



# 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**

October 31, 2006

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

Agenda Date: December **13, 2006**  
APN: **106-161-03, -04, 106-191-04**  
Application: **99-0183**  
Item: **13**

Subject: **A** public hearing to consider **a** proposal to rezone three lots 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 three parcels totaling about 197 acres from the Special Use (**SU**) zone district to Timber Production.

The property owners, Roger and Michele Burch, also own approximately 569.97 acres Timber Production zoned parcel, APN 106-121-41, which is contiguous with the subject property. The uses on the 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)<sup>1</sup>. The County may not place any additional requirements on this petition to rezone the property to TP.

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### **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 zoned 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 parcels 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 parcels 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 99-0183, 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 Stocking Analysis, prepared by Peter Twight, dated January 18, 2001

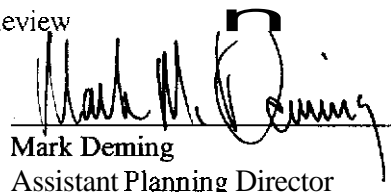
Robin Bolster-Grant



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

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WHEREAS, the Planning Commission has held a public hearing on Application No. 99-0183, involving property located north of Hazel Dell Road and east of Ramsey Creek, approximately 800 feet east of Redwood 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 (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.

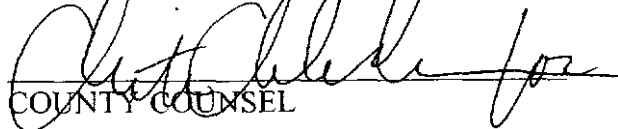
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

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**

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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 properties located north of Hazel Dell Road and east of Ramsey Creek, approximately 800 feet east of Redwood 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 11**

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
- I. 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 51 113 or **51** 113.5 and County Code Section 13.10.375(c).

**EXHIBIT A**

### SECTION III

Chapter 13.10 - Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.2 10- 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>
106-161-03	Special Use (SU)	TP
106-161-04	Special <b>Use</b> (SU)	TP
106-191-04	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 \_\_\_\_\_ 2006, by the Board of Supervisors of the County of Santa **Cruz** by the following vote:

