



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

October 31, 2006

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

Agenda Date: December 13, 2006
APN: 057-041-05
Application: 00-0453
Item: 17

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

Members of the Commission:

On June 23, 2000, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 57.42 acre parcel from the Special Use (SU) and Agriculture (A) zone district to the Timber Production (TP) designation. The uses on the property consist of vacant rural acreage.

Background

This project qualifies for a rezoning under California Government Code Section 51113. This section allows a property owner to petition the County to rezone land to the TP zone. The requirements for this type of rezoning are listed in Government Code section 51113(c)1. The County may not place any additional requirements on this petition to rezone the property to TP. County Code Section 13.10.375(c) - "Zoning to the TP District" implements Government Code section 51113 and specifies the ~~six~~ criteria which must be met in order to rezone to TP.

~~I 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 ~~a~~ the assessor's parcel number of the property desired to be zoned~~
 - ~~(2) A plan for forest management shall be prepared ~~a~~ approved as to content, for the property by a registered professional forester. The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.~~
 - ~~(3) (A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121~~
~~(B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed.~~
- ~~Notwithstanding the provisions of Article 4 (commencing with Section 51130), if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the county general plan and whose primary use is other than timberland.~~
- ~~(4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.~~
 - ~~(5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111~~
 - ~~(d) The criteria required by subdivision (c) may also include any or all of the following:~~
 - ~~(1) The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.~~
 - ~~(2) The land shall be a certain site quality class or higher under Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.~~

In accordance with County Code Section 13.10.375(c), the project meets the following six criteria for rezoning to Timber Production:

1. A map has been submitted with the legal description or assessor's parcel number of the property to be rezoned.
2. A Timber Management Plan, undated, prepared by a registered professional forester has been submitted for the property (Exhibit E).
3. The parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules for the district in which the parcel is located (see Exhibit E).
4. The parcel is timberland, as the entire parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually and is almost entirely located within a mapped Timber Resource area.
5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.
6. The land area to be rezoned is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and is comprised of at least five acres in area.

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

Conclusion

All of the criteria have been met for rezoning this parcel to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations.

Recommendation

Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 99-0184 based on the attached findings (Exhibit B).

EXHIBITS

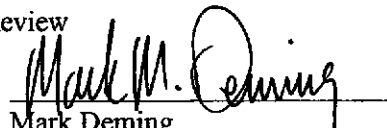
- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN Map
- C. Location, Current Zoning and General Plan Designation Maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan by Dale Holderman, RPF, dated June 23, 2000

Robin Bolster-Grant


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. 00-0453, involving property located on the north side of Whitehouse Creek Road at approximately three miles north and east from Highway One and about 1/2 mile east from the San Mateo County line, 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) and Agriculture (A) 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.

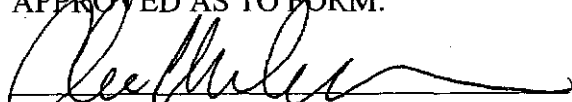
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2006, by the following vote:

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 north side of Whitehouse Creek Road at approximately three miles north and east from Highway One and about **1/2** mile east from the San Mateo County line; 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>
057-041-05	Special Use (SU) and Agriculture (A)	TP

SECTION IV

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

PASSED AND ADOPTED THIS _____ day of _____ 2006, 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

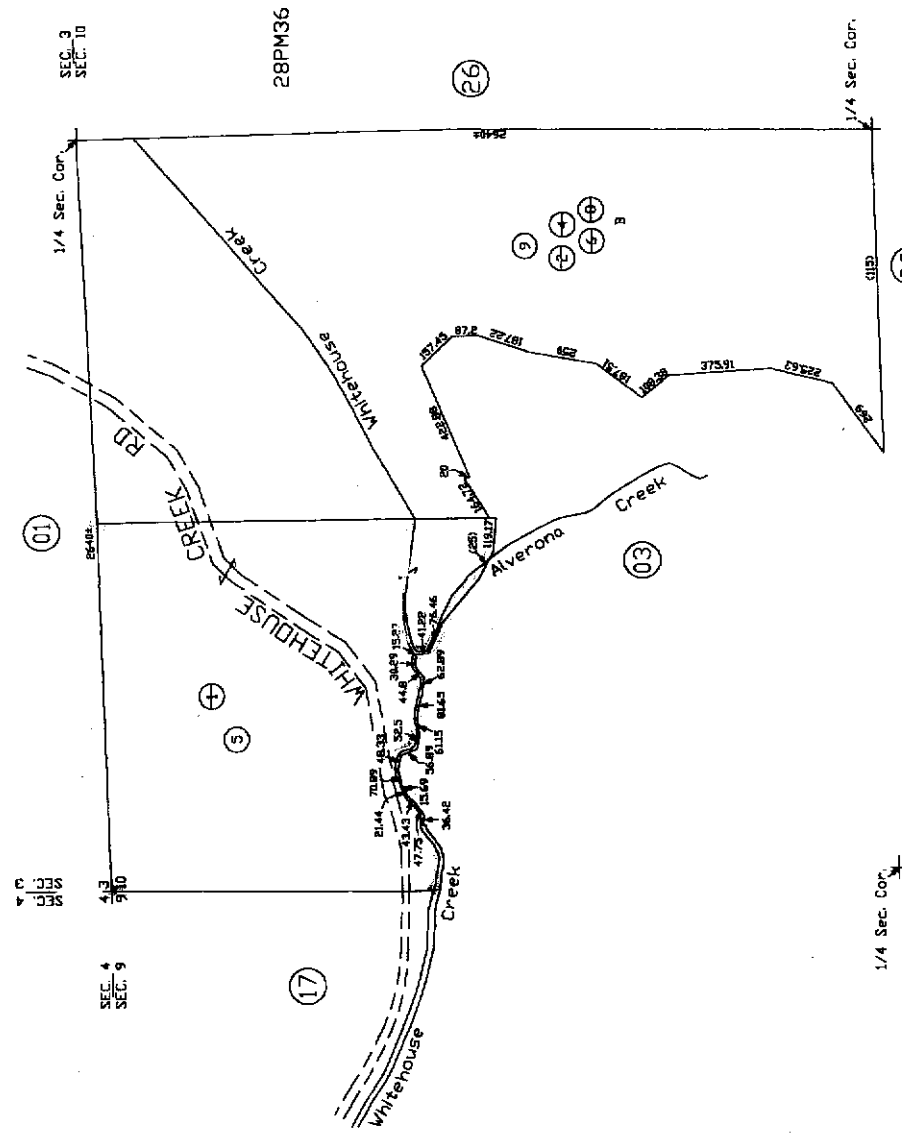
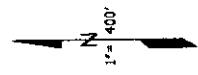
GIS

57-04

Tax Area Code
86-023

POR. N.W. 1/4 SEC. 10
T.9S., R.4W., M.D.B. & M.

