



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

March 28, 2013

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

Agenda Date: April 24, 2013

APN: 078-311-12

Application: 131075

Agenda Item: 6

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

Members of the Commission:

On March 6, 2013, the County Planning Department accepted this application for rezoning one parcel, of approximately 45.9 acres, from the Special Use (SU) zone district to the Timber Production (TP) designation. The parcel is currently vacant rural acreage.

Background

This project qualifies for a rezoning under California Government Code Section 51113, which 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 sections 51113 (c) and (d) (Exhibit F). This Government code section expressly prohibits local jurisdictions from placing additional requirements on application to rezone property to TP. County Code Section 13.10.375(c) implements Government Code section 51113 and specifies the six criteria which must be met in order to rezone to TP.

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 (Exhibit B).
2. A Timber Management Plan prepared by a registered professional forester, dated March 5, 2013, 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, capable of producing a minimum of 15 cubic feet of timber per acre annually (Exhibit E).
5. The use on the parcel complies with the Timber Production Zone uses set forth in County Code 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 forty (40) acres in area.

Environmental Review

This project qualifies for a statutory exemption in accordance with the California Environmental Quality Act Article 18, Section 15264 (Exhibit D).

Conclusion

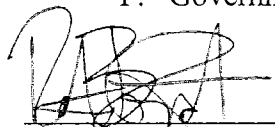
All of the criteria have been met for rezoning the subject parcel to the Timber Production zoning designation. All required findings can be made to approve this application pursuant to California State Government Code Section 51113. There are no Williamson Act contracts that apply to the property.

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. 131075 to adopt the Ordinance rezoning the property to the TP zone district.

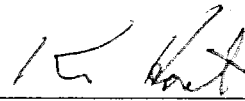
EXHIBITS

- 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 Joseph Culver, Registered Professional Forester, dated March 5, 2013
- F. Government Code Section 51113 (c) and (d)



Robin Bolster-Grant
Project Planner
Development Review

Reviewed By: _____



Ken Hart
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. 131075, involving property located approximately $\frac{3}{4}$ miles south of the intersection of Alba Road and Jim's 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 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 _____, 2013, by the following vote:

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

Chairperson

ATTEST: _____
KEN HART, 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 approximately $\frac{3}{4}$ miles south of the intersection of Alba Road and Jim's Road, and 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.

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 a Statutory Exemption has been prepared pursuant to the California Environmental Quality Act (CEQA), 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>
078-311-12	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 _____ 2013, 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

