



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

July 6, 2007

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

Agenda Date: July 25, 2007
APN: 087-171-07
Application: 07-0099
Item #: 10

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 February 23, 2007 the County Planning Department accepted this application for rezoning one parcel of about 11 acres from the Special Use (SU) zone district to Timber Production.

The property owners, Michael A. & Aolele Johnson, also own approximately a 58 acre Timber Production zoned parcel, APN 087-171-08, which is contiguous with the subject property. The uses on the property consist of 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.

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).

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 means" 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.

- 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

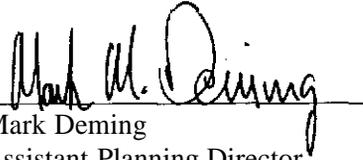
Recommendation

It is recommended that the Commission adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 07-0099, 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 Cassady Bill Vaughn, RPF#2685 dated February 22, 2007.


Maria 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
SENDJNG 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. 07-0099, involving property located on the west side of Kings Creek Road approximately 3 miles north of the intersection of Kings Creek Road and 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 (SU) and Agriculture (A) zone district to the Timber Production zone district.

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

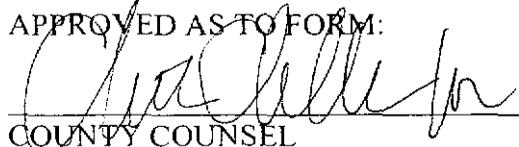
PASSED AND ADOPTED by the Planning Commission of the County of Santa *Cruz*, State of California, this _____ day of _____, 2007, by the following vote:

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 1

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 Kings Creek Road approximately 3 miles north of the intersection of Kings Creek Road and 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
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 111

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>
087-171-07	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 _____ 2007, by the Board of Supervisors of the County of Santa Cruz by the following vote:

