



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 1, 2006

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

Agenda Date: January 10, 2007
APN: 057-121-02 & 057-121-03
Application: 02-0355
Item#: 14

Subject: A public hearing to consider a proposal to rezone two lots of record from the Agriculture - Historic Landmark(A-L) zone district to the Timber Production - Historic Landmark (TP-L) zone district.

Members of the Commission:

On July 12, 2002, the County Planning Department accepted this application for rezoning a parcel totaling about 85.56 acres from the Agriculture - Historic Landmark zone district to Timber Production - Historic Landmark.

Background

The property owners, Big Creek Lumber Company, also own approximately 150.89 acres, Timber Production zoned parcel, APN 057-121-04, which is contiguous with the subject properties. The uses on the property consist of open space, no residence.

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 02-0355, to adopt the Ordinance rezoning the property to the TP zone district.

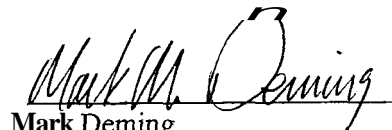
EXHIBITS

- 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 Dale F. Holderman, dated July 12, 2002



Robin Bolster-Grant
Project Planner
Development Review

Reviewed By:


Mark Deming
Assistant Planning Director

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 and west sides of Big Creek on an unnamed private road about one mile northeast from 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).

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>
057-121-02	Agriculture-HistoricLandmark - A-L	TP-L
057-121-03	Agriculture-HistoricLandmark - A-L	TP-L

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:

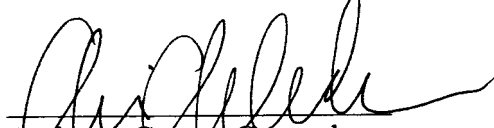

Assistant County Counsel

Exhibit: Rezoning **Maps**

DISTRIBUTION: County Counsel
 Planning
 Assessor
 County GIS

EXHIBIT A

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. 02-0355, involving property located on the east and west side of Big Creek on an unnamed private road about one mile northeast from 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-Historic Landmark zone district to the Timber Production - Historic Landmark 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.

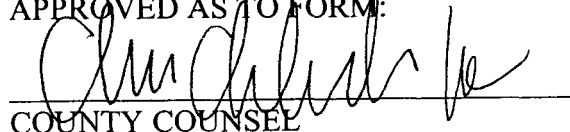
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2006, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
MARK DEMING, Secretary

APPROVED AS TO FORM:

