



# 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**

February 11, 2008

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

**Agenda Date:** March 12, 2008

**APN:** 106-141-34

**Application:** 07-0475

**Item #:** 23

**Time:** After 9 AM

**Subject:** A public hearing to consider a proposal to rezone property from the Residential Agriculture (RA) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On March 29, 1999, the County Planning Department accepted this application for rezoning one parcel totaling approximately 23.6- acres from the Residential Agriculture (RA) zone district to Timber Production.

The property owner, Susan Leilani Hosking, also owns approximately 29.6-acres Timber Production zoned parcel, APN 106-081-21, 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)<sup>1</sup>. The County may not place any additional requirements on this petition to rezone the property to TP.

<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 used 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**

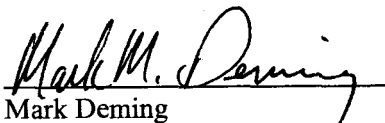
It is recommended that the Commission adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 07-0475, to adopt the Ordinance rezoning the property to the TP zone district.

### **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. Not applicable for adjacent property proposals

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.07-0475 involving property located on the east side of Eureka Canyon Road, approximately 1 mile north of the intersection with Rider 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 Residential Agriculture (RA) 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.

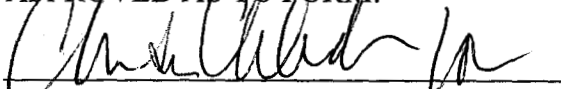
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

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**

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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 on the east side of Eureka Canyon Road, approximately 1 mile north of the intersection with Rider 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>
106-141-34	Residential Agriculture (RA)	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 \_\_\_\_\_ 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

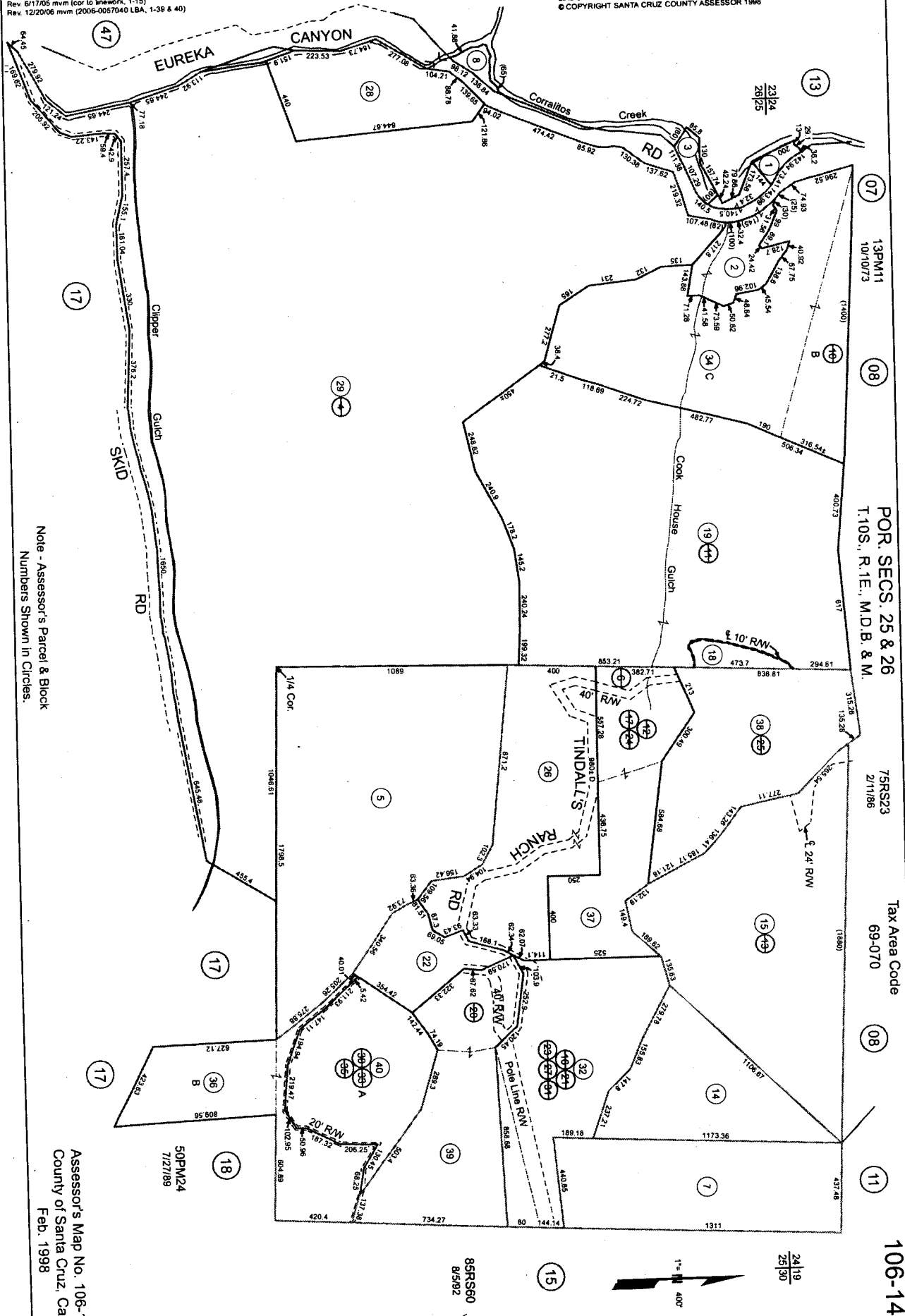
DISTRIBUTION:    County Counsel  
                         Planning  
                         Assessor  
                         County

