



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: 085-092-01

Application: 99-0180

Item: 12

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

Members of the Commission:

On March 29, 1999, the County Planning Department accepted this application for rezoning a parcel totaling about 9.5 acres from the Special Use (SU) zone district to Timber Production.

Background and Discussion

The property owners, Roger and Michele Burch, also own approximately 122-acre Timber Production zoned parcel, APN 085-092-03, which is contiguous with the subject property. The uses on the property consist of timber harvesting.

This item was heard by your Commission on September 27, 2000, October 25, 2001, and June 27, 2001. The primary concern expressed by your Commission surrounded the safety of logging truck traffic during school bus and public transit bus hours, since the primary access to the parcel is Highway 9. The item was continued several times in order to obtain additional information and to allow the applicant to attend the hearings and respond to the safety issues.

The existing logging road on the parcel can currently be used for logging without needing any improvements that would require County permits. Thus, the road can be used for hauling timber during a timber harvest of adjoining TP parcels whether or not the subject parcel is rezoned for TP.

Nevertheless, the property owner has applied for an encroachment permit from Caltrans in order to move the proposed haul road to a location further north on the subject parcel, which will significantly reduce potential conflicts with the north and south bound bus stops and the intersection of Highway 9 and Teihl Drive.

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.

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 99-0180, to adopt the Ordinance rezoning the property to the TP zone district.

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 "TPC" 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 zoned as timberland production.

EXHIBITS

- A. Planning Commission Resolution, with Ordinance/Findings
- B. APN map
- C. Location, Current Zoning, General Plan Designation and Ownership maps
- D. Notice of Exemption from **CEQA**
- E. Timber Stocking Analysis, prepared by Peter A. Twight, RPF, dated March 22, 1999

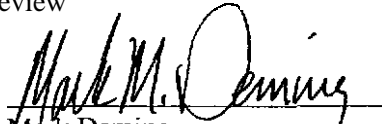
Robin Bolster-Grant



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. 085-092-01, involving property located The property is located on the east side of Highway 9, across Highway 9 from the Teilh Drive Bridge, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing property from the Special Use (SU) zone district to the Timber Production 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 The property is located on the east side of Highway 9, across Highway 9 from the Teilh Drive Bridge; 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
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 51 113 or 51 113.5 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>
085-092-01	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 _____ 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:

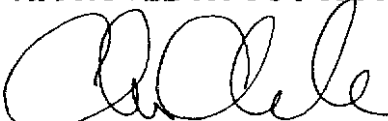

Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
Planning
Assessor
County GIS