FOR TAX PURPOSES ONLY
THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
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Assessor's Map No. 57-04
County of Santa Cruz, Calif.
Nov, 2000

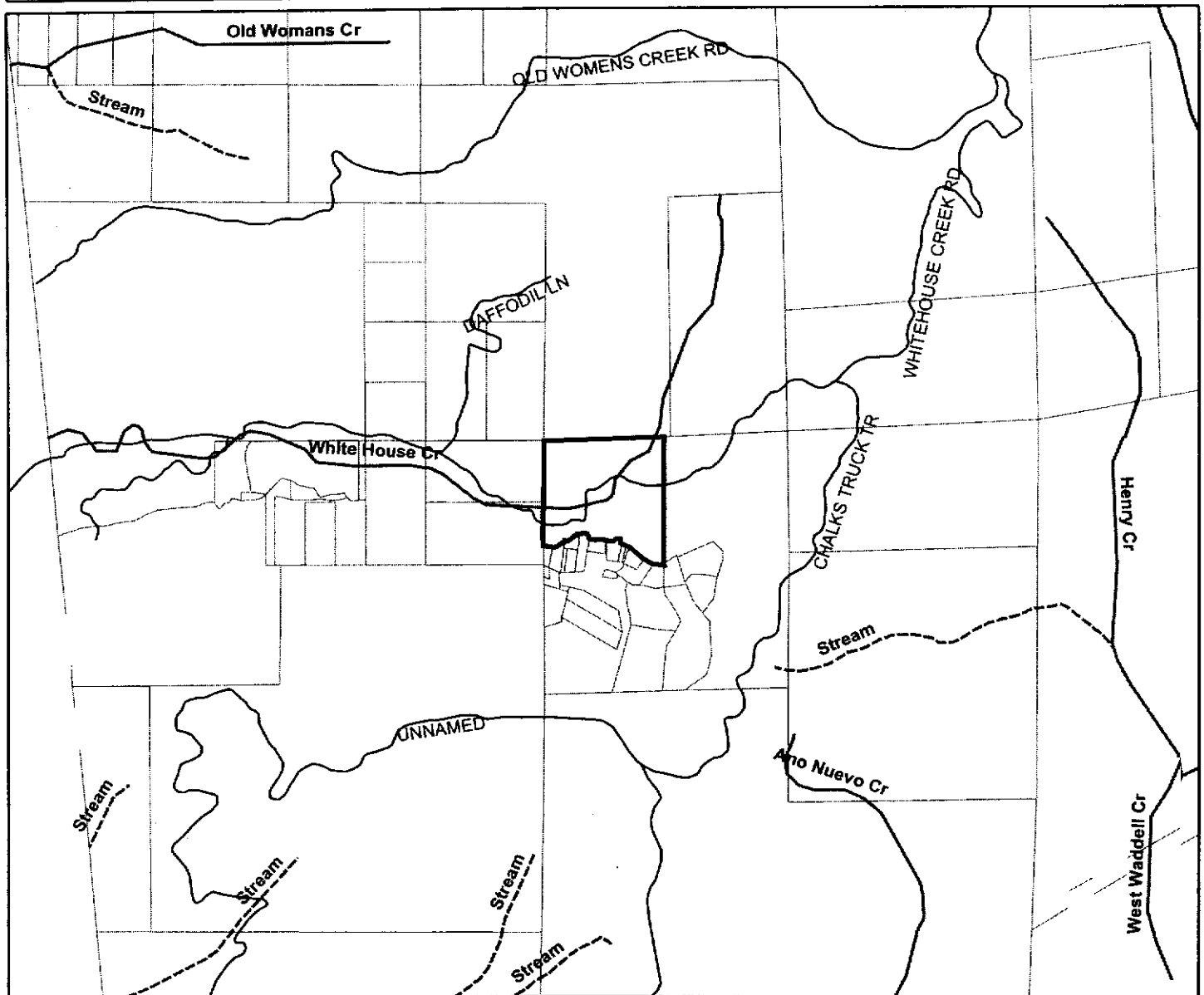
Note - Assessor's Parcel & Block
Numbers are shown in Circles.

1/4 Sec. Cor.
SEC. 10
SEC. 9



EXHIBIT B

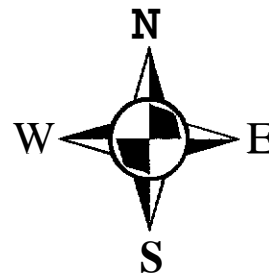


Location Map



Legend

-  APN 057-041-05
-  Assessors Parcels
-  Streets
-  INTERMITTENT STREAM
-  PERENNIAL STREAM

