

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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

June 15, 2011

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

Agenda Date: July 27, 2011

APN: 087-054-04

Application: 111070

Item #: 10

Time: After 9 AM

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

Members of the Commission:

On April 26, 2011, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone one parcel, of approximately 26.5 acres from the Special Use (SU) zone districts to the Timber Production (TP) designation.

Background and Discussion

The property owners, Lester T. and Mildred M. Holmes, also own an approximately 26.8 acre TP- zoned parcel, APN 087-054-02, which is contiguous with the subject property. The uses on the subject property consist of vacant rural acreage.

This project qualifies for a rezoning under California Government Code Section 51113.5 "Petition by owner to add to timberland production zone." This section allows a property owner with TP-zoned land to petition the County to rezone contiguous land not zoned TP to the TP zone. The only requirements for this type of rezoning are that the parcels must meet the definitions of Government Code Section 51104(f), (g) and (h)¹. The County may not place any additional requirements on this petition to rezone the property to TP.

¹ Government Code Section 51104

(f) "Timberland" means privately owned land, or land acquired for state forest purposes, which devoted to and used for growing and harvesting timber, or 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.

(g) "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 and 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).

(h) "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

(1) Management for watershed.

(2) Management for fish and wildlife habitat or hunting and fishing.

(3) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas.

(4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.

(5) Grazing.

(6) A residence or other structure necessary for the management of land as timberland production.

In accordance with Section 51113.5 of the State Government Code, the project meets the following criteria for rezoning to Timber Production:

- The property is contiguous with Timber Production zoned property under the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code (Exhibit C).
- The property is timberland, as it is capable of producing an average of 15 cubic feet of timber per acre annually (Exhibit E).
- The uses on the parcel comply with the Timber Production Zone uses set forth in Section 13.10.372.

This project qualifies for a statutory exemption in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703).

Conclusion

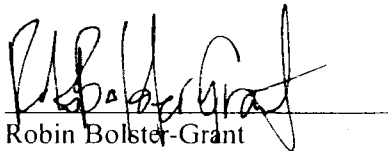
All of the criteria have been met for rezoning the subject parcel to the Timber Production zoning designation. All required findings can be made to approve this application pursuant to California State Government Code Section 51113.5.

Recommendation

It is recommended that the Commission adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 111070, to adopt the Ordinance rezoning the property to the TP zone district.

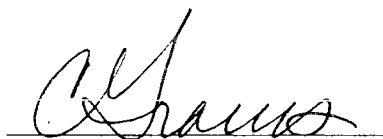
EXHIBITS

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN map
- C. Location, Current Zoning and General Plan Designation and Ownership maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan prepared by James Hildreth, Registered Professional Forester, dated 5/4/10



Robin Bolster-Grant
Project Planner
Development Review

Reviewed By:



Cathy Graves
Principal Planner

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. 111070, involving property located at the end of an unnamed right-of-way approximately ¼ mile east of the intersection with Highway 9 in Boulder Creek; 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 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.

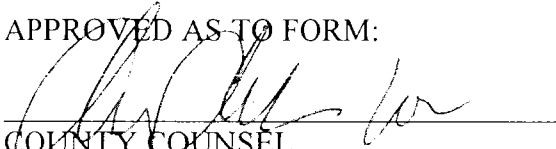
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2011, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
CATHY GRAVES, 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 end of an unnamed right-of-way approximately ¼ mile east of Highway 9 in Boulder Creek; 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>
087-054-04	Special Use (SU)	TP

SECTION IV

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

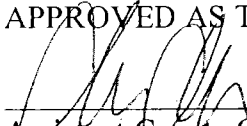
PASSED AND ADOPTED THIS _____ day of _____ 2011, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

