



# 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**

March 19, 2008

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

**Agenda Date:** April 9, 2008 *4/23/08*

**APN:** 089-081-21

**Application:** 07-0587

**Item #:** ~~20~~ 7.3

**Time:** After 9 AM

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

Members of the Commission:

On September 20, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone 34 acres from the Special Use (SU) zone district to the Timber Production (TP) zone district. The uses on the property consist of a single-family dwelling, associated accessory structures and a contractor's storage yard (an approved home occupation). Neither a home occupation nor a contractor's storage yard is an allowed use in the TP zone district.

### Background

This project does not qualify 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)<sup>1</sup>. 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

<sup>1</sup> 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.

order to rezone to TP.

The project fails to meet all of 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 **not** in compliance with the Timber Production Zone uses set forth in Section 13.10.372. A contractor's storage yard is not listed as an allowed use in the TP zone district.
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**

Because the property contains an incompatible use, all of the criteria have not been met for rezoning the parcel to the Timber Production zoning designation and the required findings cannot be made to approve this application.

### **Recommendation**

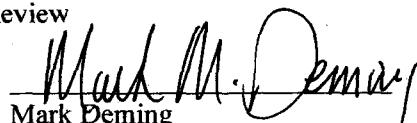
Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for denial of Application No. 07-0587 based on the finding that the property contains an incompatible use.

### **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 Gary Paul, RPF #1829, dated December 15, 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. 07-0587, involving property located on the east side of Hopkins Gulch Road (900 Hopkins Gulch Road) about ¾ of mile north from 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, and

WHEREAS, the property contains uses that are not compatible with the uses listed in Section 13.10.372(b) the County Code and adopted as the County's compatible uses as required by Government Code Section 51111.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors not 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 Hopkins Gulch Road (900 Hopkins Gulch Road) about  $\frac{3}{4}$  of mile north from 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
1. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
2. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district; and
3. The property meets the requirements of Government Code section 51113 or 51113.5 and County Code Section 13.10.375(c).

### SECTION III

Chapter 13.10 - Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.210 - Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
089-081-21	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:

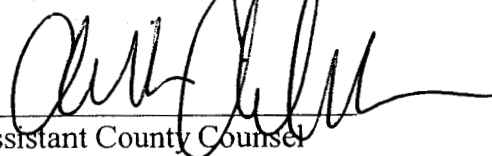
  
\_\_\_\_\_  
Assistant County Counsel

Exhibit: Rezoning Map

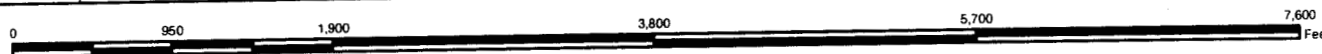
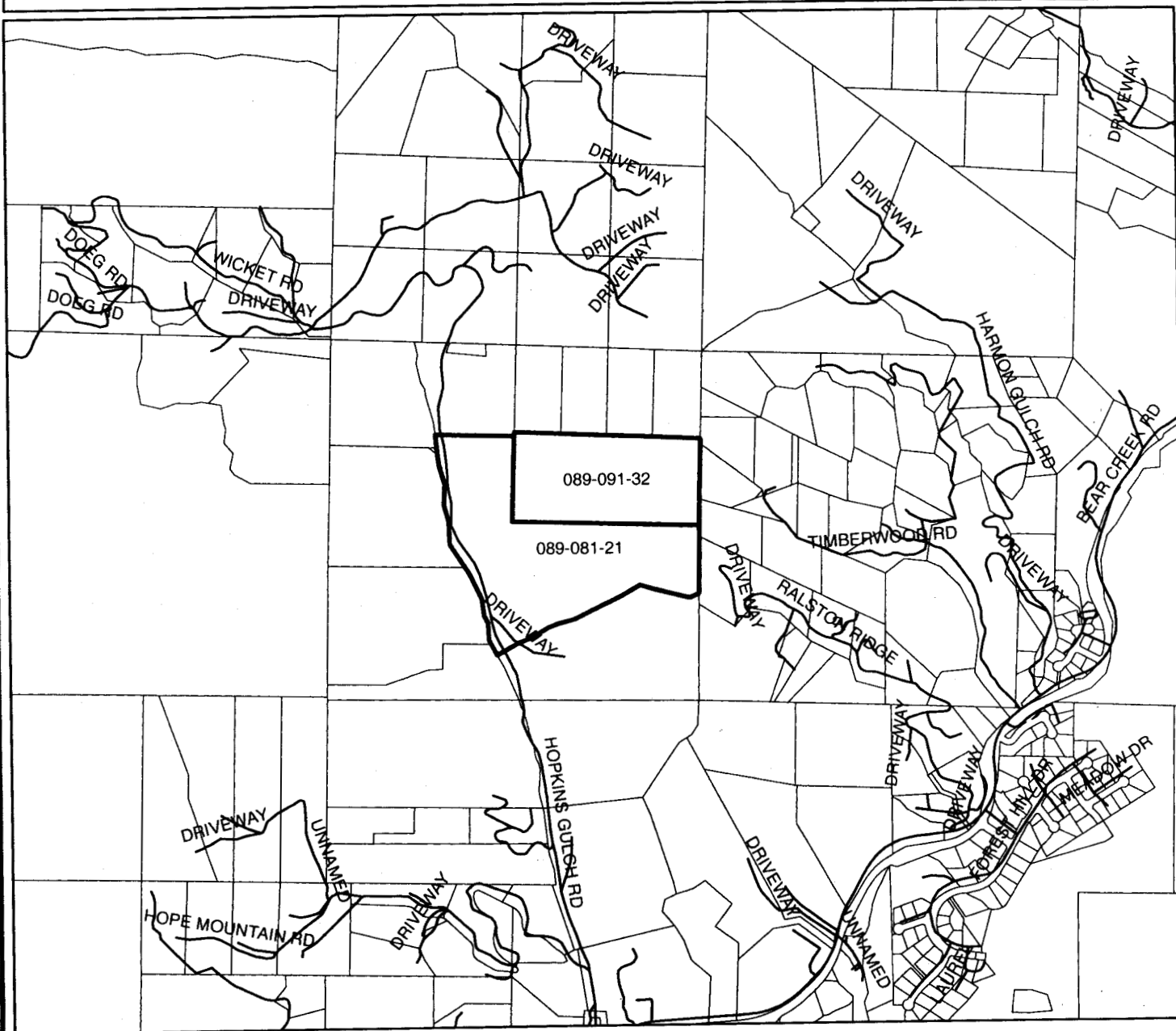
DISTRIBUTION:    County Counsel  
                         Planning  
                         Assessor  
                         County