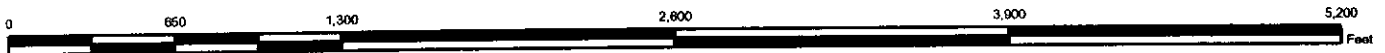
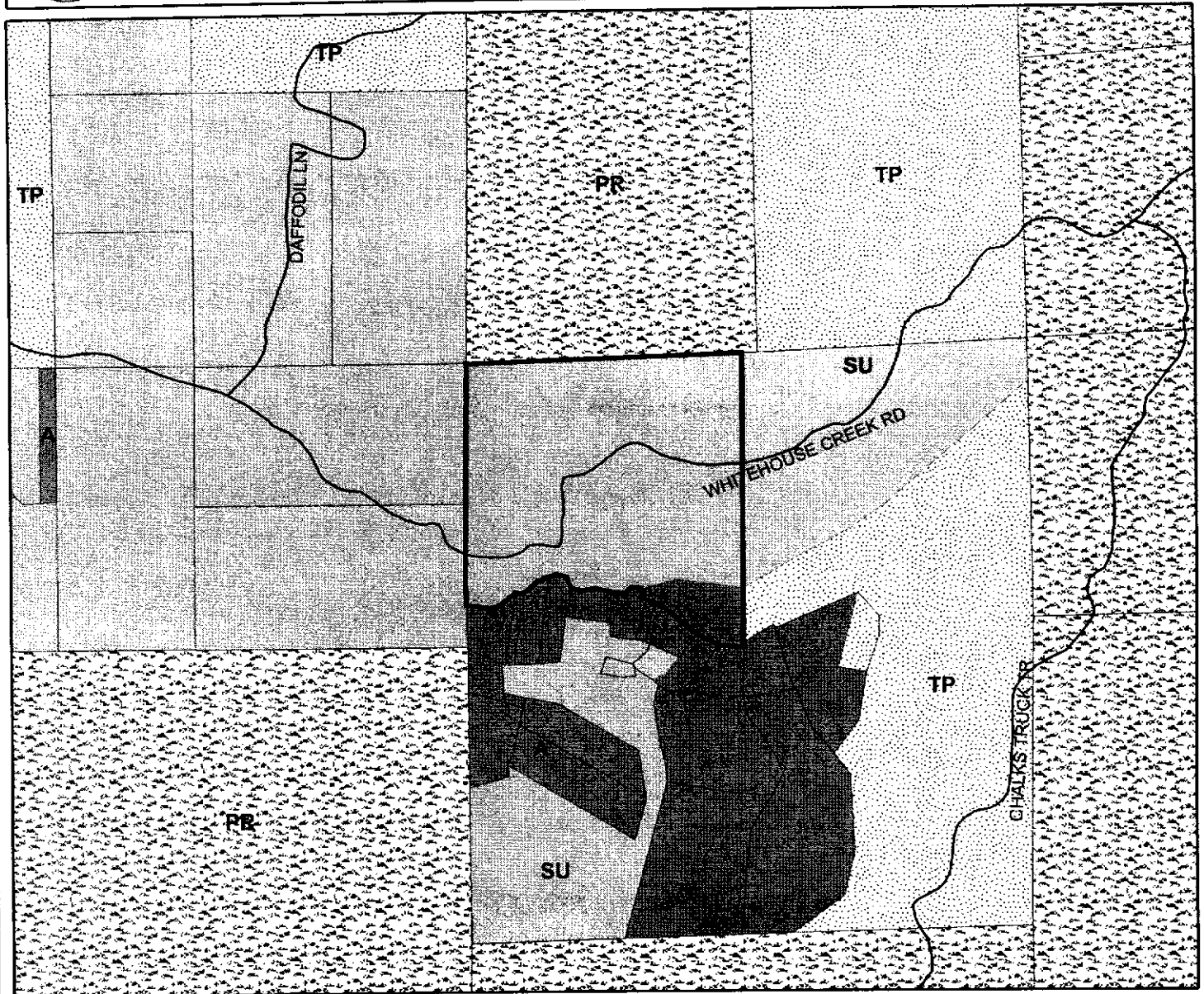


Map Created by
County of Santa Cruz
Planning Department
October 2006

EXHIBIT C

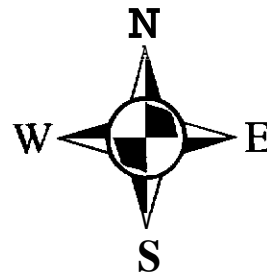


Zoning Map



Legend

- APN 057-041-05
- Assessors Parcels
- Streets
- SPECIAL USE (SU)
- AGRICULTURE (A)
- TIMBER PRODUCTION (TP)
- PARK (PR)

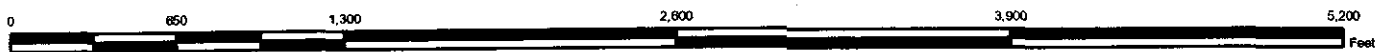
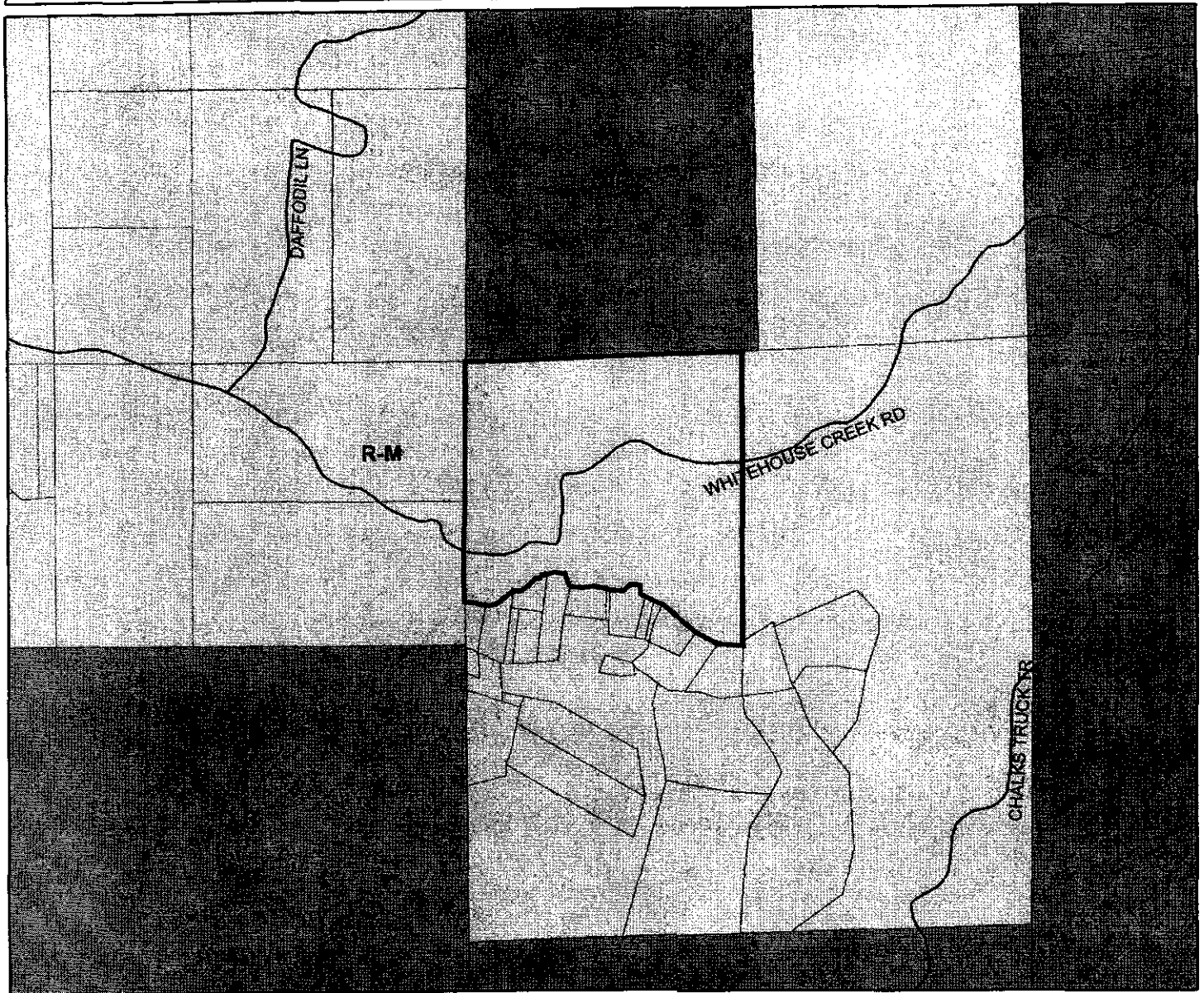


