



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

December ,2006

Planning Commission
County of Santa Cruz
701 Ocean Street

Santa Cruz, CA 95060

Item#: 12

Agenda Date: January 10,2007

APN: 057-131-18

057-141-01

057-151-06

057-301-01

Application: 01-0116

Subject: A public hearing to consider a proposal to rezone a portion of three lots and all of a fourth lot of record from the Agriculture (A), Commercial Agriculture (CA), and Commercial Agriculture - Agricultural Preserve Contract (CA-P) zone districts to the Timber Production (TP) and Timber Production – Agricultural Preserve (TP-P) zone districts.

Members of the Commission:

On March 6,2001, the County Planning Department accepted this application for rezoning of three parcels totaling about 1357.4 acres from the Agriculture (057-141-01), Commercial Agriculture (APNs 057-151-06 & 057-301-01) and Commercial Agriculture – Agricultural Preserve Contract APN (057-131-18) zone districts to Timber Production and Timber Production – Agricultural Preserve Contract districts.

Background

The property owners, California Polytechnic State University, also own an approximately 442 acre Timber Production zoned parcel, APN 057-151-03, which is contiguous with the subject property. The uses on the property consist of open space, residences and other out buildings. Parcels 057-131-18 and 057-301-01 are encumbered by Land Conservation Contracts, however the proposed timber production is allowed under the terms of the contracts.

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.

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 and Timber Production – Agriculture Preserve Contract zoning designations. All required findings can be made to approve this application pursuant to California State Government Code Section 51113.5.

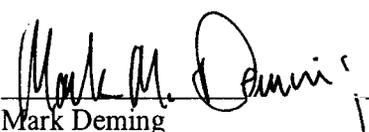
Recommendation

It is recommended that the Commission adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 01-01 16, 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 Big Creek Lumber, dated 1991


Robin Bolster-Grant
Project Planner
Development Review

Reviewed By: 
Mark Deming
Assistant Planning Director

(5) Grazing.

(6) A residence or other structure necessary for the management of' - 2 - ned as timberland production.

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. 01-01 16, involving property located on the west side of Swanton Road at approx. 3-5 miles northwest of the south end of Swanton Road (between Little Creek and Scotts Creek - 291 Swanton 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 Agriculture, Commercial Agriculture and the Commercial Agriculture-Agricultural Preserve Contract zone districts to the Timber Production and Timber Production - Agricultural Preserve zone districts.

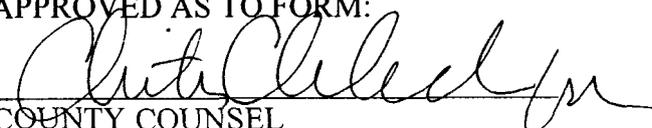
BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

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 west side of Swanton Road at approx. 3-5 miles northwest of the south end of Swanton Road (between Little Creek and Scotts Creek - 291 Swanton 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
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>
057-131-18	Commercial Agriculture-Agricultural Preserve Contract - CA-P	TP-P
057-141-01	Agriculture - A	TP
057-151-06	Commercial Agriculture - CA	TP
057-301-01	Commercial Agriculture - CA	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 Maps

DISTRIBUTION: County Counsel
 Planning
 Assessor
 County GIS

FOR TAX PURPOSES ONLY

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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RANCHO AGUA PUERCA Y LAS TRANCAS
 PDR. SECS. 13 & 24, R.A.W., &
 PDR. SECS. 17,18,19,20 & 30 T.10S., R.3W., M.D.B. & M.