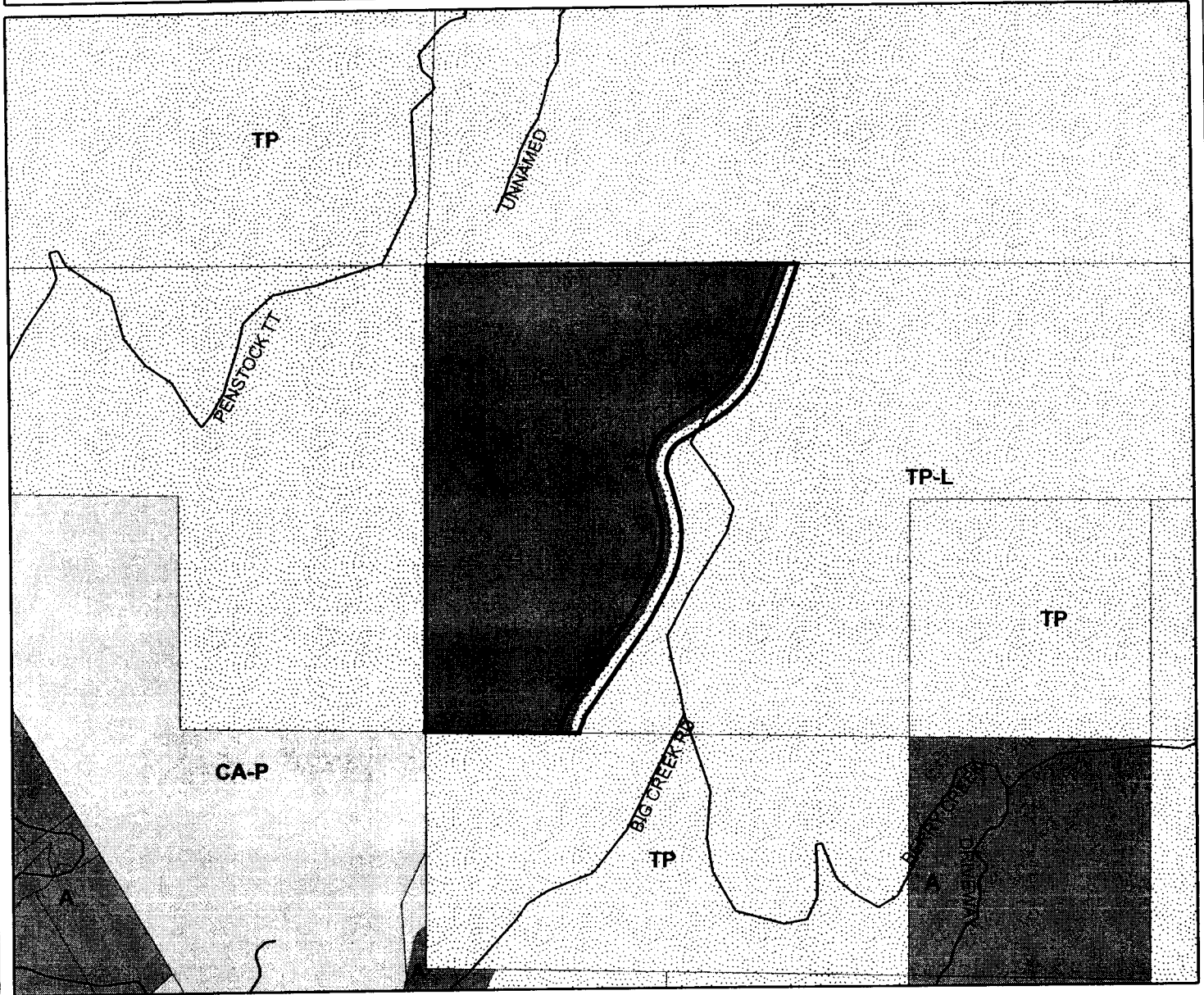


COUNTY COUNSEL









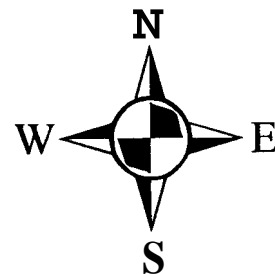


Zoning Map



Legend

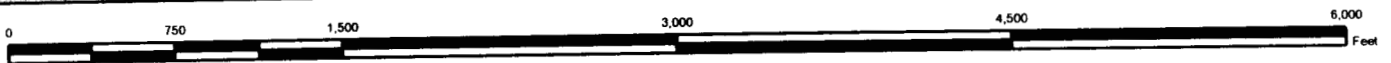