GIS







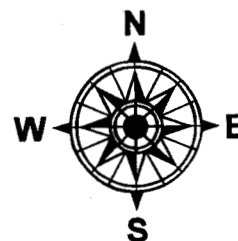


# Location Map



## LEGEND

-  APN: 089-091-32
-  APN: 089-081-21
-  Assessors Parcels
-  Streets

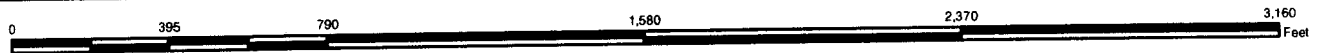
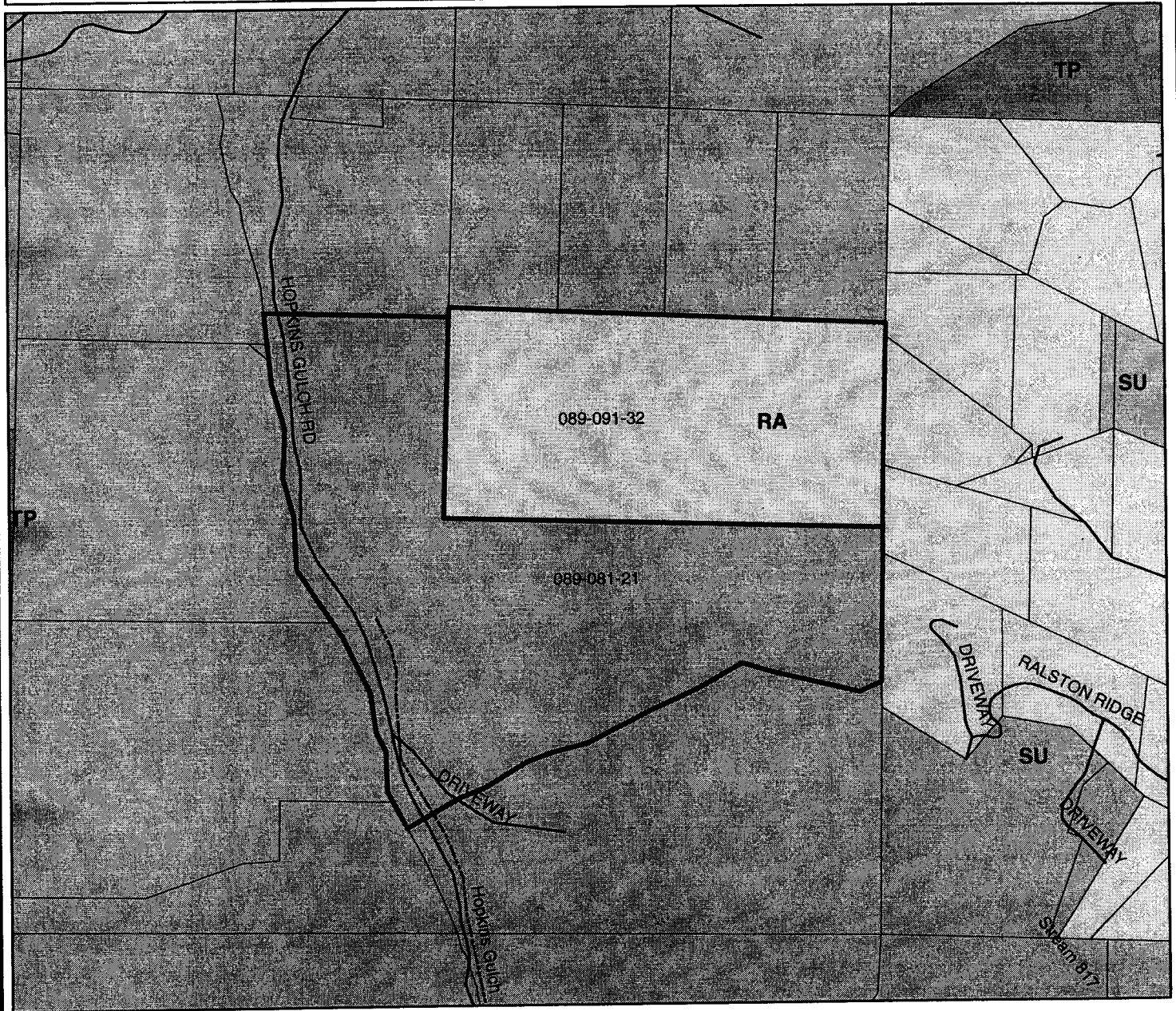


