

# 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**

December 1, 2006

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

**Agenda Date: January 10, 2007**  
**APNs: 057-213-09 & 057-213-40**  
**Application: 02-0437**  
**Item#: 19**

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

Members of the Commission:

On August 23, 2002, the County Planning Department accepted this application for rezoning a parcel totaling approximately 117.2 acres from the Special Use zone district to Timber Production.

### Background

The property owners, Corp. Pres. JC of LDS Saratoga CA Stake, also own an approximately 51.31 acres Timber Production zoned parcel, APN 057-213-39, which is contiguous with the subject property. 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)<sup>1</sup>. The County may not place any additional requirements on this petition to rezone the property to TP.

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<sup>1</sup> 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.

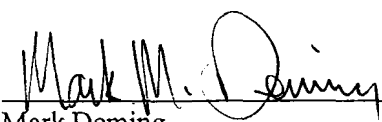
### **Recommendation**

It is recommended that the Commission adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 02-0437, 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 Harvest Plan, prepared by Roy Webster, dated May 17, 1996

  
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. 02-0437, involving property located near 1600 Empire Grade (north end of Empire Grade) near Lockheed Martin Aerospace facility, 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 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:

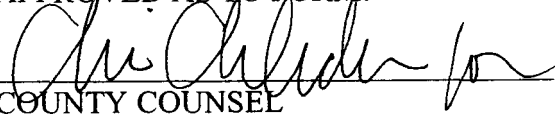
  
\_\_\_\_\_  
COUNTY COUNSEL

EXHIBIT A

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING CHAPTER 13  
OF THE SANTA CRUZ COUNTY CODE  
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

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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 property located near 1600 Empire Grade (north end of Empire Grade) near Lockheed Martin Aerospace facility, 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 Supervisorshereby adopts the Zoning Plan Amendment as described in Section 111, 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 13.10.2 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>
057-213-09	Special Use - SU	TP
057-213-40	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:    SUPERVISORS

\_\_\_\_\_  
Chairman of the Board of Supervisors

ATTEST: \_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

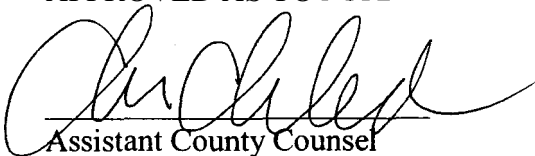
  
Assistant County Counsel

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.