Map Created by
County of Santa Cruz
Planning Department
October 2006






EXHIBIT C

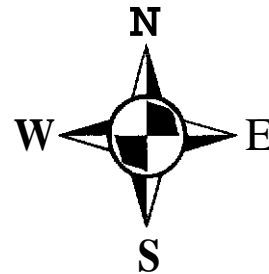


General Plan Designation Map



Legend

-  APN 057-041-05
-  Assessors Parcels
-  Streets
-  Residential-Mountain(R-M)
-  Parks and Recreation(O-R)



Map Created by
County of Santa Cruz
Planning Department
October 2006

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: 00-0453

Assessor Parcel Number: 057-041-05

Project Location: Property located on the **north** side of Whitehouse **Creek** Road at approximately **three** miles north and east from Highway One and about 1/2 mile east from the San Mateo County line

Project Description: Rezone a single parcel from the Special Use (SU) and Residential Agriculture (RA) zone districts to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Dale Holderman

Contact Phone Number: (831) 426-6964

- 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 17031]

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


Robin Bolster-Grant, Project Planner

Date: 10-31-06

EXHIBIT D

FOR 00-0453

TIMBER MANAGMENT PLAN

FOR

JERRY L. or DONA K. ORR, TRUSTEES

APN 057-041-05

PREPARED BY

DALE F. HOLDERMAN
REGISTERED PROFESSIONAL FORESTER
LICENSE NUMBER 69

2000

EXHIBIT E

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EXHIBIT 4

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- site class	
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- present and future growth	
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- commencement of harvesting	
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EXHIBIT E