AYES:        SUPERVISORS  
NOES:        SUPERVISORS  
ABSENT:     SUPERVISORS  
ABSTAIN:    SUPERVJSORS

\_\_\_\_\_  
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

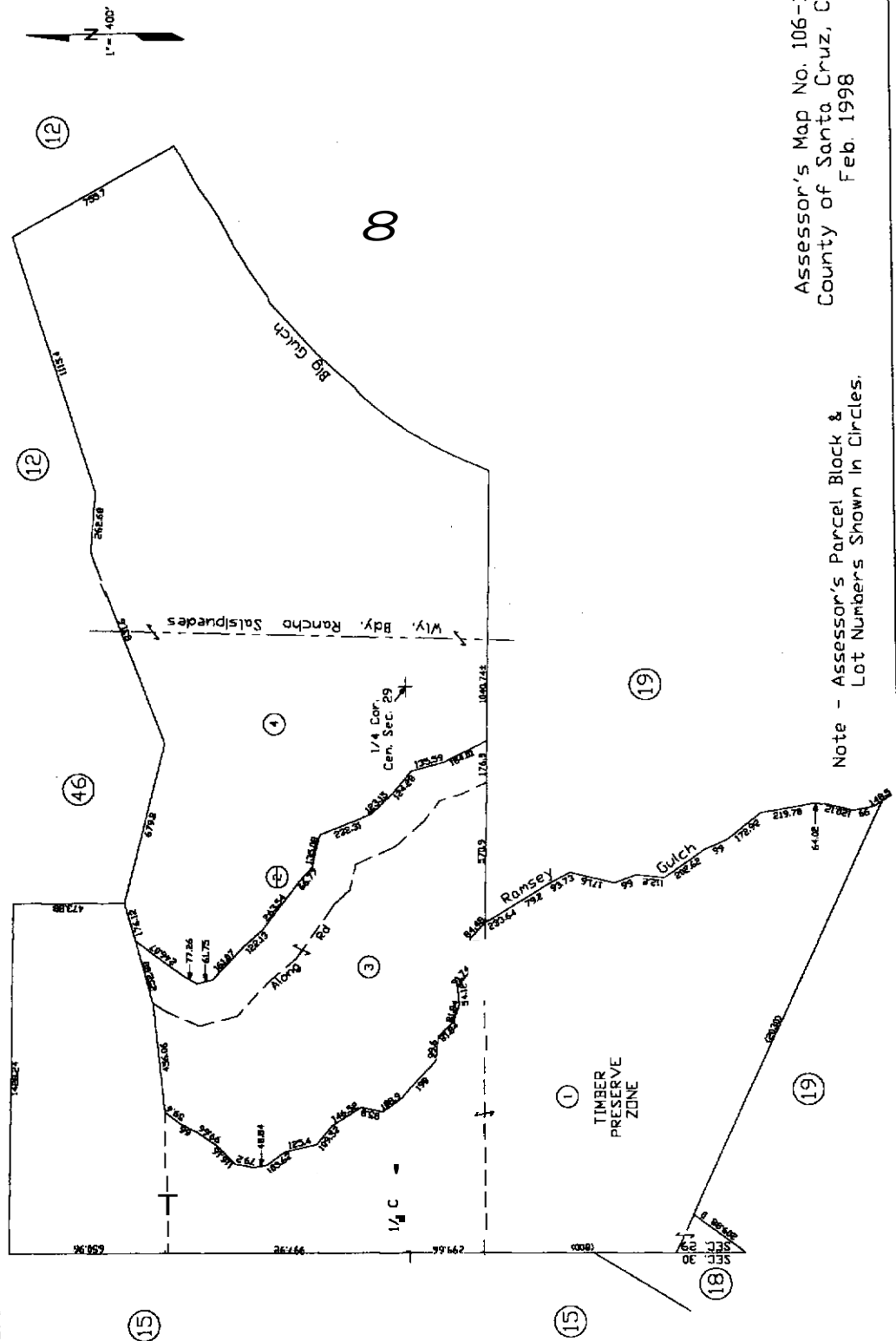
EXHIBIT A

FOR TAX PURPOSES ONLY  
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY FOR ASSUMING ANY  
 LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.  
 © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 1998

POR. RANCHO SALSIPUEDES  
 SEC. 29, T.10S., R.2E., M.D.B. & M.

Tax Area Code  
 69-070

100-10



Assessor's Map No. 106-16  
 County of Santa Cruz, Calif.  
 Feb. 1998

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

EXHIBIT B

Electronically drawn 2/16/98 KSA

POB. RANCHO SALSIPUEDES  
SEC. 29, T.10S., R.2E., M.D.B. & M.