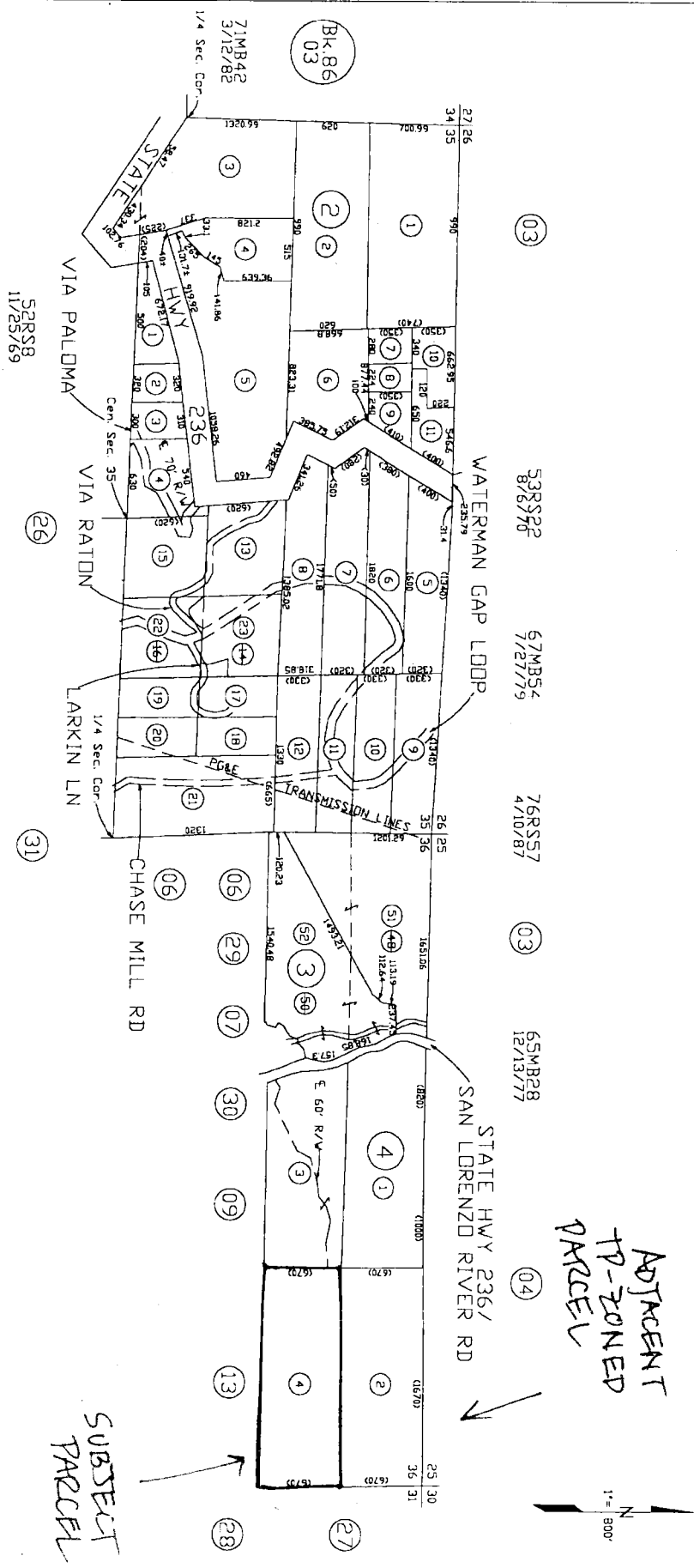
DISTRIBUTION: County Counsel
 Planning
 Assessor
 County GIS

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 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.
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PDR SECS. 35 & 36
 T.8S., R.3W., M.D.B. & M.

Tax Area Code
 90-103

87-05



Electronically Redrawn 2/17/00 vvn
 Rev. 8/30/01 vvn (changed page refs.)

