



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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

October 3, 2011

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

Agenda Date: November 9, 2011

APN: 085-262-01

Application: 111168

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

Members of the Commission:

On September 13, 2011, the County Planning Department accepted this application for rezoning an approximately 16.38 acre parcel from the Special Use (SU) zone district to Timber Production. The parcel is currently vacant rural acreage.

Background and Discussion

The property owner, Big Creek Lumber Company, also owns an approximately 135.25 acre Timber Production (TP) zoned parcel, APN 089-081-34, which is contiguous with the subject property. This project qualifies for a rezoning under California Government Code Section 51113.5. This section allows a property owner with TP-zoned land, that meets all of the requirements of that section, to petition the County to rezone contiguous land not zoned TP to the TP zone. This type of rezoning must also meet the definitions of Government Code Section 51104(f) and (g)¹. The County may not place any additional requirements on this petition to rezone the property to TP. The proposed zoning is consistent with the General Plan, as Timber Production is an implementing zone district for the Mountain Residential (R-M) General Plan designation of the parcel.

In accordance with Section 51113.5 of the State Government Code, the project meets the

¹ Government Code Section 51104

(f) "Timberland" means privately owned land, or land acquired for state forest purposes, which is devoted to and used 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 or 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).

following criteria for rezoning to Timber Production:

- (1) 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).
- (2) The property is timberland, as it is capable of producing an average of 15 cubic feet of timber per acre annually (Exhibit E).
- (3) The uses on the parcel comply with the Timber Production Zone uses set forth in Section 13.10.372.

Environmental Review

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

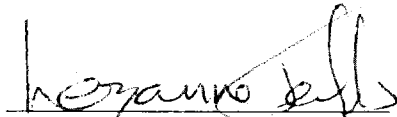
All of the criteria have been met for rezoning the subject parcel to the Timber Production zoning designation. All required findings can be made to approve this application pursuant to California State Government Code Section 51113.5.

Recommendation

It is recommended that the Commission adopt a Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 111168, to adopt the Ordinance rezoning the property to the TP zone district.

EXHIBITS

- A. Planning Commission Resolution, with Ordinance / Findings
- B. APN maps
- C. Location, Current Zoning and General Plan Designation and Ownership maps
- D. Notice of Exemption from CEQA
- E. Completion and/or Timber Stocking Report and letter from Nadia Hamey, Registered Professional Forrester, dated July 11, 2011



Lezanne Jeffs
Project Planner
Development Review

Reviewed By: 

Cathy Graves
Principal Planner

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. 111168, involving property located on the north side of Wickert Road, just east of the intersection with Two Bar Road and about 3/4 mile northeast from Highway 9, 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 _____, 2011, by the following vote:

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

Chairperson

ATTEST: _____
CATHY GRAVES, 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 north side of Wickert Road, just east of the intersection with Two Bar Road and about 3/4 mile northeast from Highway 9; 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>
085-262-01	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 _____ 2011, 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 Council
 Planning
 Assessor
 County GIS

FOR TAX PURPOSES ONLY

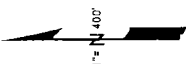
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POR. S. 1/2 SEC. 18, T.9S., R.2W., M.D.B. & M.