106-19

Tax Area Code  
69-070

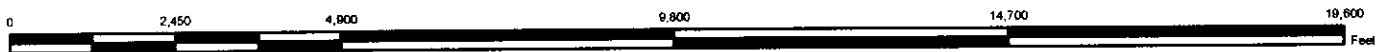
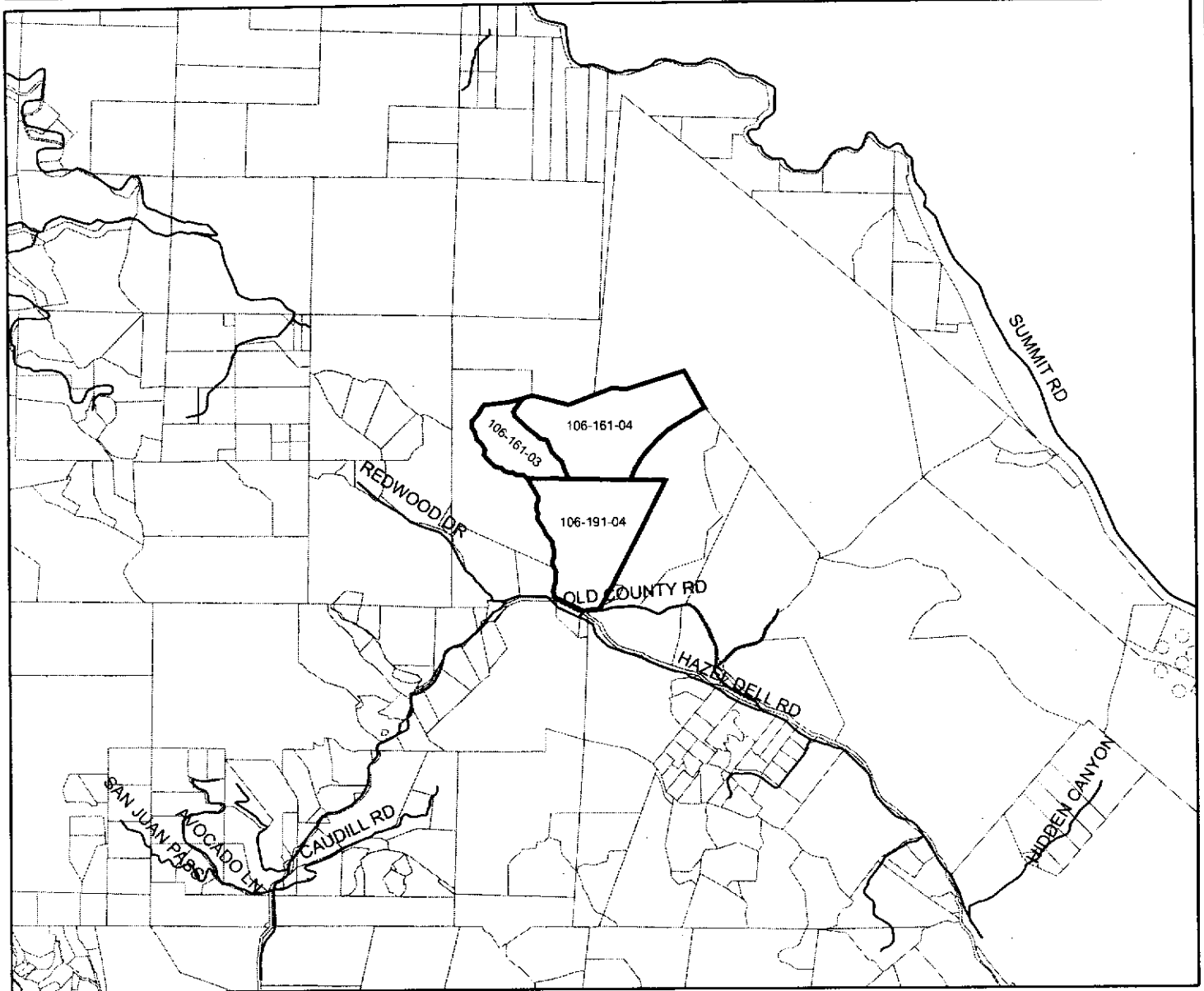
EXHIBIT B