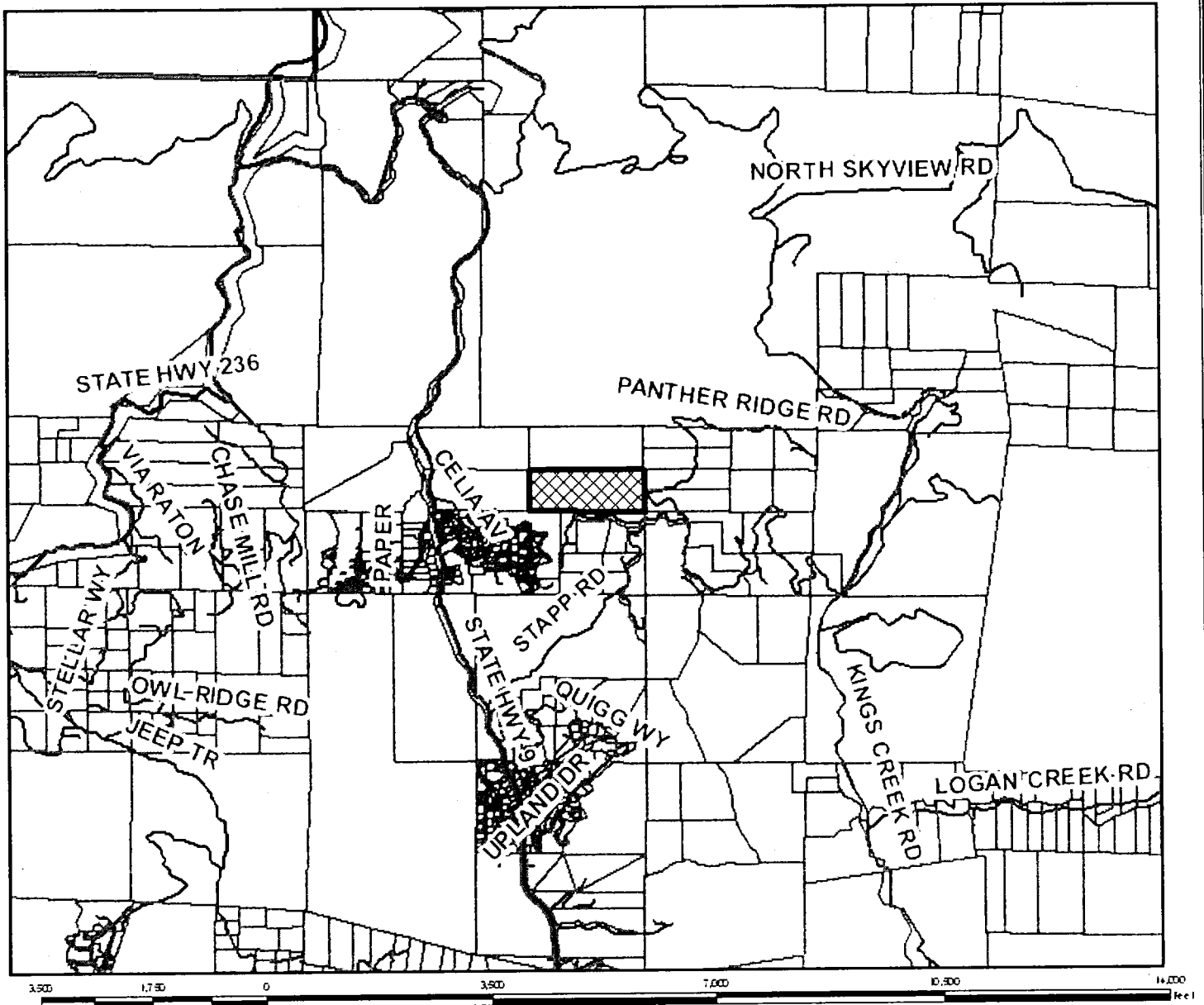
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Note - Assessor's Parcel & Block
 Numbers Shown in Circles






Assessor's Map No. 87-05
 County of Santa Cruz, Calif
 Feb., 2000

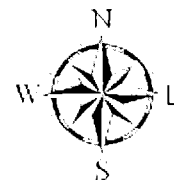


Location Map



LEGEND

-  APN: 087-054-04
-  Assessors Parcels
-  Streets
-  State Highways
-  County Boundary

