



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

February 14, 2008

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

Agenda Date: March 12, 2008

APN: 105-421-24

Application: 07-0360

Item #: 9

Time: After 9 AM

Subject: A public hearing to consider a proposal to rezone property from the Special Use (SU) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On July 12, 2007, the County Planning Department accepted this application for rezoning property totaling approximately 16 acres from the Special Use (SU) zone district to Timber Production.

The property owners, Dennis and Celma Farley, also own approximately 59 acres Timber Production zoned parcel, APN 105-401-02, which is contiguous with the subject property. The uses on the property consist of a single-family residence, non-habitable accessory structures(s) and 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 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 07-0360, 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 Joseph Culver, RPF # 2674, dated October 9, 2007

Maria Porcila Perez
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.07-0360 involving property located at the end of a private road extending .2 miles from the intersection with Fern Flat Road, at 5888 Fern Flat Road, approximately .3 miles south of the intersection of Fern Flat Road and Aptos View 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) 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.

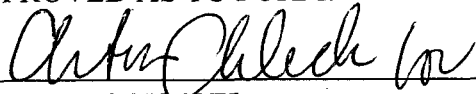
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2008, by the following vote:

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 at the end of a private road extending .2 miles from the intersection with Fern Flat Road, at 5888 Fern Flat Road, approximately .3 miles south of the intersection of Fern Flat Road and Aptos View 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).

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>
105-421-24	Special Use (SU)	TP

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

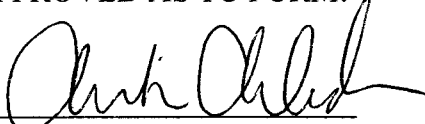
PASSED AND ADOPTED THIS _____ day of _____ 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

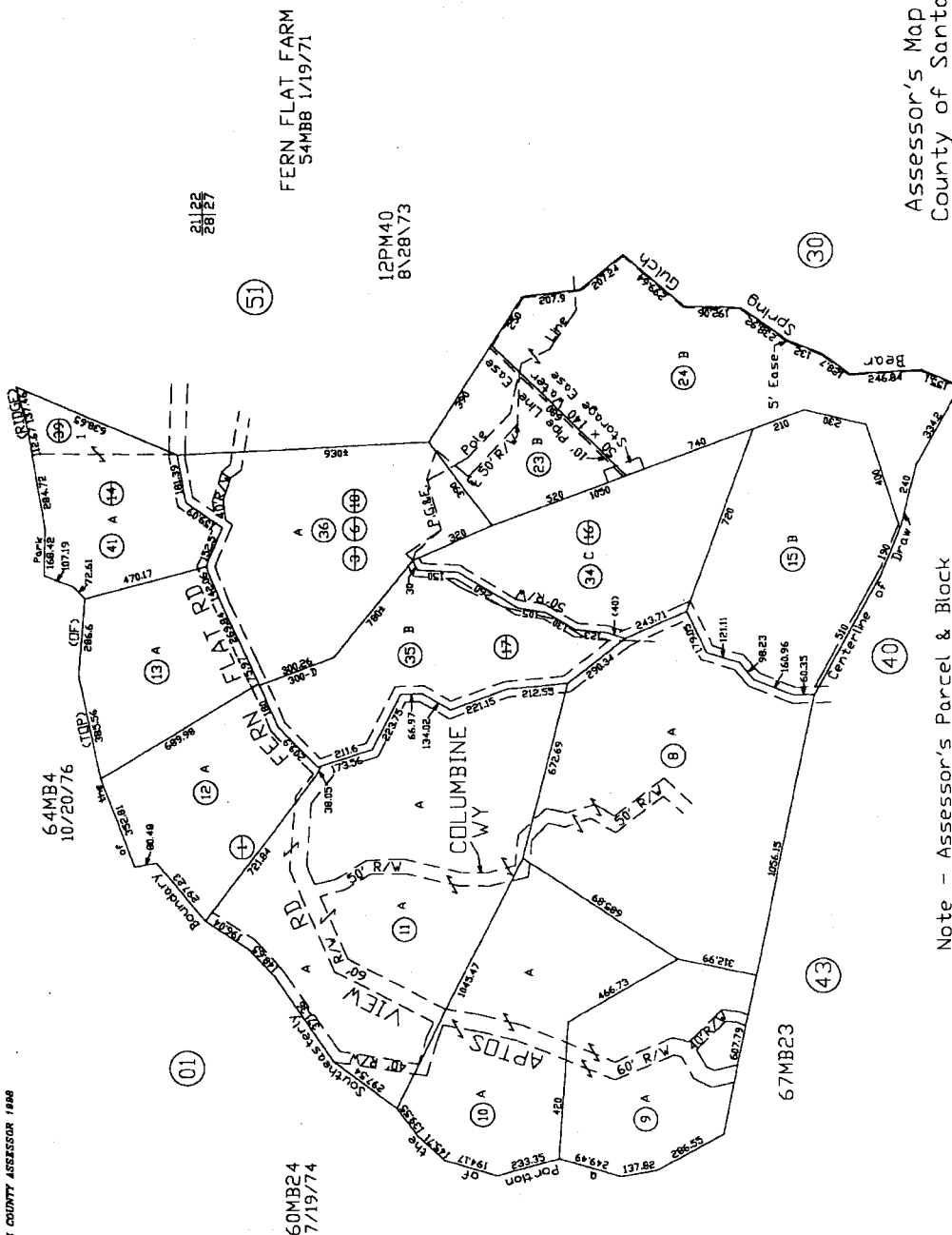
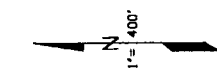
GIS