GIS

Electronically drawn 2/13/98 KSA  
 Rev. 10/4/01 mvm (changed page refs.)  
 Rev. 6/17/05 mvm (cor to line work, 1-15)  
 Rev. 12/20/06 mvm (2006-0057040 LBA, 1-39 & 40)

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

Assessor's Map No. 106-14  
 County of Santa Cruz, Calif.  
 Feb. 1998

POR. SECS. 25 & 26  
 T.10S., R.1E., M.D.B. & M.

7SR523  
 2/1/86

Tax Area Code  
 69-070

106-14

EXHIBIT

85RS60  
 6/5/92

- 6 -

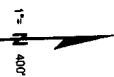
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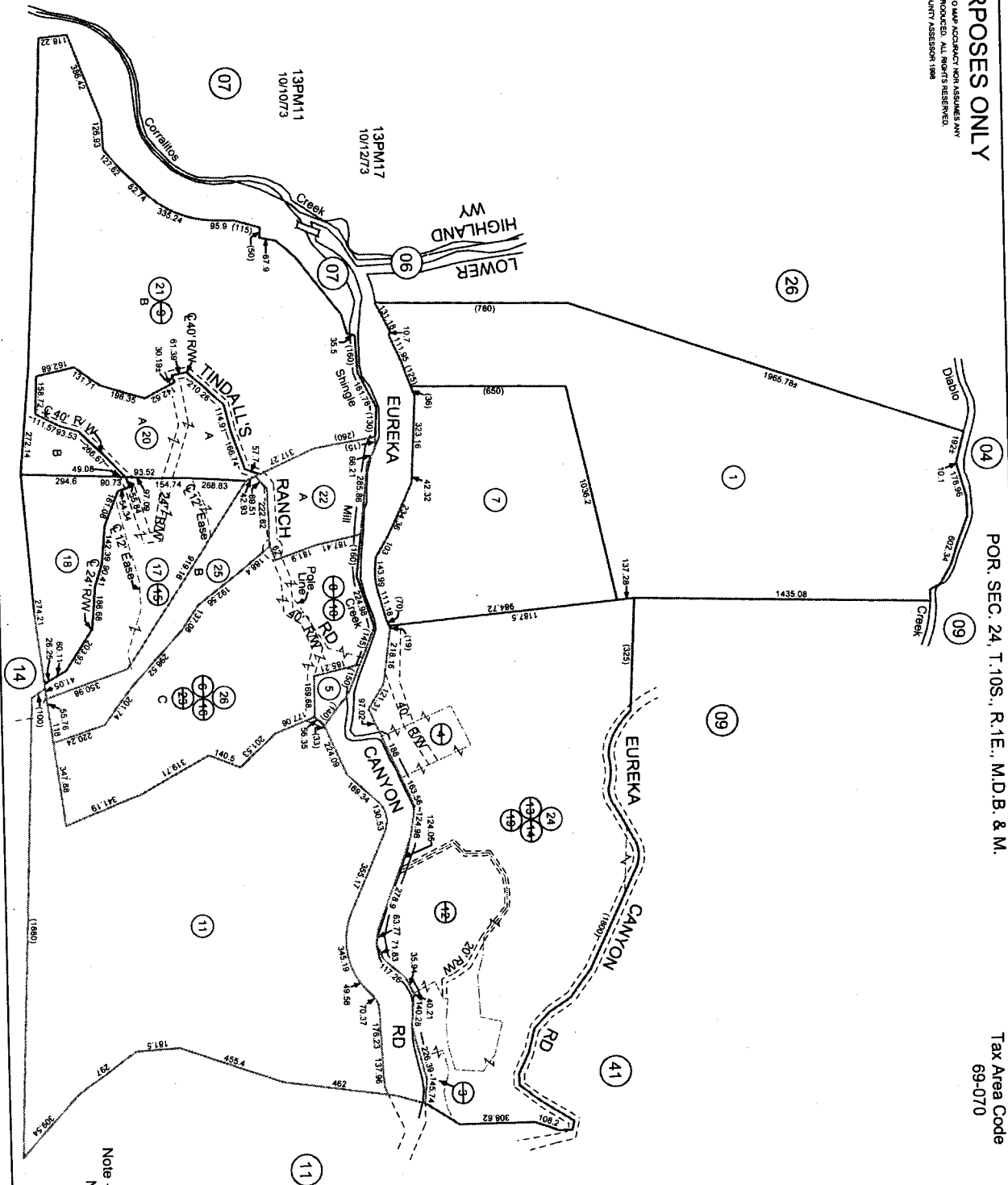
POR. SEC. 24, T.10S., R.1E., M.D.B. & M.