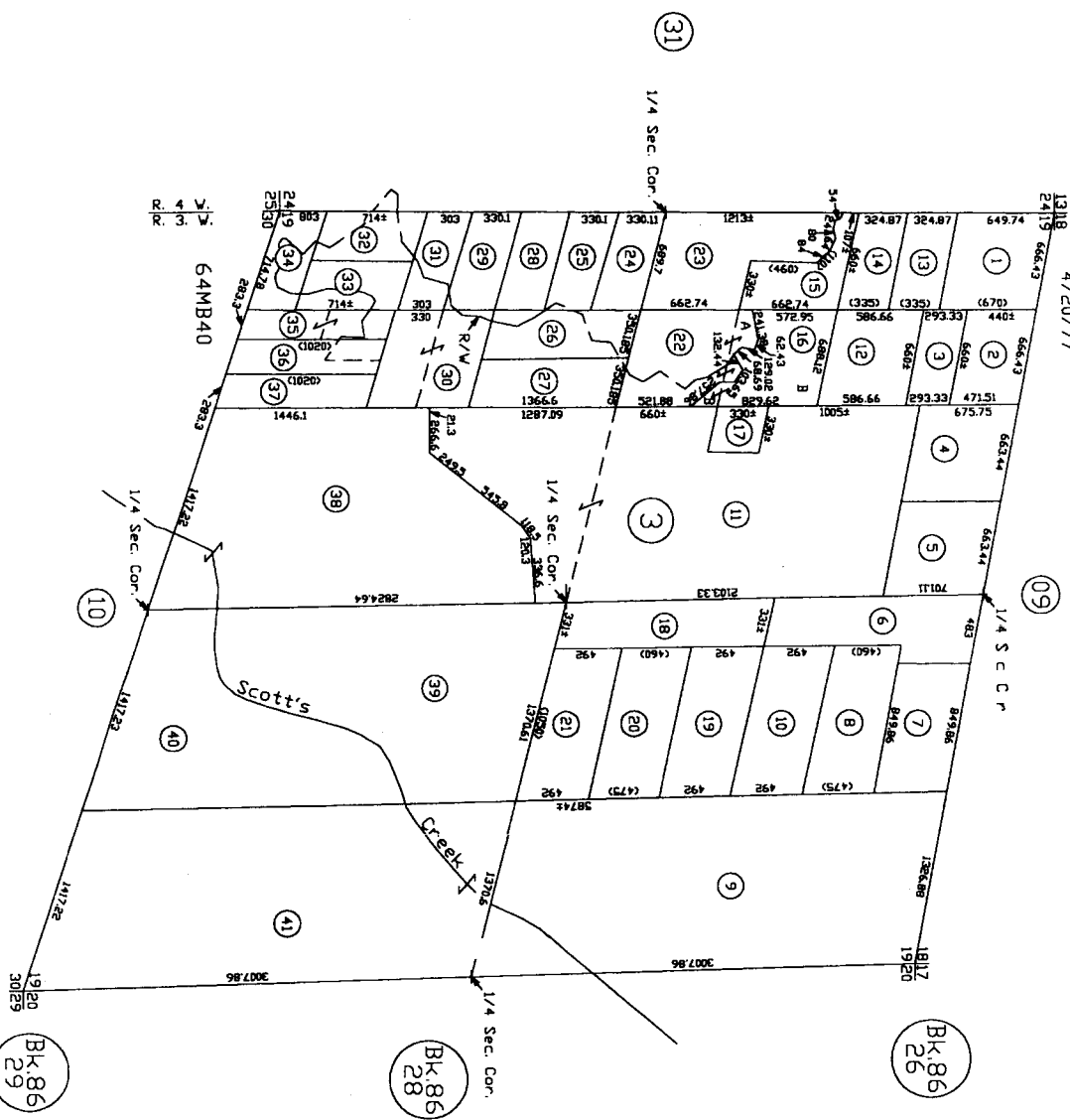
© COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

