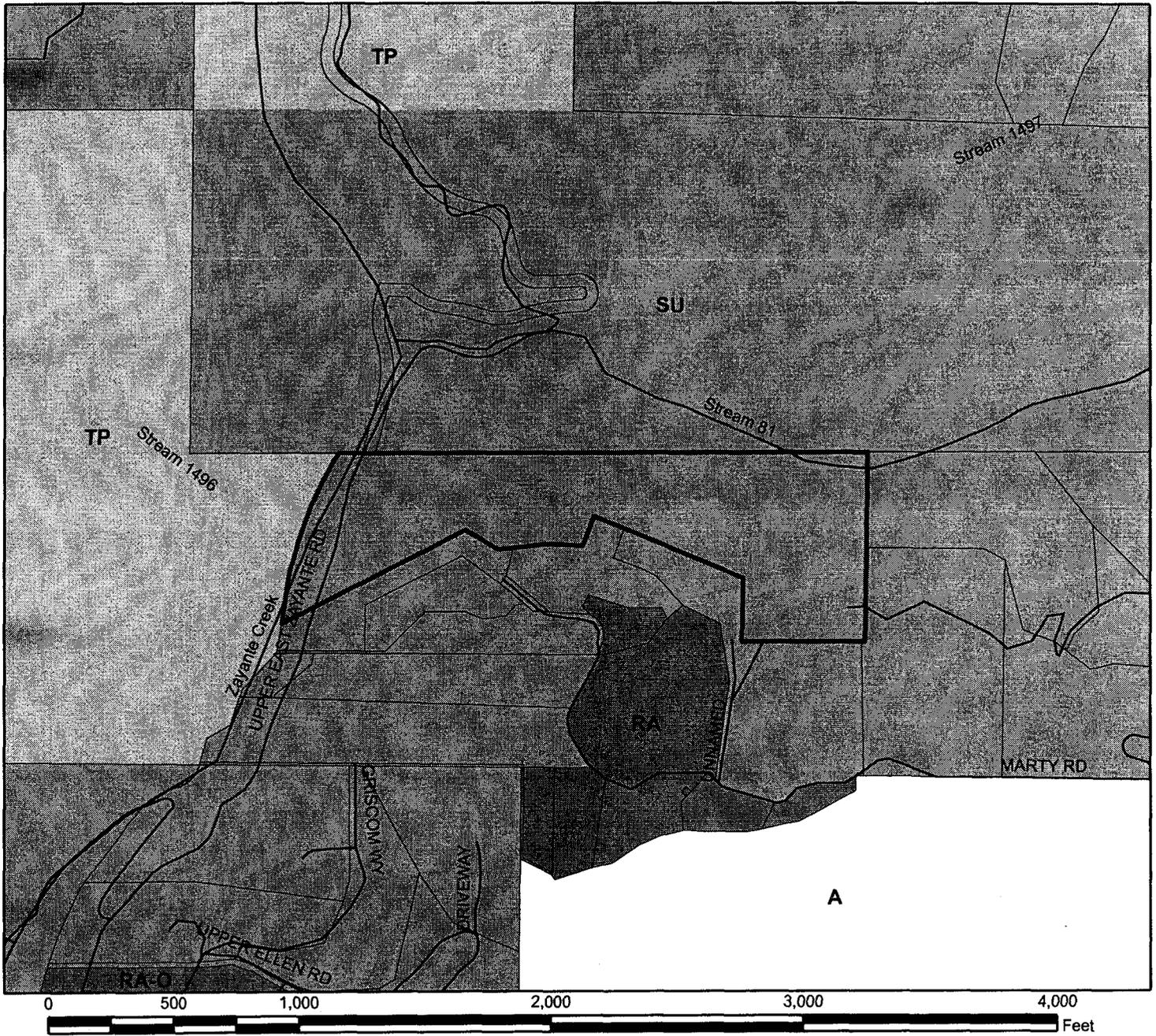


Map created by
 County of Santa Cruz
 Planning Department
 August 2007

EXHIBIT C

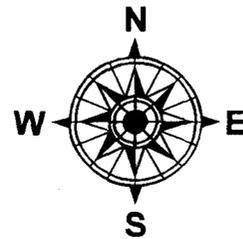


Zoning Map



LEGEND

- APN: 091-081-09
- Assessors Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- AGRICULTURE
- AGRICULTURE RESIDENTIAL
- SPECIAL USE
- TIMBER PRODUCTION