Map created by  
County of Santa Cruz  
Planning Department  
August 2007

EXHIBIT C

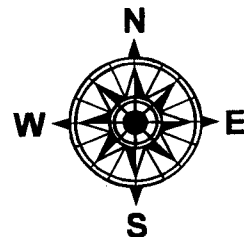


# Zoning Map



## LEGEND

- APN: 089-091-32
- APN: 089-081-21
- Assessors Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- AGRICULTURE RESIDENTIAL
- TIMBER PRODUCTION
- SPECIAL USE



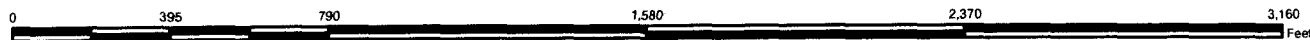
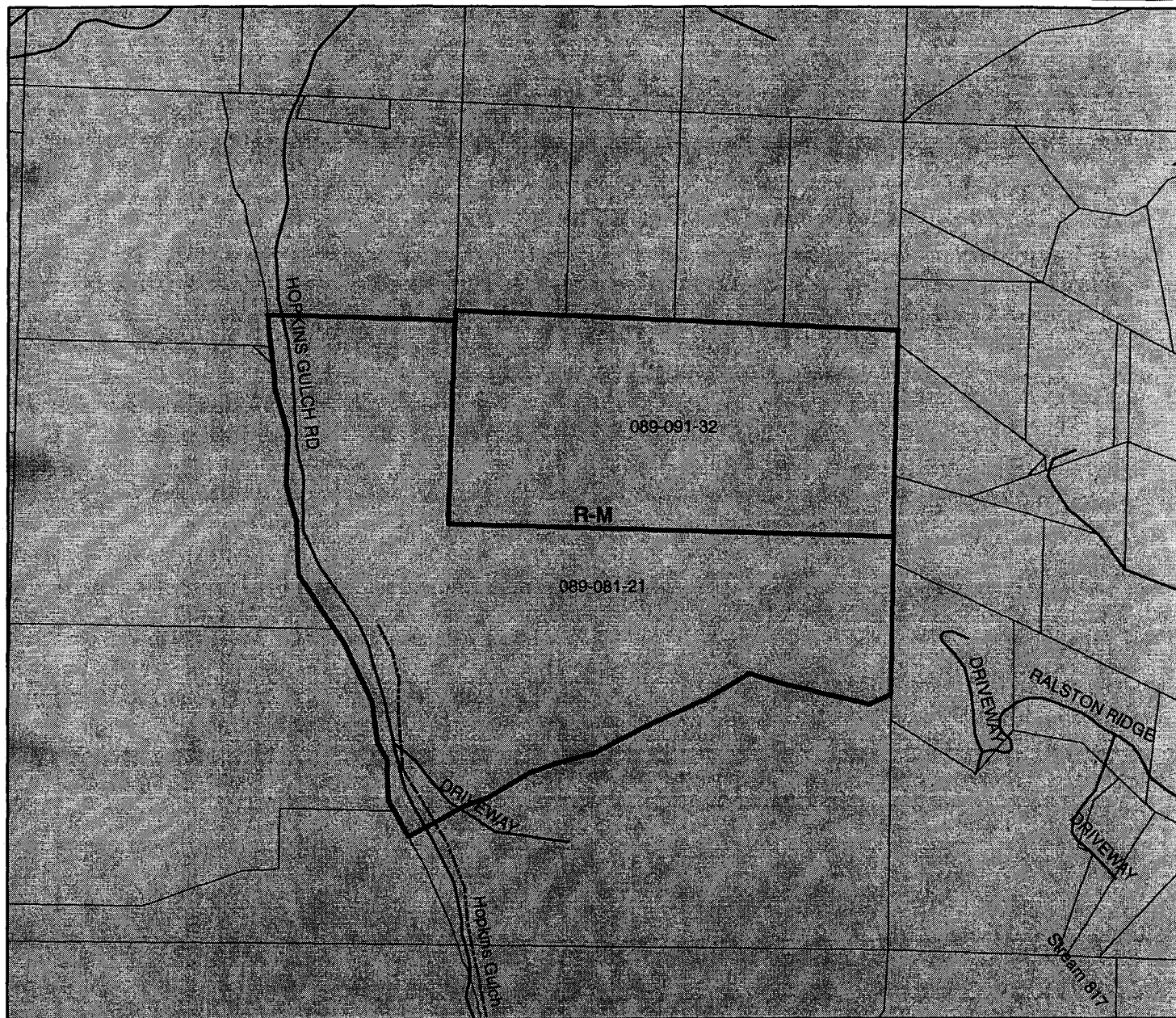
Map created by  
County of Santa Cruz  
Planning Department  
August 2007

**EXHIBIT C**












# General Plan Designation Map

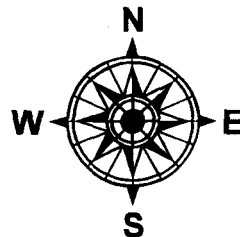


## LEGEND

-  APN: 089-091-32
-  APN: 089-081-21
-  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: 07-0587

Assessor Parcel Number: 089-081-21

Project Location: Property located on the east side of Hopkins Gulch Road (900 Hopkins Gulch Road) about ¾ of mile north from the intersection with Bear Creek 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: Earl Kieser**

**Contact Phone Number: (831) 338-2244**

- 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: 3/26/08

Copy

Timber Management Plan  
for the lands of

John Jackson 2 #  
APNS 089-081-21, ~~089-091-21~~ Hopkins Gulch

Santa Cruz County, Calif.