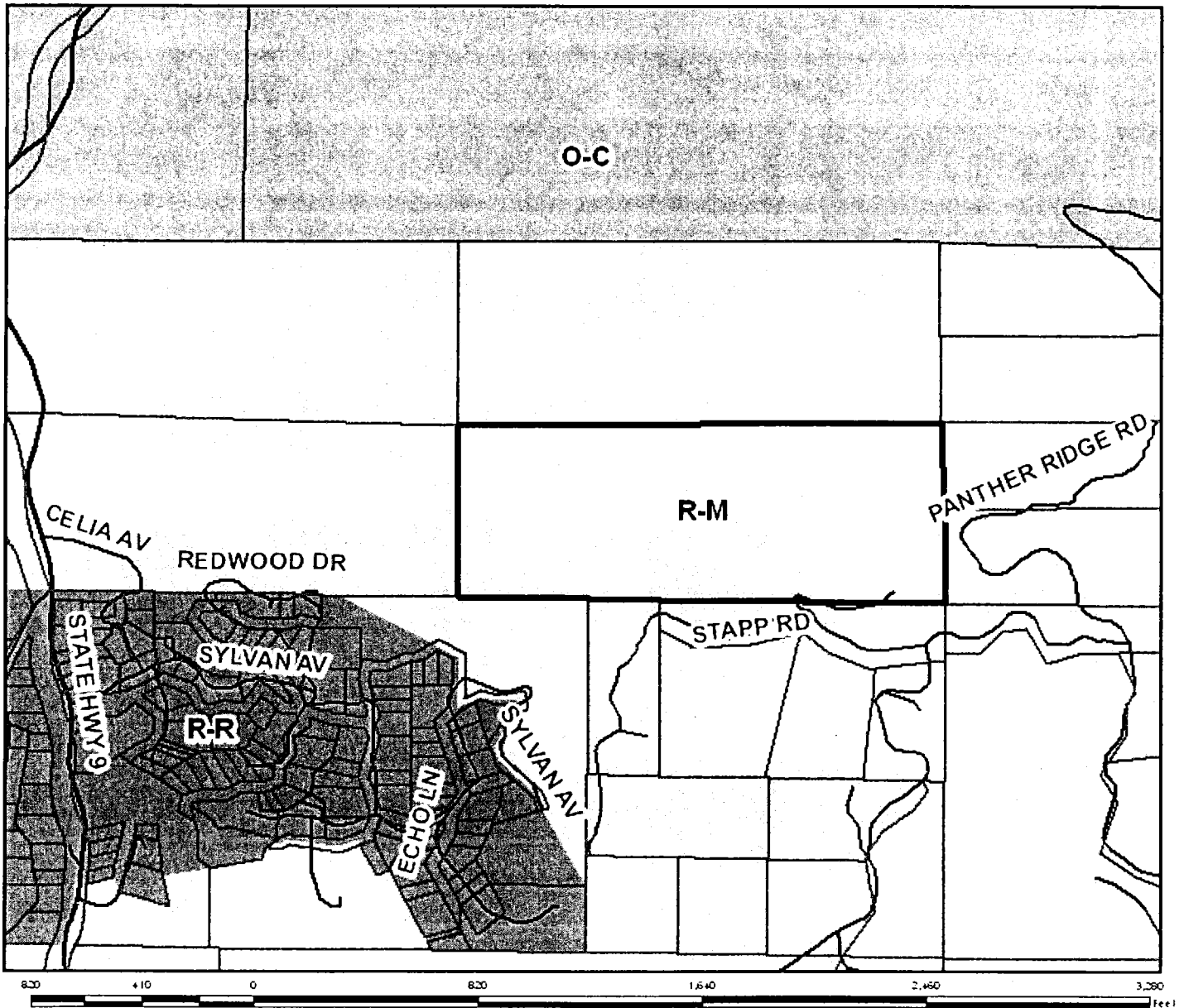


Map Created by
County of Santa Cruz
Planning Department
June 2011







EXHIBIT C

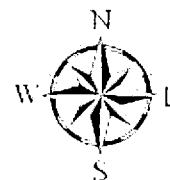


General Plan Designation Map



LEGEND

-  APN: 087-054-04
-  Assessors Parcels
-  Streets
-  State Highways
-  Residential-Mountain
-  Resource Conservation
-  Residential-Rural