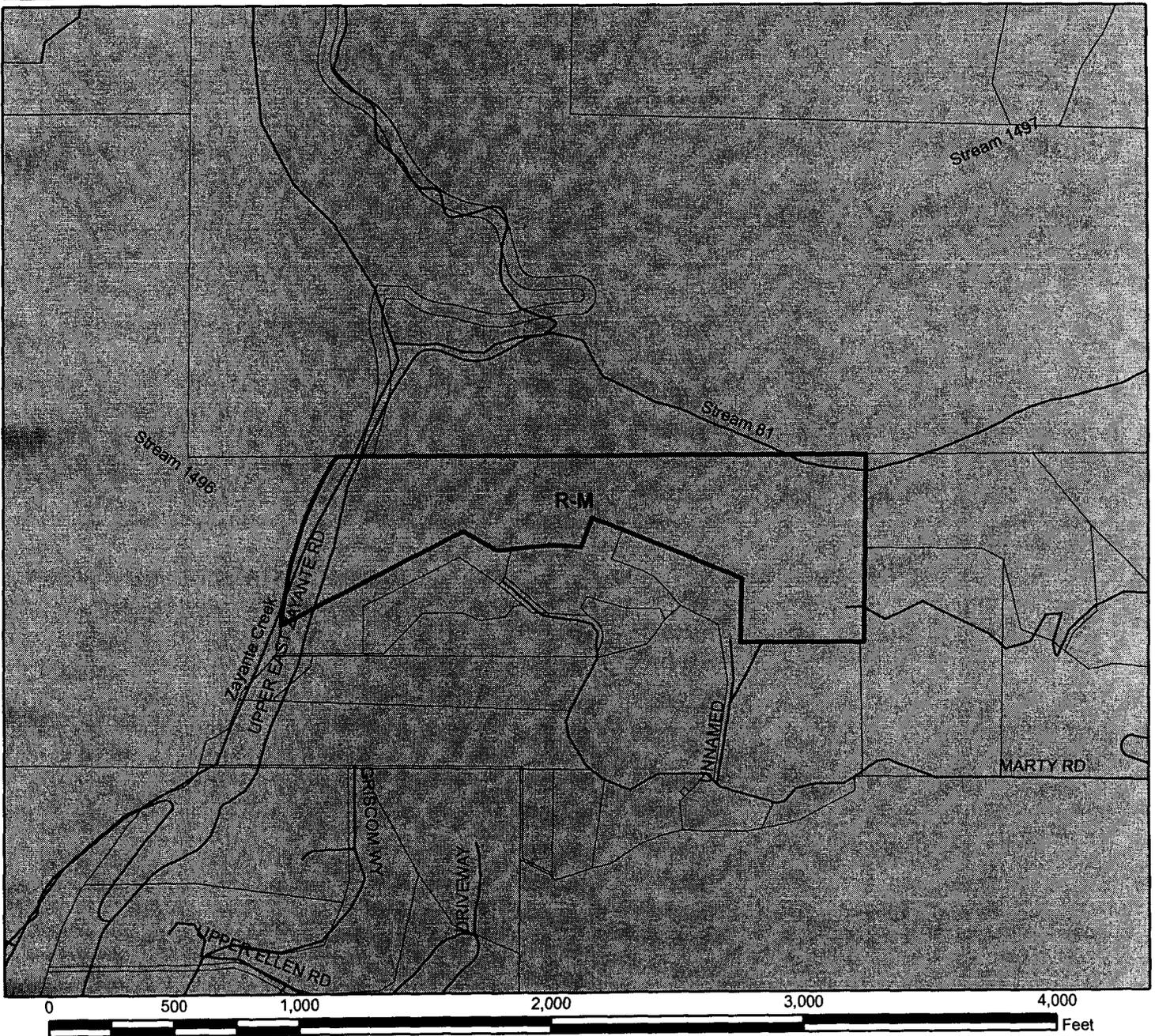


Map created by
 County of Santa Cruz
 Planning Department
 August 2007

EXHIBIT C

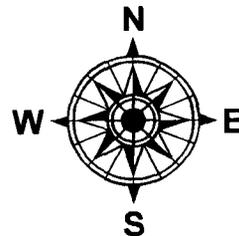


General Plan Designation Map



LEGEND

-  APN: 091-081-09
-  Assessors Parcels
-  Streets
- STREAMTYPE**
-  PERENNIAL
-  INTERMITTENT
-  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: 07-0524

Assessor Parcel Number: 091-081-09

Project Location: Property located on the east side of East Zayante Road, approximately 2 miles south of the intersection with Summit Road.