Assessor's Map No. 106-19  
County of Santa Cruz, Calif.  
Feb. 1998




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

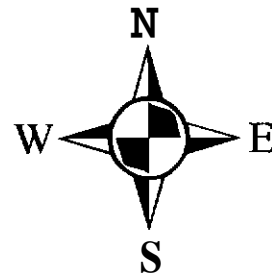


# Location Map



## Legend

-  99-0183 Subject Parcels
-  Assessors Parcels
-  Streets



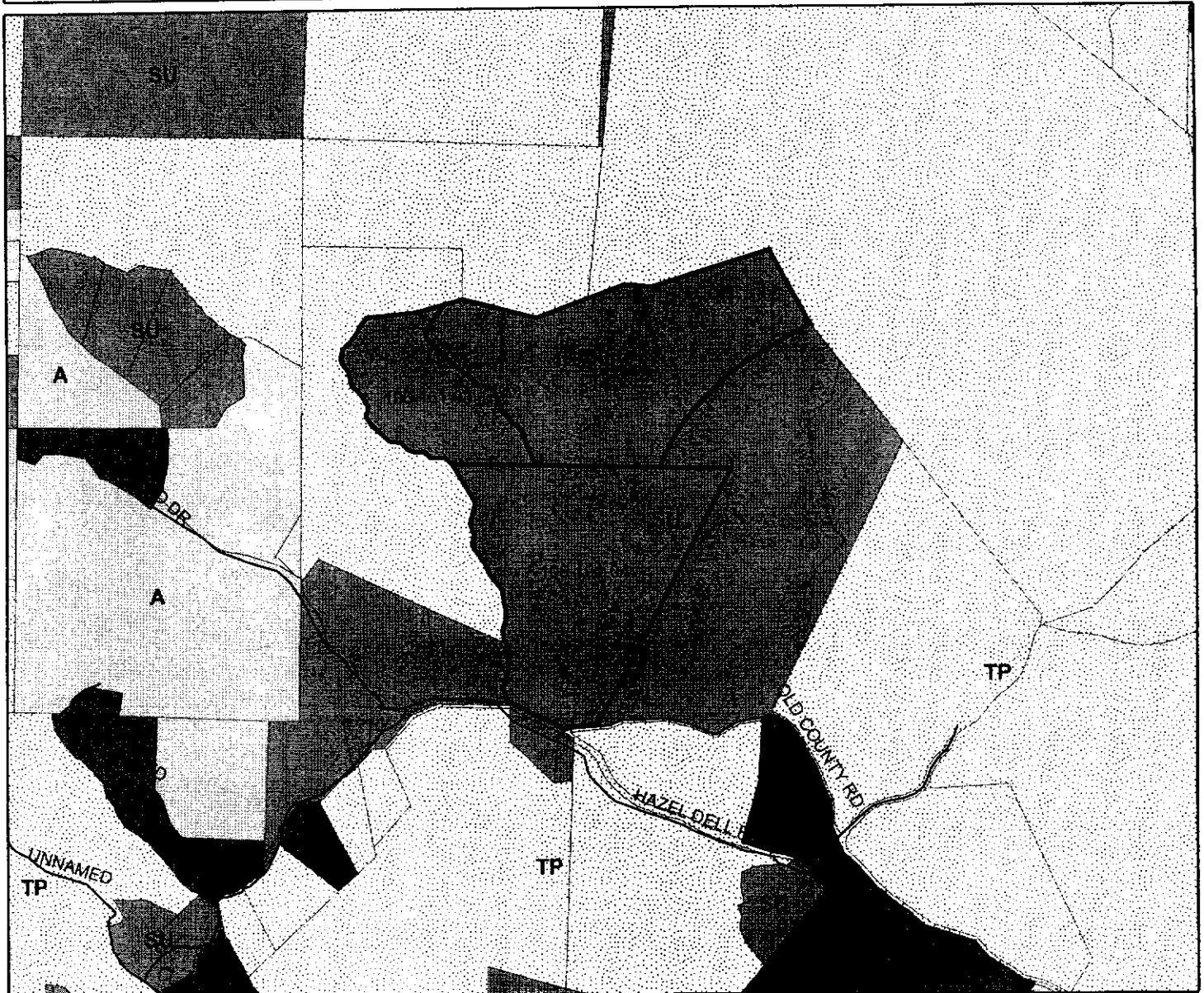
Map Created by  
County of Santa Cruz  
Planning Department