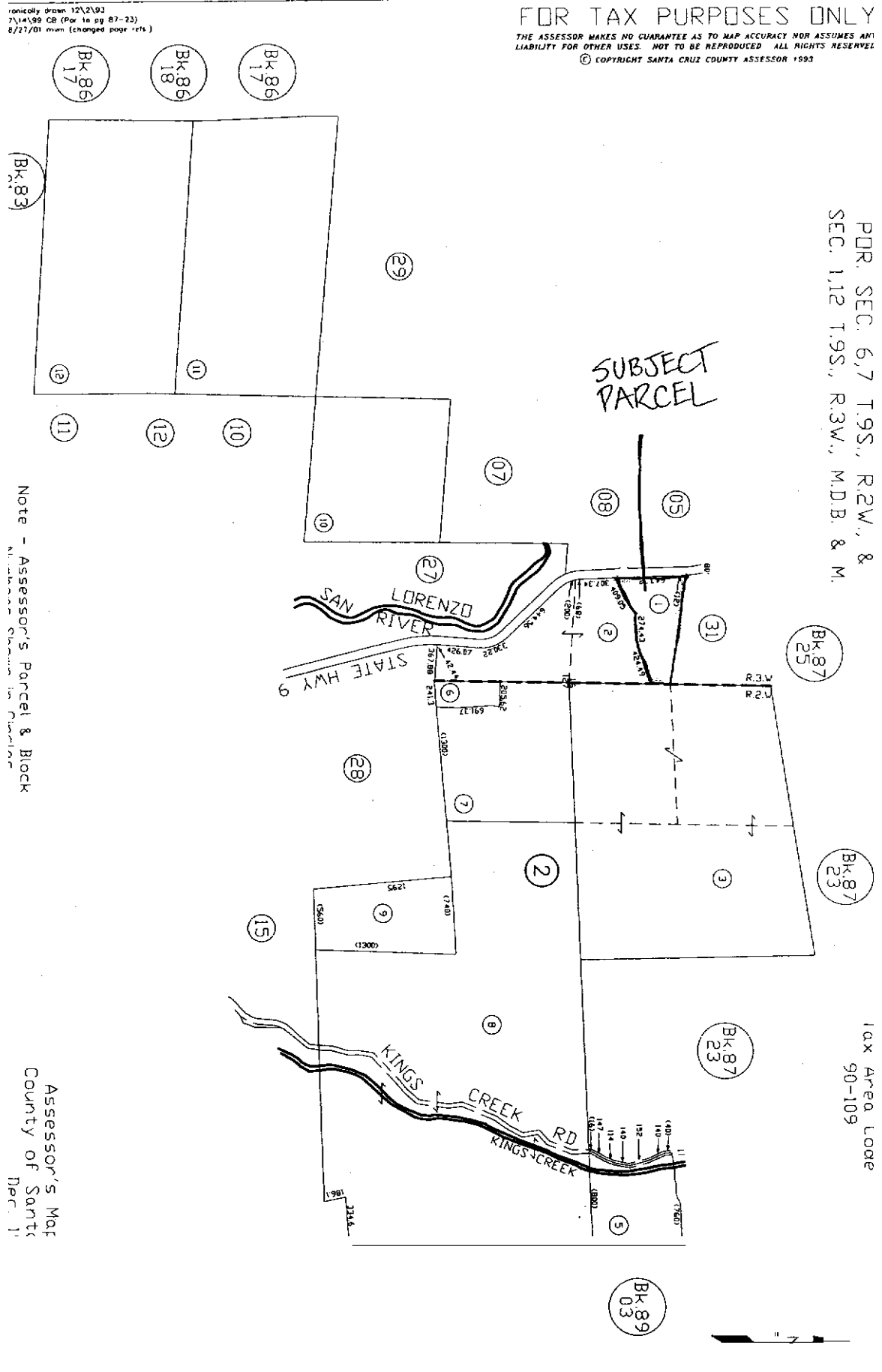
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POR. SEC. 6, 7 T.9S., R.2W., &
SEC. 1, 12 T.9S., R.3W., M.D.B. & M.