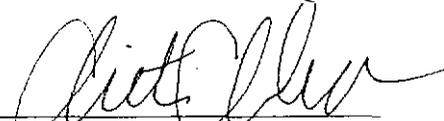
AYES: SUPERVISORS
 NOES: SUPERVISORS
 ABSENT: SUPERVISORS
 ABSTAIN: SUPERVISORS

Chairman of the Board of Supervisors

ATTEST: _____

Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

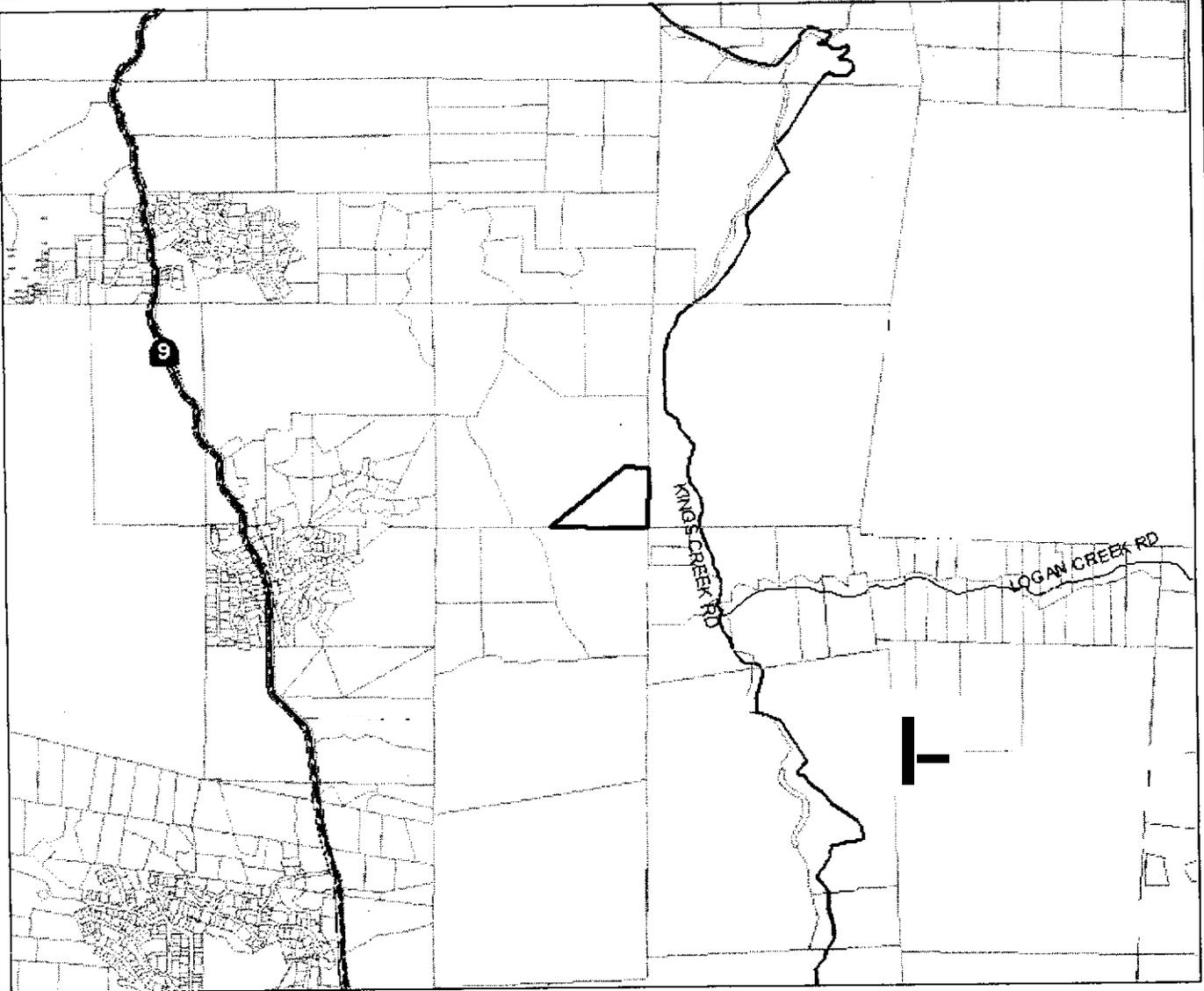
Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
 Planning
 Assessor
 County

GIS

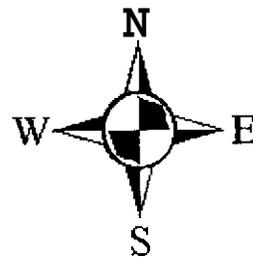


Location Map.