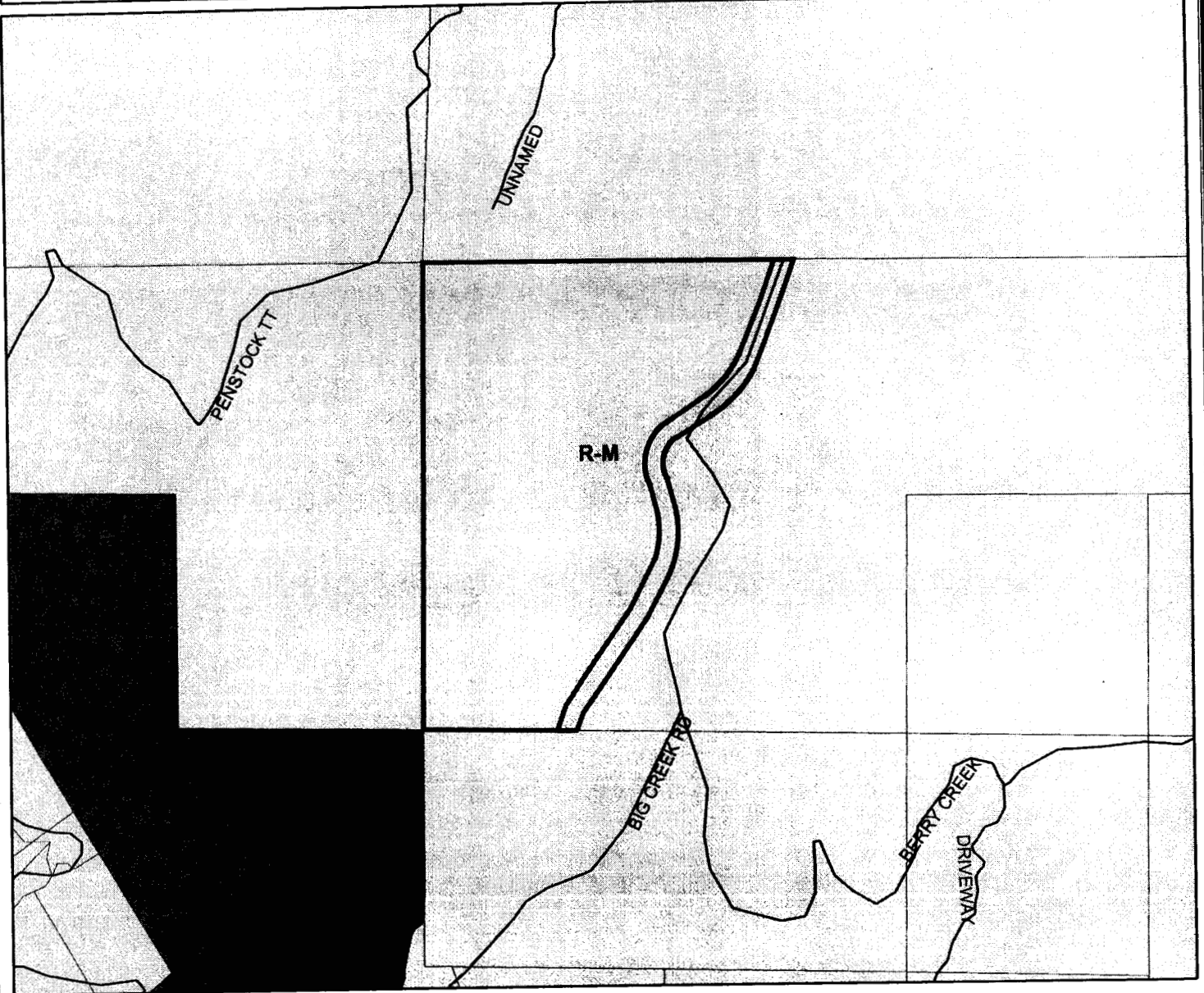
-  02-0355 Subject Parcels
-  Assessors Parcels
-  Streets
-  AGRICULTURE (A)
-  AGRICULTURE COMMERCIAL (CA)
-  TIMBER PRODUCTION (TP)