Tax Area Code
90-103

85-26

085-262-01
BCL

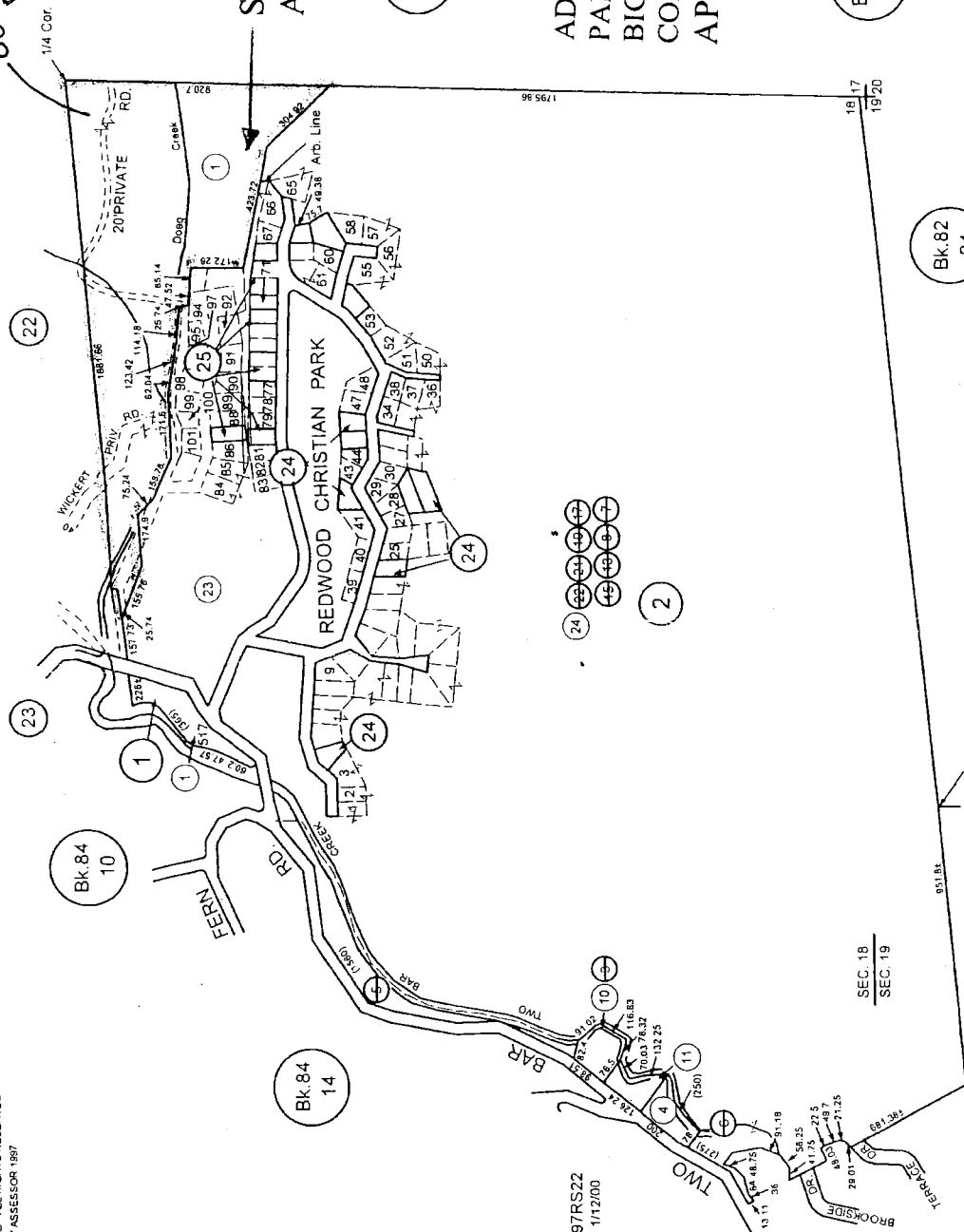


1/4 Cor.

SUBJECT PARCEL
APN 085-262-01

ADJACENT TP ZONED
PARCEL, OWNED BY
BIG CREEK LUMBER
COMPANY
APN 089-081-34

Assessor's Map No. 85-26
County of Santa Cruz, Calif.
March, 1997



Electronically Redrawn 3/16/97 rw
Rev 5/28/98 KSA (CA)
Rev 2/28/00 CB (R7S22)
Rev 8/27/01 mmv (changed page refs)
Rev 11/1/05 md (spatial adjustment, add por 85-24)