October 2006 **EXHIBIT C**










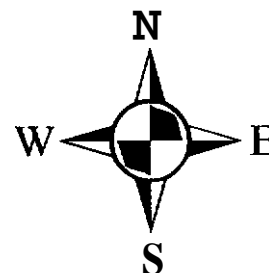


# Zoning Map



## Legend

-  99-0183 Subject Parcels
-  Assessors Parcels
-  Streets
-  SPECIAL USE (SU)
-  TIMBER PRODUCTION (TP)
-  AGRICULTURE (A)
-  AGRICULTURE RESIDENTIAL (RA)

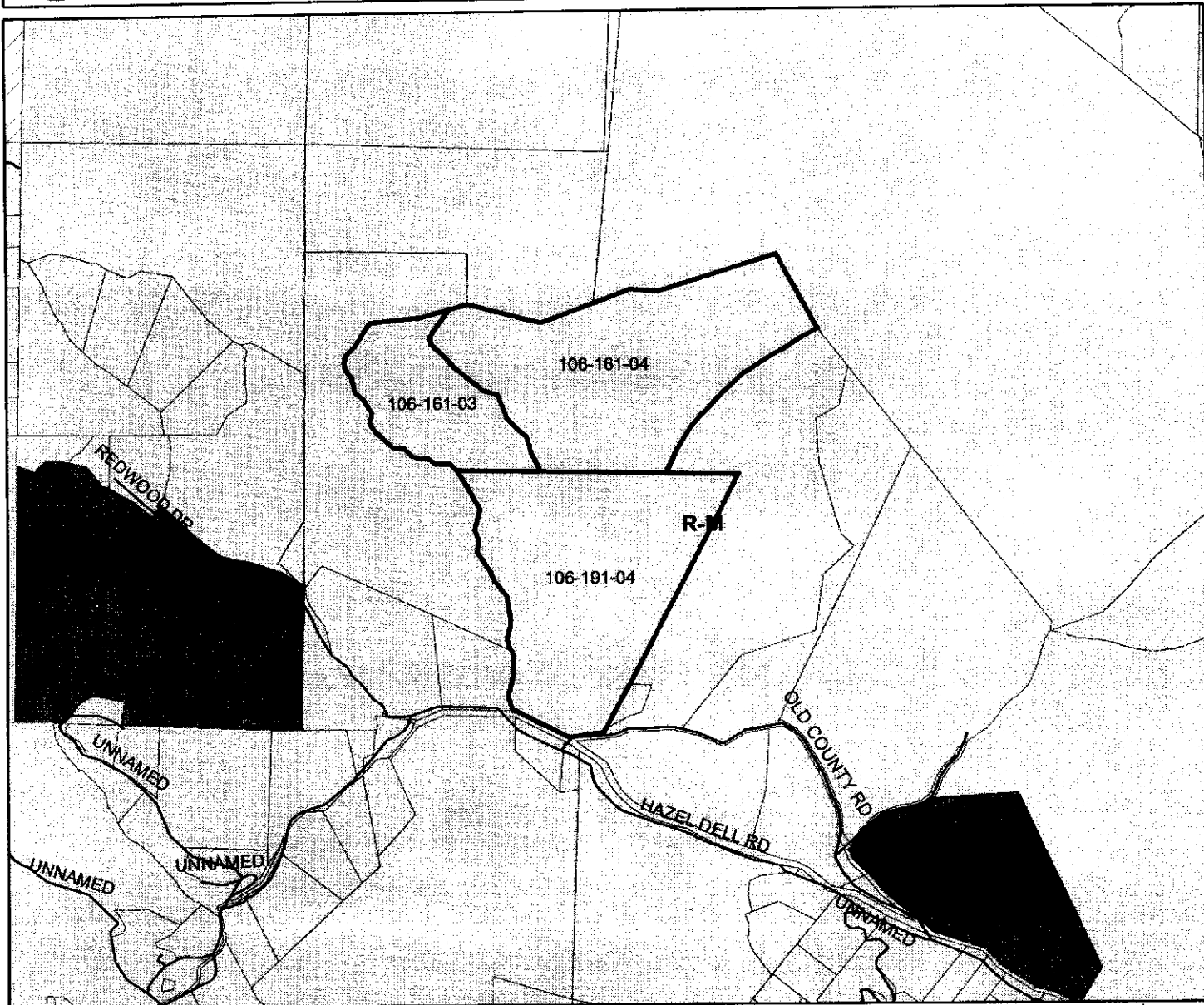


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Planning Department  
October 2006