Map Created by
County of Santa Cruz
Planning Department
October 2006

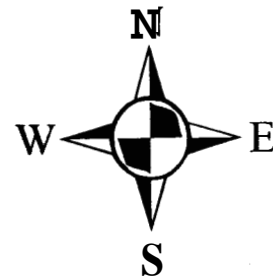


General Plan Designation Map



Legend

-  02-0355 Subject Parcels
-  Assessors Parcels
-  Streets
-  Residential-Mountain (R-M)
-  Agriculture (AG)



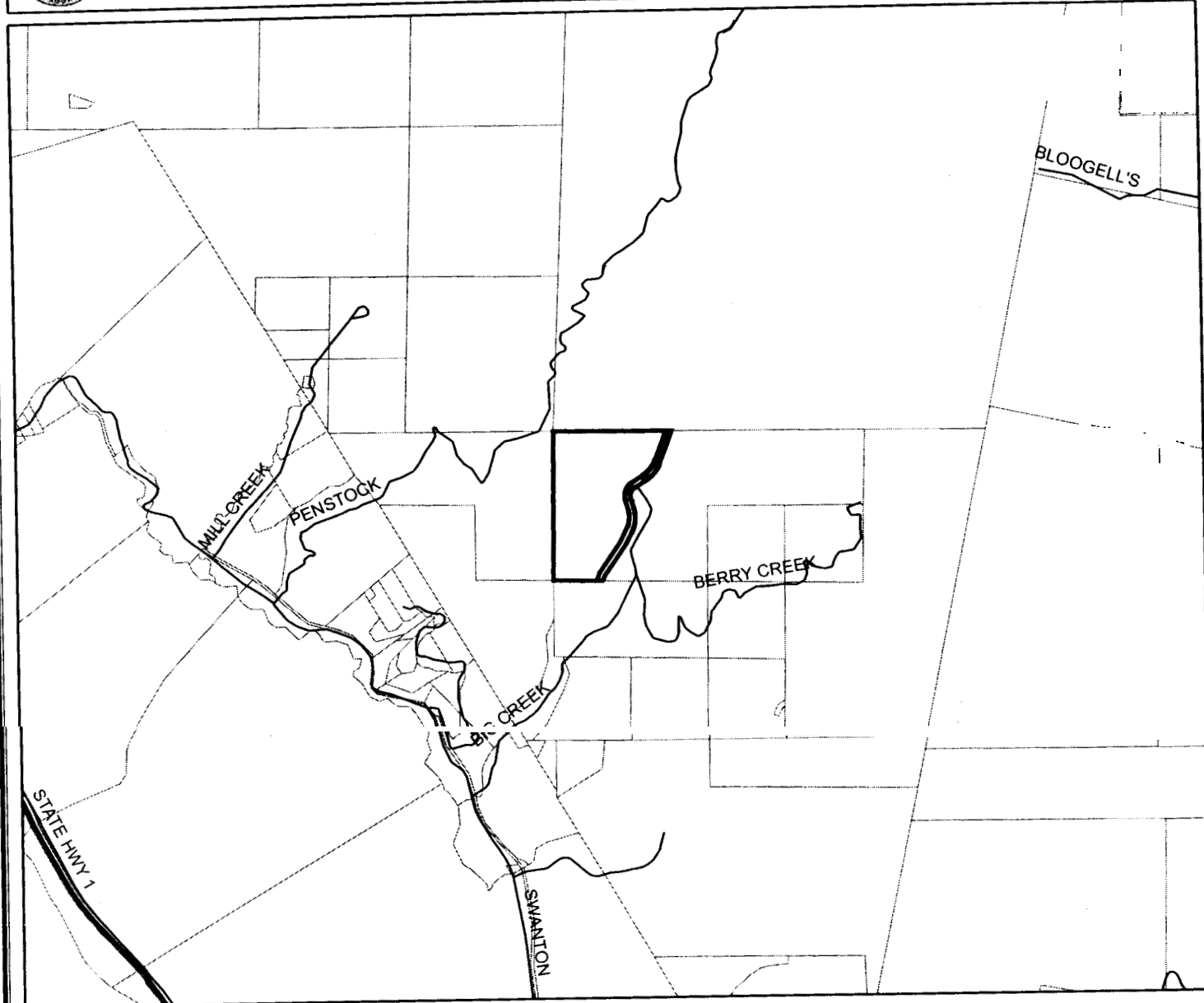
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County of Santa Cruz
Planning Department
October 2006