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Tax Area Code  
86-022

57-21

25PM32  
4/20/77



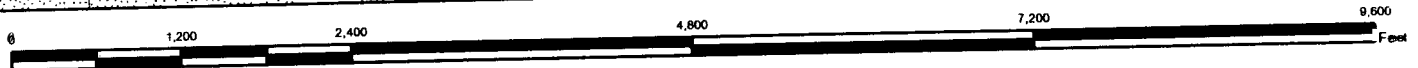
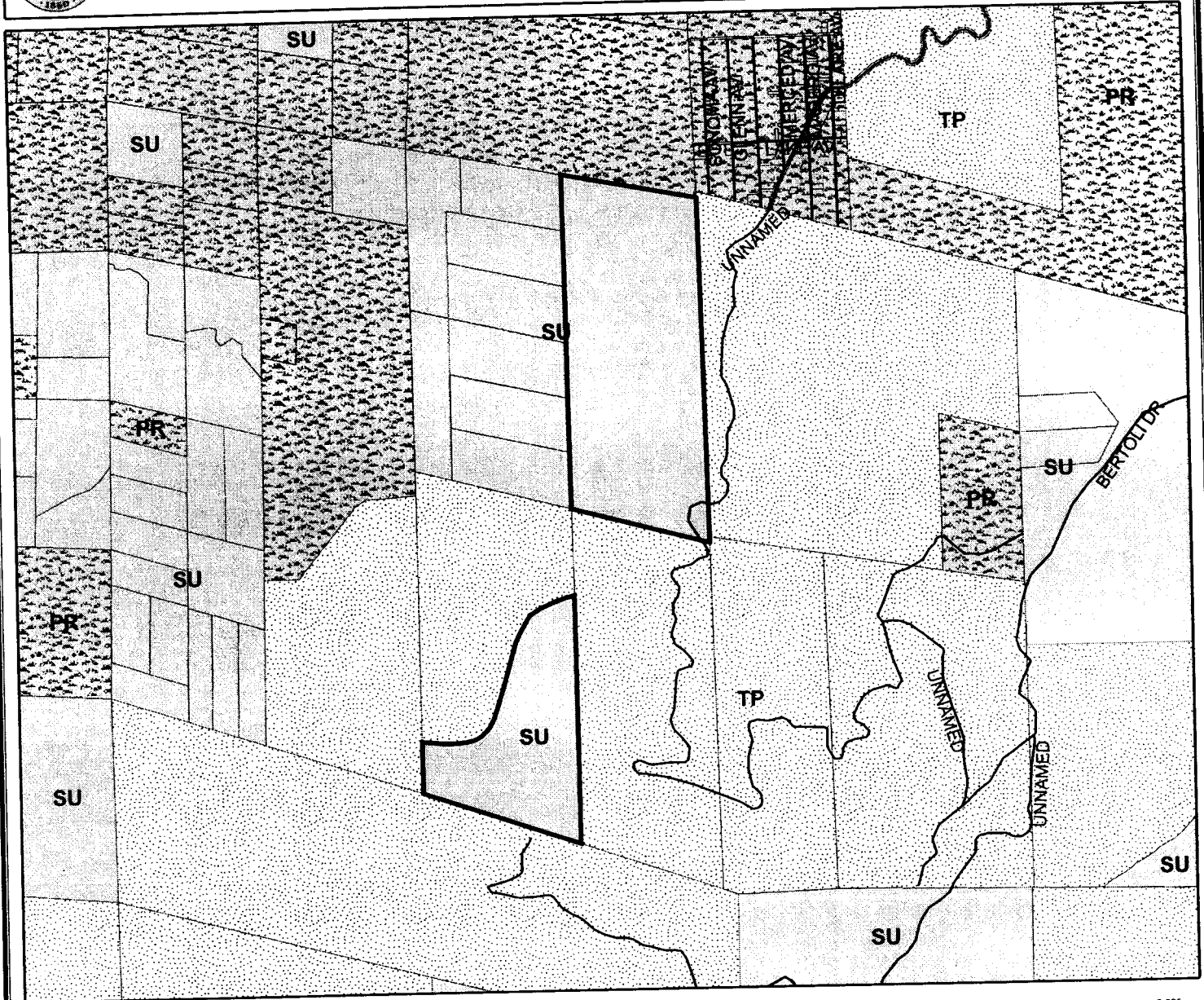
Assessor's Map No. 57-21  
County of Santa Cruz, Calif.  
Nov. 2000

$1' = 800'$







EXHIBIT **B**

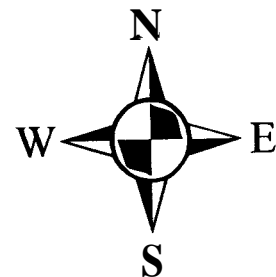


# Zoning Map



## Legend

-  02-0437 Subject Sites
-  Streets
-  Assessors Parcels
-  SPECIAL USE (SU)
-  TIMBER PRODUCTION (TP)
-  PARK (PR)