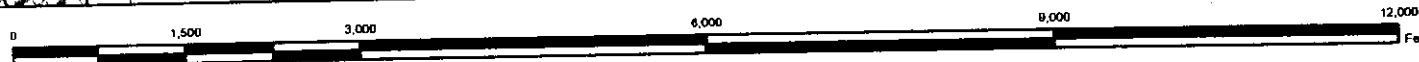
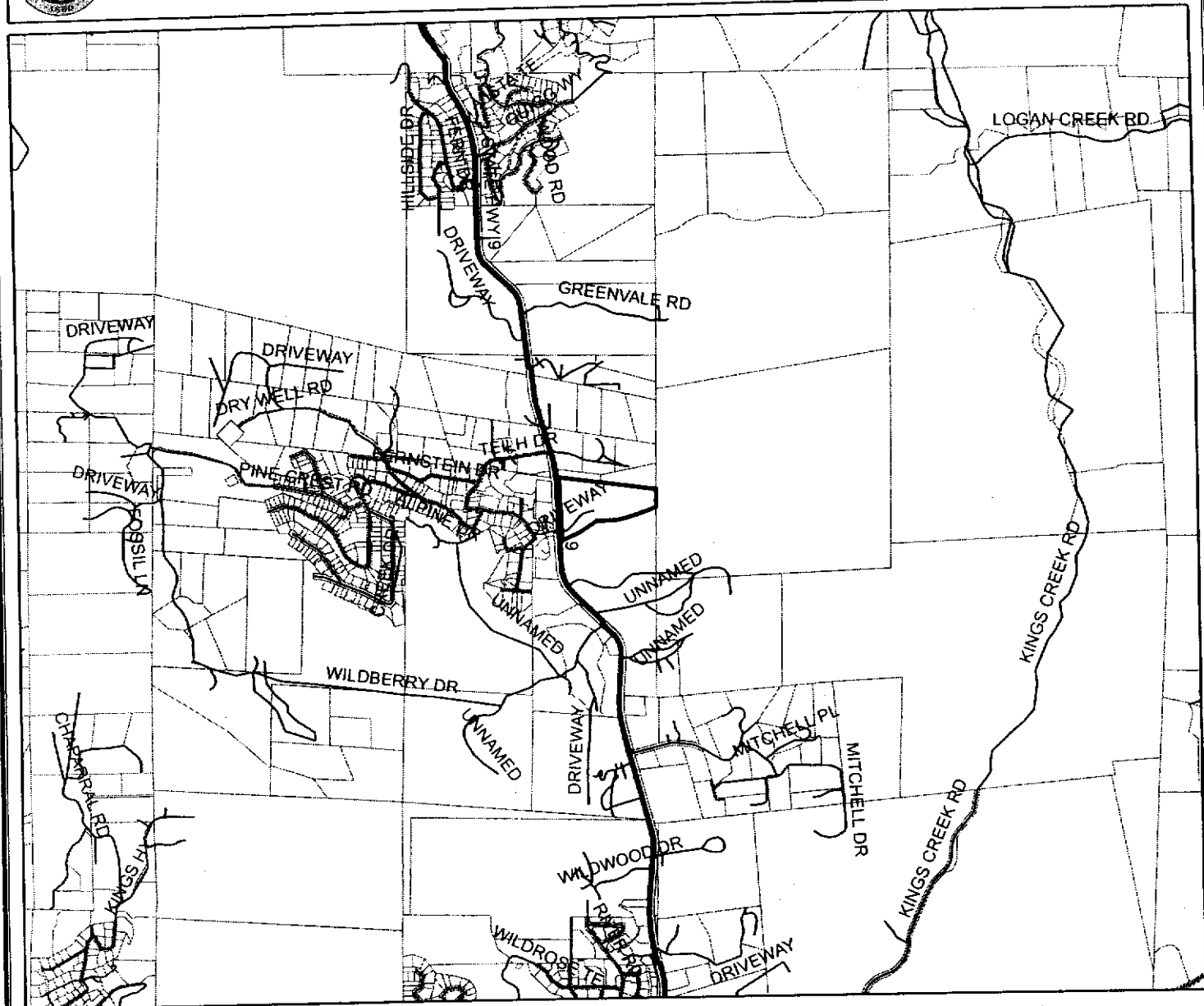
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90-109