EXHIBIT





C

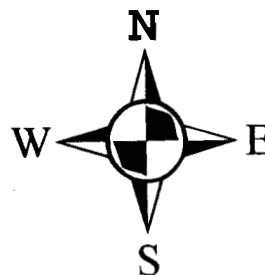


Location Map



Legend

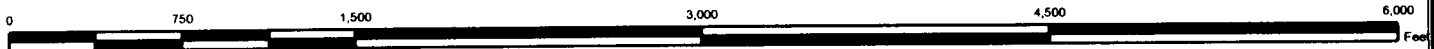
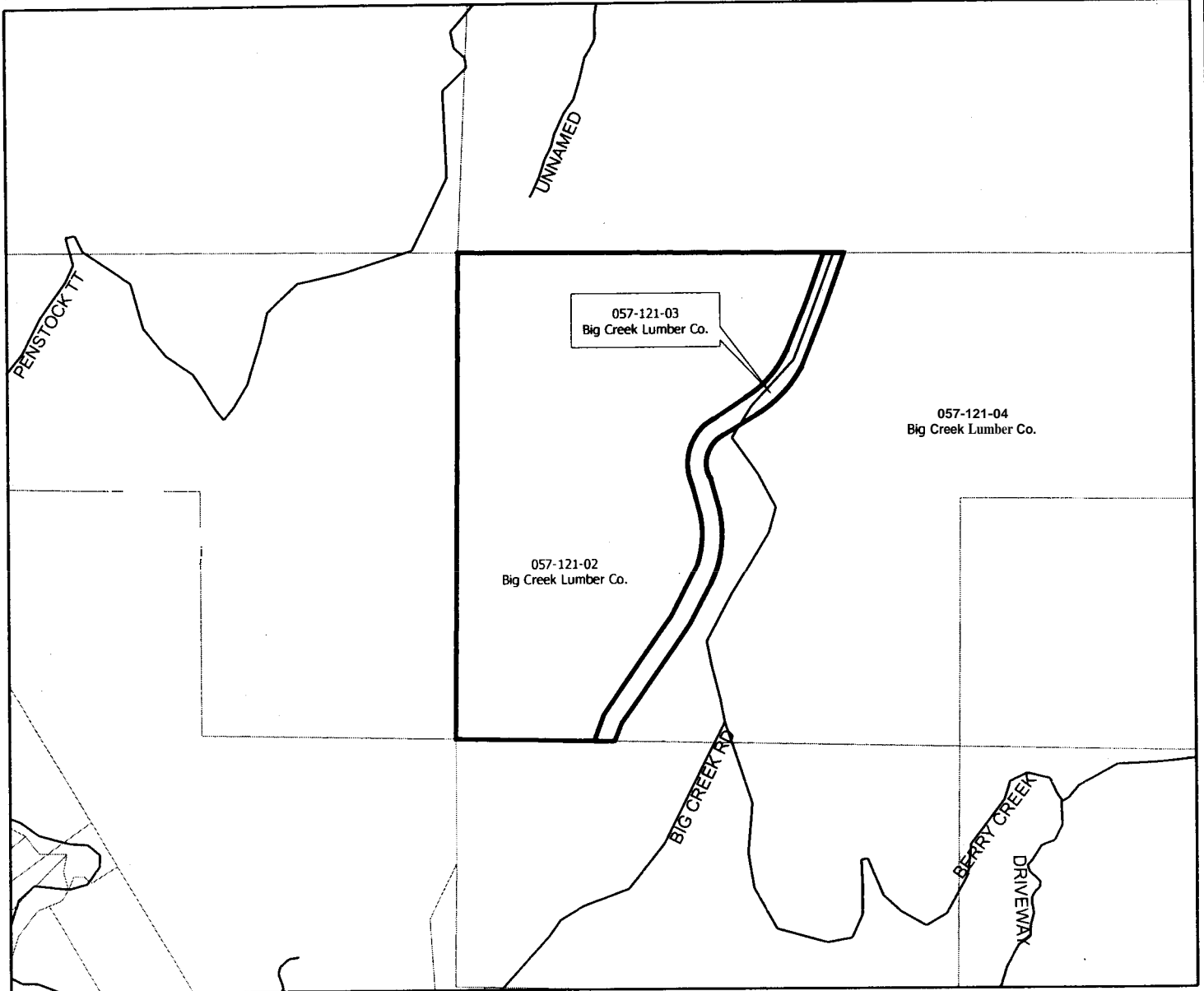
-  02-0355 Subject Parcels
-  Streets selection selection
-  Assessors Parcels
-  State Highways







Map Created by
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Planning Department
October 2006

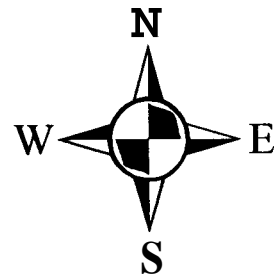


Ownership Map



Legend

-  02-0355 Subject Parcels
-  Streets selection selection
-  Assessors Parcels
-  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: 02-0355

Assessor Parcel Numbers: 057-121-02 and 057-121-03

Project Location: Not Situs Address, unnamed road, Davenport, California

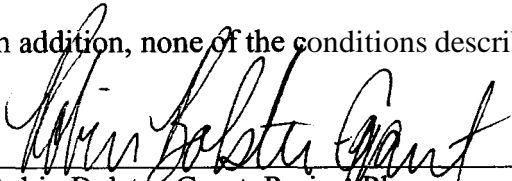
Project Description: Rezone two parcels from the Agriculture – Historic Landmark (A-L) zone district to the Timber Production – Historic Landmark (TP-L) zone district.

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 1703]

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


Robin Bolster-Grant, Project Planner

Date: 12-5-06

July 12,2002

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

Re: Zoning APN 057-121-02 and -03 Timber Production District

Greetings:

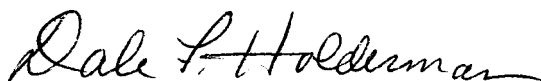
Pursuant to Government Code section 51113.5, Big Creek Timber Company, owner of APN 057-121-02 and -03, petitions to have its **88** acre parcel zoned Timber Production District. The parcel meets all of the criteria for zoning land Timber Production set forth in section 51113.5.

1. On the south APN 057-121-02 adjoins APN 057-251-06 owned by Big Creek Timber Company that is zoned Timber Production.
2. On the south APN 057-111-03 adjoins APN 057-251-06 owned by Big Creek Timber Company that is zoned Timber Production, and **on** the east it adjoins APN 057-121-04 owned by Big Creek Timber Company that is zoned Timber Production.
3. The parcel is privately owned land which is devoted to and used for growing and harvesting timber and is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre. Please see the accompanying analysis Capability for Wood Fiber Production.