Legend

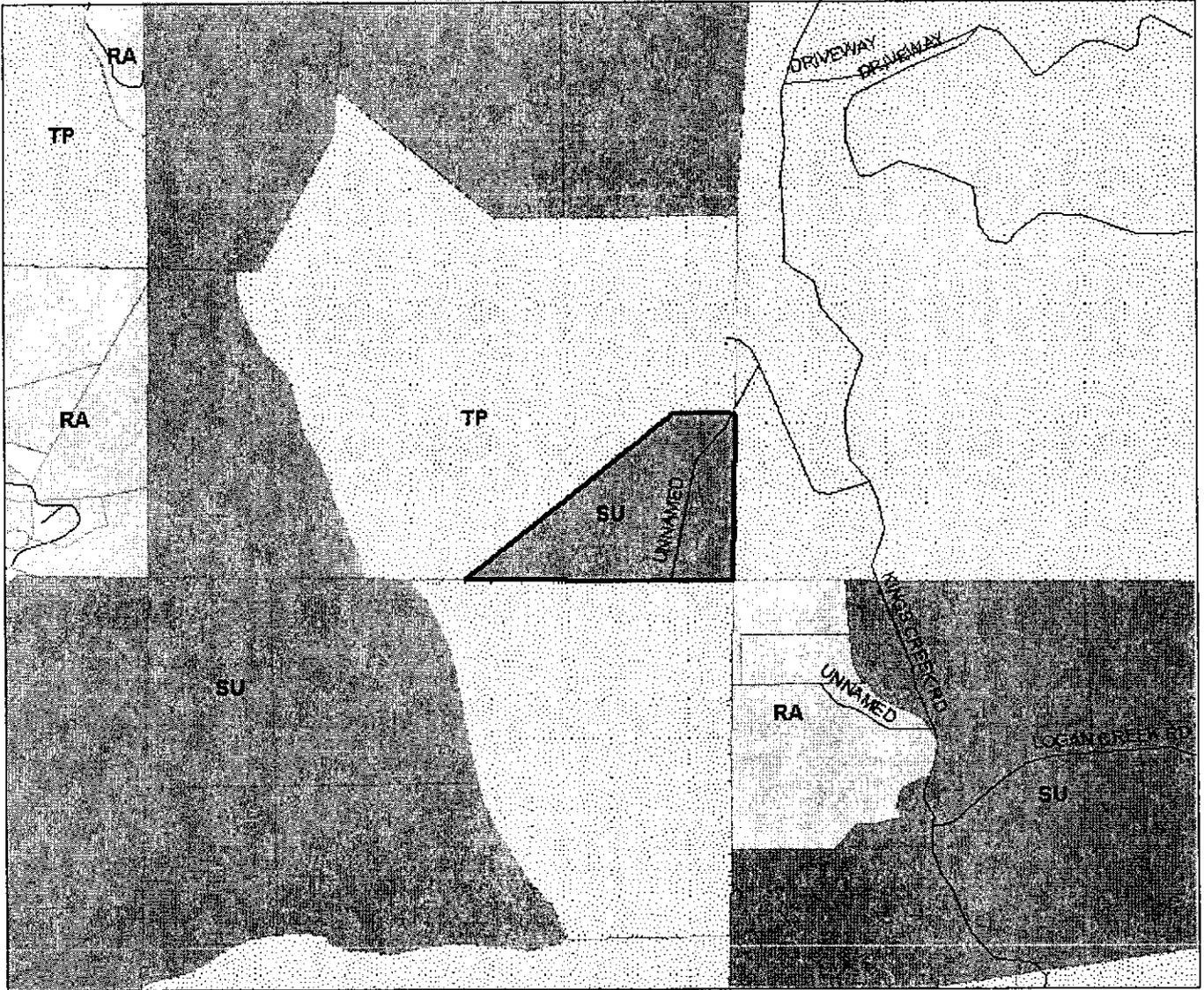
-  Assessors Parcels
-  **State Highways**
-  Major Roads