Aug. 15, 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 parcels from their current zoning designation of Rural Agriculture (RA) and 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.

NOTE-Two of these parcels are adjacent to each other in the Hopkins Gulch watershed. These total 53.6 acres in size.

#### General Property Description-

##### Hopkins Gulch Parcels-

089-081-21 is currently zoned SU. It is 33.4 acres in size and is partially covered by the counties Timber Resource Overlay. Portion of Sec 17 T9S R2W MDB&M

089-091-32 is currently zoned RA. It is 20.2 acres in size. It is not covered by the Timber Resources Overlay. S1/2 of the NE1/4 of the SE1/4 of Sec 17 T9S R2W MDB&M.

These parcels are adjacent and have been managed as a unit so they will be described together. The parcels are located on the Castle Rock USGS Quad map. The parcels are a mix of redwood forest, Douglas-fir forest and stands of hardwood and grassy openings. The topography is variable, large gently sloped areas exist near the bottom of the parcel and along the ridge. The mid slope areas are a mix of flats and steeper slopes. Elevations range from 620' where the class II watercourse (Hopkins Gulch) leaves the property to 1,120' along the ridge line near the East boundary of the parcels. A couple of small class III watercourses occur on the parcel. The parcels are used for running a small excavation business and as a residence.

History- The parcels were originally harvested for old growth timber in the early 1900's. They has been harvested once for second growth timber in 1988. The THP was 1-88-605SCR, a copy of the THP map is attached. Historically the area was operated as farm/ranch.

Access and Boundaries- The parcels are accessed from Hopkins Gulch Road a private road. This road forms the west boundary of parcel 089-081-21. The north boundary is at least partially fenced. The southerly boundary follows a spur ridge.

Timber/Cover Types-The parcels have 3 distinct cover types:

G-Grasslands and areas that were historically cleared. Species include grasses and invasion of coyote brush, black berry and French broom.

R-Redwood forested areas typically found on the deeper soils along the drainage ways and gentle bowl shaped area on the parcels. Species include redwood, Douglas-fir, Tan Oak, Madrone and Bay Laurel.

D-Douglas-fir and mixed hardwood forest found on the thinner soil more exposed portions of the parcels nearer the ridges and spur ridges. Species include Douglas-fir, an occasional redwood, Tan Oak, Live Oak, Madrone and Bay Laurel.

Soils-There are 5 mapped soil types on the property and soils are highly variable in this location. The 5 soils that are mapped as occurring on the parcel are:

- 115-Ben Lomond-Felton Complex 30-50% slopes. These are typically good timber soils, and support stands of redwood and Douglas-fir on these parcels.
- 149-Madonna Loam 15-30% slopes. This soil is typically a poor timber soil but supports good stands of redwood and Douglas-fir on a portion of these parcels, the remainder of this soil type is cleared.
- 152-Maymen Madonna Complex 30-75% slopes. Portions of this soil type support stands of redwood and Douglas-fir, other portions support only scattered conifer trees in stands of hardwood, portion is grassland.
- 169-Santa Lucia Clay Loam 50-75% slope. Portions of this mapped soil type support stands of redwood, the remainder is hardwood and brush with scattered Douglas-fir.
- 173-Sur-Catelli Complex 50%-75% slope. These soils support hardwood forest with a scattered conifer component.

Volume Growth and Yield-Approximately 15 acres is productive site class III redwood forest (R), another 27 acres is site IV and V timberlands (D), the remainder is open ground (G). The redwood forest is roughly stocked between 15,000-20,000 Board feet (BF) per acre. For an estimated total volume of 275,000 BF. The low site timberland are stocked at about 2,000 BF/acre for an estimated total volume of 40,000BF. There is an additional 5-8 cords per acre in this type. Total standing volume by parcel:

APN 089-081-21 165,000BF

APN 089-091-32 110,000BF

**These parcels are productive timber lands which are available and capable of growing a crop of commercial tree species in quantities greater than 15 cubic feet (cuft) of wood fiber per year.** The site index for the redwood forest is estimated at 130-150 and the area is about 50% stocked. The yield table give a value of 8,250 cuft per acre. Growth is estimated at 3%, 246 cu ft/acre /year or 525 BF/acre/year.

Future Timber Management and Units- Approximately 15 acres are accessible for harvest utilizing traditional ground skidding access. The remaining 27 acres of low site timber is harvestable but the scattered nature of the timber would be harder to access and require careful mapping to meet stocking requirement after harvest.

