



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: 089-521-03
Application: 01-0040
Item: 19

Subject: A public bearing 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 **January** 24, 2001, the County Planning Department accepted this application for rezoning a parcel totaling about 11.06 acres from the Special Use (SU) zone district to Timber Production.

Background and Discussion

The property owners, Roger Burch, also own an approximately 54.3 Timber Production zoned parcel, APN 089-521-06, 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)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 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 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 01-0040, 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

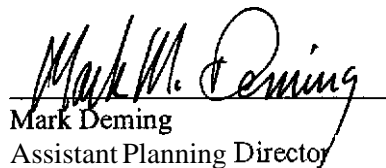
Robin Bolster-Grant



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

WHEREAS, the Planning Commission has held a public hearing on Application No. 01-0040, involving property located on the east side of Bear Creek Road at approximately 300 feet southwest from Hopkins Gulch 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

EXHIBIT A

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 east side of Bear Creek Road at approximately 300 feet southwest from Hopkins Gulch 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 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).

EXHIBIT A

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>
089-521-03	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 _____ 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

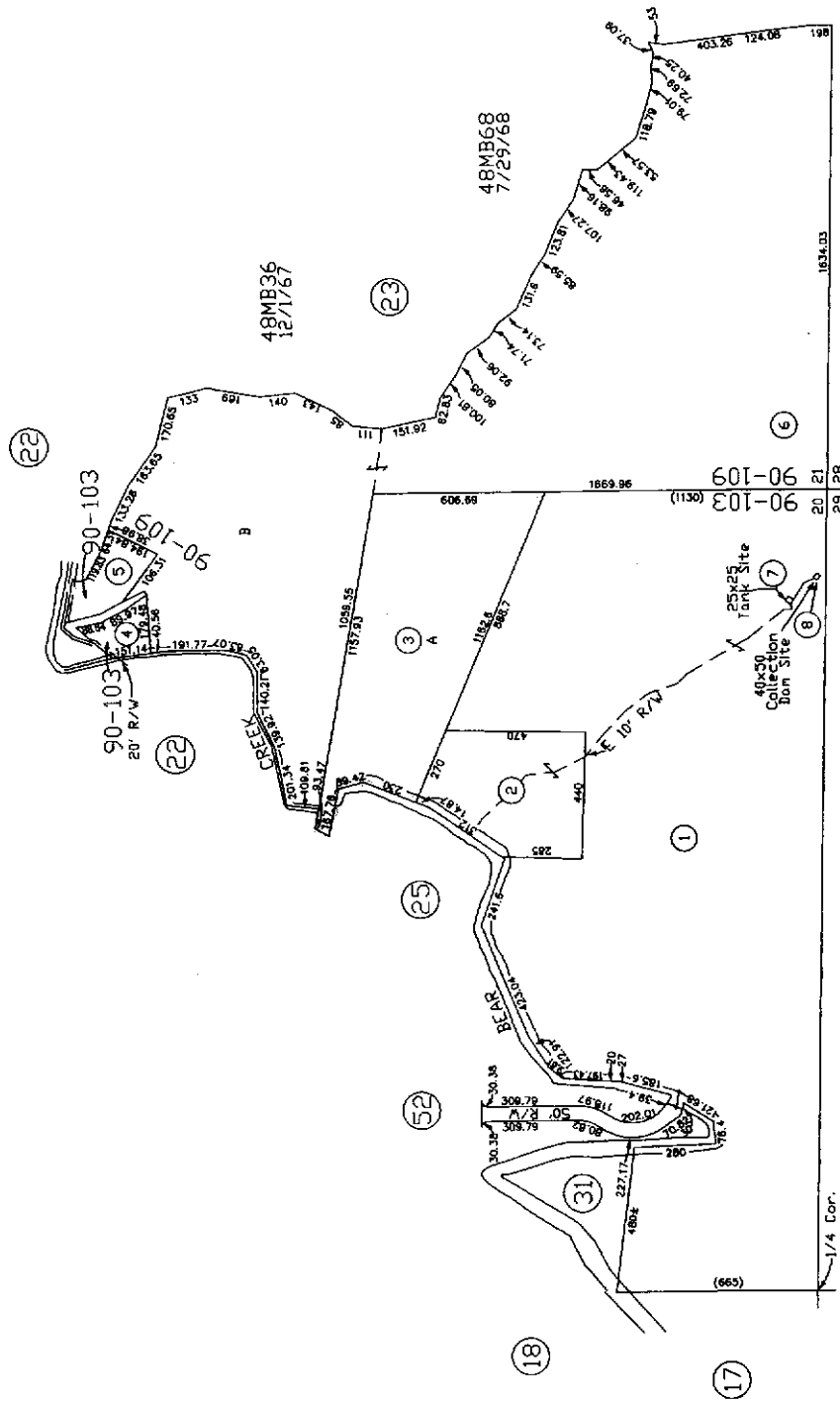
DISTRIBUTION: County Counsel
Planning
Assessor
County GIS