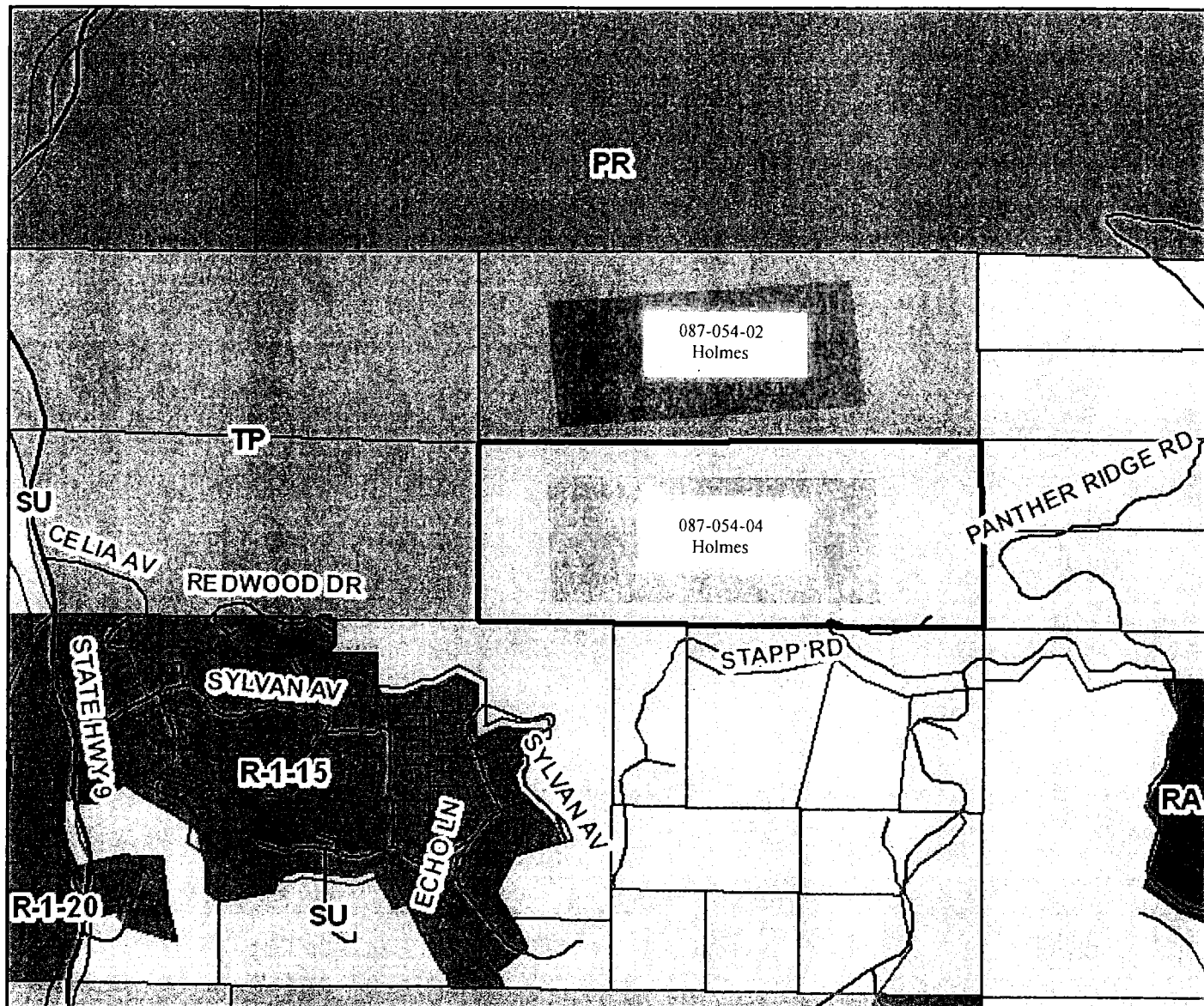


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June 2011

EXHIBIT C

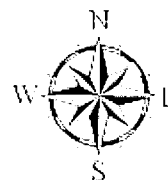


Ownership Map



LEGEND

- APN: 087-054-04
- Assessors' Parcels
- Streets
- State Highways
- SPECIAL USE
- TIMBER PRODUCTION
- RESIDENTIAL-OCEAN BEACH
- PARK
- AGRICULTURE RESIDENTIAL



Map Created by
County of Santa Cruz
Planning Department
June 2011

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: 111070

Assessor Parcel Numbers: 087-054-04

Project Location: So site; project located at the end of an unnamed right-of-way approximately ¼ mile east of Highway 9 in Boulder Creek

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

Person or Agency Proposing Project: Larry Holmes

Contact Phone Number: (925) 736-0844

- 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.

Robin Bolster-Grant, Project Planner

Date: _____

**HOLMES HOSIER PROPERTY
TIMBER MANAGEMENT PLAN
MAY 4, 2010**

**PORTIONS OF
Township 8 South - Range 3 West
Section 36
Santa Cruz County, California**

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

INTRODUCTION

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

The subject property is made up of two contiguous parcels. One parcel is already zoned timber production. The second parcel is not, and is the subject of the rezoning. The two parcels are, as recorded by the Santa Cruz County Assessor, described as follows:

OWNER	PARCEL OWNER	ACRES	CURRENT ZONING
Mildred Holmes*	APN # 087-054-04	26.5	Special Use
Mildred Holmes*	APN # 087-054-02	26.9	Timber Production

* Lester T. & Mildred M. Holmes, h/w, community property etal, Lawrence W. Holmes s/m etal

FOREST MANAGEMENT OBJECTIVES

The owner desires to continue to manage this forestland for the production of merchantable timber. This goal is to be achieved without degrading the quality of other forest resources such as soils, watershed, wildlife, and recreation. The immediate objective is to obtain Timber Production Zoning for APN 087-054-04, which will allow management of the entire property consistent with these objectives.

GENERAL LOCATION