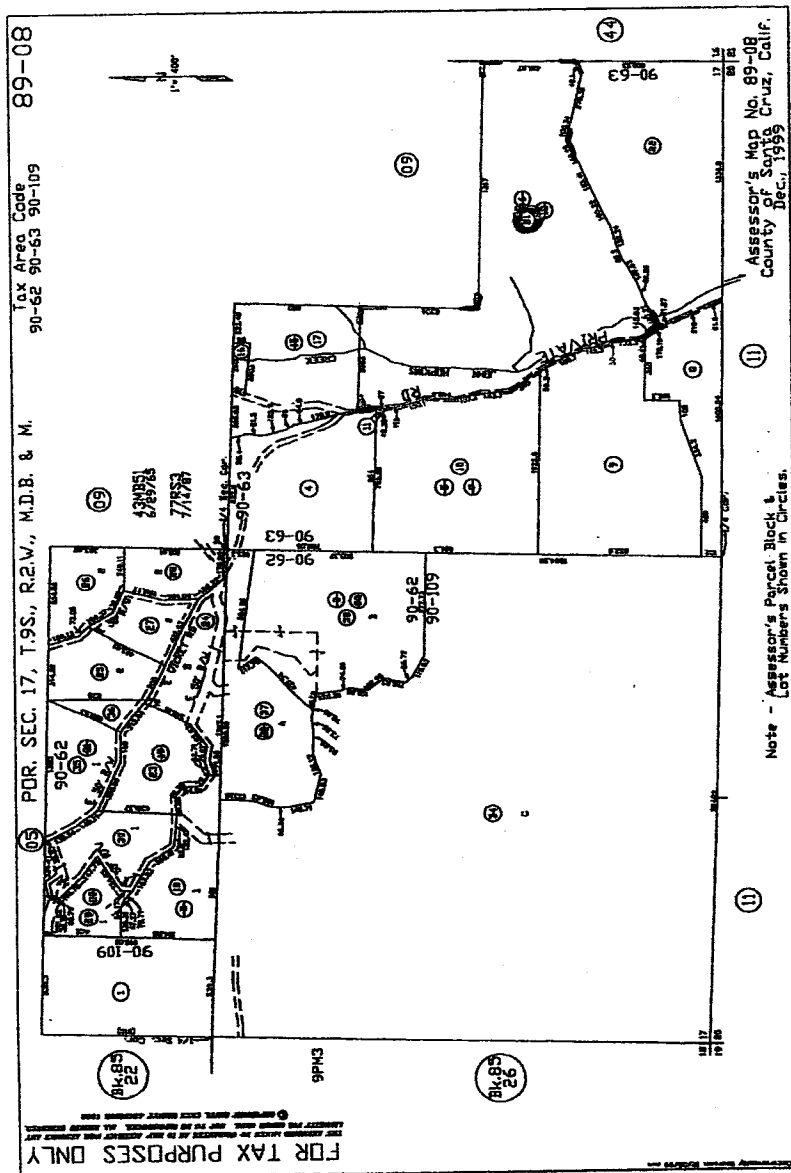
This 15 acre portion of the property is anticipated to yield 120 MBF (thousand board feet) under a 50% - 60% selection harvest. This could be repeated on a 14 year cycle. Utilizing the stumpage values (price paid for standing trees) provided by the California

Tax Board the stumpage value of such a sale would yield  $\$580/\text{MBF} \times 120 \text{ MBF} = \$69,600$ .

The cost of obtaining a 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 15 acres could cost \$15,000 - \$20,000.

The 15 acre unit discussed is a stand alone unit in that it has its own adequate landing areas and truck and skid road access.