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

Person or Agency Proposing Project: Joseph Culver

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 Mullen
Marty Road
Santa Cruz County**

**APN# 091-081-09
Portion of Section 18
Township 9 South
Range 1 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
October 5, 2007**

PREFACE

In September 2007, Joseph Culver, Consulting Forester, was commissioned by Clair Mullen to prepare a Timber Management Plan for APN# 091-081-09. The county assessor lists the parcel as 24.5 acres in size. Mr. Mullen 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 property is located near the northern boundary of Santa Cruz County approximately one mile west of Highway 17. The property is located in the Upper Zayante Creek Watershed and is accessed from Zayante Road to the west and Marty Road to the South. The property generally slopes to the north with the western portion sloping steeply into Zayante Creek to the west. A tributary to Zayante Creek flows through the northeast portion of the property. The western edge of the property is defined by Zayante Creek.

Elevation ranges from 1,200 feet along Zayante Creek to 1,760 feet on the southeast boundary. The legal description of the parcel is Township 9 South, Range 1 West, portion of section 18. Timber site classification throughout the timbered portions of the property is site III.

The entire property is coniferous forest. This forest contains primarily second growth redwoods and Douglas-fir as the dominant overstory species. As is typical with these species, the redwoods tend to grow in clumps while individual Douglas-firs are scattered through the property. Redwood stocking levels are highest near seasonal and perennial water sources. Hardwood species of tanoak, coastal live oak, madrone and California bay are interspersed throughout the forest, primarily as an intermediate species. Hardwood species are the dominant tree in some areas, particularly along the upper slopes in the western portion of the property.

Understory species throughout the property are typical of conifer forests in the Santa Cruz Mountains and include tanoak seedlings, poison oak, thimbleberry, sword fern, California blackberry, hazel, clover, and French broom along a seasonal road.

The property is 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. According to the Natural Resources Conservation Service, these soils are 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. Based on testimony of Mr. Mullen and stumps observed in the field, the eastern portion of the property was next harvested approximately 20 years ago. Under this harvest, approximately 50% of the larger second growth redwood and Douglas-fir trees were selectively harvested. The western portion of the property has not been commercially harvested since the original clear-cut.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Mr. Mullen intends to manage the forest land for high quality forest products, while enhancing the related values of aesthetics and wildlife. As there has been no harvesting on the property for approximately 20 years the next harvest could occur anytime in the near future. 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

The eastern portion of the property was tractor logged during the last timber harvest approximately 20 years ago. Further harvesting infrastructure would be developed during preparation of a Timber Harvest Plan.

PRESENT AND FUTURE STAND CONDITIONS

In September of 2007 a 6% timber inventory was conducted on the property to determine conifer volume per acre, species composition, basal area, stocking levels and stand growth. Based on the stand data gathered from the inventory, the 24.5 acres of coniferous forest have the following approximate stand conditions:*

Species Composition	90% second growth redwood, 10% Douglas-fir
Basal Area	98 square feet per acre
Gross Volume/acre (redwood)	16,500 board feet
Gross Volume/acre (Douglas-fir)	1,800 board feet
Gross Overall property volume	448,400 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 15%. With these factors in mind the overall net conifer volume on the property is approximately 401,300 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 2.4% per year. This growth rate is below the average for managed stands of second growth trees as the property has not been recently harvested and growth rates have begun to decline. A growth rate of 2.4% per year equates to an annual increase in the conifer resource of 10,800 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 900 cubic feet over the entire property, or 37 cubic feet per acre per year. This exceeds the required average of 15 cubic feet per acre per year to classify a property as timberland.

**Limitation: This data is based on a field sample and an extrapolated growth rate for the previous ten years. This data should only be used as a guide for management purposes, and should not be extended or taken out of context for other purposes.*

OTHER PROPERTY USES

The Mullen primary residence is located on the property. The property is also used as watershed and wildlife habitat.

CONCLUSION

The property is well suited for timber management into the future. The forest resource is currently healthy but growth rates have begun to decline due to

overstocked stand conditions. Mr. Mullen has indicated that he 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 conifer residual basal area in the timbered portions of the property is 98 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 coniferous wood fiber of 37 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.