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

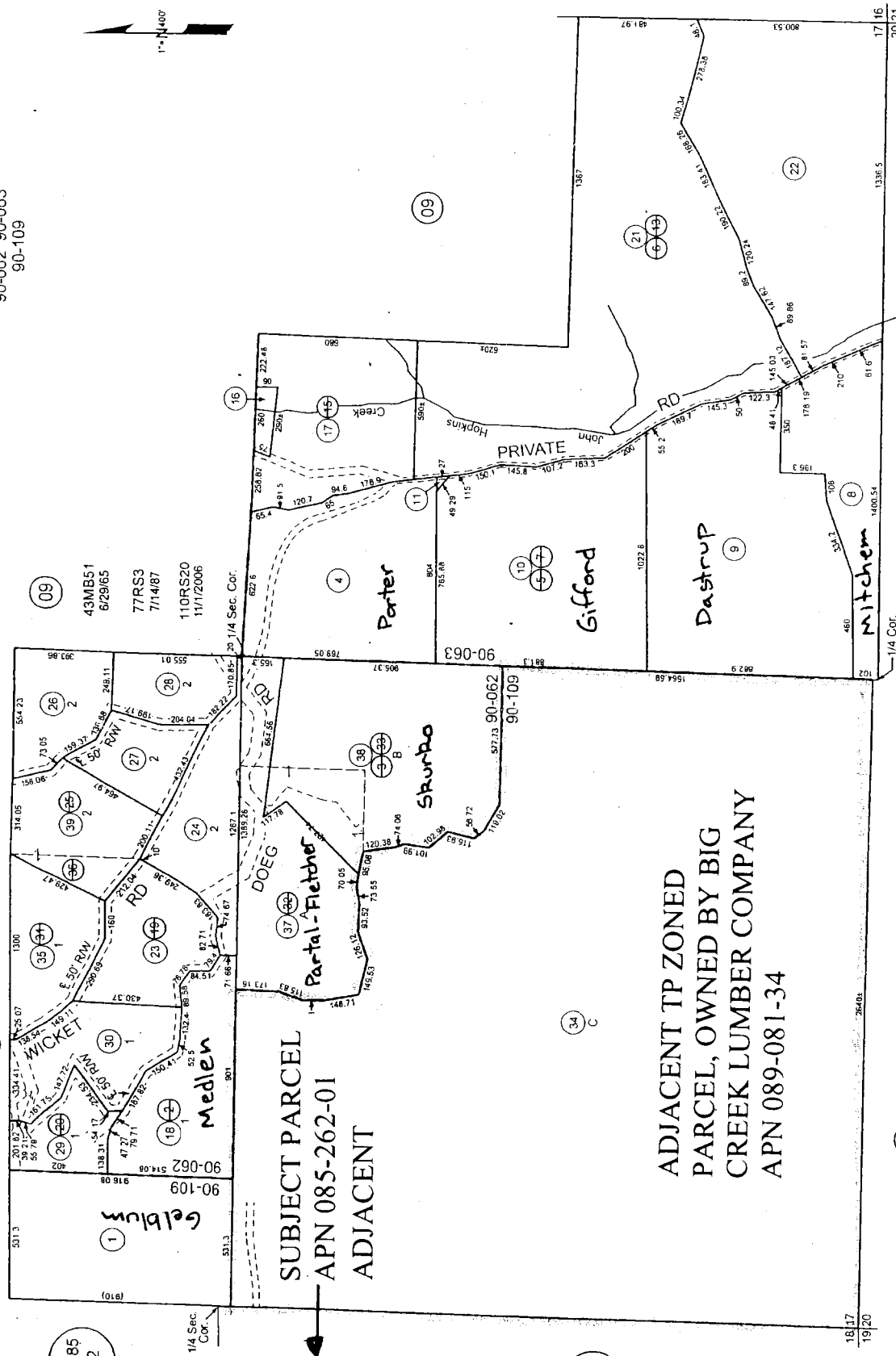
EXHIBIT B

Tax Area Code
90-062 90-063
90-109

POR. SEC. 17, T.9S., R.2.W., M.D.B. & M.