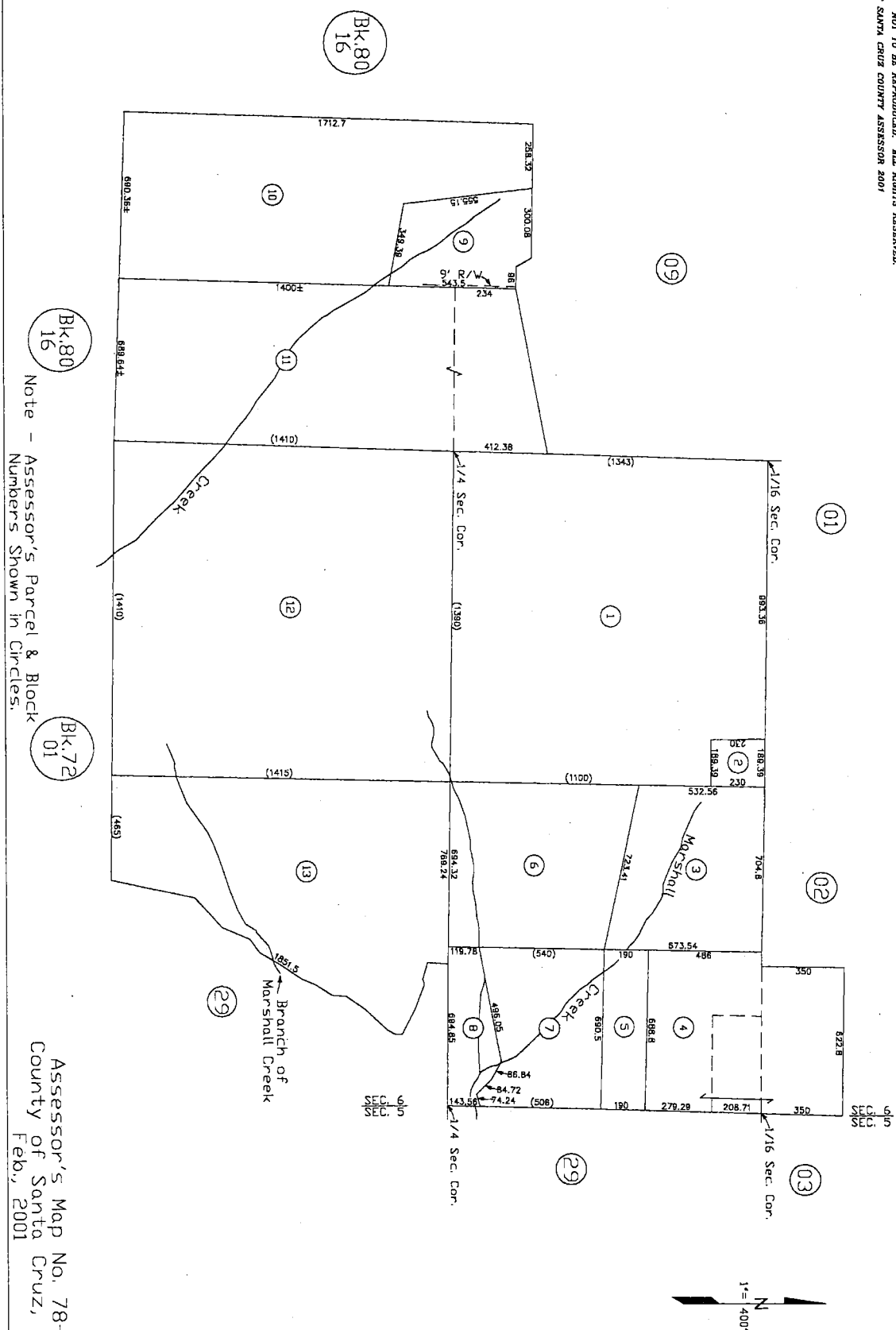
DISTRIBUTION: County Counsel
Planning
Assessor
County GIS

FOR TAX PURPOSES ONLY

PDR, SEC. 6, T.10S., R.2W., M.D.B. & M.