Submitted herewith:

1. A map showing the assessor's parcels of the property desired to be rezoned.
2. A map showing the geographocal location of the parcels.
3. **A** map showing the zoning **of** the adjoining lands of Big Creek.
4. A check payable to the County in the amount of \$750.

Sincerely,

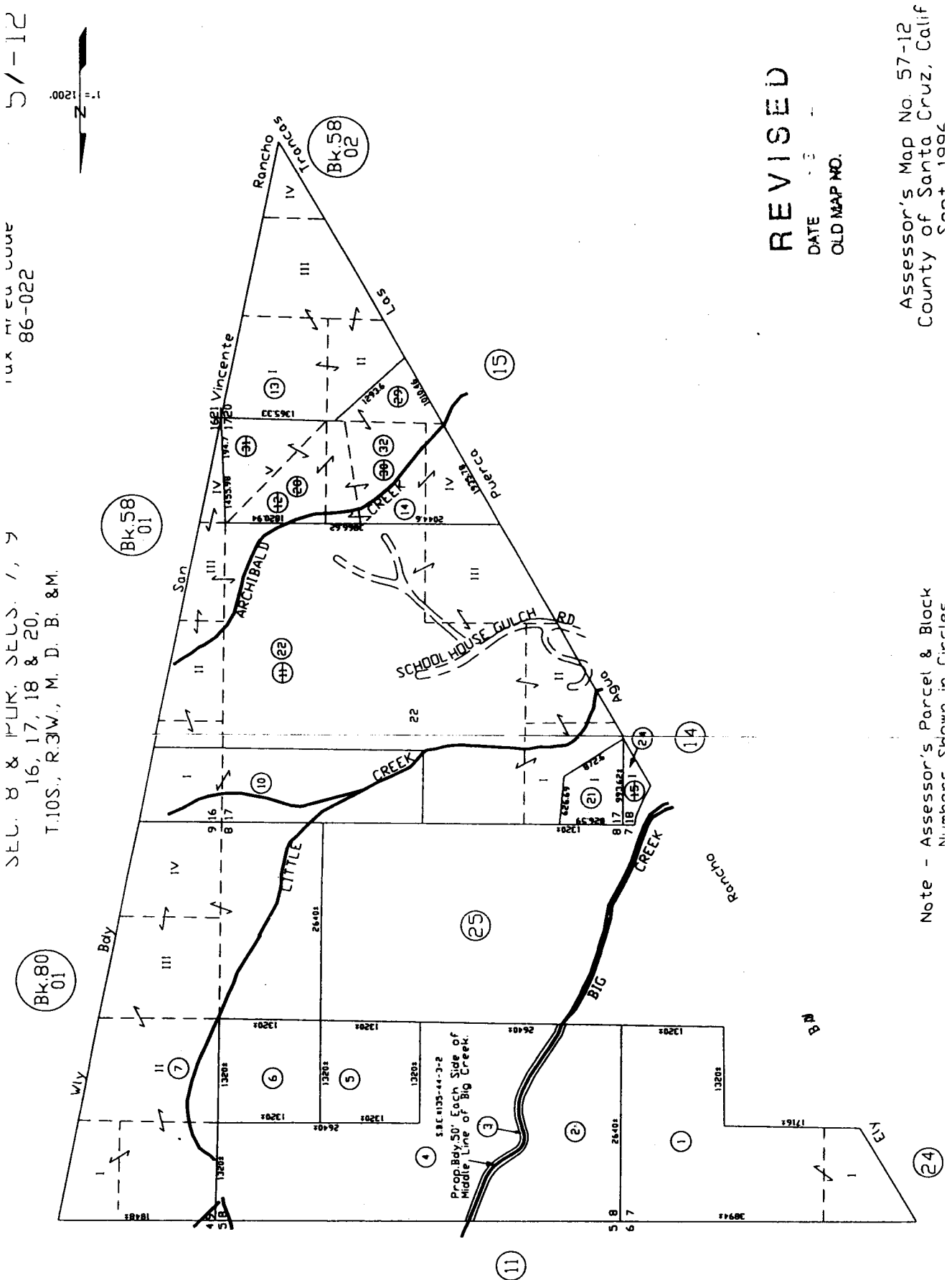


Dale F. Holderman, Forester
Big Creek Timber Company

Assessor's Map No. 57-12
County of Santa Cruz, Calif
Sept 1992

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

REVISED
DATE 1-1-61
OLD MAP NO.