EXHIBIT C

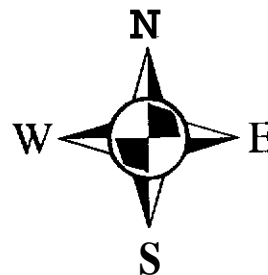


# General Plan Designation Map



## Legend

-  99-0183 Subject Parcels
-  Assessors Parcels
-  Streets
-  Residential-Mountain(R-M)
-  Agriculture (AG)

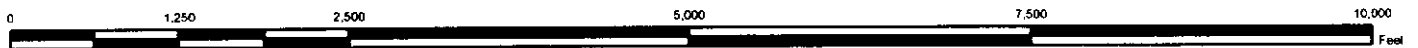
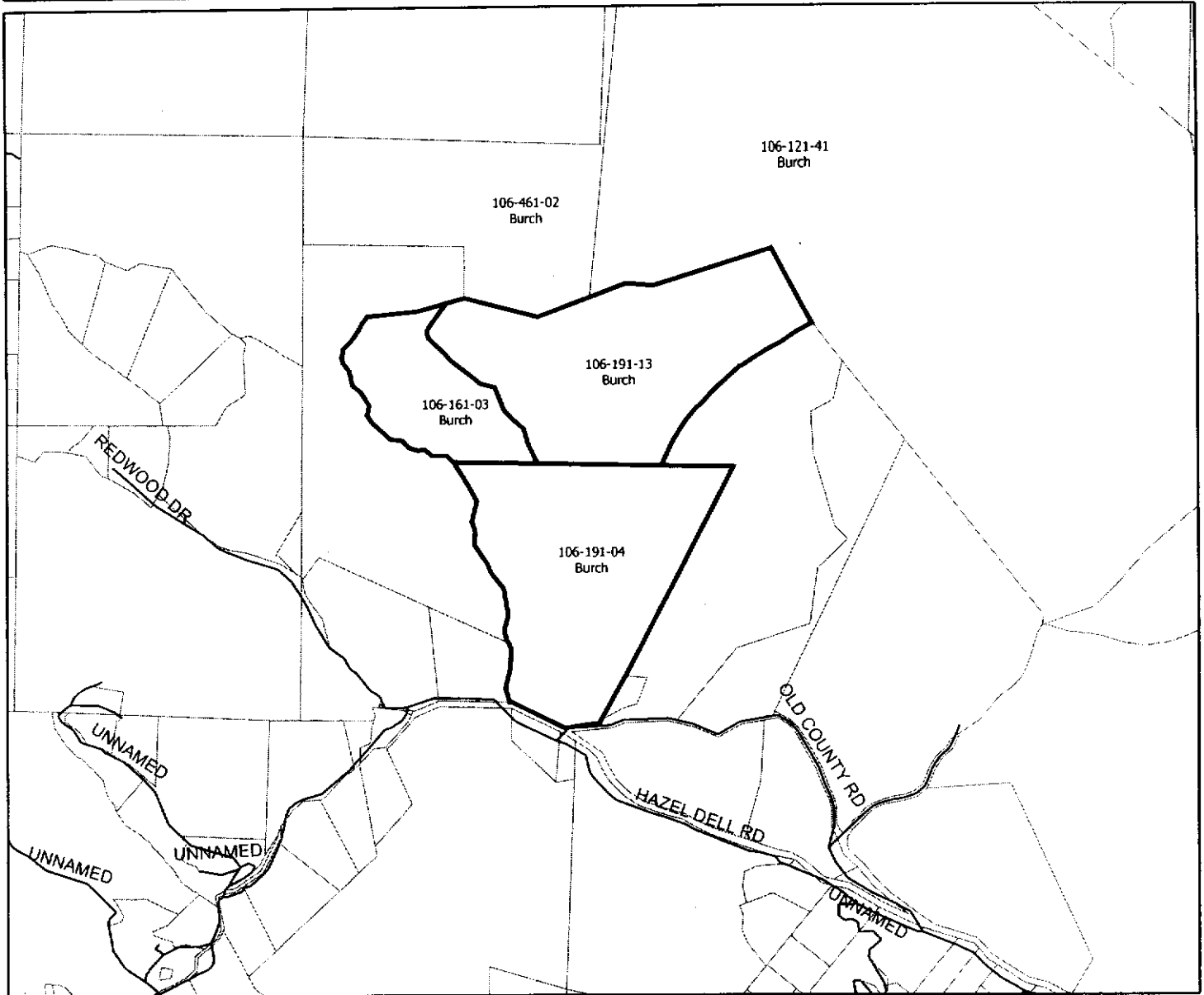