Map Created by
County of Santa Cruz
Planning Department
May 2007

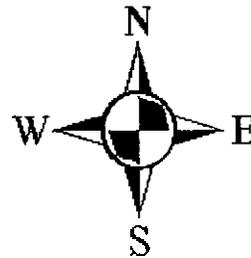


Zoning Map



Legend

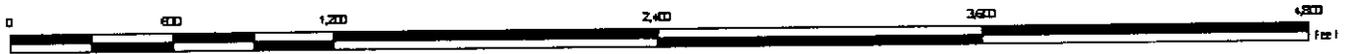
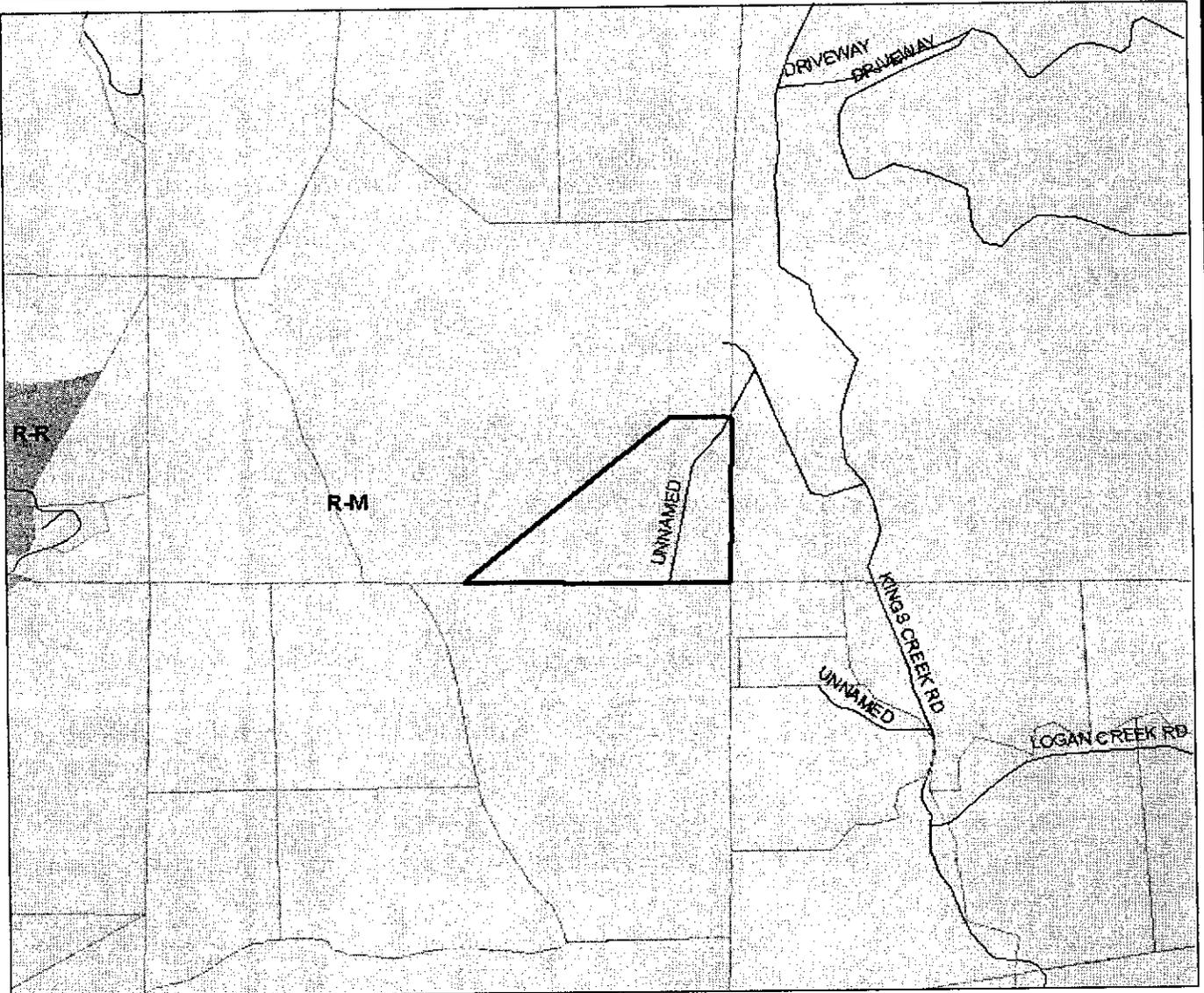
-  07-0099 Subject Parcel
-  Assessors Parcels
-  Streets
-  SPECIAL USE (SU)
-  AGRICULTURE RESIDENTIAL (RA)
-  TIMBER PRODUCTION (TP)