GEOGRAPHIC LOCATION MAP

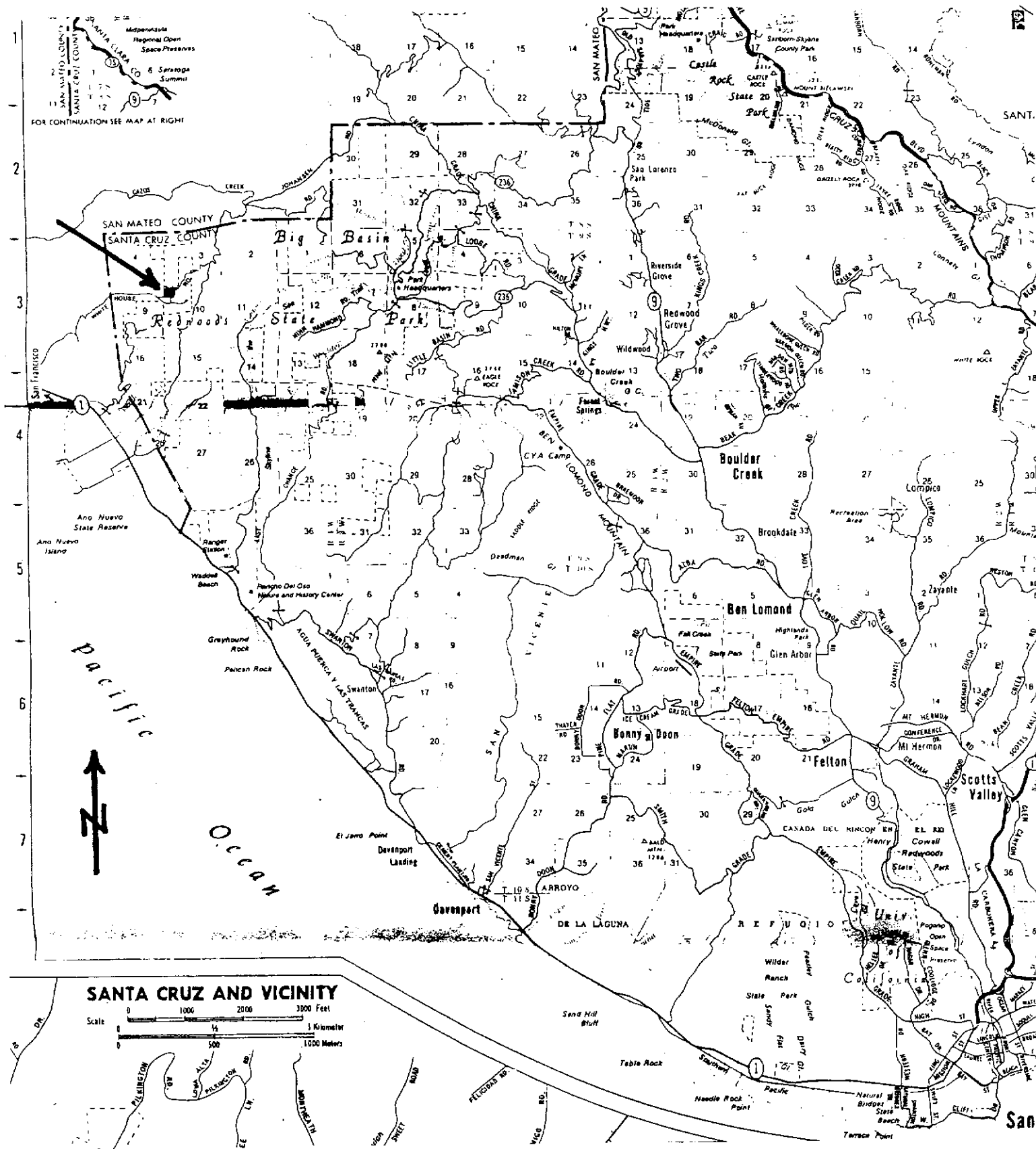


EXHIBIT E

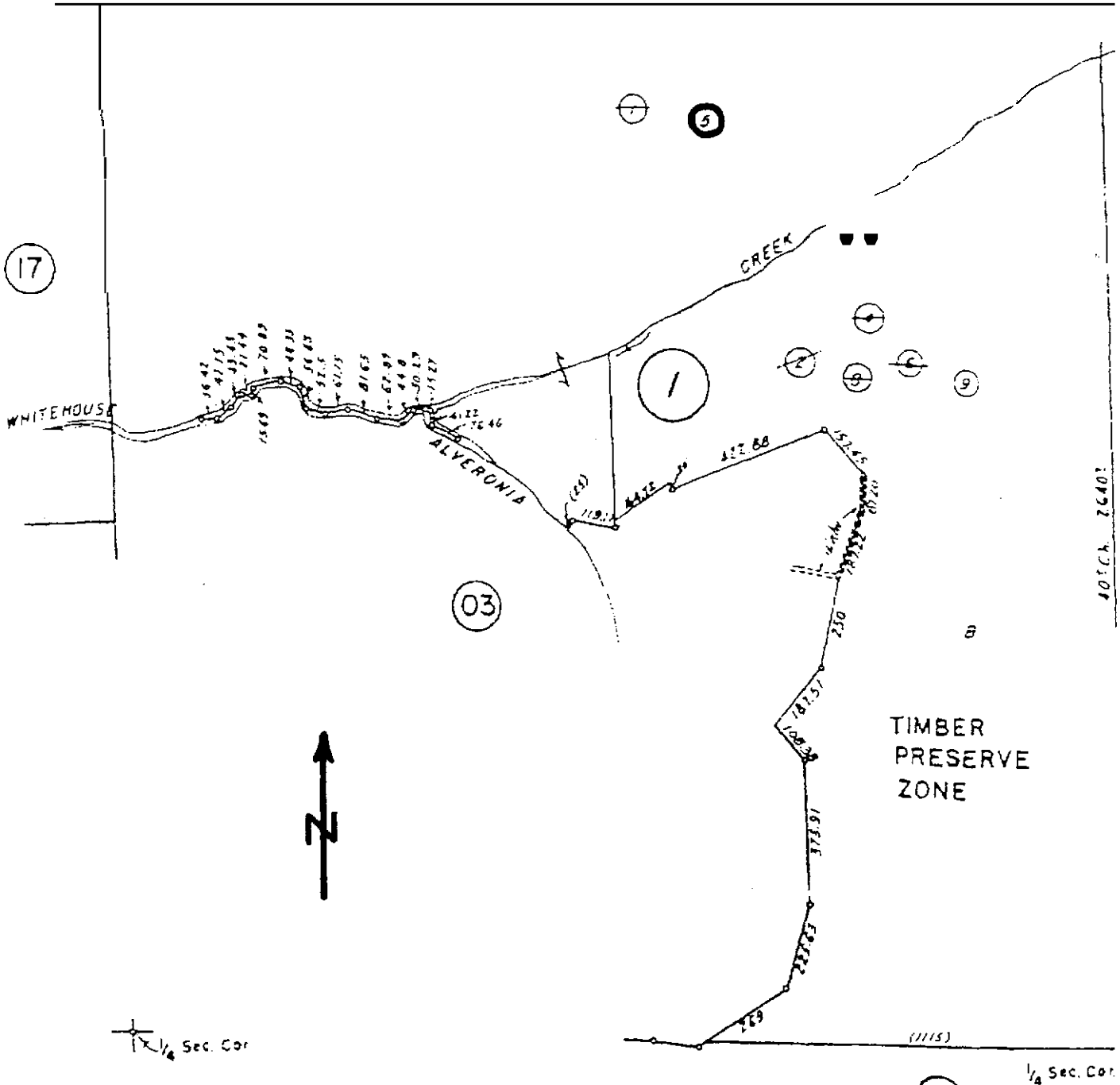
ASSESSOR'S PARCEL MAP

POR. N.W. 1/4 SEC. 10, T.9S., R.4W., M.D.B. & M.

57-041

01

SEC. 4
SEC. 5

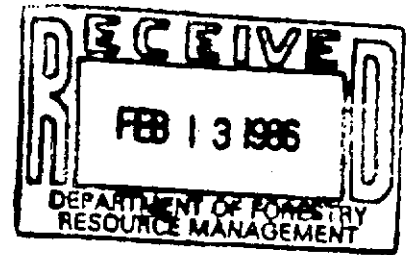


1/4 Sec. Cor.