FOR TAX PURPOSES ONLY
 THE ASSESSOR MAKES NO GUARANTEE AS TO MAP ACCURACY NOR ASSUMES ANY
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SOQUEL AUGMENTATION RANCHO
 POR. SECS. 21 & 28, T.10S., R.1E., M.D.B. & M.

Tax Area Code
 69-266

105-42



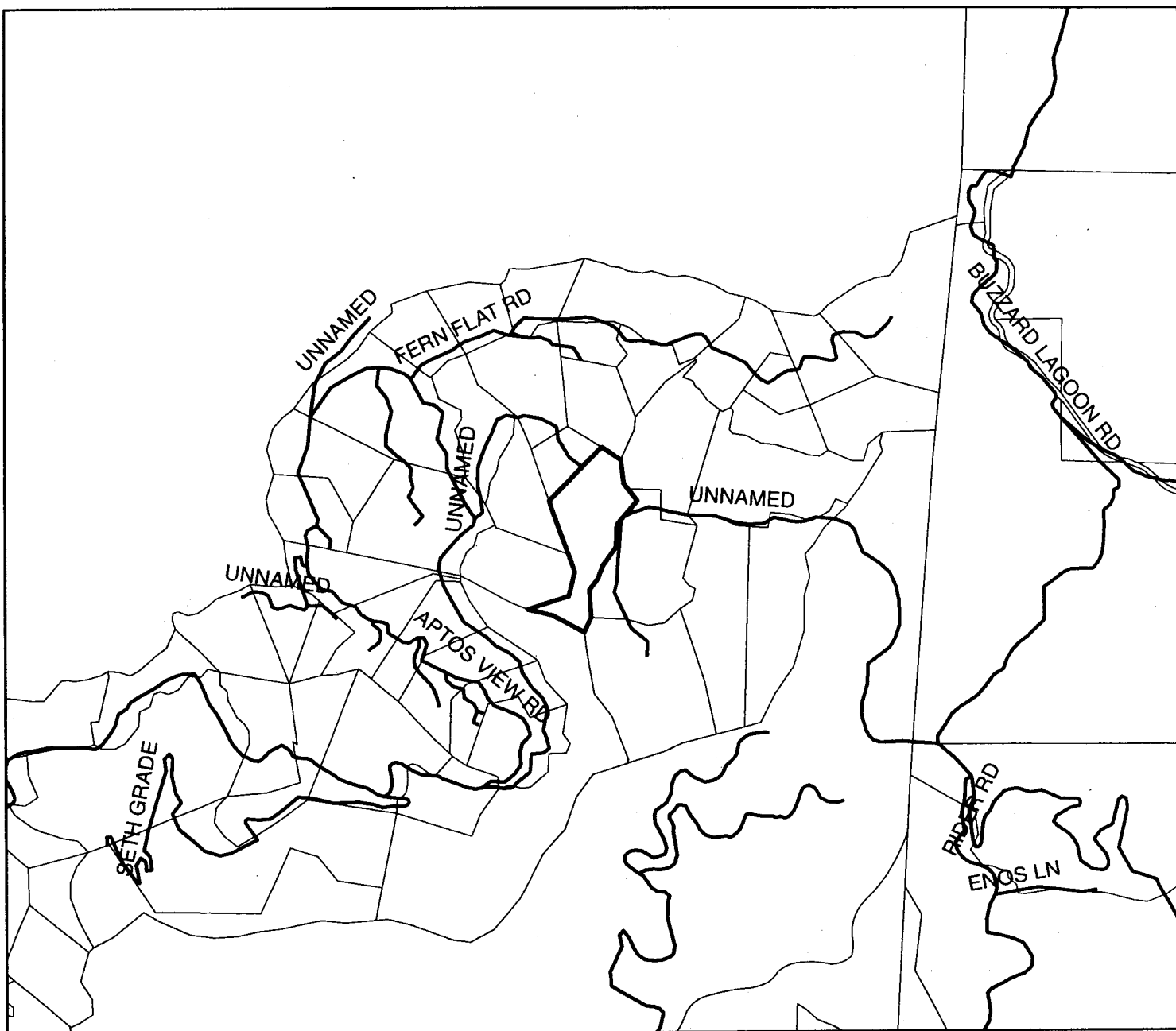
Assessor's Map No. 105-42
 County of Santa Cruz, Calif.
 July 1998