Map Created by
County of Santa Cruz
Planning Department
May 2007

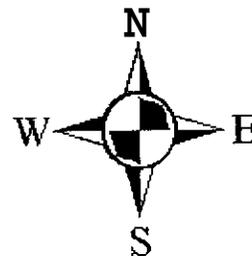


General Plan Designation Map



Legend

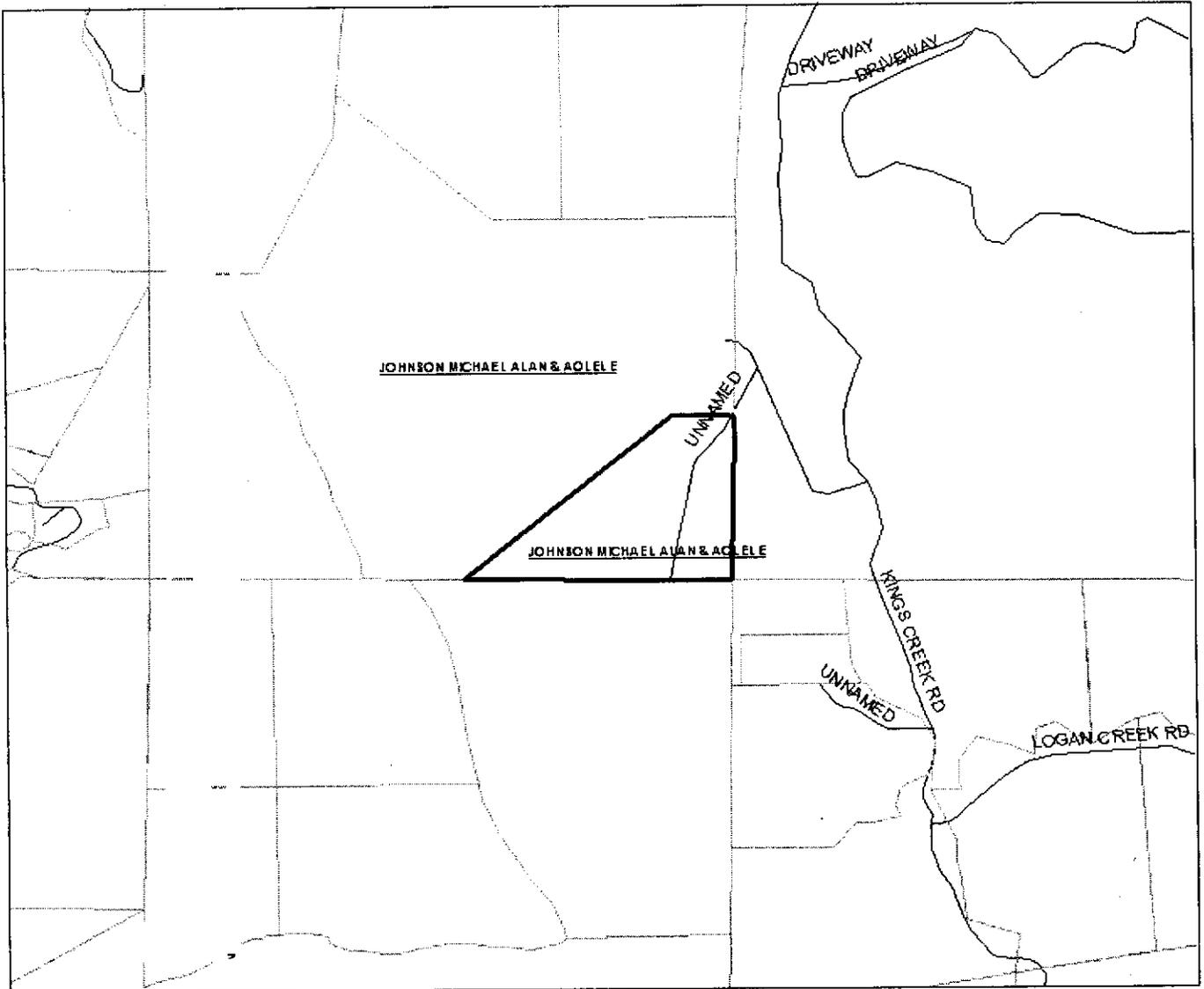
-  07-0099 Subject Parcel
-  Assessors Parcels
-  Streets
-  Residential-Mountain (R-M)
-  Residential-Rural (R-R)



Map Created by
County of Santa Cruz
Planning Department
May 2007

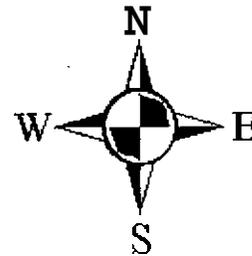


Ownership Map



Legend

-  07-0099 Subject Parcel
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
May 2007

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: 07-0099

Assessor Parcel Number: 087-171-07

Project Location: Property located on the west side of Kings Creek Road approximately 3 miles north of the intersection of Kings Creek Road and Highway 9.