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SPM3
11/17/72

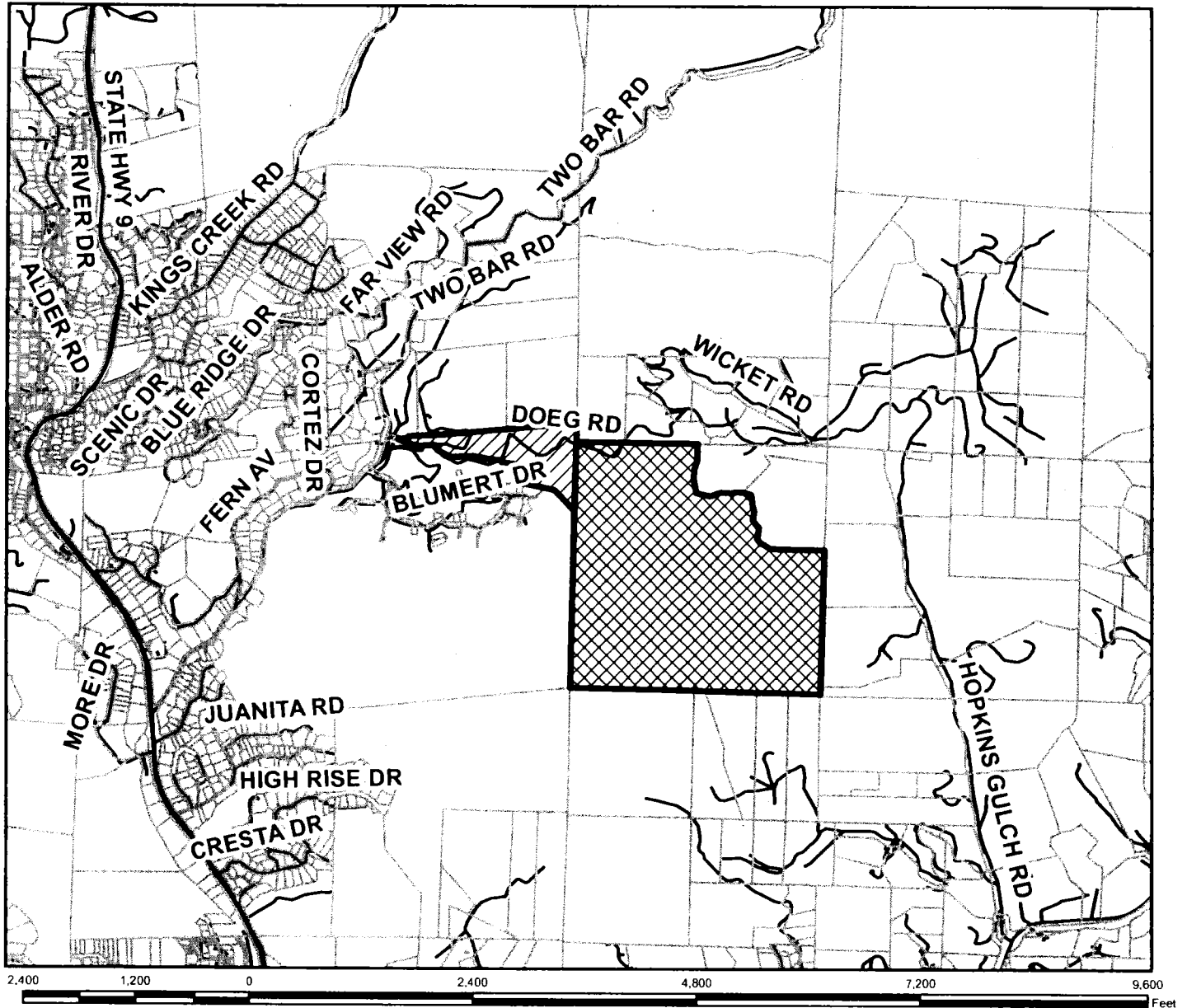


Note - Assessor's Parcel & Block
Numbers Shown in Circles.