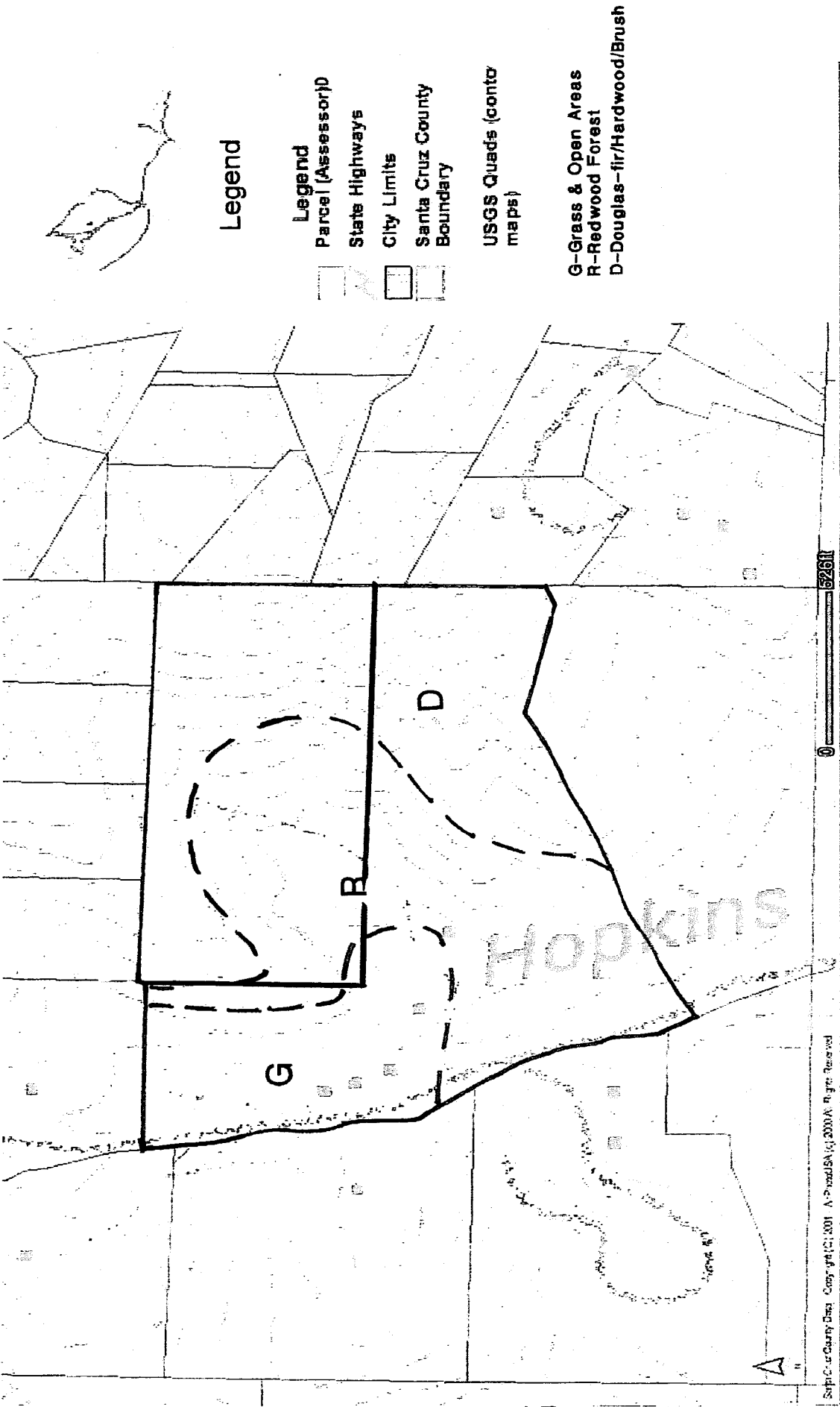
# Hopkins Gulch Maps



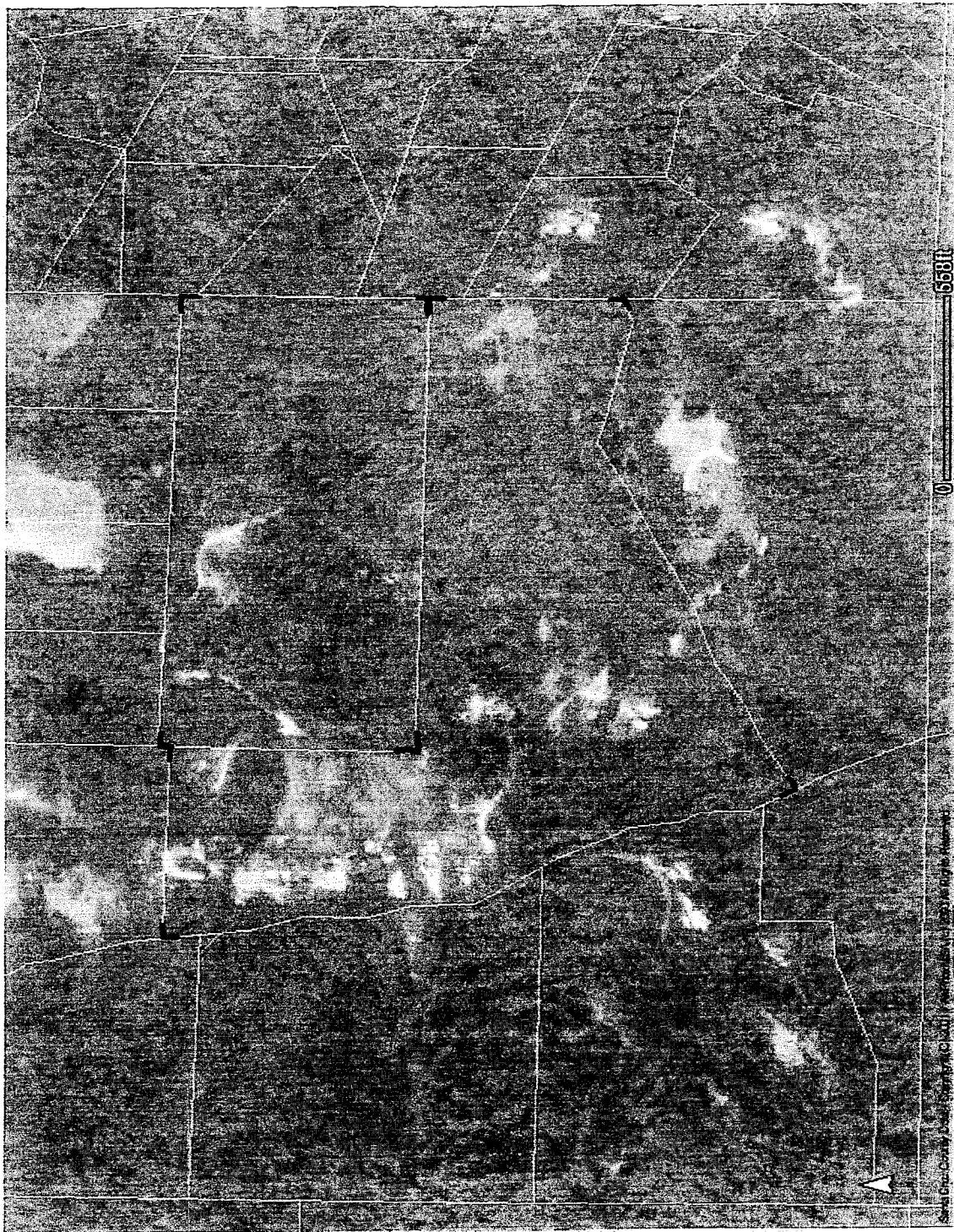




# J. Jackson



# J. Jackson



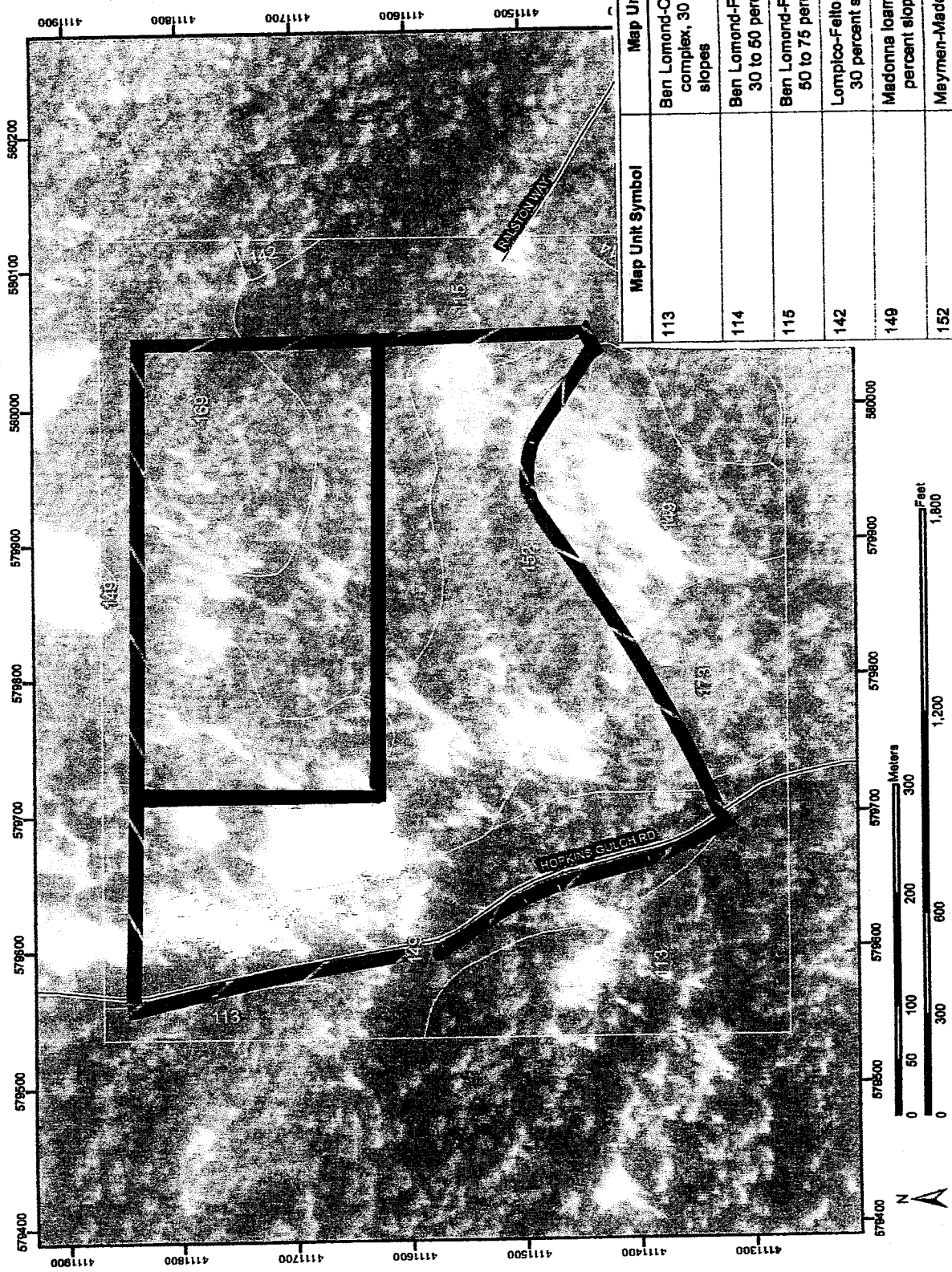
## Legend

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