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

Electronically redrawn 7/1/98 KSA
 Rev. 7/1/98 KSA (Por. to Pg 51)
 Rev. 8/25/99 CB (Added PM ref & removed Open Sp. East)
 Rev. 3/18/02 nvn (st name)






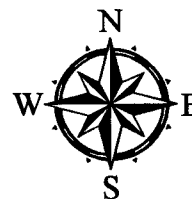
Location Map



0 1,200 2,400 4,800 7,200 9,600 Feet

LEGEND

-  APN: 105-421-24
-  Assessors Parcels
-  Streets

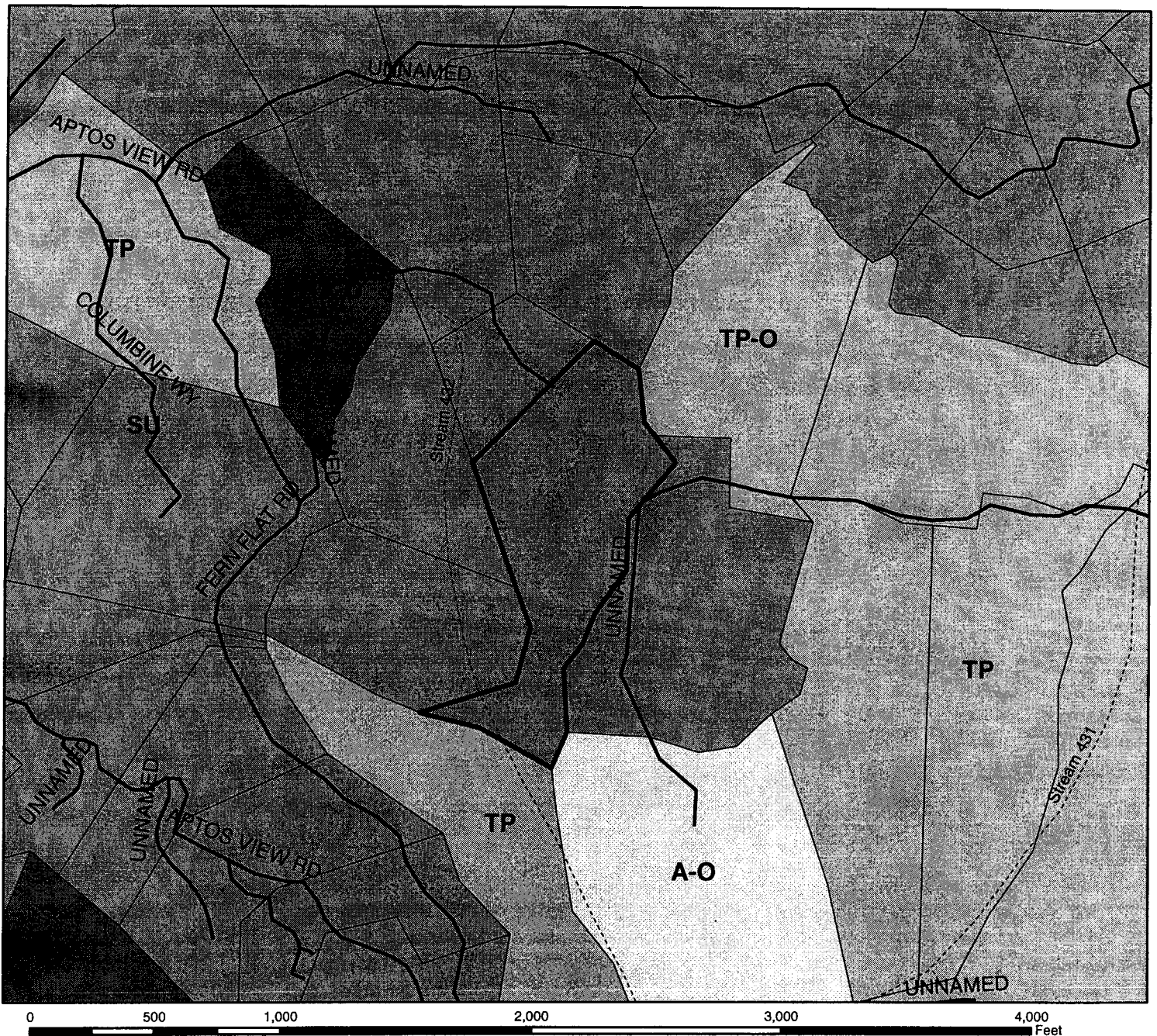


Map Created by
County of Santa Cruz
Planning Department
January 2008

EXHIBIT
EXHIBIT



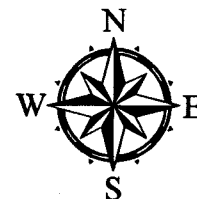
Zoning Map



0 500 1,000 2,000 3,000 4,000 Feet

LEGEND

- APN: 105-421-24
- Assessors Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- SPECIAL USE
- TIMBER PRODUCTION
- AGRICULTURE
- AGRICULTURE RESIDENTIAL