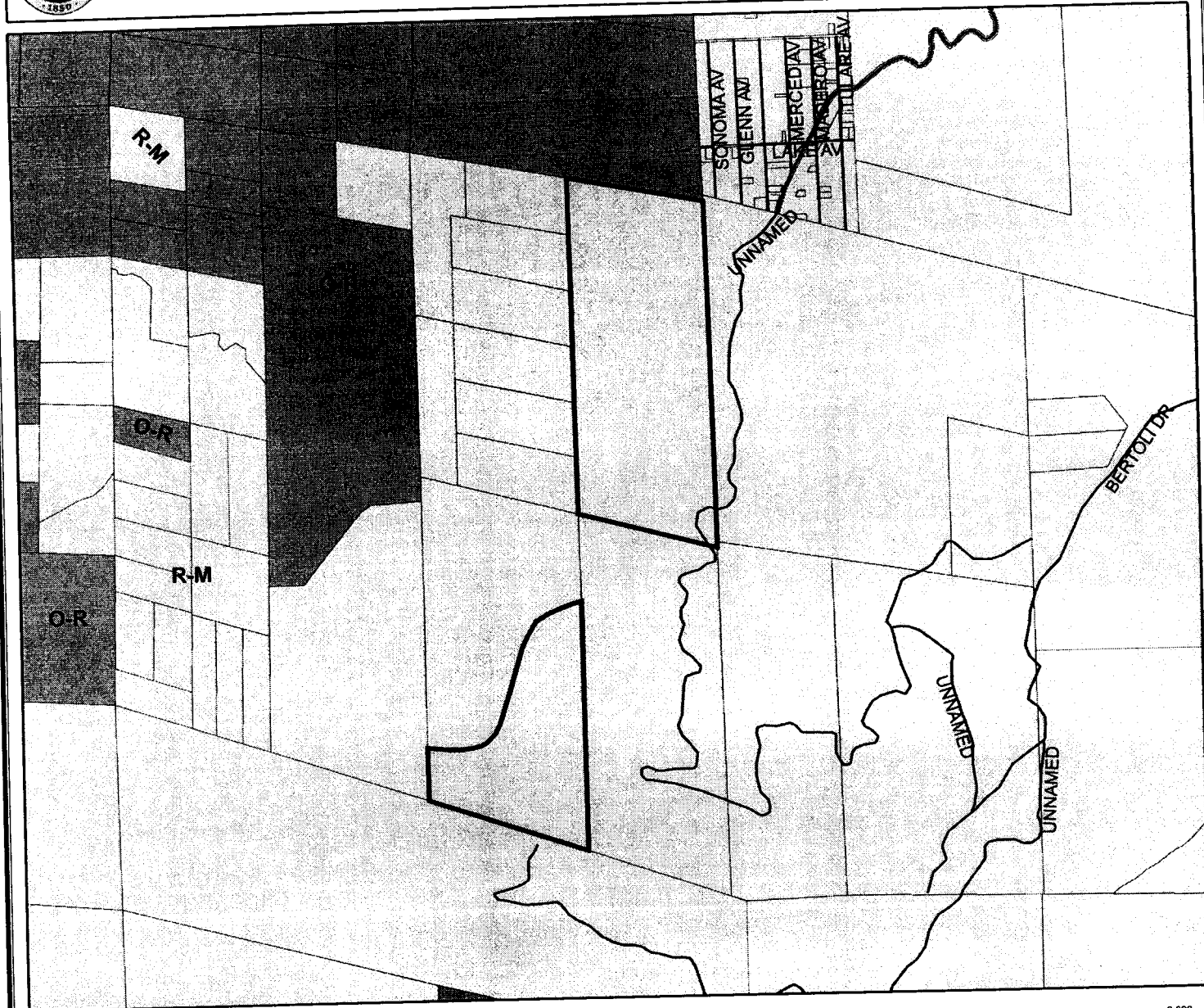


Map Created by  
County of Santa Cruz  
Planning Department  
October 2006






EXHIBIT C

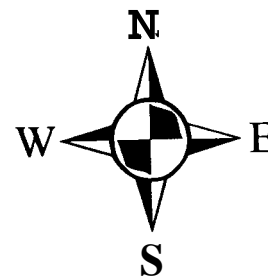


# General Plan Designation Map



## Legend

-  02-0437 Subject Sites
-  Streets
-  Assessors Parcels
-  Residential-Mountain (R-M)
-  Parks and Recreation (O-R)