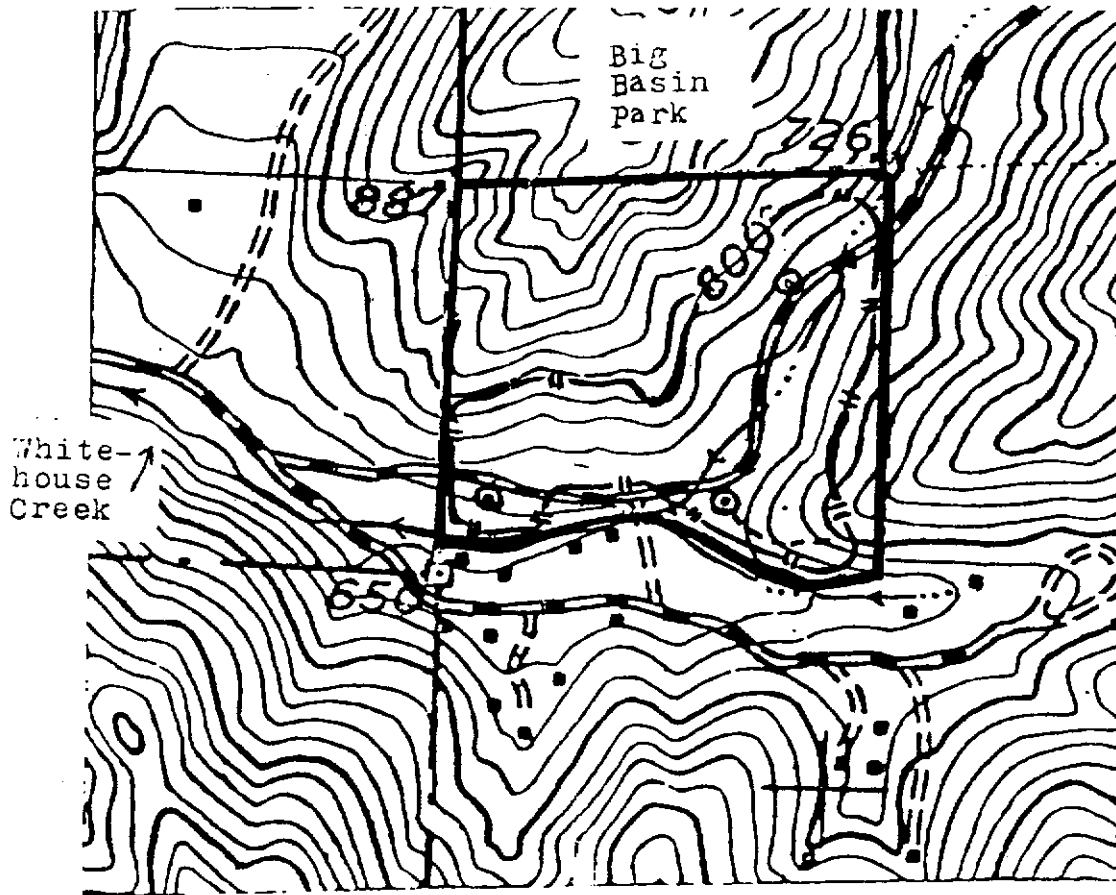
SEC. 9
SEC. 10

EXHIBIT E

TIMBER HARVEST PLAN MAP



1-86-88 SCR

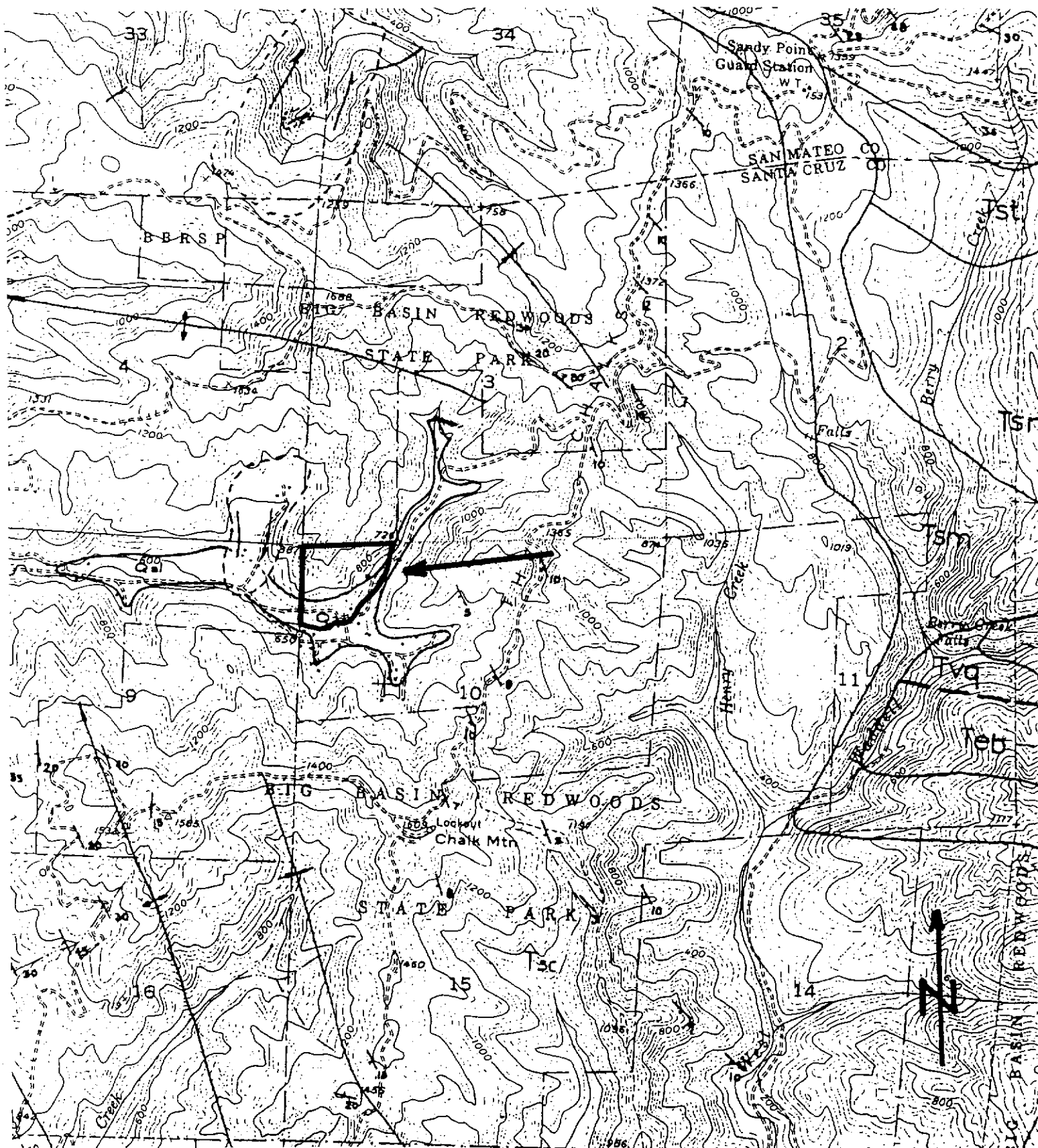


HARWOOD INVESTMENT CO.
 Whitehouse Creek tract
 Santa Cruz Co.
 Section 10 T.8 S. 3.4 W.
 Scale 8"=1 mile
 Contour interval 43'
 Property line

Harvest boundary —||—||—
 Existing perm. roads ———
 Proposed landings ⊙
 Proposed skid trail - - - -

EXHIBIT E

GEOLOGIC MAP



Compiled by California Department of Forestry, Region I, Geologic Group, 1979.

EXHIBIT E

PROPERTY DESCRIPTION

OWNERS NAME - Jerry L. or Donna K. Orr, Trustees

ASSESSOR'S PARCEL NUMBER - 057-041-05

SIZE OF PARCEL - 57 acres

ACREAGE IN DIFFERENT VEGETATION TYPES - the harvest area shown on the Timber Harvest Plan Map is redwood/hardwood type. The balance of the property is primarily hardwood type.

SITE CLASS - Site Class III

PARCEL TIMBER HARVEST HISTORY

The parcel was originally clear cut about 1900. In 1987 the residual old growth redwood was removed. The second growth conifers were selectively cut. The harvest removed about sixty percent of the harvestable volume.

APPROVED STATE OR COUNTY TIMBER HARVEST PLANS & HAUL ROUTE

The property was harvested pursuant to Timber Harvesting Plan 1-86-88 SCR. The haul route was Whitehouse Road to Highway 1, then north to Branscomb.

MANAGEMENT OBJECTIVES AND GOALS

The objective and goal is to produce an even flow of high quality redwood logs through periodic harvesting.

RECOMMENDED LOGGING SYSTEMS

The recommended logging system is crawler tractor and/or rubber tired skidder.

PRESENT AND FUTURE STAND CONDITIONS

The stand of approximately 80 year old redwoods was thinned in 1987. No ancient redwoods were observed on the property. The spacing of the present young growth stand is somewhat open, but with a fairly dense overhead canopy. The future stand resulting from successive thinnings will be a more open all-aged stand with a greater variety of tree sizes. The oldest trees will be about 60 to 80 years old. It will have a roughly equal number of crop trees in each age class. It will have a greater diversity of habitats.