Tax Area Code
90-100

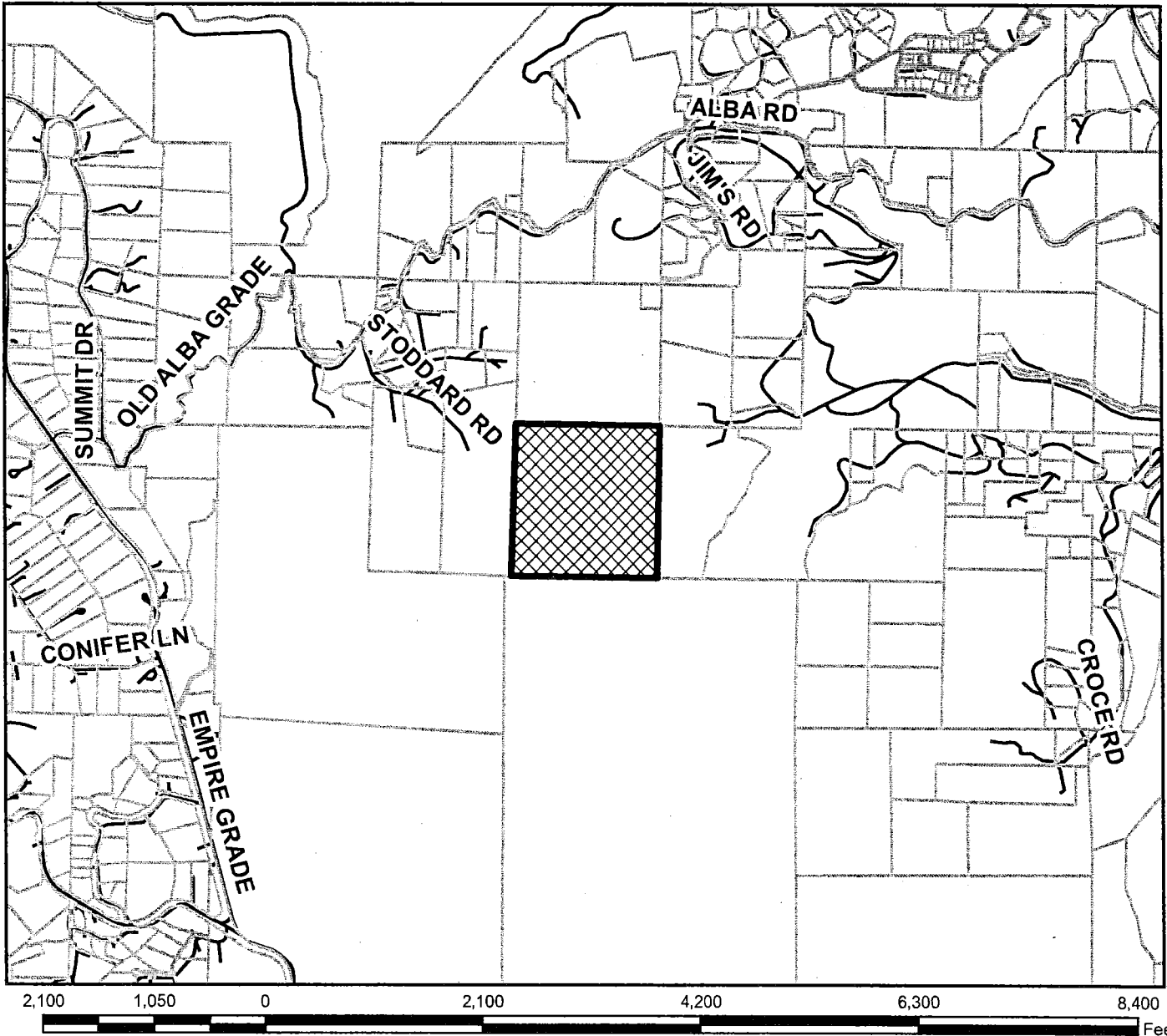
78-31



Assessor's Map No. 78-31
County of Santa Cruz, Calif.
Feb., 2001

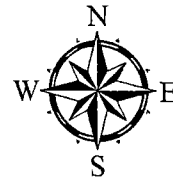