EXHIBIT A

THE ASSessor MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED.

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EX-111

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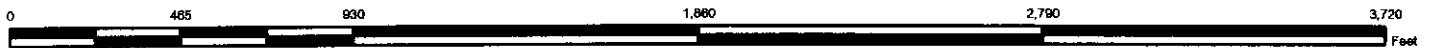
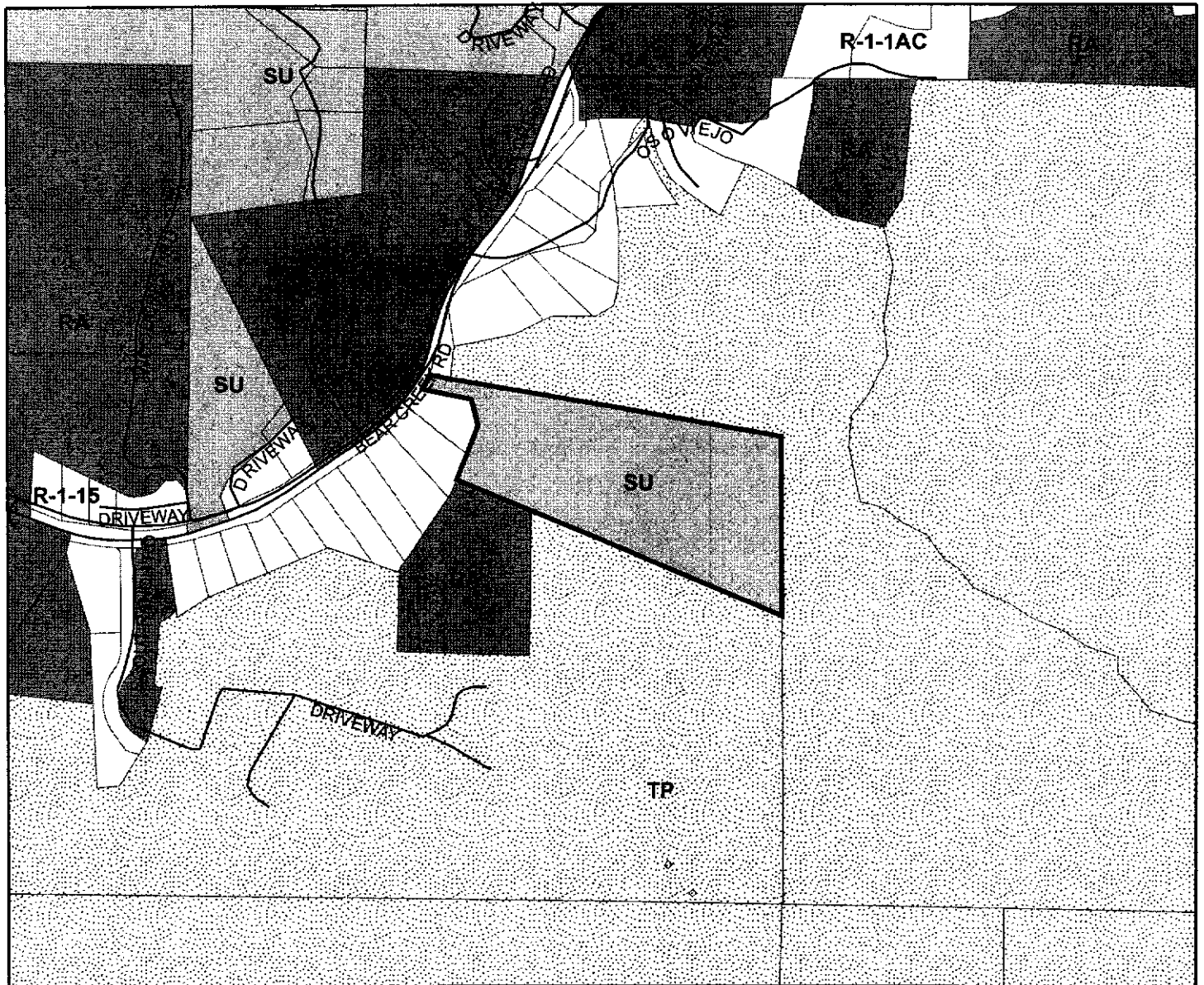
Assessor's Map No. 89-52
County of Santa Cruz, Calif.
Dec., 1999