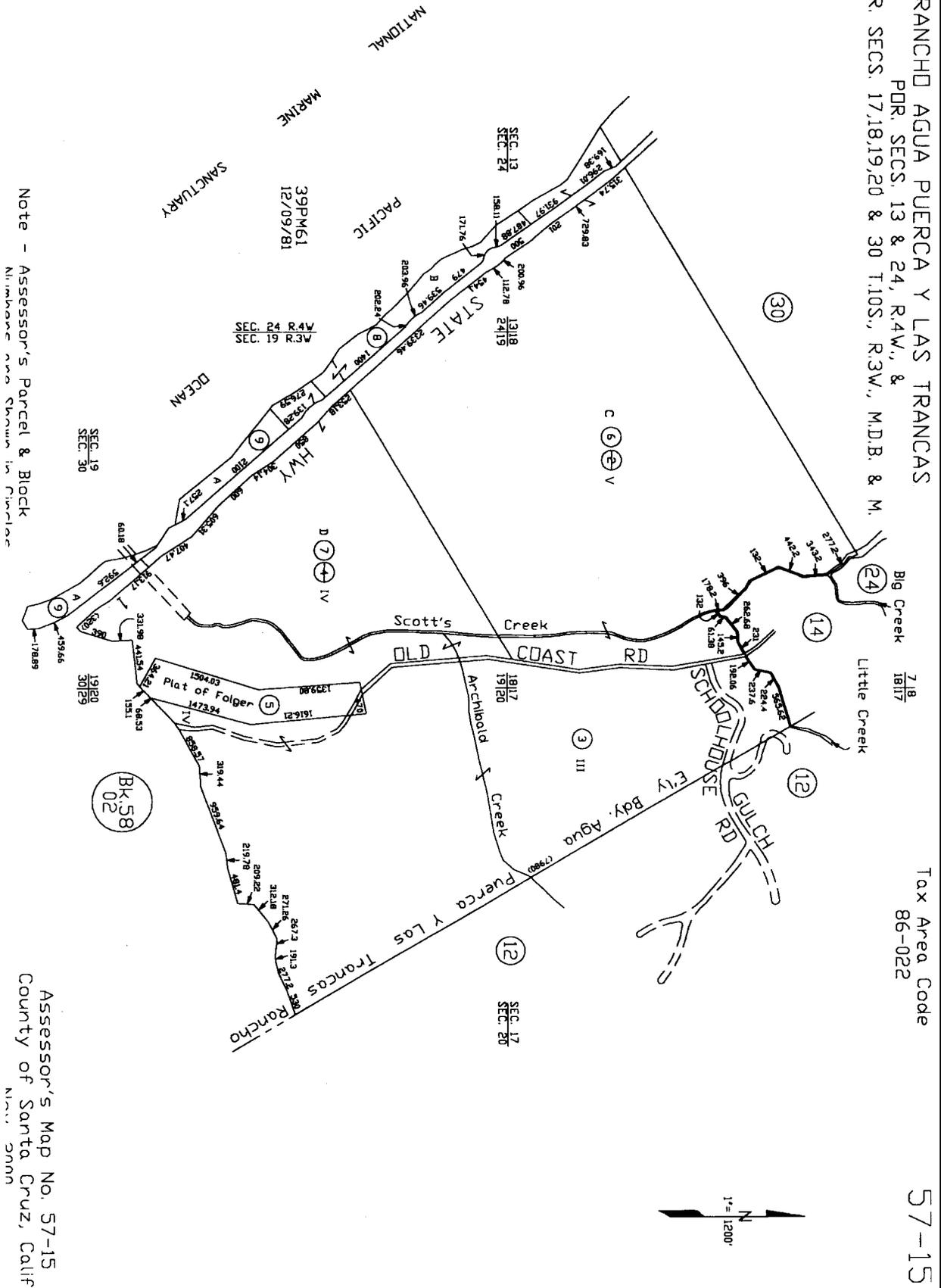
Tax Area Code
 86-022

57-15

electronically redrawn 11/14/00 KSA
 v. 11/14/00 KSA (Cor. to Pg. 30)
 v. 1/11/01 GG (Add map ref.)
 v. 6/25/01 nvn (changed page refs)

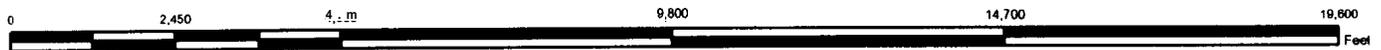
Note - Assessor's Parcel & Block
 Numbers are shown in Circles

Assessor's Map No. 57-15
 County of Santa Cruz, Calif
 N 0000 0000



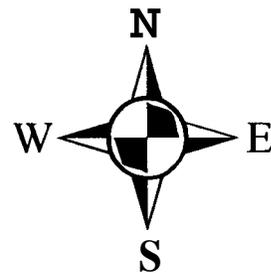


Zoning Map



Legend

-  01-0116 Subject Sites
-  Assessors Parcels
-  County Maintained Streets
-  State Highways
-  AGRICULTURE COMMERCIAL (CA)
-  AGRICULTURE (A)
-  TIMBER PRODUCTION (TP)
-  SPECIAL USE (SU)