Tax Area Code  
69-070

106-08



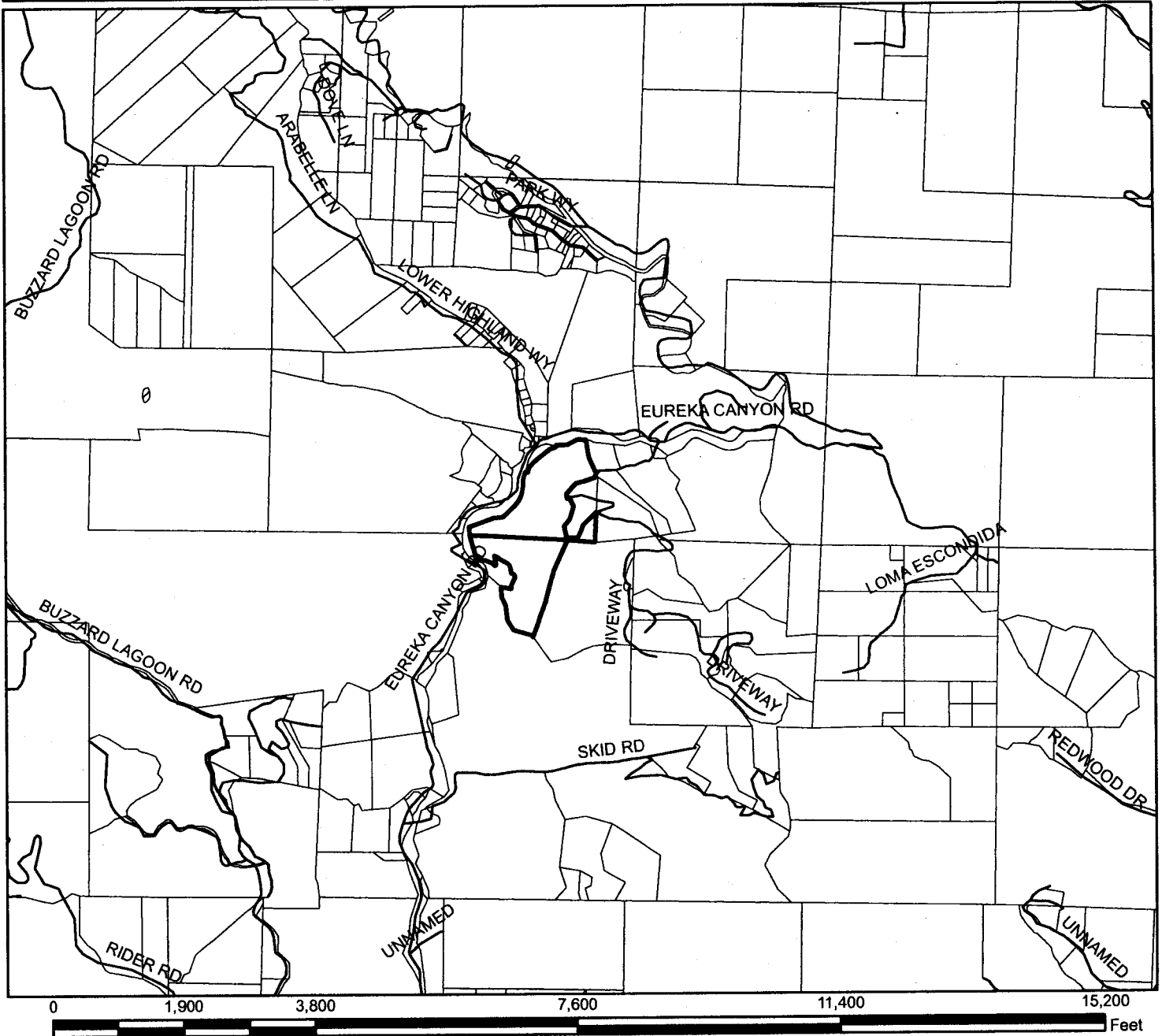
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Rev. 3/19/02 mvm (st name)  
Rev. 6/15/05 mvm (Cor. to 1-11 sknowk)