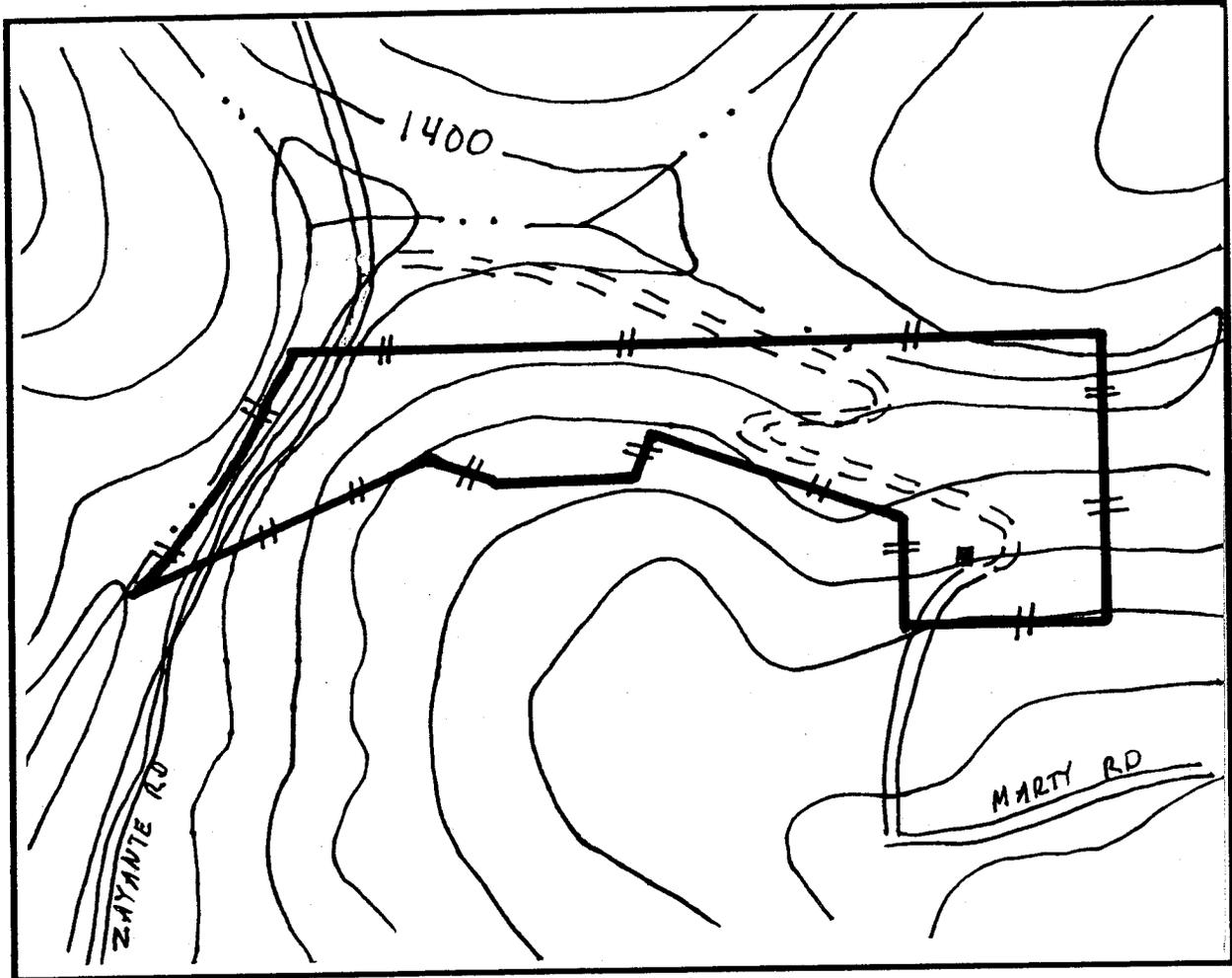
Timber Management Plan Prepared By:



Joseph Culver
Registered Professional Forester #2674

10/5/07
Date

LANDS OF MULLEN
PLAN AREA MAP
 SANTA CRUZ COUNTY
 T9S, R1W, SEC. 18, MDB&M



LEGEND

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

SCALE: 1 INCH = 450

CONTOUR INTERVAL = 100 FEET