Location Map



LEGEND

-  APN: 078-311-12
-  Assessors Parcels
-  Streets

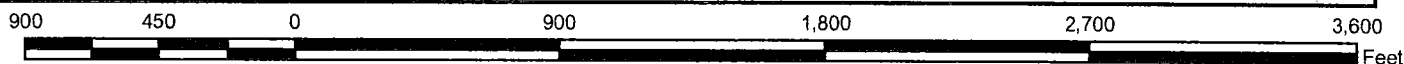
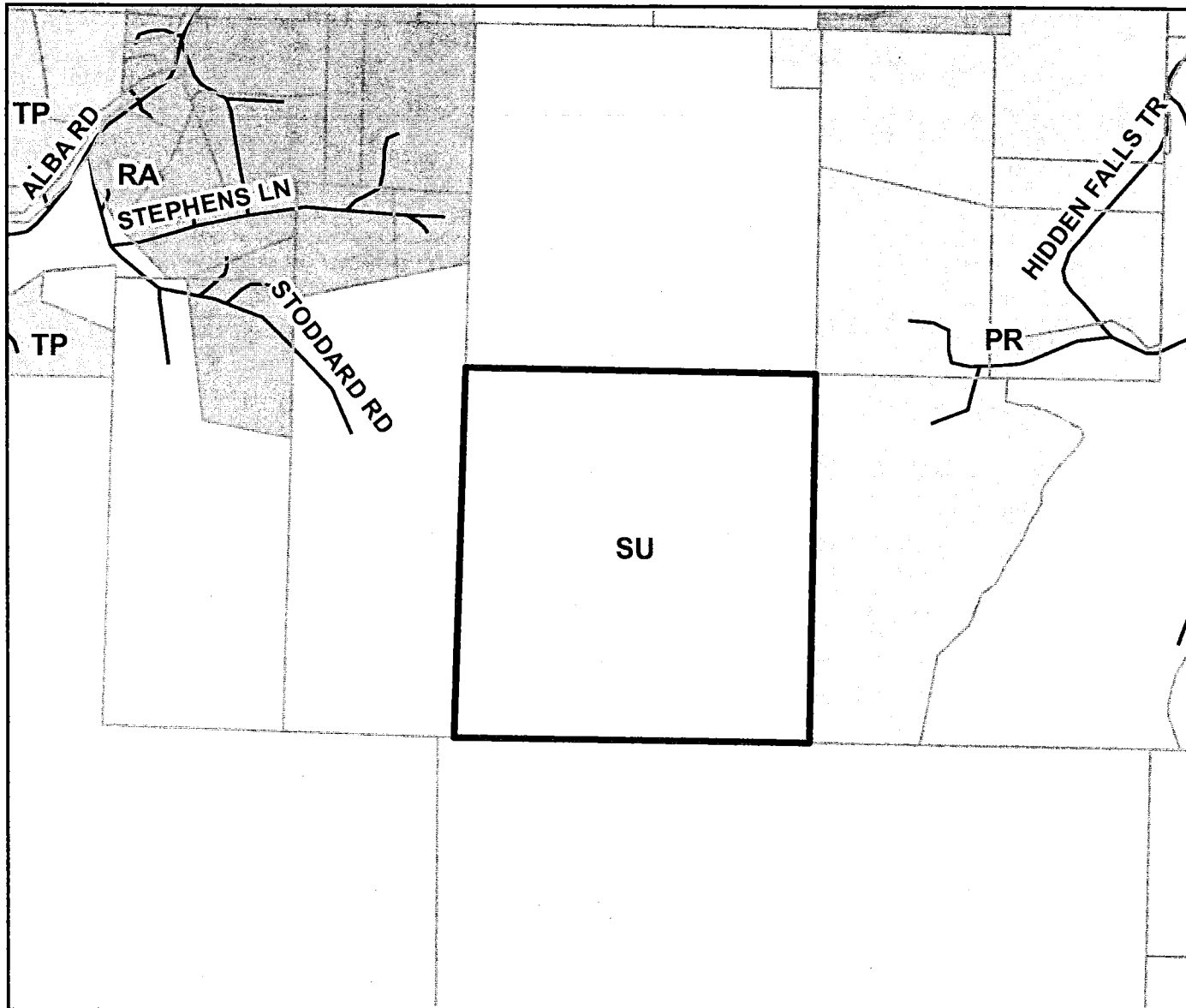