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

Person or Agency Proposing Project: Michael Alan & Aolele Johnson

Contact Phone Number: (831) 338-4601

- 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.



Maria Porcila Perez, Project Planner

Date: July 6 2007

Stephen R. Staub
Forester & Environmental Consultant



County of Santa Cruz Planning Department
Attn: Robin Bolster-Grant
701 Ocean Street, 4th Floor
Santa Cruz, CA 95060

February 22, 2007

Re: TPZ Rezoning of Assessor's Parcel # 087-171-07

Robin,

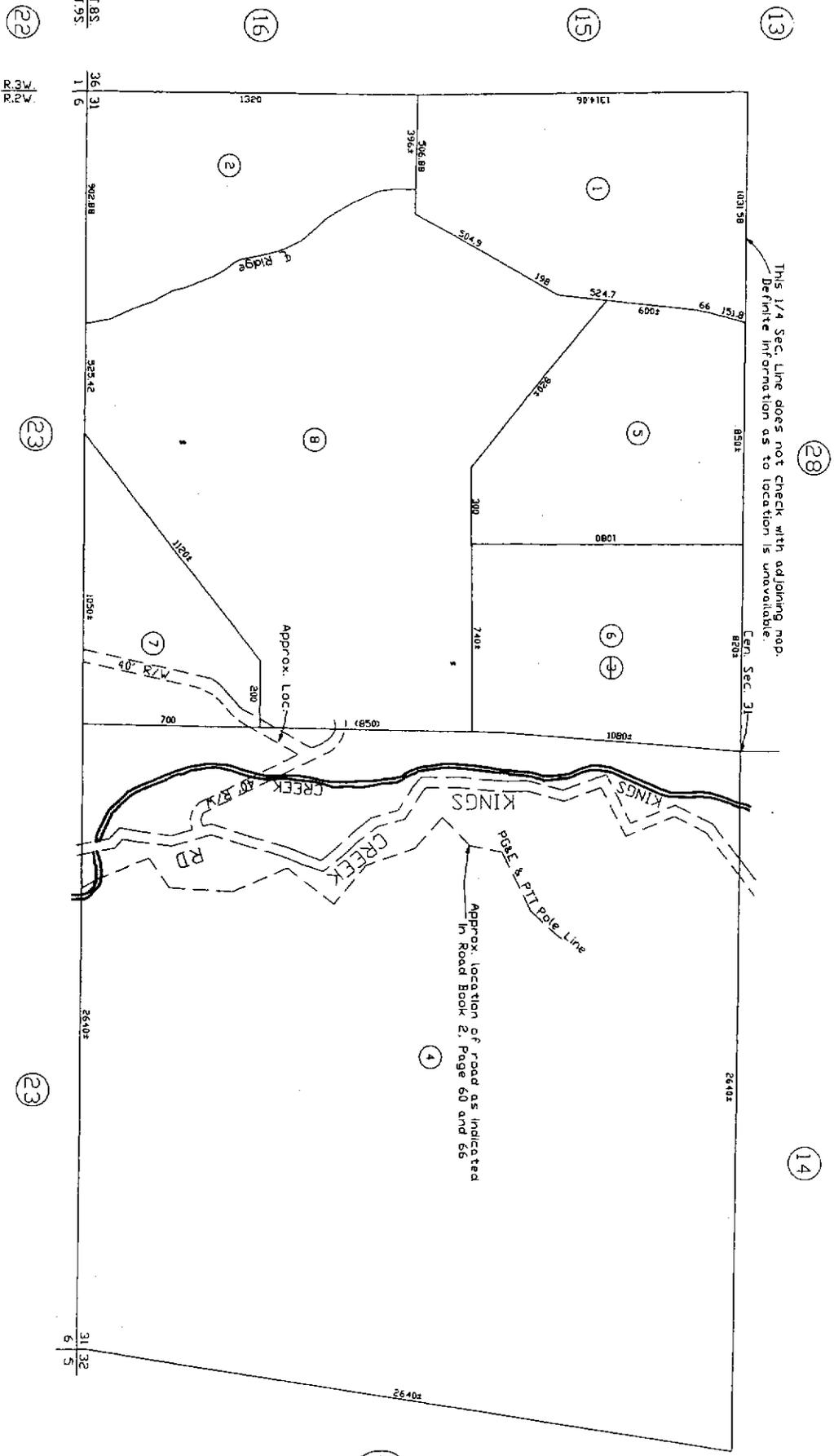
This letter requests rezoning Santa Cruz County Assessor's Parcel #087-171-07 from its current Special Use (SU) designation to the Timber Production Zone (TPZ). The property is currently owned by Mike Johnson, and is contiguous to a 58-acre TPZ parcel that is also under his ownership (APN #087-171-08). Pursuant to California Government Code Section 51113.5, which states, "After March 1, 1977, an owner with timberlands in a timber production zone pursuant to Section 51112 or 51113 may petition the board or council (County) to add to his or her timberland production lands that meet the criteria of subdivisions (f) and (g) of Section 51104 and that are contiguous to the timberland already zoned as timberland production. Section 51113 shall not apply to these lands." We are hereby requesting that APN 087-171-07 be rezoned from SU to TPZ. Exemption from Section 51113 simply means that the rezoning application can be processed without a County Timber Management Plan, although the parcel will be included, along with 087-171-08, in a Non-industrial Timber Management Plan (NTMP) that will soon be submitted to CDF.