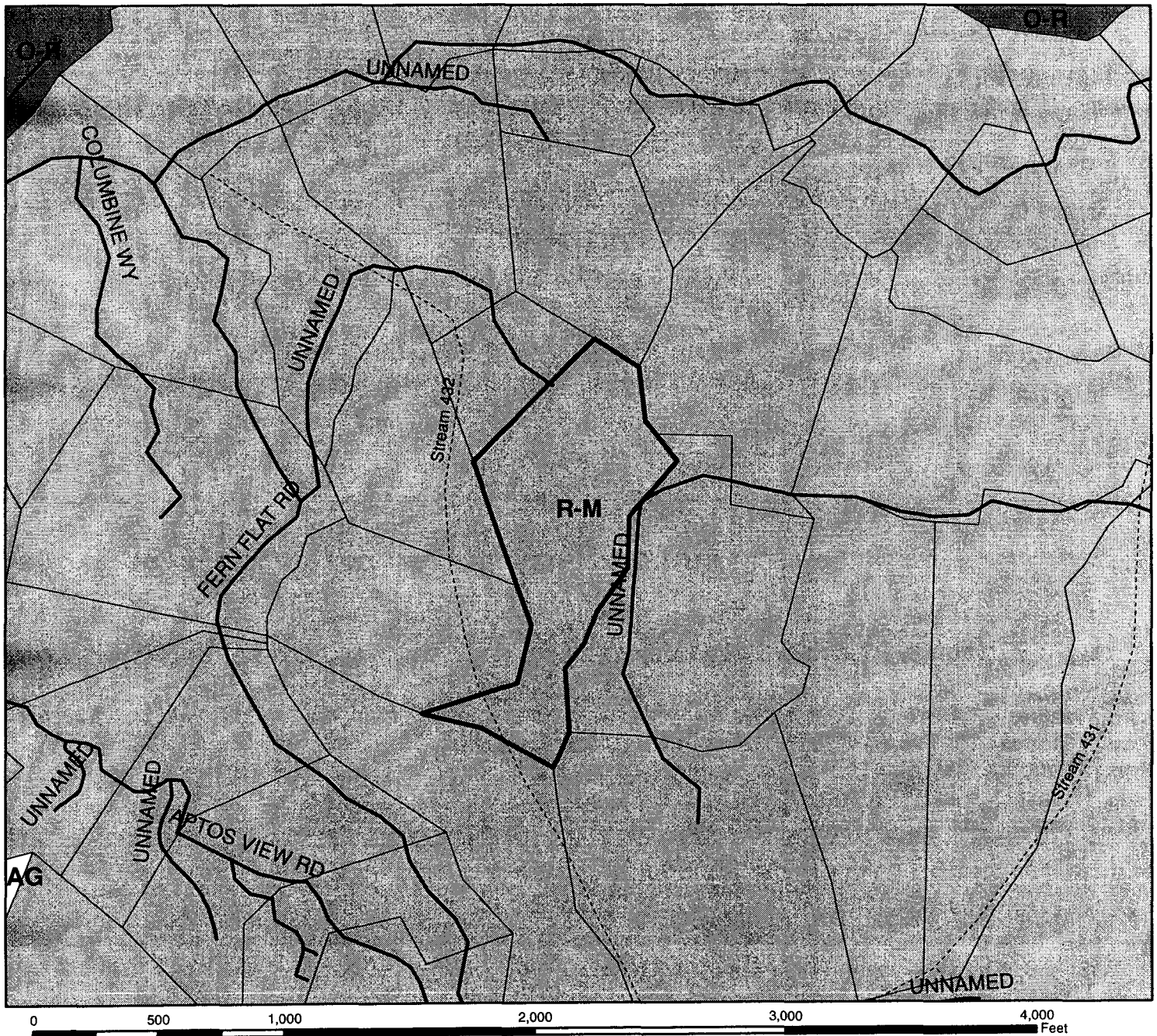


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Planning Department
January 2008

EXHIBIT C

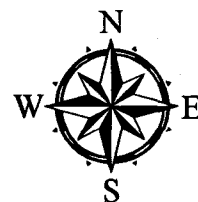


General Plan Designation Map



LEGEND

- APN: 105-421-24
- Assessors Parcels
- Streets
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- Residential-Mountain
- Parks and Recreation
- Agriculture