This property is located approximately five miles north of Boulder Creek in portions of Township 8 South, Range 3 West, Section 36, MDB&M of Santa Cruz County, California. The property is accessible from Highway 9 and a private road system. The site is located in the Castlerock Falls watershed within the greater San Lorenzo River basin.

HISTORY

The property appears to have been clearcut harvested during the late 1800's or early 1900's. Portions of the property have been selectively harvested (thinned) twice under Timber Harvest Plans approved in 1981 and 1992.

TIMBER DESCRIPTION

The property contains merchantable stands of coast redwood. The redwood occurs in well-stocked clumps, intermixed with hardwoods (primarily madrone, tan oak and live oak) and scattered Douglas-fir. The average site index is site III. The stand consists primarily of three age classes of approximately 100, 29 and 18 years. The timber is located primarily on moderately steep slopes. Elevation ranges from approximately 850 to 1,200 feet.

The area appears to have been clearcut around the turn of the 20th century. The redwoods naturally regenerated after this harvest. Over time, growth slowed as the trees grew larger and closer together, and began competing for available water, nutrients, and sunlight. The selective harvesting approximately 29 and 18 years ago reduced competition, and trees in all size classes were retained.

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

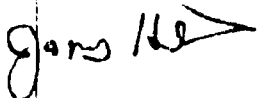
TIMBERLAND CERTIFICATION

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

The subject parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules for the Southern subdistrict of the Coast Forest District.

The parcel to be rezoned is contiguous to a second parcel already zoned timber production under the same ownership. The entire property exceeds the Santa Cruz County minimum 40 acre size for Timber Production zoning.

Respectfully submitted,



James Hildreth

Registered Professional Forester #2639

06/14/2010

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HILDRETH

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