APN 106-171-07 is well-stocked with redwood and Douglas-fir timber, and has been actively managed for timber production for the last 35 years. There were Timber Harvest Plans (THPs) filed in 1971, 1983, and most recently in 1998. The property is a prime candidate for timber production zoning as it truly represents the highest and best use of the property, which is demonstrated by the fact that this is the dominant historical land use. I can professionally certify that the subject property meets the State's definition and standard for "Timberland", defined by California Government Code Section 51104 as, "Privately owned land, or land acquired for state 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".

Attached please find an APN Map showing the SU and TPZ parcels, a copy of the most recent Timber Harvest Plan (THP) Operations Map with a parcel overlay, and an aerial photograph which also has a parcel overlay. If there are any questions, or if you additional information, please feel free to call our office (831) 335-1452

Sincerely,


Cassidy Bill Vaughan, RPF #2685



Note - Assessor's Parcel & Block

Assessor's Map No. 87-17
 County of Santa Cruz, Calif.

KENNEDY TIMBER HARVEST PLAN
 50 Acres within Sec. 31, T38, R2W, S28N
 Santa Cruz County, California

Legend
 —+— Property Bdy
 ——— Class I watercourse: 11
 - - - - - Class III watercourse: 12-114
 ○ Existing landing: L-1, L-3

Legend
 VVVV THP Boundary
 (POINTS INTO PLAN)

..... Existing skid trail
 ○○○○○○ Proposed skid trail
 A.A.B.C. Designated crossings
 R-1, 2, 4 Mitigation Areas referenced in the THP