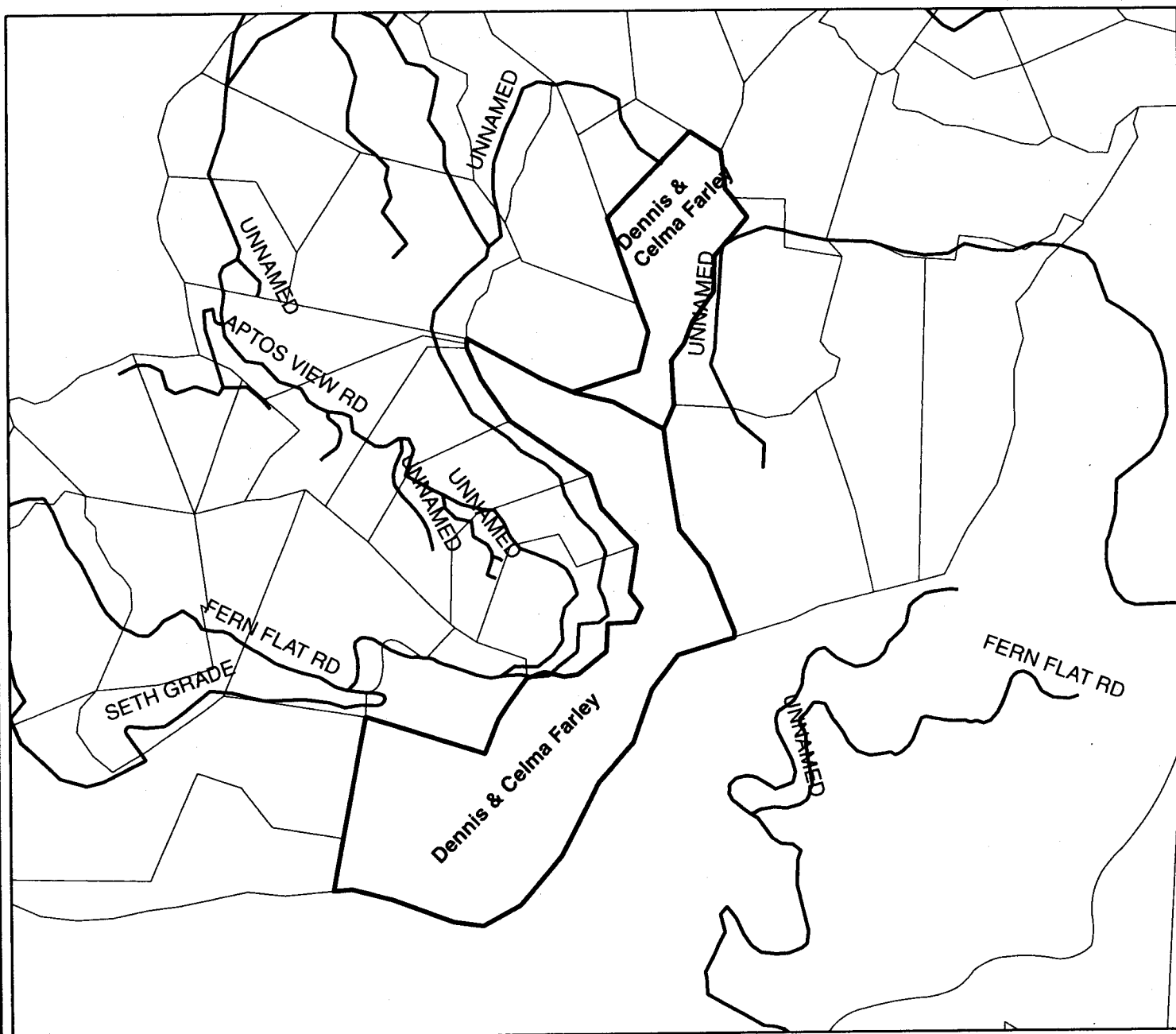


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January 2008

EXHIBIT







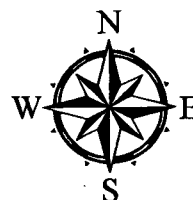
Ownership Map



0 750 1,500 3,000 4,500 6,000 Feet

LEGEND

-  APN: 105-421-24
-  APN: 105-401-02
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
January 2008

EXHIBIT

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: 07-0360

Assessor Parcel Number: 105-421-24

Project Location: Property located at the end of a private road extending .2 miles from the intersection with Fern Flat Road, at 5888 Fern Flat Road, approximately .3 miles south of the intersection of Fern Flat Road and Aptos View Road.

Project Description: Rezone propertie(s) from the Special Use (SU) zone districts to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Dennis & Celma Farley, H/W JT

Contact Phone Number: (831) 662-0791

- 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.

Maria Porcila Perez, Project Planner

Date: _____

Joseph Culver
Consulting Forester

October 9, 2007

RE: Rezoning APN # 105-421-24 to Timber Production
Adjacent to TPZ Property Under Same Ownership

To Whom It May Concern:

In October 2007, Joseph Culver, Consulting Forester was commissioned by Celma Farley to determine if APN #105-421-24 meets the State and County requirements to be rezoned to Timber Production. The county assessor lists the parcel as 16.0 acres in size and it is adjacent to parcel # 105-401-02, also owned by Ms. Farley and already zoned Timber Production.

A sample inventory conducted on the property, combined with on-site observations made by the professional forester preparing this letter, shows that the forest land on the parcel has the following characteristics:

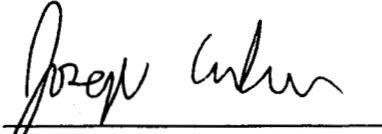