Assessor's Map No. 89-08
County of Santa Cruz, Calif.
Dec., 1999

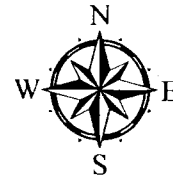


Location Map



LEGEND

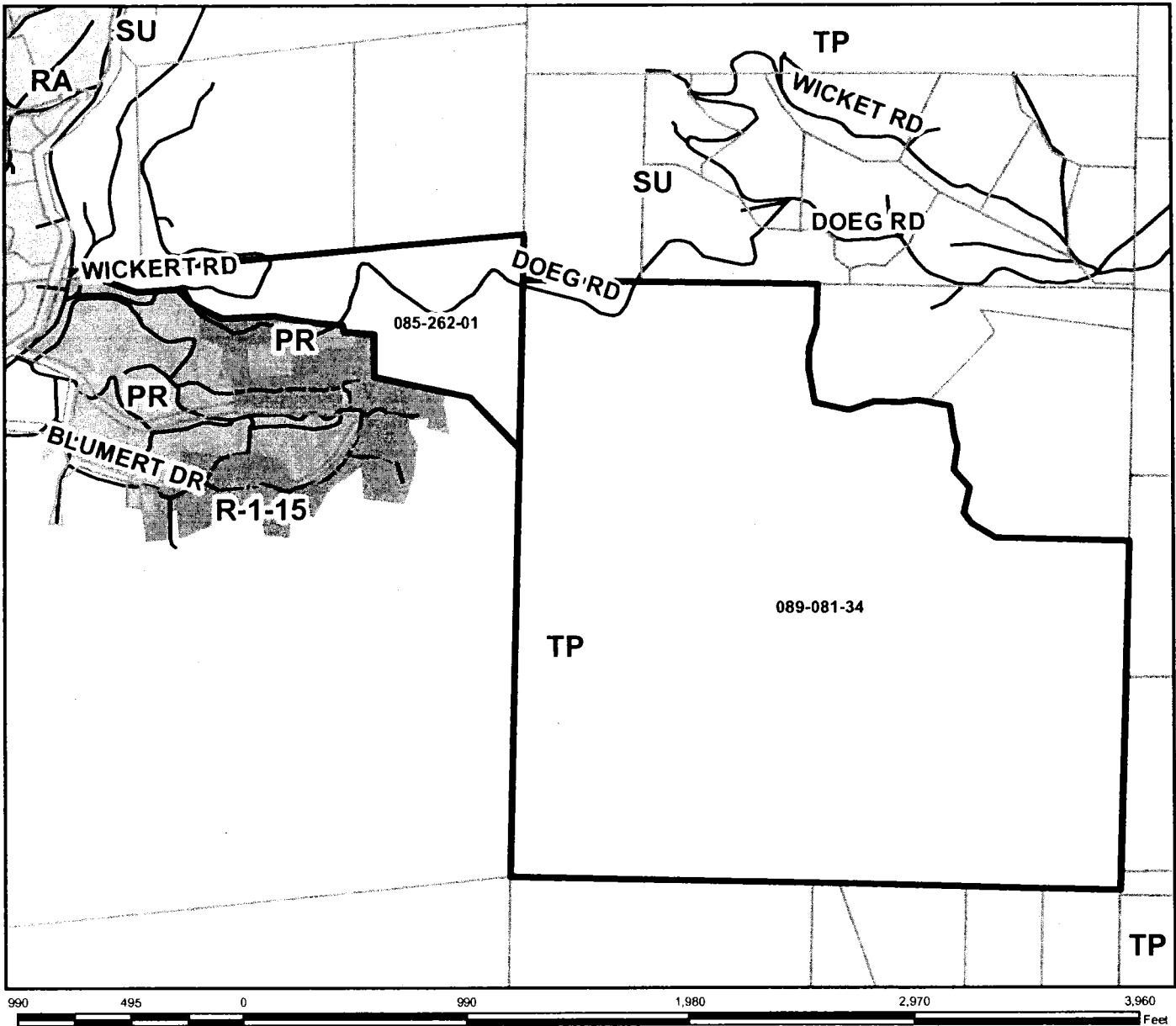
-  APN: 089-081-34
-  APN: 085-262-01
-  Assessors Parcels
-  Streets
-  State Highways