SUBJECT
PARCEL


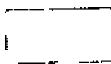




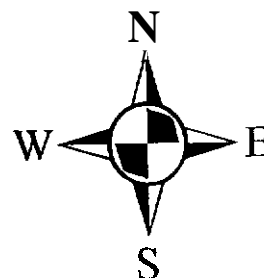


Location Map



Legend

-  APN 085-092-01
-  Assessors Parcels
-  Streets
-  State Highways

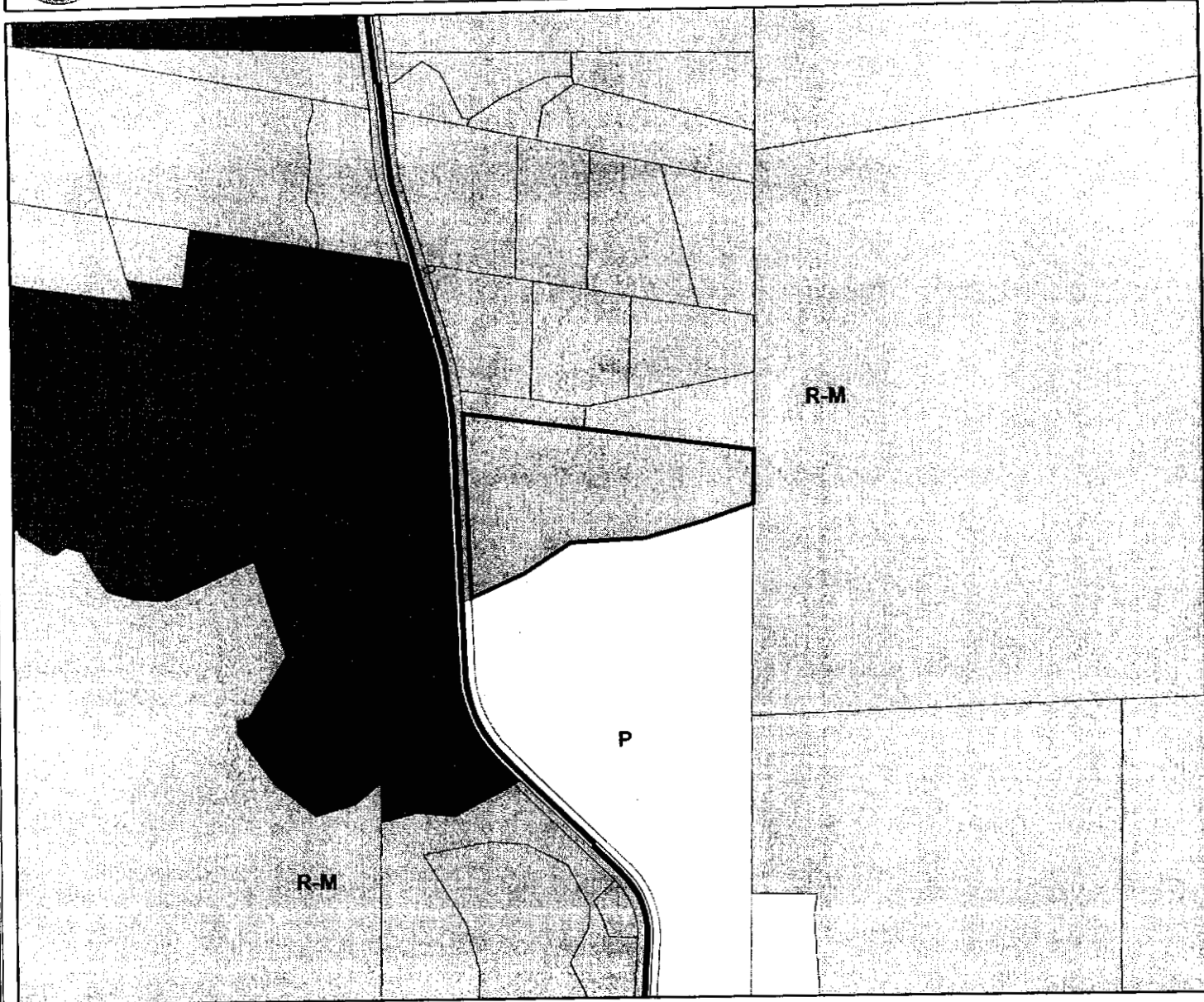


Map Created by
County of Santa Cruz
Planning Department
October 2006

EXHIBIT C



General Plan Designation Map



Legend

APN 085-092-01

Assessors Parcels

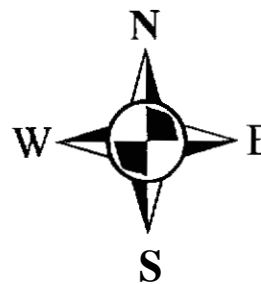
County Maintained Streets

State Highways

Residential-Mountain (R-M)

Public Facilities (P)

Residential-Rural (R-R)