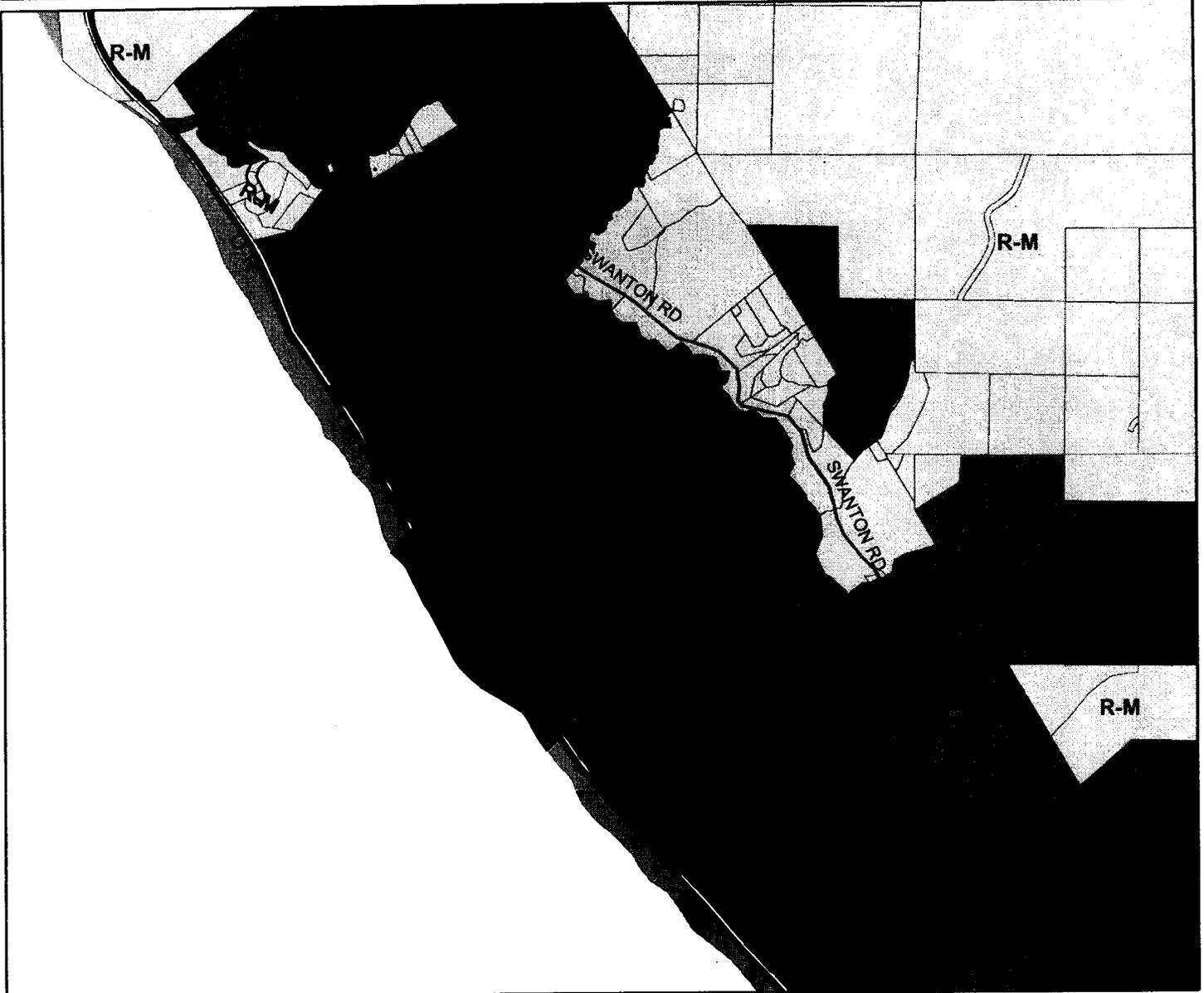


Map Created by
County of Santa Cruz
Planning Department
October 2006

EXHIBIT C

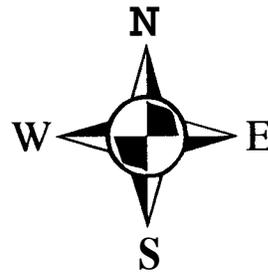


General Plan Designation Map



Legend

- 01-0116 Subject Sites
- Assessors Parcels
- County Maintained Streets
- State Highways
- Agriculture (AG)
- Parks and Recreation (O-R)
- Residential-Mountain (R-M)