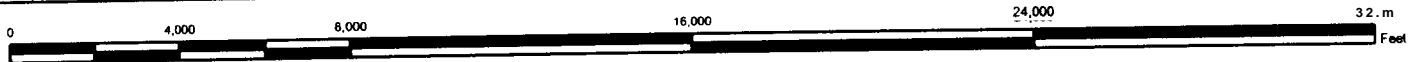
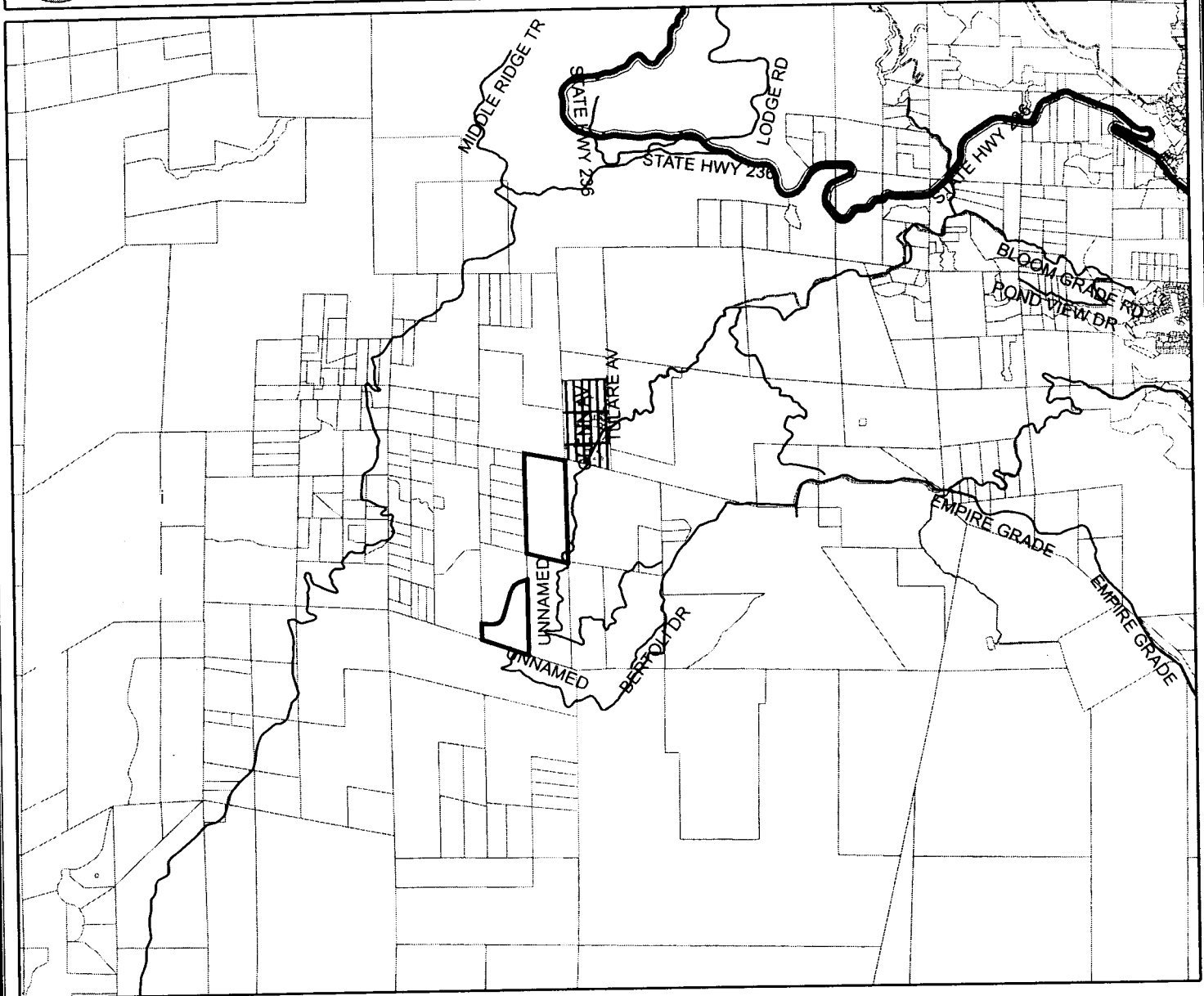
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Planning Department  
October 2006