Note - Assessor's Parcel & Block Numbers shown in pink








EXHIBIT B

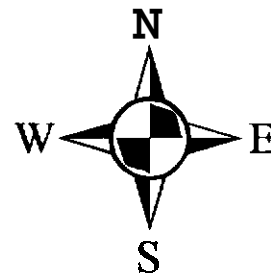


Zoning Map



Legend

-  APN 089-521-03
-  Streets
-  Assessors Parcels
-  SPECIAL USE (SU)
-  AGRICULTURE RESIDENTIAL (RA)
-  RESIDENTIAL-SINGLE FAMILY (R-1)
-  TIMBER PRODUCTION (TP)

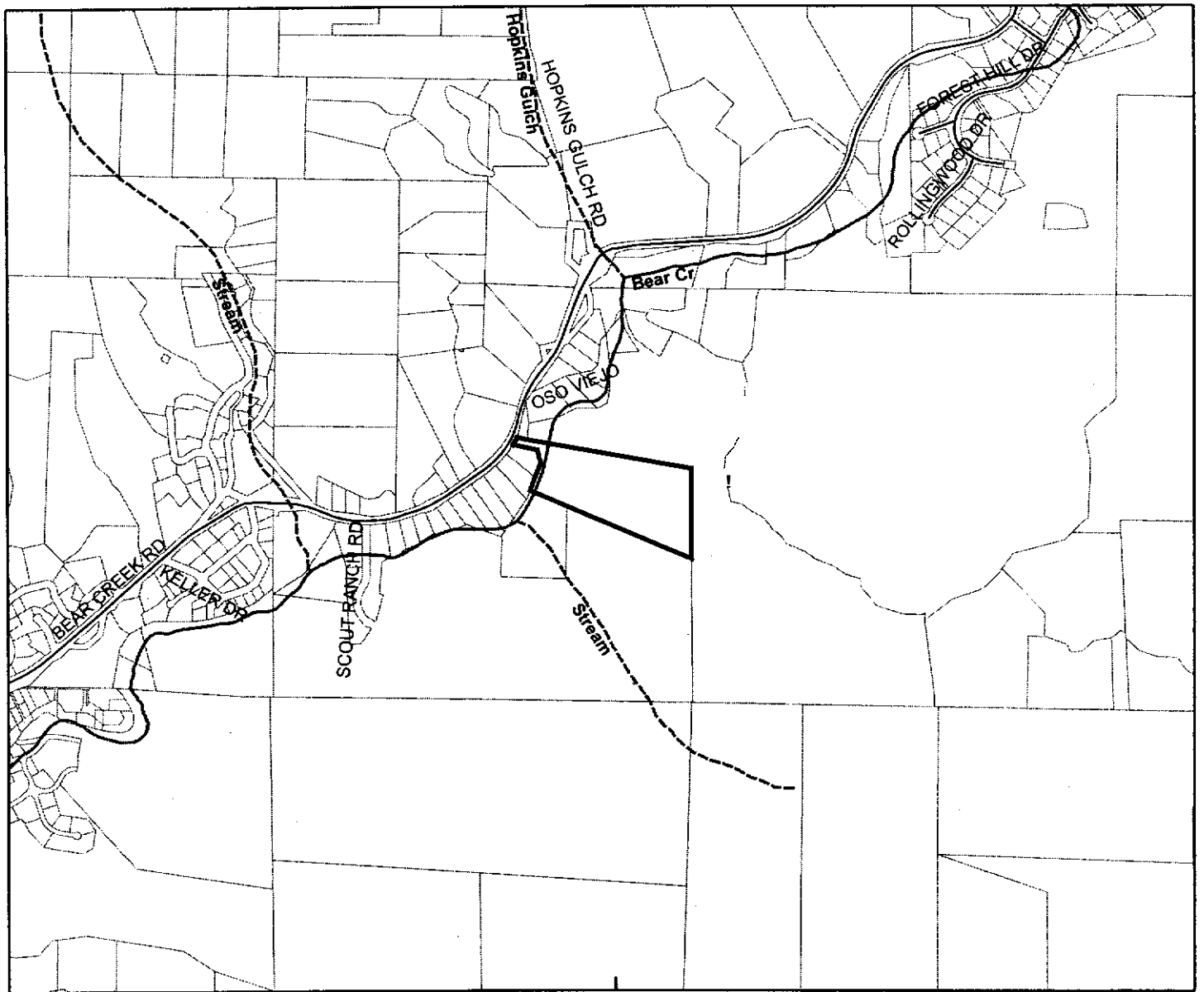