Map Created by
County of Santa Cruz
Planning Department
March 2013

EXHIBIT 4



Zoning Map



LEGEND



APN: 078-311-12



Assessors Parcels



Streets

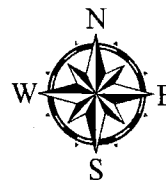
SPECIAL USE

PARK

TIMBER PRODUCTION



AGRICULTURE RESIDENTIAL

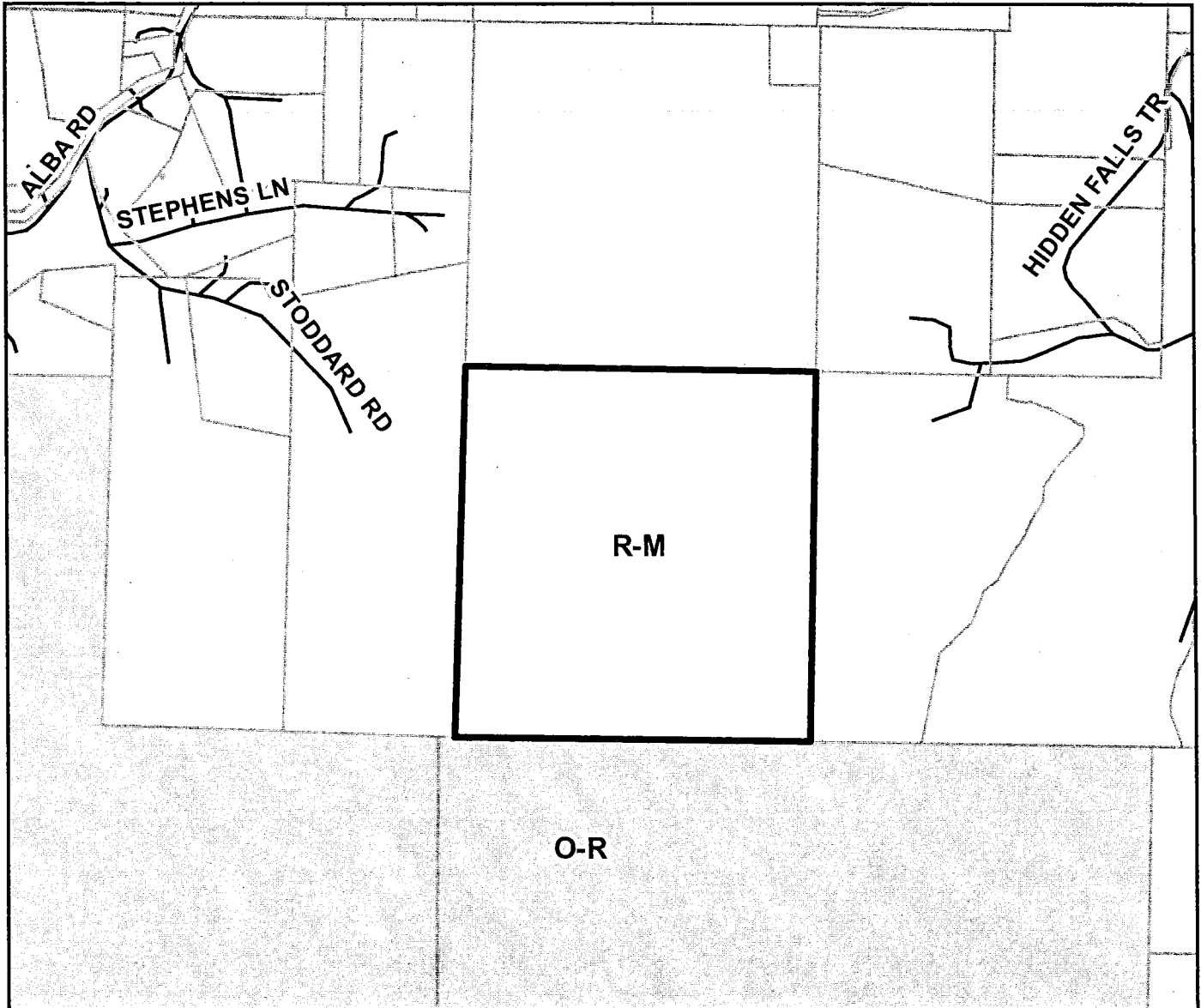


Map Created by
County of Santa Cruz
Planning Department
March 2013

EXHIBIT C

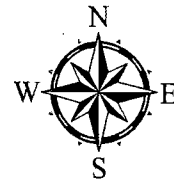


General Plan Designation Map



LEGEND

-  APN: 078-311-12
-  Assessors Parcels
-  Streets
-  Residential-Mountain
-  Parks and Recreation



Map Created by
County of Santa Cruz
Planning Department
March 2013

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: 131075

Assessor Parcel Numbers: 078-311-12

Project Location: No situs. Property located approximately ¾ miles south of the intersection of Alba Road and Jim's Road.

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

Person or Agency Proposing Project: Joseph Culver, Professional Forester

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. X **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15264)

In addition, none of the conditions described in Section 15300.2 apply to this project.

Robin Bolster-Grant, Project Planner

Date: _____

Timber Management Plan

**Lands of Hendricks
Alba Road, Ben Lomond
Santa Cruz County**

**APN# 078-311-12
Portion of Section 6
Township 10 South
Range 2 West
Mount Diablo Base & Meridian**

**Report Prepared By
Joseph Culver, Consulting Forester
March 5, 2013**

PREFACE

In January 2013, Joseph Culver, Consulting Forester, was commissioned by Mark Hendricks to prepare a Timber Management Plan for APN #078-311-12. The county assessor lists the parcel as 45.9 acres in size. , Mr. Hendricks 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 approximately two miles west of the community of Ben Lomond. The property is accessed from the north off of Alba Road to Jim's Road. A broad roughly north-south trending ridge traverses the western portion of the property. The property falls off steeply to the east in two bowl shaped valleys bisected by an east trending ridge. The southwest corner of the property slopes to the southwest towards a seasonal watercourse. The gentle ground on the property is located along the north-south trending ridge particularly towards the southern boundary.

Elevation ranges from 1,200 feet on the lowest slopes in the northeast corner to 1,840 feet along the ridge in the northwest corner of the property. The legal description of the parcel is Township 10 South, Range 2 west, portion of section 6. Timber site classification on the forested portions of the property site III.