EXHIBIT C







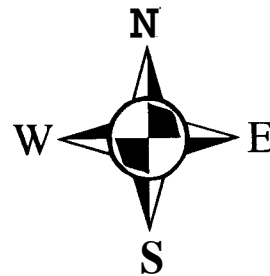


# Location Map



## Legend

-  02-0437 Subject Sites
-  Streets
-  Assessors Parcels
-  State Highways

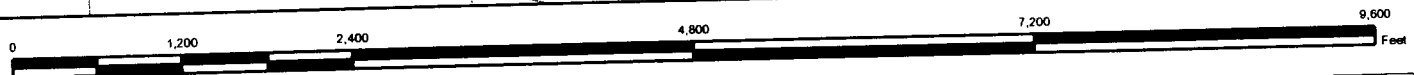
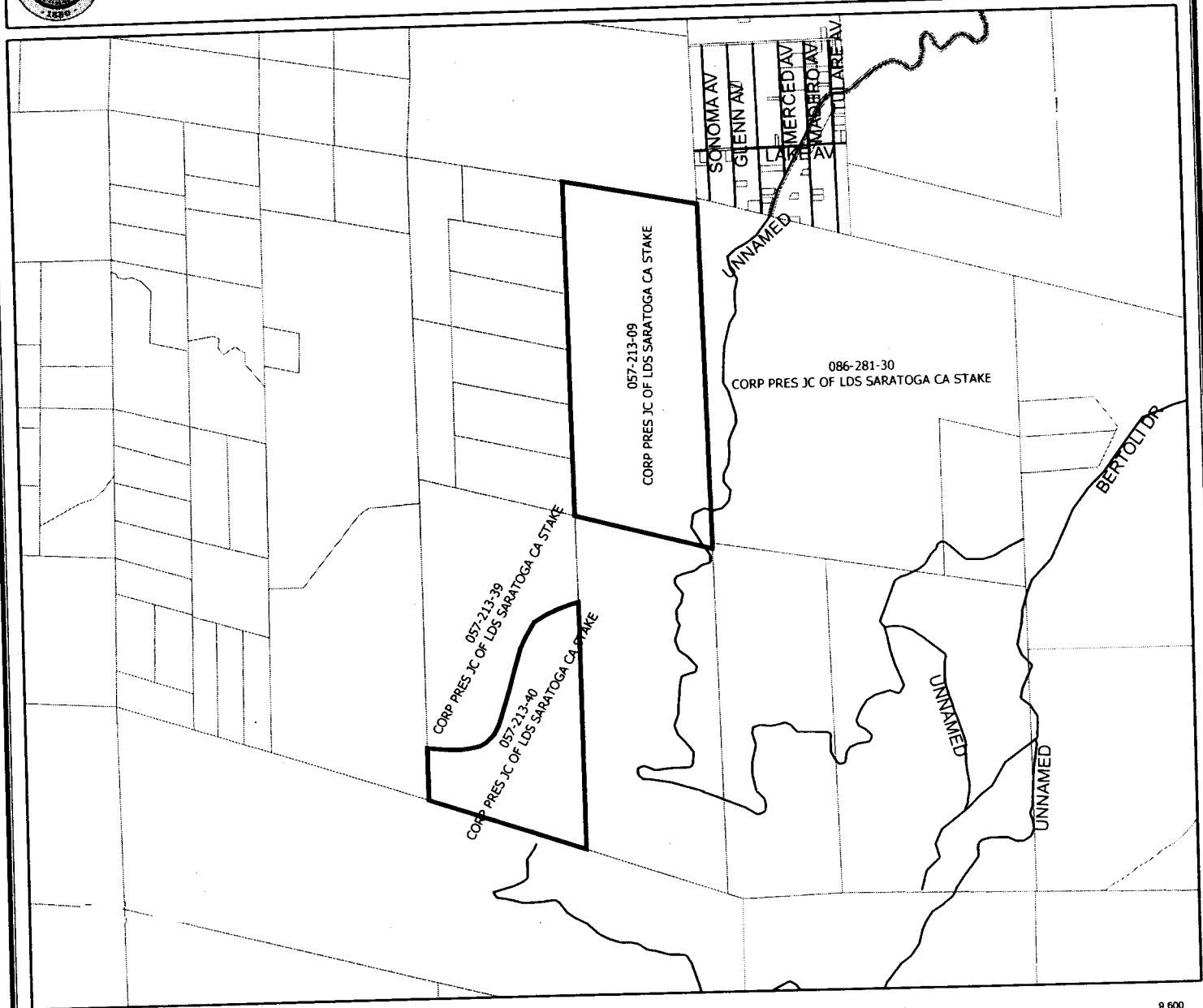