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

Soil Map-Santa Cruz County, California  
(J. Jackson Soils Map)

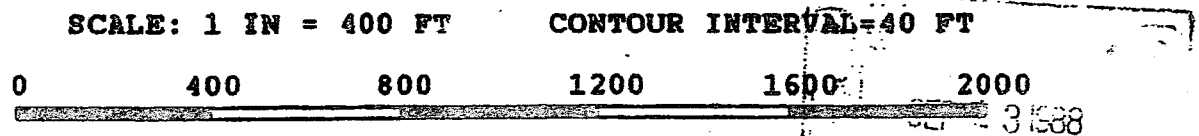
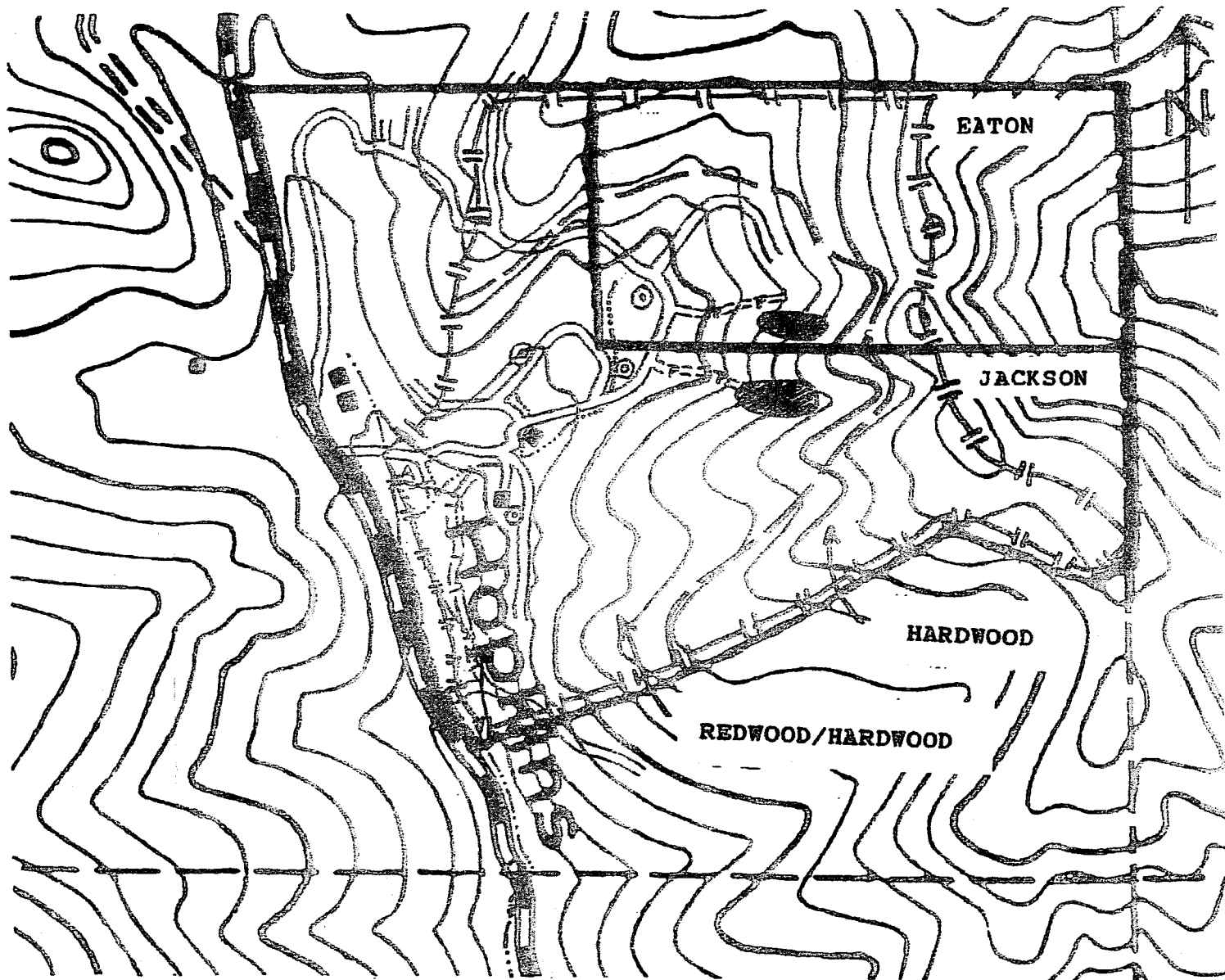