The entire property is comprised of coniferous forest. During the timber cruise I broke the forest into two subtypes. A Redwood/Hardwood forest with redwood as the primary forest tree and at least 70% of the forest cover, and a Hardwood/Redwood forest where Tanoak and Pacific madrone are the primary trees and Redwood comprises 30-70% of the forest cover. The forest consists primarily of second growth redwood, Tanoak and Pacific Madrone. Douglas-fir was observed on the property as scattered individual trees and accounted for less than 10% of the conifer volume measured on the property. Redwood trees typically grow in tightly spaced clumps and create a near continuous forest canopy in select areas of the property, particularly on the lower slopes of the property within the valleys. Tanoak is present throughout the property as an understory species and as an intermediate canopy tree. Heavy populations of tanoak occur along the upper slopes. Pacific Madrone is also present through the property in lesser amounts than Tanoak. As the property has not been harvested in over 100 years, the forest canopy is completely closed in on itself and virtually no sunlight reaches the forest floor.

The majority of the property is underlain by the Ben Lomond-Catelli-Sur soil complex. These soils are deep and well drained, with sandy loam surface soils of about 7-19" in thickness. Weathered sandstone is found at 37-46". Permeability is moderately rapid, and effective rooting depth is 20-40". Runoff is rapid to very rapid, and the erosion hazard is high to very high. These soils are well suited to timber production.

The southwest corner of the property is underlain by the Lompico-Felton complex. Permeability of the Lompico soil is moderate and effective rooting depth is 20 to 40 inches. Runoff is medium or rapid, and the hazard of erosion is moderate or high. The Felton soil is deep and well drained and formed in residuum derived from sandstone, shale, siltstone, or schist. Permeability of the Felton soil is moderately slow and effective rooting depth is 40 to 72 inches. These soils are well suited to the production of redwood and Douglas fir.

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 has not been harvested since this time. The majority of the redwood trees growing on the property are sprouts from the cut stumps of the original harvest. Douglas-fir most likely seeded in shortly after the clear-cut as well due to the advantageous rooting and growing conditions.

MANAGEMENT OBJECTIVES AND GOALS

Once the property is rezoned, Mr. Hendricks intends to manage the 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 forest trees have begun to close in on themselves and the next harvest could occur anytime in the near future. Although State law allows for a harvest every 10 years, it is recommended that future harvesting be spaced at a 14-18 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, reduce tanoak occupancy, 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 and improve wildlife habitat where possible as part of continuing forest management.

RECOMMENDED LOGGING SYSTEM

Appropriate harvesting infrastructure would be developed during preparation of a Timber Harvest Plan. The majority of the property is conducive to tractor logging.

PRESENT AND FUTURE STAND CONDITIONS

In February of 2013, I placed nine 1/5 acre sample plots on an evenly spaced grid pattern throughout the property. This 4% 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 41 acres of coniferous forest have the following approximate stand conditions:*

Species Composition	93% second growth redwood, 7% Douglas-fir
Basal Area	153 square feet per acre
Gross Volume/acre (redwood)	26,300 board feet
Gross Overall property volume	1,207,200 board feet

The volume per acre and overall property volume stated previously are gross volumes. In general, the net conifer volume will be about 12% less due to fire scar, rot and other minor defects in the standing timber. With these factors in mind the overall net conifer volume on the property is approximately 1,062,300 board feet.

Increment boring data gathered during the timber inventory combined with general tree growth rates in the Santa Cruz Mountains indicate that the redwood forest is growing at an approximate rate of 1.5% per year. This growth rate is lower than the average for managed stands of second growth trees as the property has not been harvested for over 100 years and the forest has closed in on itself. A growth rate of 1.5% per year equates to an annual increase in the conifer resource of 18,108 board feet over the entire property. Converting this figure to cubic feet gives a current growth rate of 1,509 cubic feet over the entire property, or 33 cubic feet per acre per year. This well 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 small field sample and an extrapolated growth rate for the previous ten years. The estimated volumes are provided to show the property far exceeds minimum state standards required for rezoning the property to Timber Production. These values should not be extended or taken out of context for other purposes.*

OTHER PROPERTY USES

The property is currently used as watershed and wildlife habitat. The seasonal road through the property is maintained and shows some vehicular use. The road is also used for hiking. There are no residences on the property.

CONCLUSION

The property is suited for timber management into the future. The forest resource is currently healthy but growth rates have declined due to the time interval since the last

timber harvest. Mr. Hendricks 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 estimated at 153 square feet per acre and far exceeds the required 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 currently growing coniferous wood fiber at an estimated average annual rate of 33 cubic feet per acre and therefore meets the definition of timberland. Growth rates will further increase following a selective timber harvest.