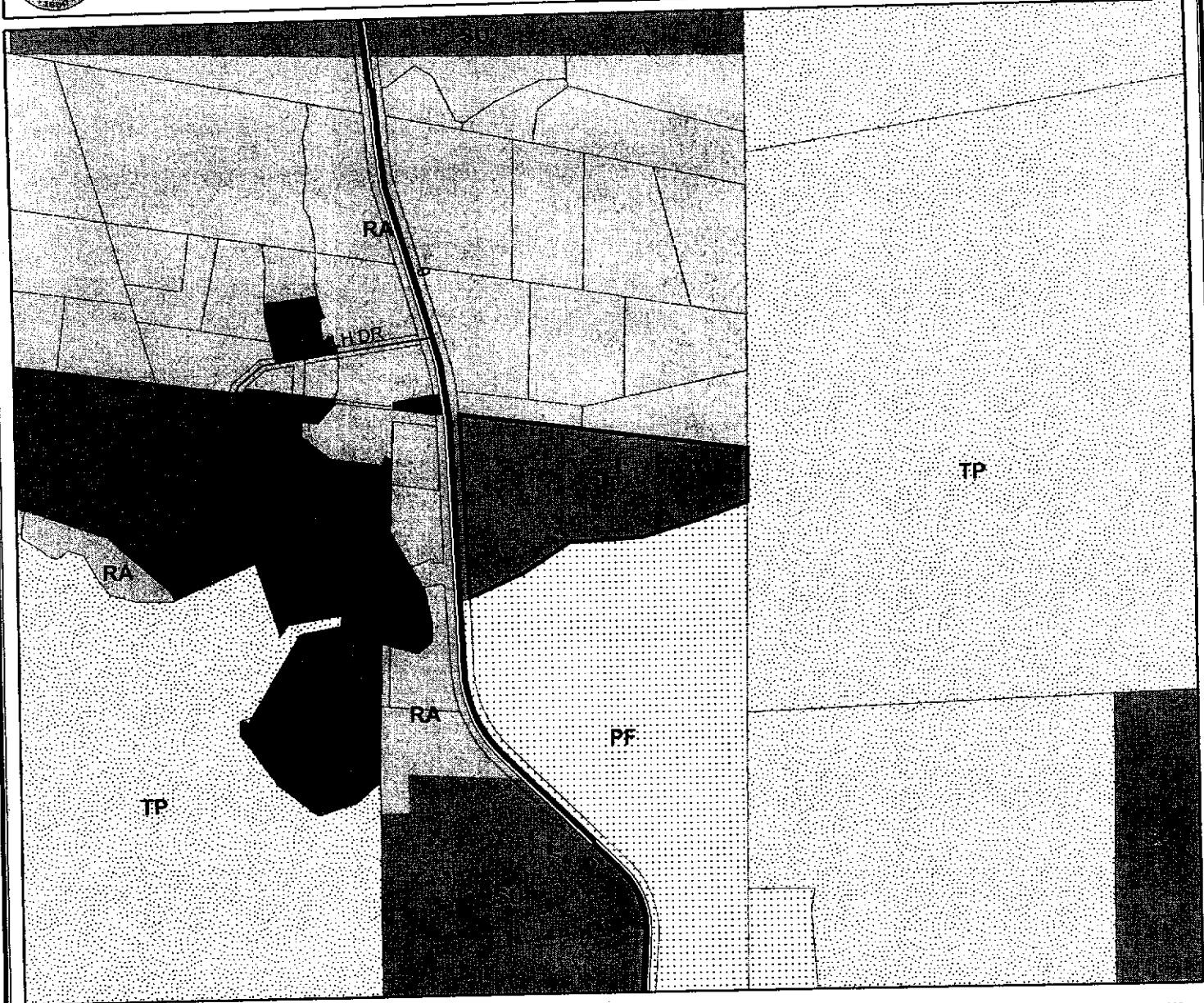


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October 2006

EXHIBIT C

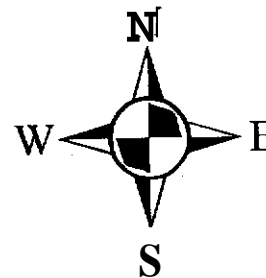


Zoning Map



Legend

- APN 085-092-01
- Assessors Parcels
- County Maintained Streets
- State Highways
- SPECIAL USE (SU)
- TIMBER PRODUCTION (TP)
- PUBLIC FACILITY (PF)
- RESIDENTIAL-SINGLE FAMILY (R-1)
- AGRICULTURE RESIDENTIAL (RA)