Map Created by
County of Santa Cruz
Planning Department
October 2006




EXHIBIT C

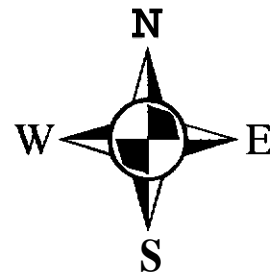


Location Map



Legend

-  APN 089-521-03
-  Assessors Parcels
-  Streets
-  INTERMITTENT STREAM
-  PERENNIAL STREAM

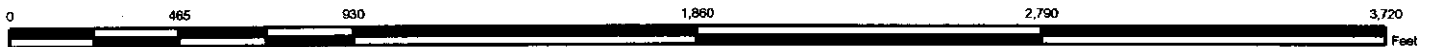
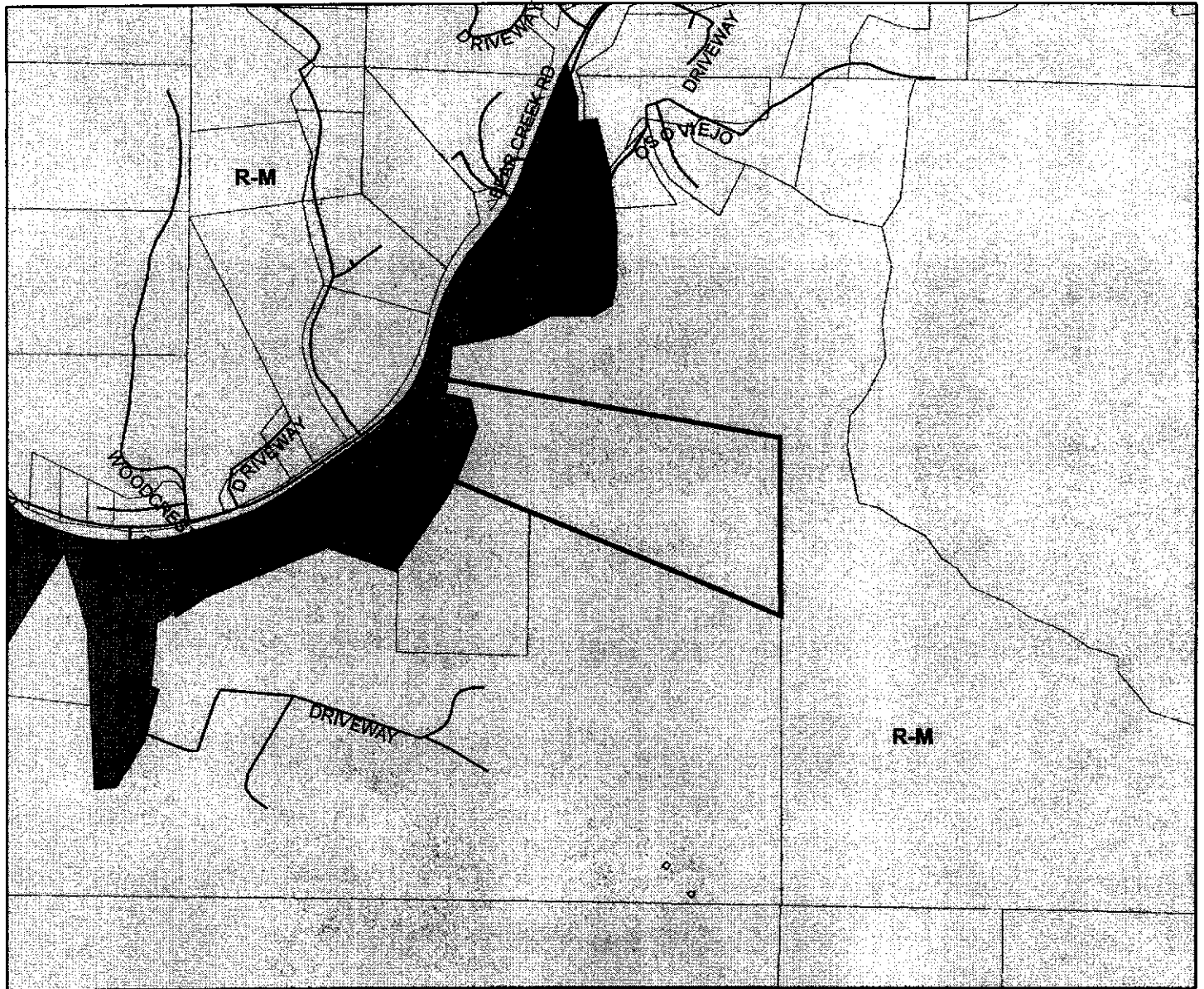