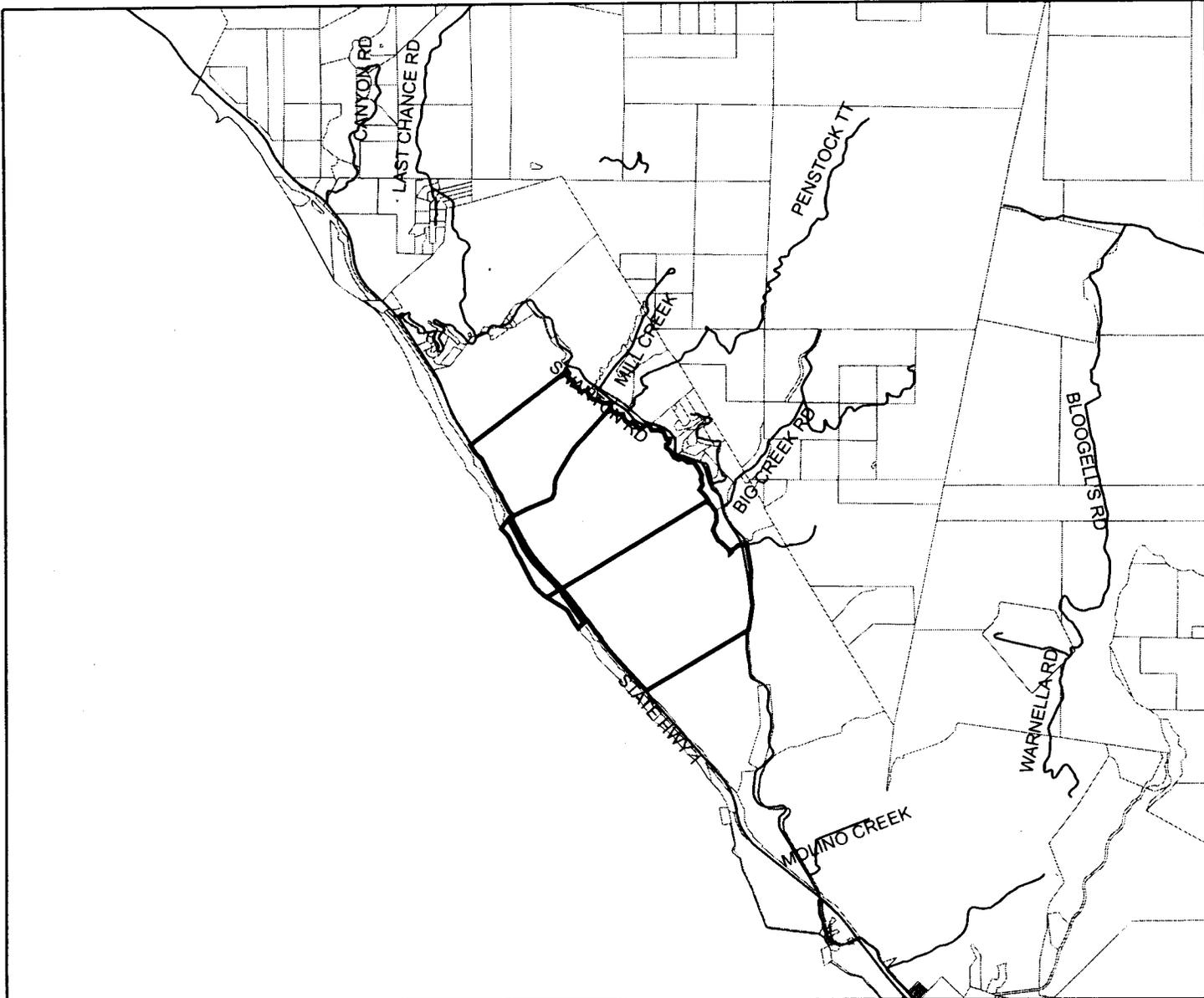


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EXHIBIT

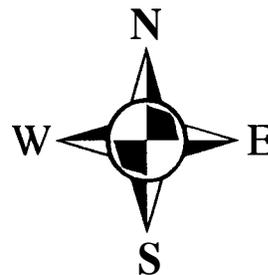


Location Map



Legend

-  01-0116 Subject Sites
-  Assessors Parcels
-  Streets

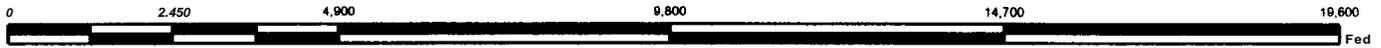
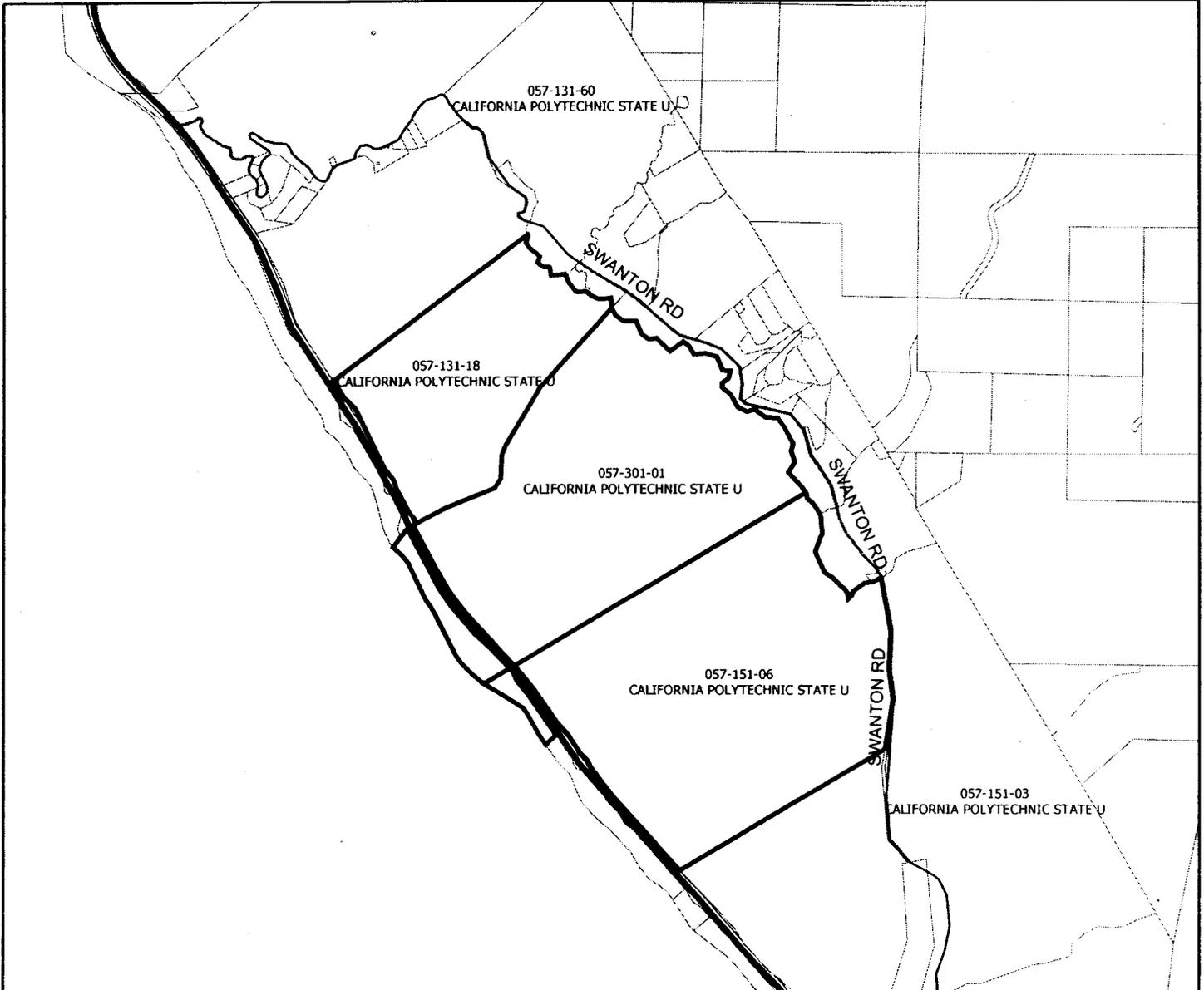


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EXHIBIT C

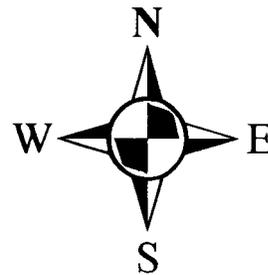


Ownership Map



Legend

-  01-0116 Subject Sites
-  Assessors Parcels
-  County Maintained Streets
-  State Highways



Map Created by
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 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: 01-01 **16**

Assessor Parcel Numbers: 057-131-18,057-141-01,057-151-06,057-301-01

Project Location: 291 Swanton Road, Davenport, California

Project Description: Rezone a portion of three parcels and all of a fourth parcel from the Agriculture (A), (APN 057-141-01), Commercial Agriculture – Agriculture Preserve (CA-P) (APN 057-131-18) and the Commercial Agriculture (CA) (APNs 057-151-06 & 057-301-01) zone districts to the Timber Production – Agriculture Preserve (TP-P) and Timber Production (TP) zone districts.

Person or Agency Proposing Project: Mark Walter, Swanton Pacific Ranch

Contact Phone Number: (831)427-1718

- 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: 12-05-06