Map Created by
County of Santa Cruz
Planning Department
September 2011

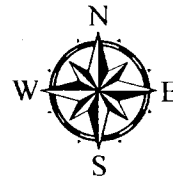


Zoning Map



LEGEND

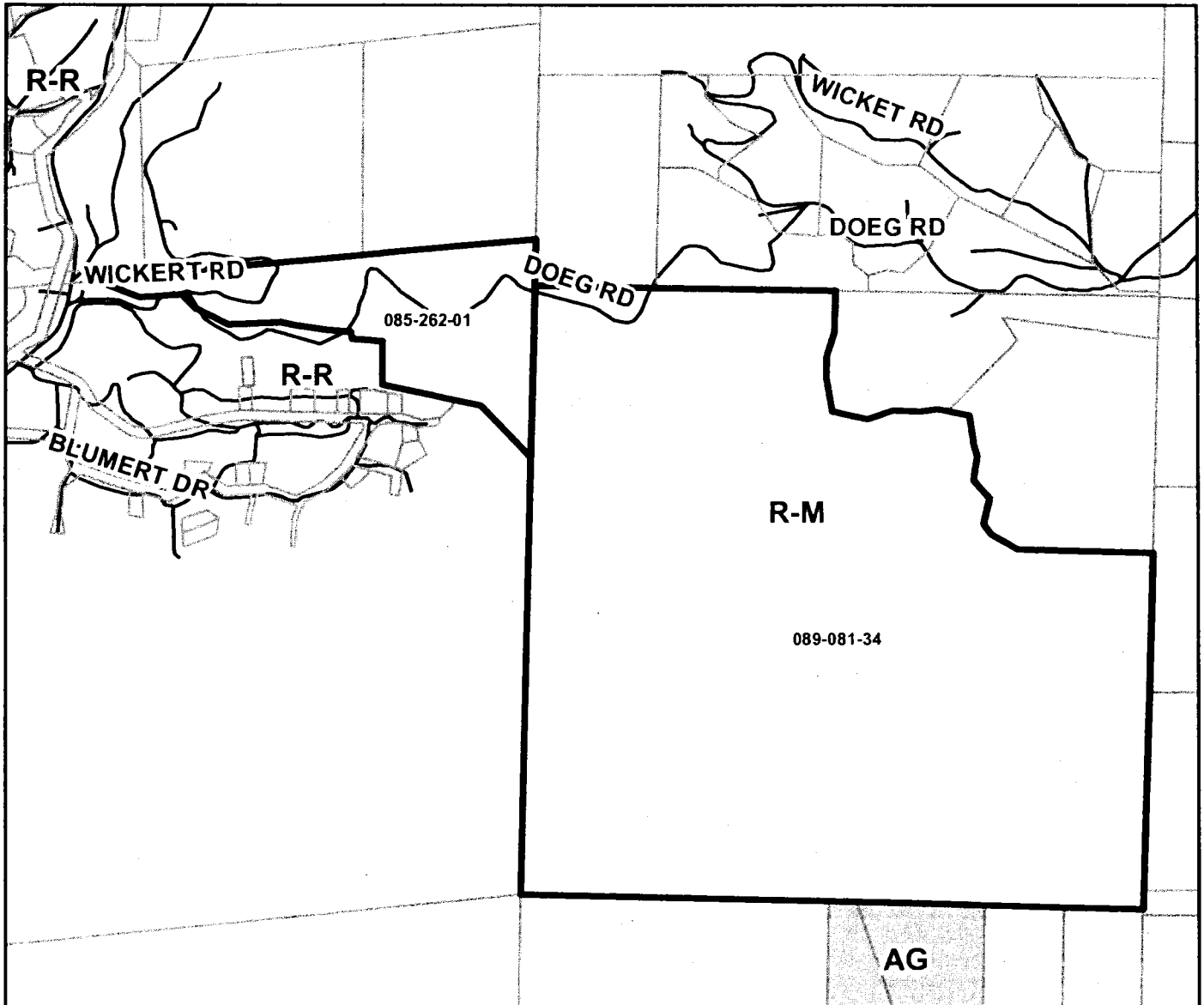
- APN: 089-081-34
- APN: 085-262-01
- Assessors Parcels
- Streets
- TIMBER PRODUCTION
- SPECIAL USE
- AGRICULTURE RESIDENTIAL
- PARK
- RESIDENTIAL-SINGLE FAMILY