TIMBER STOCKING: To rezone a property to the "Timber Production" zoning a property must meet the timber stocking standards set forth in Section 4561 of the Public Resources Code. Section 4561 states in part that "The average residual basal area, measured in stems one inch or larger in diameter.....in areas which the registered professional forester has determined are site II classification or lower, the minimum average residual basal area shall be 50 square feet per acre. Rock outcroppings and other areas not normally bearing timber shall not be considered as requiring stocking." The average residual basal area in the timbered portions of the property is 118 square feet and therefore meets the stocking standards.

TIMBERLAND: To rezone a property to the "Timber Production" zoning a property must meet the definition of timberland. Section 51104 of the California Code states that "Timberland means privately owned land.....capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre." The property proposed for rezoning is capable of growing an annual average volume of wood fiber of 38 cubic feet per acre and therefore meets the definition of timberland.

COMPATIBLE USE: Structures on the property include the Farley primary residence and a nearby barn. A small horse corral is located next to the house. Current property use also includes watershed, wildlife habitat and timber management. Existing infrastructure on the properties does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

Joseph Culver
Consulting Forester

The property is well suited for timber management into the future. The property was selectively harvested approximately 12 years ago and the forest resource is currently healthy and experiencing a growth rate consistent with managed forests. Ms. Farley has indicated that she wants to continue to manage the timber resource and stand conditions warrant another harvest in the next ten years. The property meets required state stocking levels, qualifies as "Timberland," and current use is compatible with the Timber Production zoning.



Joseph Culver
Registered Professional Forester #2674