COMPATIBLE USE: Existing infrastructure on the property does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

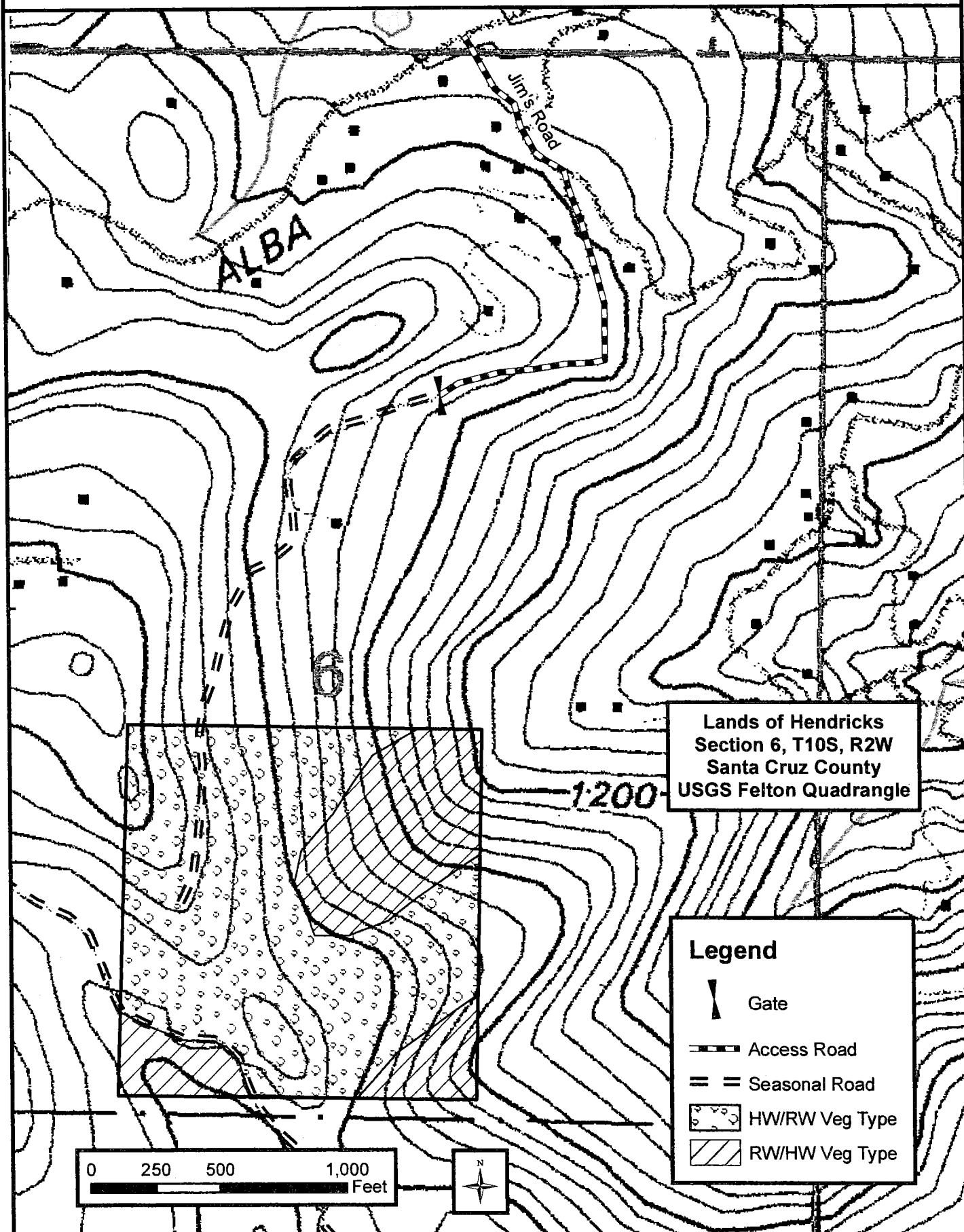
Timber Management Plan Prepared By:



Joseph Culver
Registered Professional Forester #2674

3/5/13
Date

LANDS OF HENDRICKS: TIMBER MANAGEMENT PLAN



Government Code Section 51113(c)&(d).

(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.