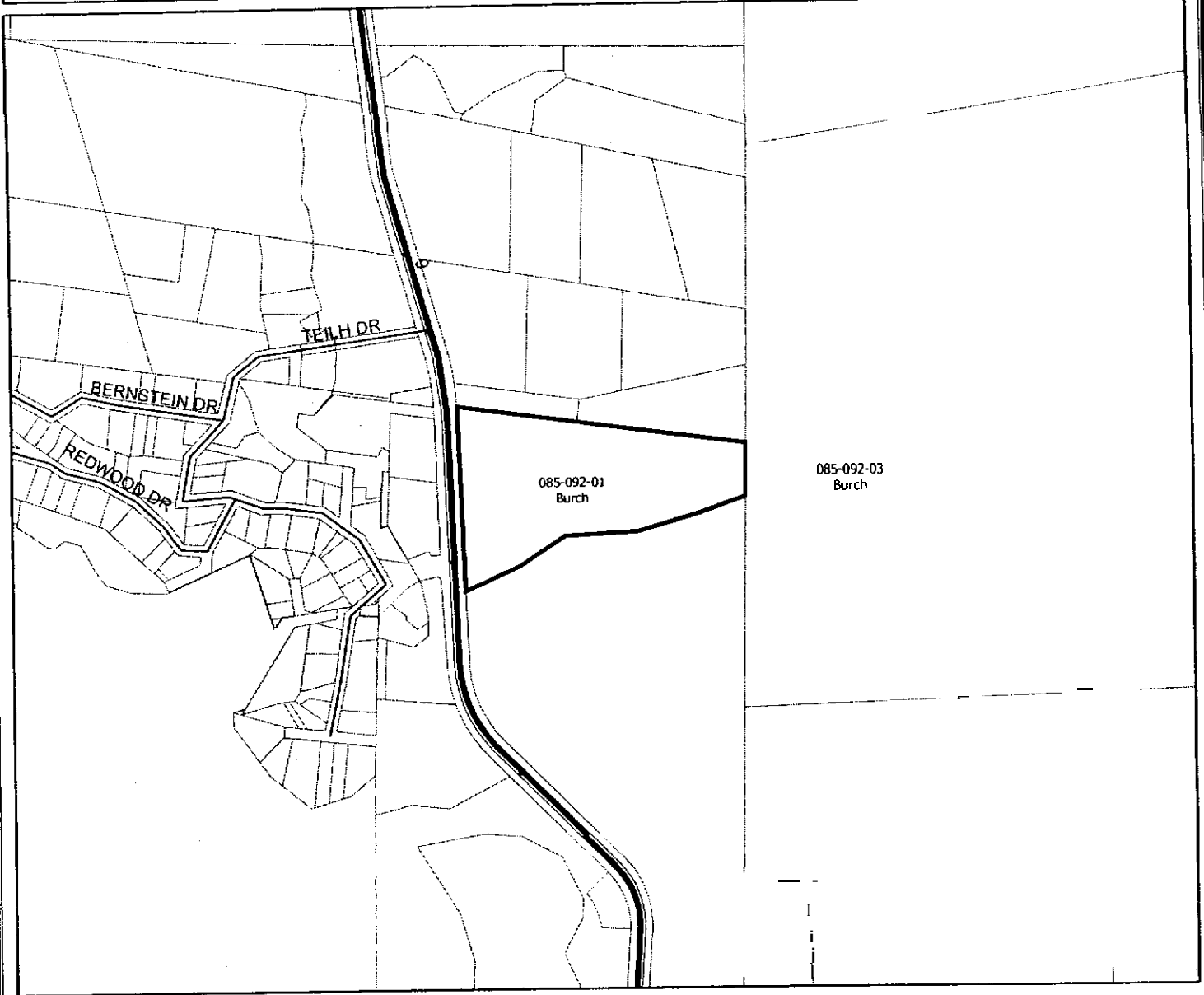


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October 2006

EXHIBIT C 4

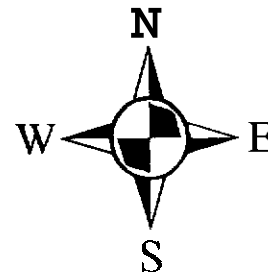


Ownership Map



Legend

-  APN 085-092-01
-  Assessors Parcels
-  County Maintained Streets
-  State Highways



Map Created by
County of Santa Cruz
Planning Department
October 2006

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: 99-0180

Assessor Parcel Number: 085-092-01

Project Location: No situs; property is located on the east side of Highway 9, across Highway 9 from the Teilh Drive Bridge.


Project Description: Rezone a single lot of record from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Roger & Michele Burch

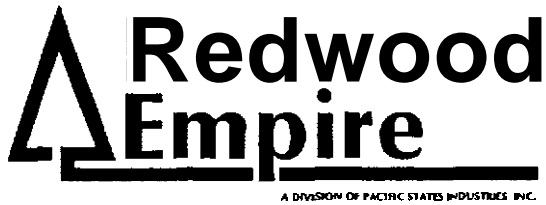
Contact Phone Number: 831-464-8788

- 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: 11/2/06



1395 41st AVENUE, SUITE D
CAPITOLA, CA 95010
(408) 464-8788 • FAX (408) 464-8780

March 22, 1999

Jeff Almquist, Chair
Board of Supervisors
Santa Cruz County
701 Ocean Street
Santa Cruz CA 95060

Dear **Mr.** Almquist:

Re: Re-zoning to TPZ under Government Code 51113.5

I am a Registered Professional Forester with Bachelor of Science and Master of Science degrees in Forestry and over 40 years of forestry experience. I have personally examined and am familiar with the soil, vegetation and timber characteristics of Assessors Parcel Numbered 085-092-01 owned by Roger Burch. This parcel has been part of a timber harvest plan approved by the California Department of Forestry (THP 1-89-540 SCR). It is redwood forest and mixed evergreen forest, and in my professional judgement has an average growth potential within the range of Site Index 111. Site Index III is capable of growing approximately 180 cubic feet of wood per year over a 100 year period (Empirical Yield Tables for Young Growth Redwood by Lindquist & Palley, 1962).

This parcel meets the criteria of subdivision (f) of Section 51104 of the Government Code. It is "contiguous" to other Burch Timber Production lands namely APN 085-092-03 & 07.

Sincerely,

Peter A Twight RPF 2555