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


EXHIBIT C

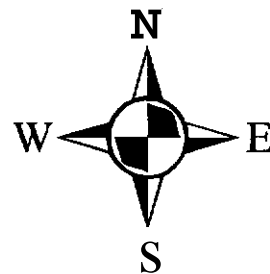


General Plan Designation Map



Legend

-  APN 089-521-03
-  Streets
-  Assessors Parcels
-  Residential-Mountain (R-M)
-  Residential-Rural (R-R)

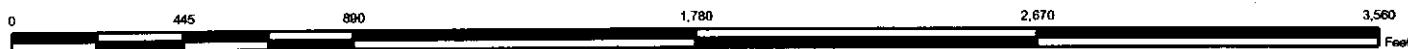
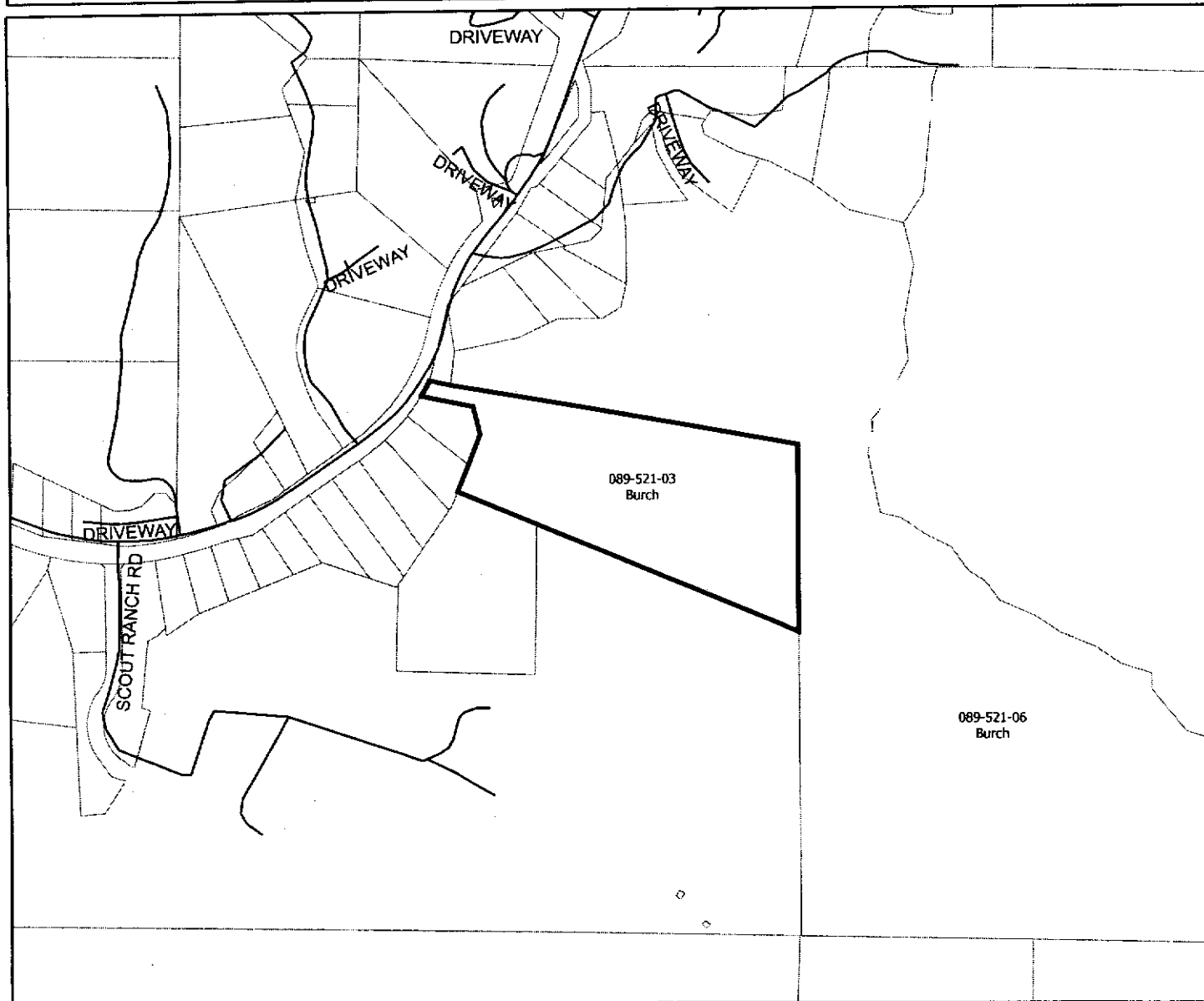


Map Created by
County of Santa Cruz
Planning Department
October 2006

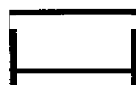
EXHIBIT C



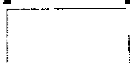
Ownership Map



Legend



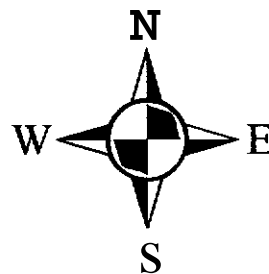
APN 089-521-03



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: 01-0040

Assessor Parcel Number: 089-521-03

Project Location: Property located on the east side of Bear Creek Road at approximately 300 feet southwest from Hopkins Gulch Road

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

Person or Agency Proposing Project: Peter Twilight

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 17031]

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


Robin Bolster-Grant, Project Planner

Date: 11-1-06

EXHIBIT D



1395 41ST AVENUE, SUITED • CAPITOLA, CA 95010
(408) 464-8788 • FAX (408) 464-8780

January 18,2001

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

Subject: Rezoning Application for APN: 089-211-20

Ladies and Gentlemen:

Roger A. Burch and Michele M. Burch are the owners of the parcel of real property designated APN 089-211-20(the subject property). Mr. and Mrs. Burch have submitted an application to rezone the Subject Property to the timber production (TP) zone pursuant to Government Code Section 51113. Mr. and Mrs. Burch also own the parcel of real property designated APN 089-211-10, which adjacent to the Subject Property, and is currently zoned TP. Enclosed in connection with this application is a map showing the Subject Property (APN 089-211-20) and the adjacent TPZ property, APN 089-211-10.

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