Note - Assessor's Parcel & Block  
Numbers Shown in Circles.  
Assessor's Map No. 106-08  
County of Santa Cruz, Calif.  
Feb. 1998

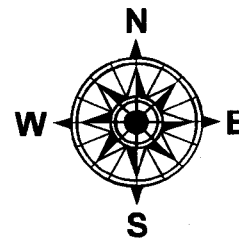


# Location Map



## LEGEND

-  APN: 106-141-34
-  APN: 106-081-21
-  Assessors Parcels
-  Streets
-  Lakes



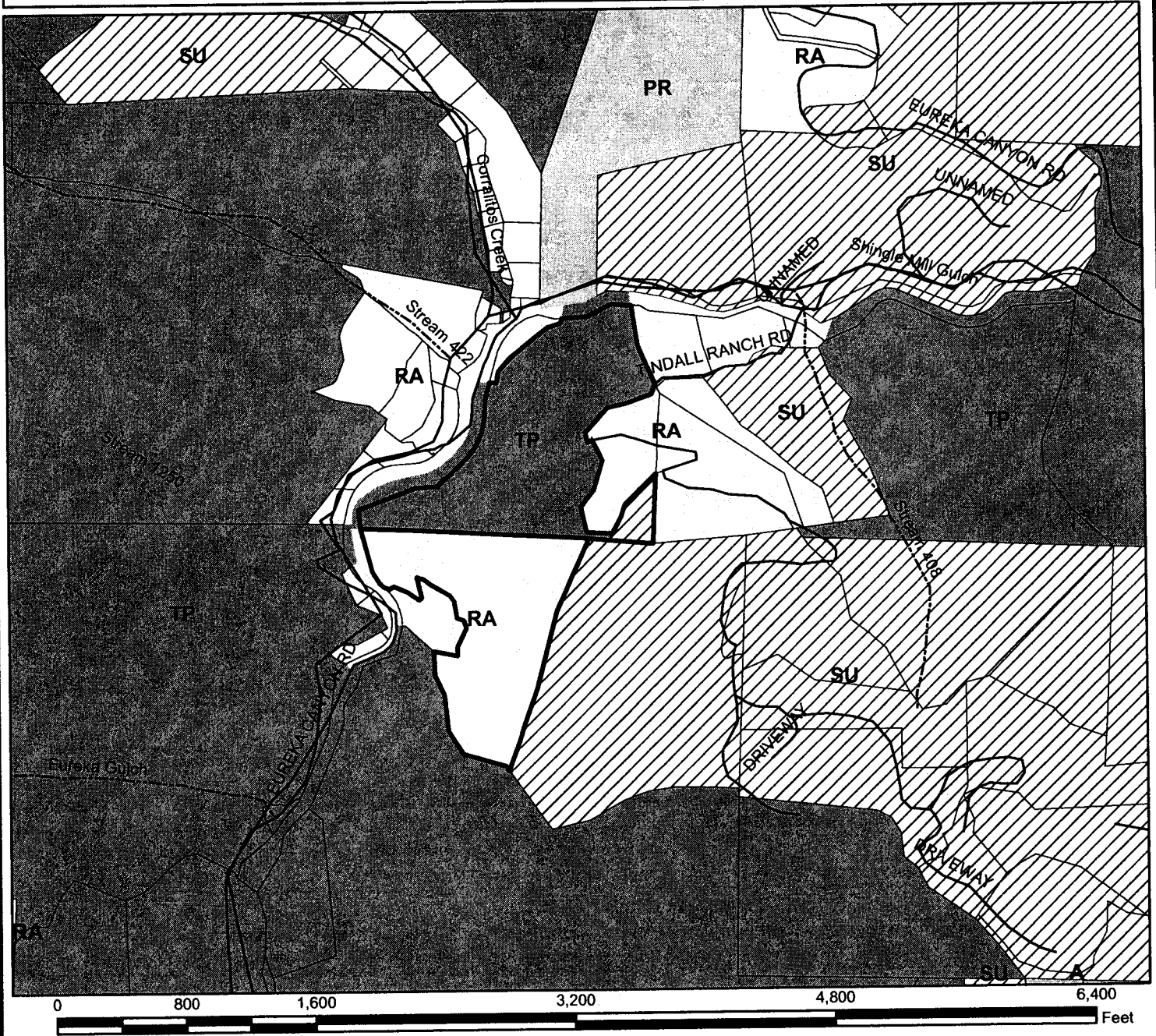
Map created by  
County of Santa Cruz  
Planning Department  
August 2007

EXHIBIT C



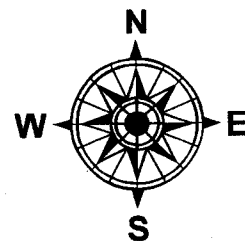


# Zoning Map



## LEGEND

- APN: 106-141-34
- APN: 106-081-21
- Assessor's Parcels
- Streets
- Streams**
- <all other values>
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- AGRICULTURE RESIDENTIAL
- PARK
- SPECIAL USE
- TIMBER PRODUCTION



Map created by  
County of Santa Cruz  
Planning Department  
August 2007

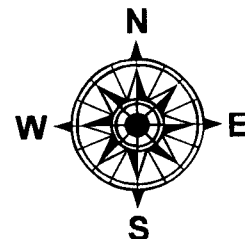


# General Plan Designation Map



## LEGEND

- APN: 106-141-34
- APN: 106-081-21
- Assessors Parcels
- Streets
- Streams**
- <all other values>
- STREAMTYPE**
- PERENNIAL
- INTERMITTENT
- Residential-Mountain
- Resource Conservation