Map Created by
County of Santa Cruz
Planning Department
September 2011

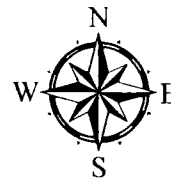


General Plan Designation Map



LEGEND

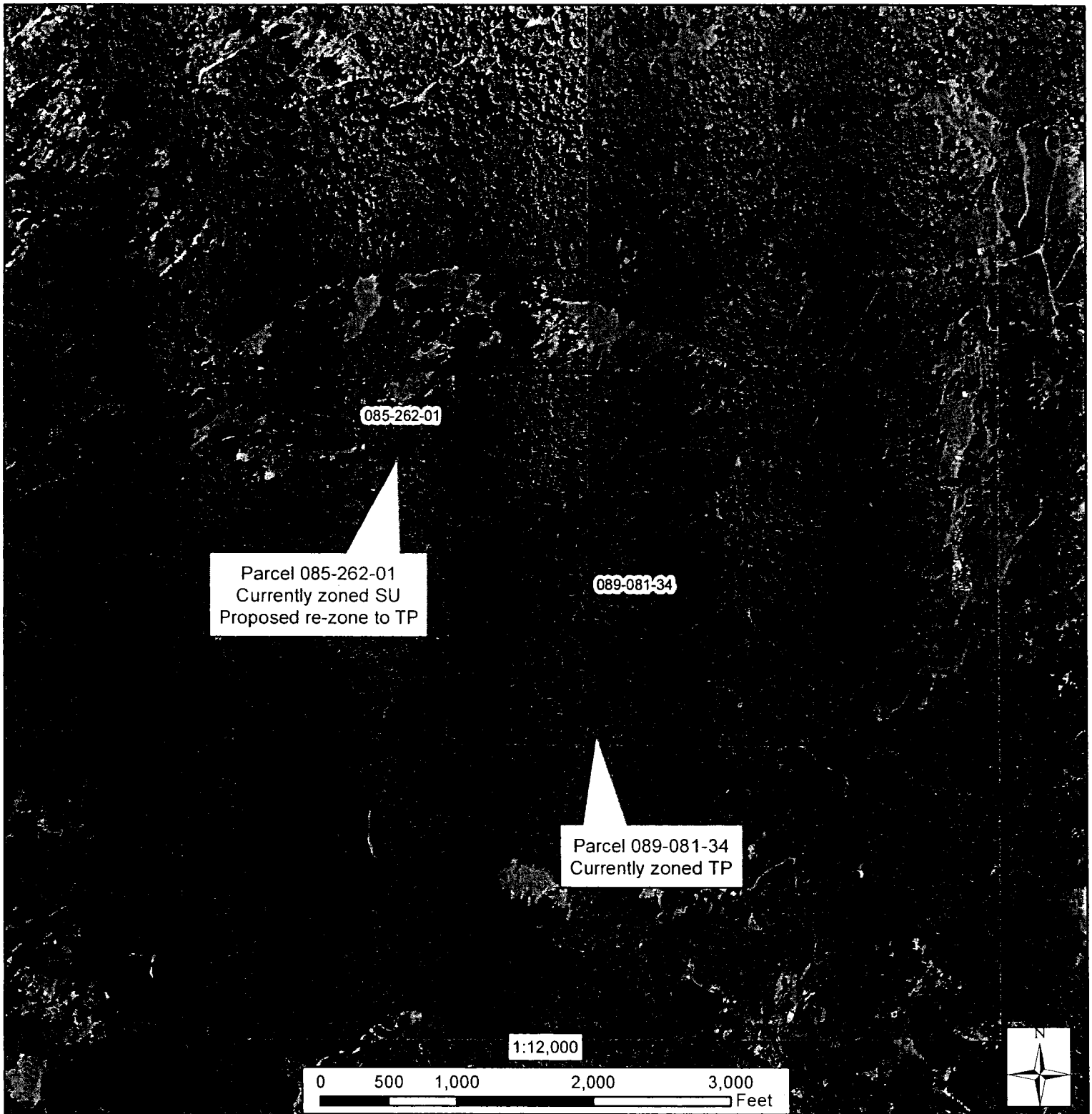
- APN: 089-081-34
- APN: 085-262-01
- Assessors Parcels
- Streets
- Residential-Mountain
- Residential-Rural
- Agriculture