Map Created by  
County of Santa Cruz  
Plannina Department  
October 2006

**EXHIBIT C**



# Ownership Map

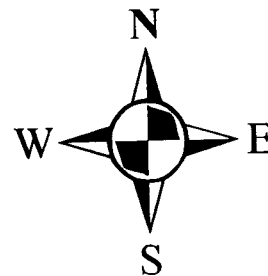


## Legend

 02-0437 Subject Sites

 Streets

 Assessors Parcels



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: 02-0437

Assessor Parcel Numbers: 057-213-09 & 057-213-40

Project Location: No Situs Address, Empire Grade Road, Santa Cruz, California

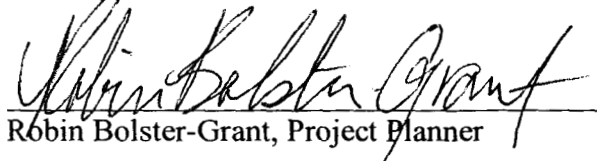
**Project Description: Rezone two parcels parcel from the Special Use (SU) zone district to the Timber Production (TP) zone district.**

**Person or Agency Proposing Project: Roy Webster, RPF**

**Contact Phone Number: (831) 462-6237**

- 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: 12-5-06

**WEBSTER & ASSOCIATES**

2 - 2 5 9 0 E . C L I F F D R

S A N T A C R U Z , C A 9 5 0 6 2

July 16, 2002

Jeff Almquist, Chairperson  
Board of Supervisors  
santa Cruz county  
701 Ocean Street  
Santa Cruz, CA 95060

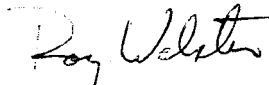
Re: Re-zoning to TPZ under PRC 51113.5

Dear Sir:

The parcels numbered 057-213-09 & 057-213-40 in Santa Cruz County, are owned by the Church of Jesus Chnst of Latter-Day Saints, and have been part of timber harvest plans for many years. In order to continue this use along with providing wildlife and watershed values, recent County **zoning** changes require that the entire parcel be re-zoned to TP (Timber Production). The property has a **mix** of shrub, grassland and timberland. The timberland portion of the property is redwood forest and mixed evergreen forest with average growth potential within the range of Site Index III. Site Index III is capable of exceeding the required growth of 15 cubic ft. per acre per year (set forth in Chapter 13.10.375 of Santa Cruz County Code).

These parcels meet the criteria of subdivision (f) of Section 51104 of the Public Resources Code. They are "contiguous" to other Church of Jesus Christ of Latter-Day Saints Timber Production land, parcel numbers 057-213-39, 057-213-41, 086-281-27, 086-281-28, 086-281-30. Parcel numbers 057-213-09 & 057-213-40, are therefore available to be re-zoned to the **TP** zone district without restriction. Pursuant to Part I of Division 1, Title 5, Chapter 6.7, Section 51113.5 of the Government Code, we hereby petition to have these parcels re-zoned into the Timber Production Zone. Enclosed is our check for \$750 for this rezoning.

Sincerely,



Roy W. Webster  
RPF #1765

Attachments: Parcel Map  
Previous Timber Harvest Plan

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(831) 462-6231 PHONE

(831) 462-6233 FAX