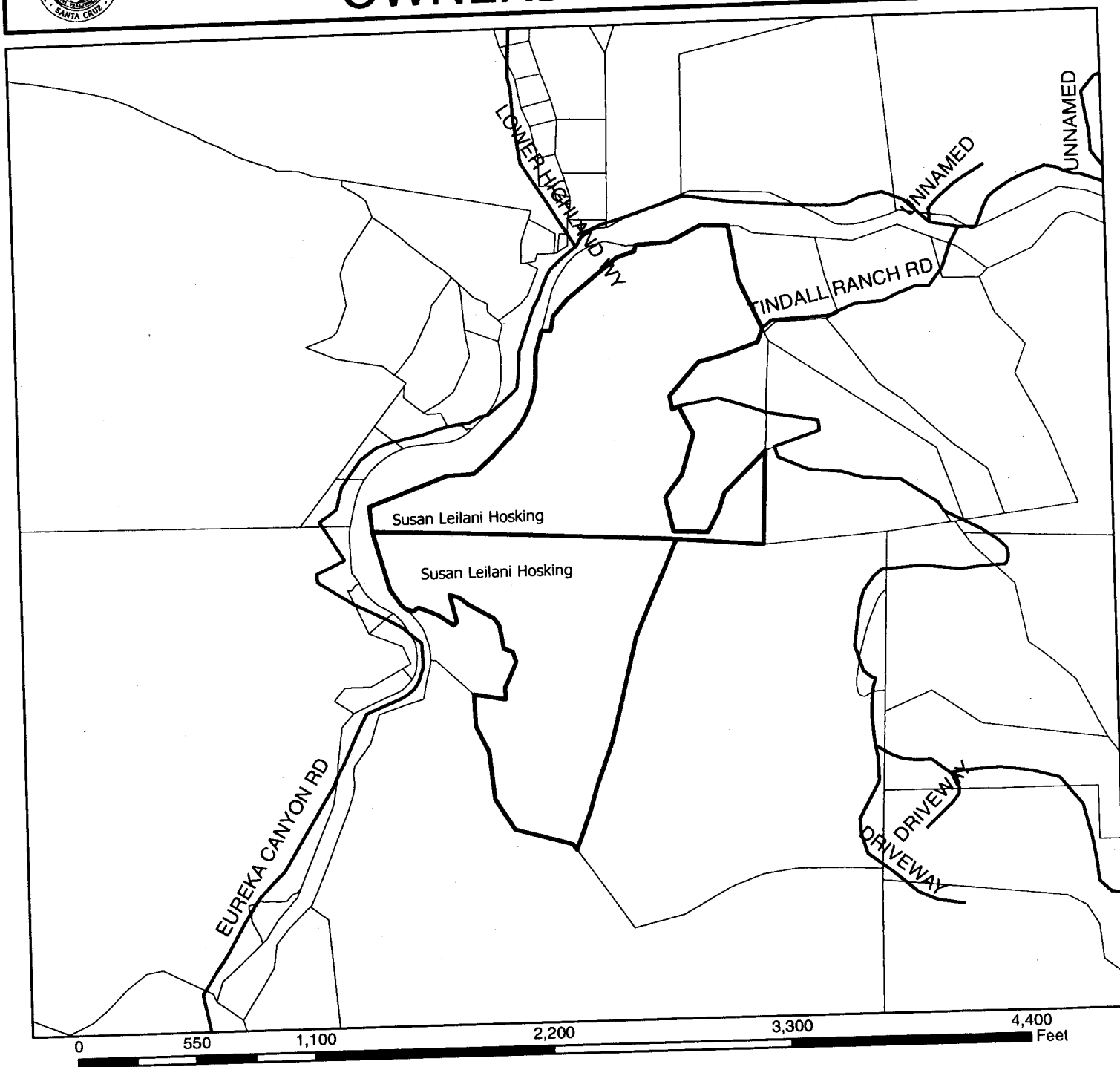


Map created by  
County of Santa Cruz  
Planning Department  
August 2007





**EXHIBIT C**

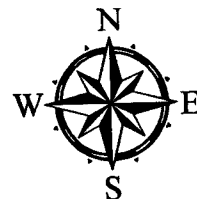


# OWNERSHIP MAP



## LEGEND

-  APN: 106-141-34
-  APN: 106-081-21
-  Assessors Parcels
-  Streets



Map Created by  
County of Santa Cruz  
Planning Department  
January 2008

**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: 07-0475

Assessor Parcel Number: 106-141-31

Project Location: Property located on the east side of Eureka Canyon Road, approximately one mile north of the intersection with Rider Road

**Project Description: Rezone a single parcel from the Residential Agriculture (RA) zone districts to the Timber Production (TP) zone district.**

**Person or Agency Proposing Project: David Van Lennep**

**Contact Phone Number: (831) 464-8788**

- 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: \_\_\_\_\_