Map Created by
County of Santa Cruz
Planning Department
September 2011

APN 085-262-01 Re-Zone Application

Castle Rock Ridge USGS 7.5' Quad, T9S-R2W, Sections 17 & 18, MDBM, Santa Cruz County, California



Legend

 Big Creek Lumber Company Parcels

OWNERSHIP MAP

 **BIG CREEK**
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: 111168

Assessor Parcel Number: 085-262-01

Project Location: No situs

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

Person or Agency Proposing Project: Nadia Hamey for Big Creek Lumber Company

Contact Phone Number: (831) 475 6383

- 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. X **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.

Lezanne Jeffs, Project Planner

Date: _____



**BIG
CREEK**

"Growing Redwoods for the Future"

July 11, 2011

RE: Rezoning APN 085-262-01 to Timber Production
Adjacent to TPZ Property Under Same Ownership

To Santa Cruz County Planning Department:

The property owner of parcel 085-262-01 in Boulder Creek, Big Creek Lumber Company, would like to rezone this parcel to the Timber Production (TP) zone district. APN 085-262-01 is approximately 16 acres and is currently zoned Special Use (SU). Big Creek Lumber Company already owns an adjacent 137 acre parcel zoned TP, APN 089-081-34, therefore, the only requirements for rezoning are that the parcel must meet the definitions of Government Code Section 51104(f), (g) and (h).

TIMBER STOCKING: To rezone a property to the "Timber Production" zoning a property must meet the timber stocking standard 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 in diameter.....in areas where 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 outcropping and other areas not normally bearing timber shall not be considered as requiring stocking." The average residual basal area in the timber portions of the property is well above 50 square feet, and averages between 80 – 220 square feet in areas that bear timber.

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 cable of, and far exceeds this criteria."

COMPATABLE USE: Current property use of the parcels include watershed, wildlife habitat and timber management. Existing infrastructure on the parcel does not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber.

This property is well suited for timber management into the future. The property was last selectively harvested in the early 1990's. The forested stands are thrifty and healthy and are growing at a rate consistent with other managed forests in Santa Cruz County. The owner desires to continue to manage the forested stands present on this parcel as well as the adjacent parcel that is currently zoned TP and the current stand conditions warrant forest management in the near future. The property meets the required State stocking levels, qualifies as "Timberland", and the current use is compatible with Timber Production zoning.

Please call me at (831) 457-6383 if you have any questions. Thank you for your time.

Sincerely,

Nadia Hamey
Register Professional Forester #2788