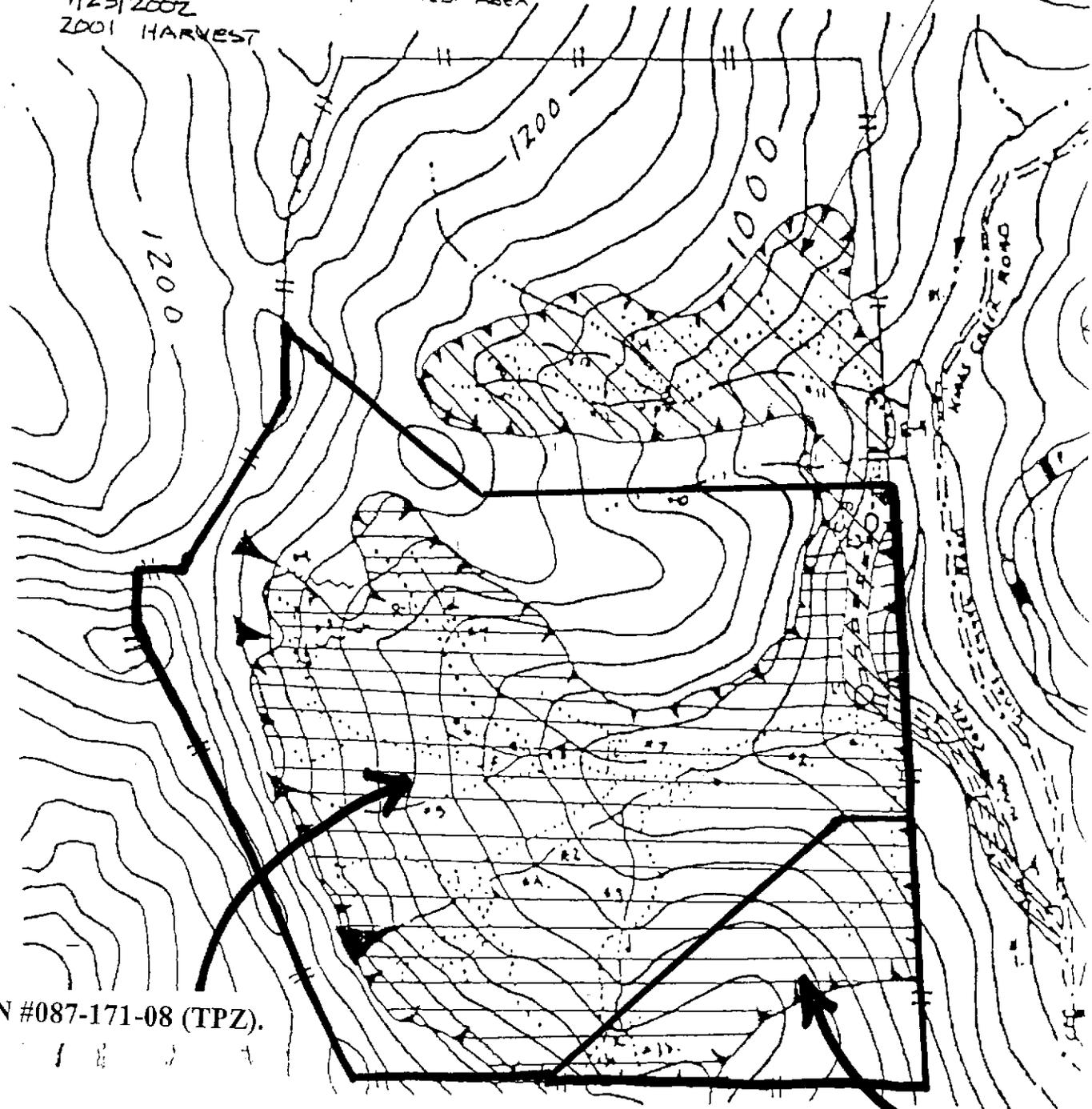


PLAN AREA SUBJECT TO 1-YEAR EXTENSION

C-3
 FINAL COMPLETION REPORT AREA 7/23/2002 2001 HARVEST

PARTIAL COMPLETION REPORT AREA 6/26/00 Castle Rock Ridge, Calif. Quadrangle 1999 HARVEST AREA

Scale: 1:5,280; 1" = 440'
 Big Basin, Calif. Quadrangle



APN #087-171-08 (TPZ).

APN# 087-171-07 (SU)



087-281-01

087-281-10

087-281-05

087-141-05

087-141-04

087-141-03

087-171-01

087-171-05

087-171-06

087-171-04

087-171-08

087-171-02

087-171-07

UNNAMED

KINGS GREENWAY

087-331-01

087-331-02

087-331-05

087-231-19

087-231-18

087-231-20

087-231-15

PARCEL LINES ARE ONLY APPROXIMATE
S.C. CO. DPW PHOTO 2003

1" = 15' - 15 feet