PRESENT AND FUTURE GROWTH

Current growth is rapid because the severely crowded condition of the uncut stand has been eliminated. Growth will remain rapid provided the stand is thinned periodically to maintain good growing conditions.

CUTTING PRESCRIPTION

The even flow of high quality redwood logs from any stand is guaranteed by doing nothing more than applying a simple cutting prescription. Cut 50-60 percent of the trees 18 inches in diameter and larger. Take the largest trees first.

HARVEST CYCLES

Don't cut again until some* dominant redwoods, not growing in advantageous habitat such as near a spring or stream, have grown six inches in diameter: (*A number equal to two trees for every a 10 acres is enough.)

REGENERATION

Since redwoods sprout from the stump, regeneration is assured without any intervention

FUTURE GROWTH MODEL

The cutting prescription will produce an even flow of harvest trees, mostly 24 to 30 inches in diameter. Assuming just one replacement tree for each tree cut, ultimately the distribution of crop trees prior to each harvest will look something like this:

TREE DISTRIBUTION			
50% CUT		60% CUT	
NUMBER	DIAMETER	NUMBER	DIAMETER
20%	24-30"	14.4%	24-30"
20%	18-24"	21.4%	18-24"
20%	12-18"	21.4%	12-18"
20%	6-12"	21.4%	6-12"
20%	0-6"	21.4%	0-6"

COMMENCEMENT OF HARVESTING

Harvesting has already begun.

MANAGEMENT UNITS

The entire parcel is one management unit.

FOREST IMPROVEMENT

No forest improvement is proposed, other than the application of the cutting prescription detailed above.

SNAGS AND DOWNED WOOD INVENTORY.

There are no significant snags or downed wood.

FISH AND WILDLIFE MANAGEMENT

Fish and wildlife management is not proposed.

FIRE PROTECTION PLAN

Maintain access for fire suppression equipment.

RECREATION

There is only private recreation, such as hiking, on the parcel.

URBAN INTERFACE ISSUES.

The setting is extremely rural, reached only by several miles of dirt road. There is a small subdivision adjacent to the parcel with a few full time residents. Timber harvests have been conducted in the area occasionally over at least the past thirty years. Almost all the timberland in the vicinity has been selectively cut at least once since the clear cutting around the turn of the century. All the logs harvested in the vicinity were trucked out over Whitehouse Canyon Road.

EROSION HAZARD INVENTORY AND PLAN

Except for the fire road through the property, there are no erosion problems evident. The fire road is a dirt road that used to be open to the public, but is now gated. Erosion on the fire road through the property is not serious, consisting mostly of puddles in the winter. Since the fire road is now gated before the subject property, winter traffic that causes the greatest damage is no longer a problem

PROPOSED DEVELOPMENT

There is no development proposed.

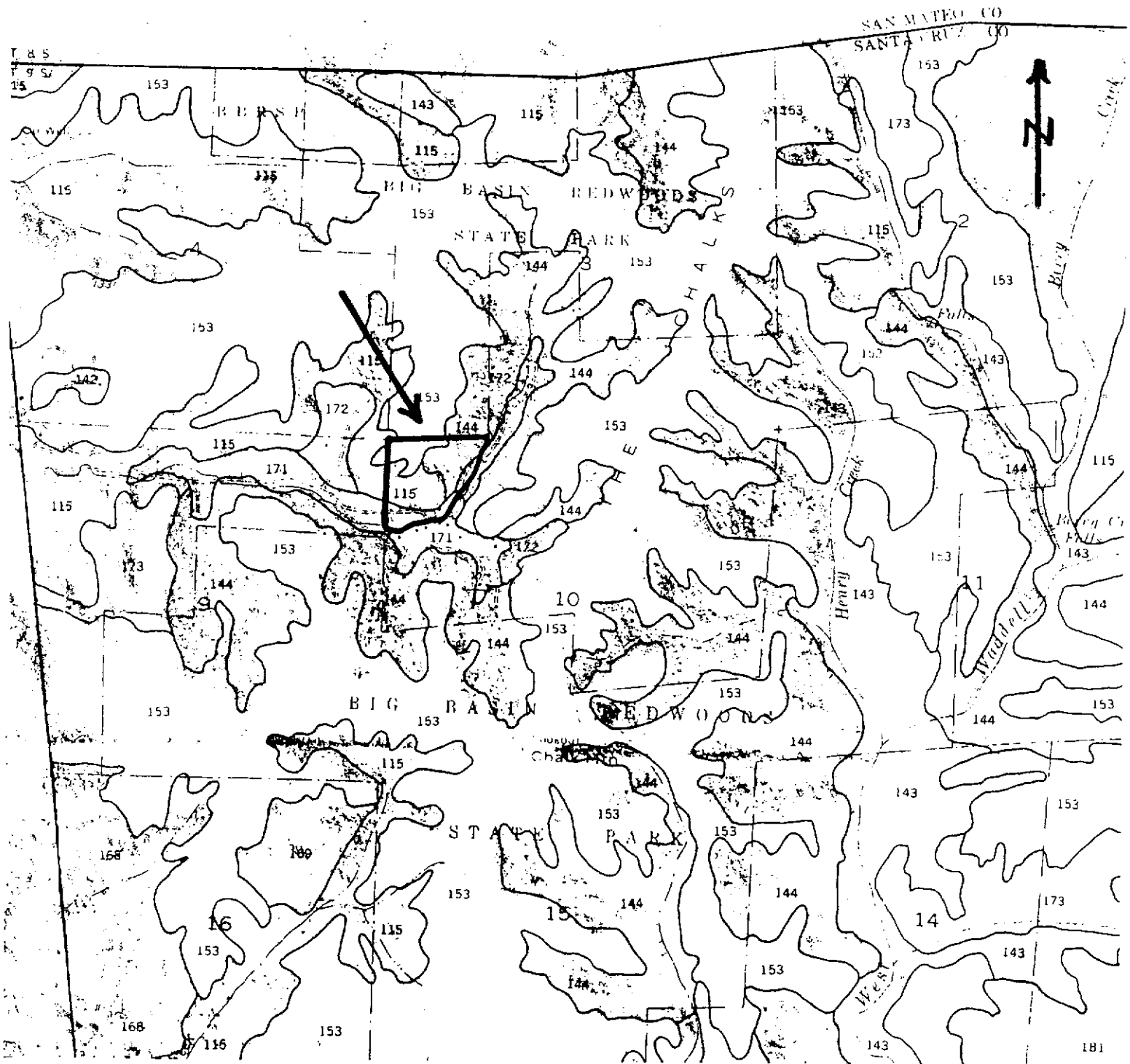
ANALYSIS OF ANY CONFLICTS BETWEEN PROPOSED DEVELOPMENT AND FUTURE HARVESTING

There are none.