Map Created by  
County of Santa Cruz  
Planning Department  
October 2006




**EXHIBIT C**

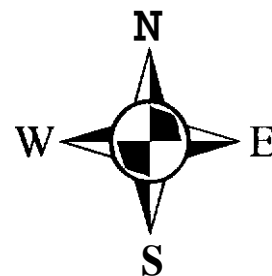


# Ownership Map



## Legend

-  99-0183 Subject Parcels
-  Assessors Parcels
-  Streets



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: 99-0183

Assessor Parcel Number: 106-161-03, 106-161-04, 106-191-04

Project Location: 1055 Browns Valley Road, Watsonville, California

**Project Description: Rezone three parcels from Special Use (SU) and Residential Agriculture (RA) zone districts to the Timber Production (TP) zone district.**

**Person or Agency Proposing Project: Peter Twight**

**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: 10/31/06



1395 41ST AVENUE, SUITE D • CAPITOLA, CA 95010  
(831) 464-8780 • FAX (831) 464-8780

January 18, 2001

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz CA 95060

Subject: Amend rezoning Application for APN: 106-161-03, 04, and 106-191-04

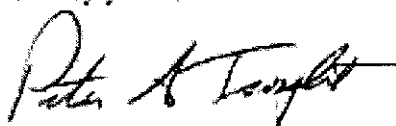
Ladies and Gentlemen:

Roger A. Burch and Michele M. Burch are the owners of the parcel of real property designated APN: 106-161-03, 04, and 106-191-04 (the subject property). Mr. and Mrs. Burch wish to amend their application to rezone the Subject Property to the timber production (TP) zone pursuant to Government Code Section 51113 rather than Government Code Section 51113.5. Mr. and Mrs. Burch also own the parcel of real property designated APN 106-121-08 and 106-121-041, which is adjacent to the Subject Property, and is currently zoned TP. Enclosed in connection with this application is a map showing the Subject Property (106-161-03, 04, and 106-191-04) and the adjacent TPZ property, APN 106-121-08 and 106-121-041.

Also enclosed is a letter and Timber Management Plan by Peter A Twight, Registered Professional Forester, who has investigated and is familiar with the Subject Property, attesting that the Subject property meets the requirements of Government Code Section 51113. The Subject Property is privately owned and devoted to and used for growing and harvesting timber and is capable of growing an annual volume of wood fiber of at least 15 cubic feet per acre per year.

Please consider the enclosed map, letter and Timber Management Plan as a portion of the file for this matter.

Sincerely yours,



Peter A Twight, RPF 2555

Enclosures  
cc: Roger Burch  
Austin Vanderhoof

EXHIBIT E