Map Unit Symbol	Map Unit Name
113	Ben Lomond-Cateill-Sur complex, 30 to 75 percent slopes
114	Ben Lomond-Felton complex, 30 to 50 percent slopes
115	Ben Lomond-Felton complex, 50 to 75 percent slopes
142	Lompico-Felton complex, 5 to 30 percent slopes
149	Madonna loam, 15 to 30 percent slopes
152	Maymen-Madonna complex, 30 to 75 percent slopes
169	Santa Lucia shaly clay loam, 50 to 75 percent slopes
173	Sur-Cateill complex, 50 to 75 percent slopes

USDA  
Natural Resources  
Conservation Service

Web Soil Survey 2.0  
National Cooperative Soil Survey

# JACKSON TIMBER HARVEST PLAN



## LEGEND:

PROPERTY LINE

THP BOUNDARY

WATERCOURSES  
 CLASS II   
 CLASS III   
 CLASS IV

LANDINGS: EXISTING PROPOSED

REDWOOD/HARDWOOD

HARDWOOD

ROADS

PERMANENT

SEASONAL

TRACTOR  
 EXISTING   
 PROPOSED

AREAS WHERE SLOPE MAY EXCEED 65%

## **Planning Commission**

### **Materials submitted during the 4/9/08 Public Hearing**

#### **Item 20: 07-0587**

To: The Planning Commission of Santa Cruz County

Date: 4/8/08

From: John Jackson / Earl Kieser

Subject: Application 07-0587 APN 089-081-21

#### Overview

We would request that the commission postpone a recommendation to the Board of Supervisors until we can work with the staff and mitigate their concerns with the perceived conflict in the use of this property and the county code.

#### Background

- 1) The staff reports that "a contractor's storage yard is not listed as an allowed use in the TP zoned district".
- 2) Mr. Jackson has held a Timber Operators License continuously since 1971.
- 3) This parcel has been harvested twice before including once by Mr. Jackson in 1988.
- 4) More than 70% of Mr. Jackson's contractors business is directly timber production related.
- 5) All of Mr. Jackson's equipment is being or has been used in timber production.
- 6) More than 50% of Mr. Jackson's equipment is dedicated to timber production.
- 7) Mr. Jackson's largest customers include Big Creek Lumber, Pacific Conifer, Redwood Empire, and Red Tree Properties which are all timber production concerns.

#### Conclusion

That a contractor's storage yard for a State Licensed Timber Operator and contractor that caters to the timber production industry is completely compatible with a TP zoned property. We believe that we can work with the Planning staff and mitigate their concerns. We did not receive the staff report until 4/1 and did not have a chance to discuss their findings before this hearing.

Respectfully Submitted



Earl Kieser

Agent for John Jackson



License Number: **A 1070**

Date of Issuance: 12/06/2007

License Valid Period:

01/01/2008 - 12/31/2009

JOHN JACKSON  
900 HOPKINS GULCH RD  
BOULDER CREEK, CA 95006

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE BOARD OF FORESTRY  
**TIMBER OPERATOR LICENSE**



This timber operator license is issued pursuant to the provisions of Article 6, Chapter 8, Division 4 of the Public Resources Code; the regulations of the State Board of Forestry in Article 3, Subchapter 4.1, Chapter 2, Division 2, Title 14 of the Administrative Code; and in response to the licensee's application in the prescribed manner.

This timber operator license does not purport to confer property rights in timber, land, or the products thereof.

CDF STOCK 75401300491

(SEE REVERSE SIDE)

RM-61 (10/98)