Dale F. Holderman

6-23-2000

SOIL TYPE



USDA, Soil Conservation Service, Soil Survey of Santa Cruz County, 1980

EXHIBIT E

115—Ben Lomond-Felton complex, 50 to 75 percent slopes. This complex is dominant, in concave areas near drainageways. Elevation ranges from 400 to 3,000 feet. The mean annual precipitation is about 45 inches, and the mean annual air temperature is about 56 degrees F. The frost-free season ranges from 220 to 245 days.

This complex is about 35 percent Ben Lomond sandy loam and 35 percent Felton sandy loam.

Included with these soils in mapping are areas of Nisene loam, Aptos sandy loam, and Lompico loam. Also included are small areas of Catelli sandy loam, Hecker gravelly sandy loam, and soils that are similar to the Ben Lomond and Felton soils but have slopes of 75 to 90 percent slopes.

The Ben Lomond soil is deep and well drained. It formed in residuum derived from sandstone or granitic rock. Typically, the soil is covered by a 2-inch mat of partially decomposed needles and twigs. The surface layer is dark grayish brown, slightly acid and neutral sandy loam about 19 inches thick. The subsoil is brown, medium acid sandy loam about 11 inches thick. The substratum is pale brown, medium acid sandy loam about 16 inches thick. Weathered sandstone is at a depth of 46 inches.

Permeability of the Ben Lomond soil is moderately rapid. Effective rooting depth is 40 to 60 inches. Available water capacity is 4.0 to 8.5 inches. Runoff is very rapid, and the hazard of erosion is very high.

The Felton soil is deep and well drained. It formed in residuum derived from sandstone, shale, schist, or siltstone. Typically, the surface layer is dark grayish brown and brown, slightly acid sandy loam about 11 inches thick. The subsoil is brown and yellowish red, slightly acid and strongly acid sandy clay loam and clay loam about 32 inches thick. The substratum is variegated light brownish gray and light olive brown, strongly acid loam and sandy loam about 20 inches thick. Weathered sandstone is at a depth of 63 inches.

Permeability of the Felton soil is moderately slow. Effective rooting depth is 40 to 70 inches. Available water capacity is 5.5 to 10.0 inches. Runoff is very rapid, and the hazard of erosion is very high.

These soils are used mainly for timber, recreation, wildlife habitat, and watershed. They are also used for firewood production.

These soils are well suited to the production of redwood and Douglas-fir. From a fully stocked, even-aged stand of 80-year-old trees, the soils are capable of producing about 13,360 cubic feet, or 70,000 board feet (International rule) of merchantable redwood timber. The production of merchantable Douglas-fir timber is slightly lower on these soils.

This complex provides habitat for band-tailed pigeon, jay, hawk, deer, raccoon, coyote, bobcat, rabbit, squirrel, mice, salamander, tree frog, lizard, and snake.

These soils are poorly suited to building site development and onsite waste disposal because of their very steep slopes. Capability subclass VIIe(4), nonirrigated; Storie index 20

144—Lompico-Felton complex, 50 to 75 percent slopes. This complex consists of soils that are dominantly on footslopes but are also in areas near ridgetops. Elevation ranges from 400 to 3,000 feet. The mean annual precipitation is about 48 inches, and the mean annual air temperature is about 55 degrees F. The frost-free season ranges from 220 to 245 days.

This complex is about 35 percent Lompico loam and 30 percent Felton sandy loam.

Included with this complex in mapping are areas of Aptos fine sandy loam, Nisene loam, and Maymen stony loam. Also included are small areas of Ben Lomond sandy loam, Catelli sandy loam, Lompico Variant loam, soils that are similar to those in this complex but have slopes of 30 to 50 percent, and a soil that is similar to this Felton soil but has more than 15 percent shale and mudstone fragments in the subsoil.

The Lompico soil is moderately deep and well drained. It formed in residuum derived from sandstone, shale, siltstone, or mudstone. Typically, the surface layer is brown, slightly acid loam about 5 inches thick. The subsoil is brown, strong brown, and yellowish brown, strongly acid and medium acid clay loam and sandy clay loam. Weathered sandstone is at a depth of 37 inches.

Permeability of the Lompico soil is moderate. Effective rooting depth is 20 to 40 inches. Available water capacity is 3 to 7 inches. Runoff is very rapid, and the hazard of erosion is very high.

The Felton soil is deep and well drained. It formed in residuum derived from sandstone, shale, siltstone, at schist. Typically, the surface layer is dark grayish brown and brown, slightly acid sandy loam about 11 inches thick. The subsoil is brown and yellowish red, slightly acid and strongly acid sandy clay loam and clay loam about 32 inches thick. The substratum is variegated light brownish gray and light olive brown, strongly acid loam and sandy loam about 20 inches thick. Weathered sandstone is at a depth of 63 inches.

Permeability of the Felton soil is moderately slow. Effective rooting depth is 40 to 60 inches. Available water capacity is 5.5 to 10.0 inches. Runoff is very rapid, and the hazard of erosion is very high.

These soils are used mainly for timber, recreation, wildlife habitat, and watershed. They are also used for firewood production.

These soils are well suited to the production of Douglas-fir. The Lompico soil is capable of producing 10,350 cubic feet, or 43,560 board feet (International rule), of merchantable timber per acre from a fully stocked, even-aged stand of 80-year-old trees. The Felton soil is capable of producing 13,360 cubic feet, or 70,000 board feet (International rule), of merchantable timber per acre from a fully stocked, even-aged stand of 80-year-old trees. The hazard of erosion is the major limitation of these soils in timber production. Care must be taken during harvesting to minimize erosion. The Lompico soil produces more timber than the Felton soil because the Lompico soil has weathered bedrock at a depth of 20 to 40 inches.

This complex provides habitat for band-tailed pigeon, jay, hawk, deer, raccoon, coyote, bobcat, rabbit, squirrel, mice, salamander, tree frog, lizard, and snake.

These soils are poorly suited to building site development and onsite sewage disposal because of their very steep slopes. Capability subclass VIIe(4), nonirrigated; Storie index 20.

SOIL DESCRIPTION

Soil Survey of Santa Cruz County, 1980.