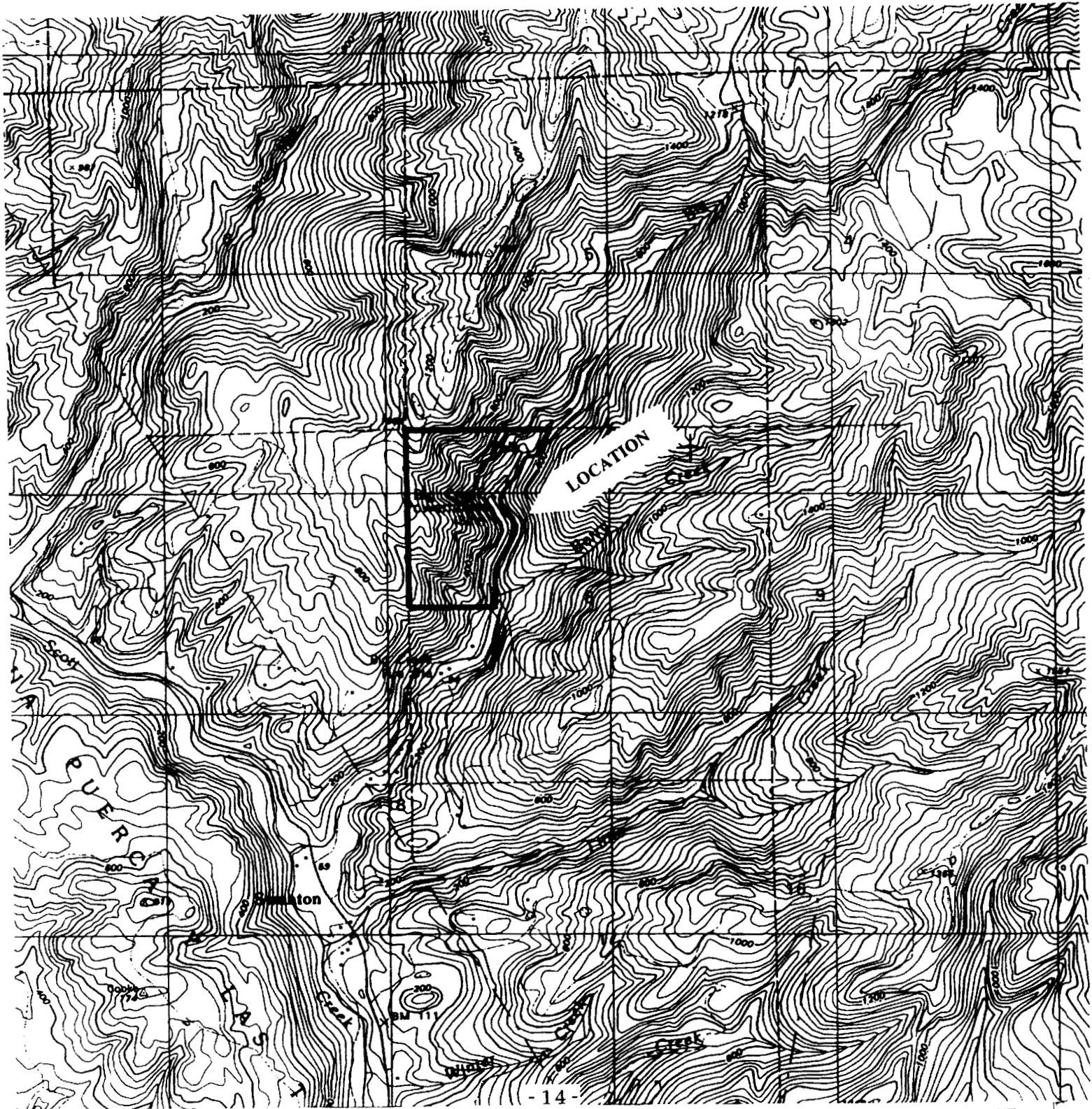


GEOGRAPHIC LOCATION

APN 057-121-02 and -03

Scale: 1:24000

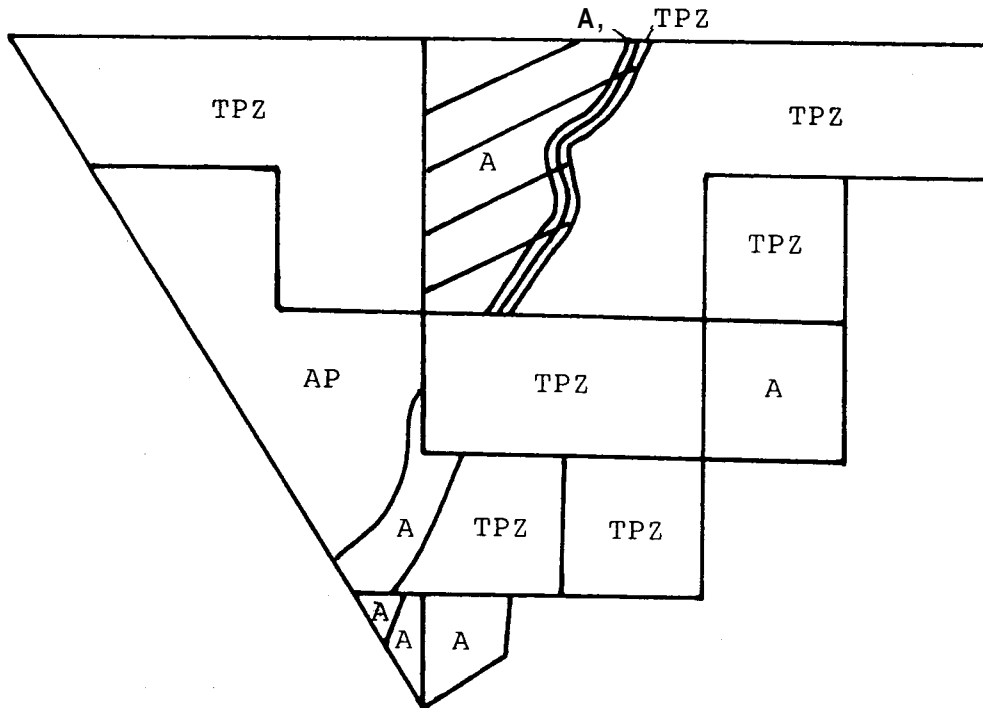
NORTH



E CREEK'S BIG CREEK UNIT

Scale 1:24000

NORTH



CAPABILITY FOR WOOD FIBER PRODUCTION

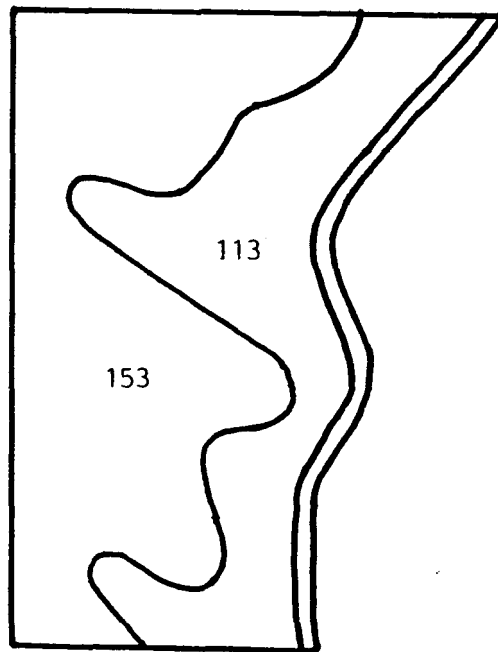
Soil type 113 Ben Lomond-Catelli-Sur complex, 30 to 75 percent slopes - Stone Index 20¹:

The potential production of merchantable timber from a fully stocked, even-aged stand of redwood trees **80** years old is about 13,360 cubic feet on the Ben Lomond soil; about 10,240 cubic feet on the Catelli soil; and about 5,510 cubic feet on the **Sur** Soil. Observation of the approximately 10 acres in **this** soil **type** indicates that production is in the upper end of that range. The unweighted average production for the complex $(13,360 + 10,240 + 5,510) / 3$ gives an estimate of 9,703 cubic feet for a fully stocked stand at age **80**, or **growth** of about **121 cubic feet per acre per year**.

Soil type 153 Maymen-Rock outcrop complex, 50 to 75 percent slopes, Stone Index 4: This **soil** is considered to be non-productive in this location.

SUMMARY

38 Acres	Soil 113	121 cubic feet per acre per year
50 Acres	Soil 153	0 cubic feet per acre per year
88 Acres		52 cubic feet per acre per year



Source: Soil Survey of Santa Cruz County, California, U. S. Department of Agriculture, Soils Conservation Service in cooperation with University of California, Agriculture Experiment Station, 1980.

¹ The Storie Index is a numerical expression of the relative degree of suitability of a soil for general intensive agriculture.