



# 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 13, 2008

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

**Agenda Date:** April 9, 2008

**APN:** 057-251-08,09

**Application:** 07-0658

**Item #:** 34

**Time:** After 9 AM

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

Members of the Commission:

On October 29, 2007, the County Planning Department accepted this application for rezoning two parcels totaling about 42 acres from the Residential Agriculture (RA) zone district to Timber Production.

The property owners, California Polytechnic State University Foundation, also own approximately 657 acres Timber Production zoned parcels, APN 057-251-08 and 057-251-09, which are contiguous with the subject properties. The uses on the properties 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.

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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 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**

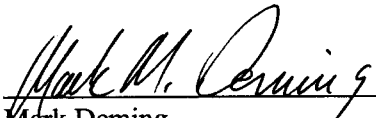
It is recommended that the Commission adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 07-0658, to adopt the Ordinance rezoning the property to the TP zone district.

### **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

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  
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.07-0658 involving properties located approximately 680 feet south of Berry Creek Road (no road access) approximately 1500 feet southeast of the intersection of Berry Creek Road and Big Creek 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 properties 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 properties located approximately 680 feet south of Berry Creek Road (no road access) approximately 1500 feet southeast of the intersection of Berry Creek Road and Big Creek 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 properties meet 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>
057-251-08	Residential Agriculture (RA)	TP
057-251-09	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:

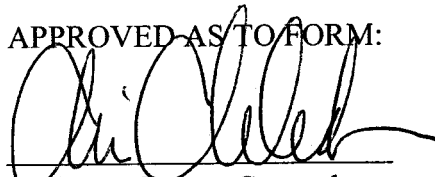
  
\_\_\_\_\_  
Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel  
Planning  
Assessor  
County

GIS

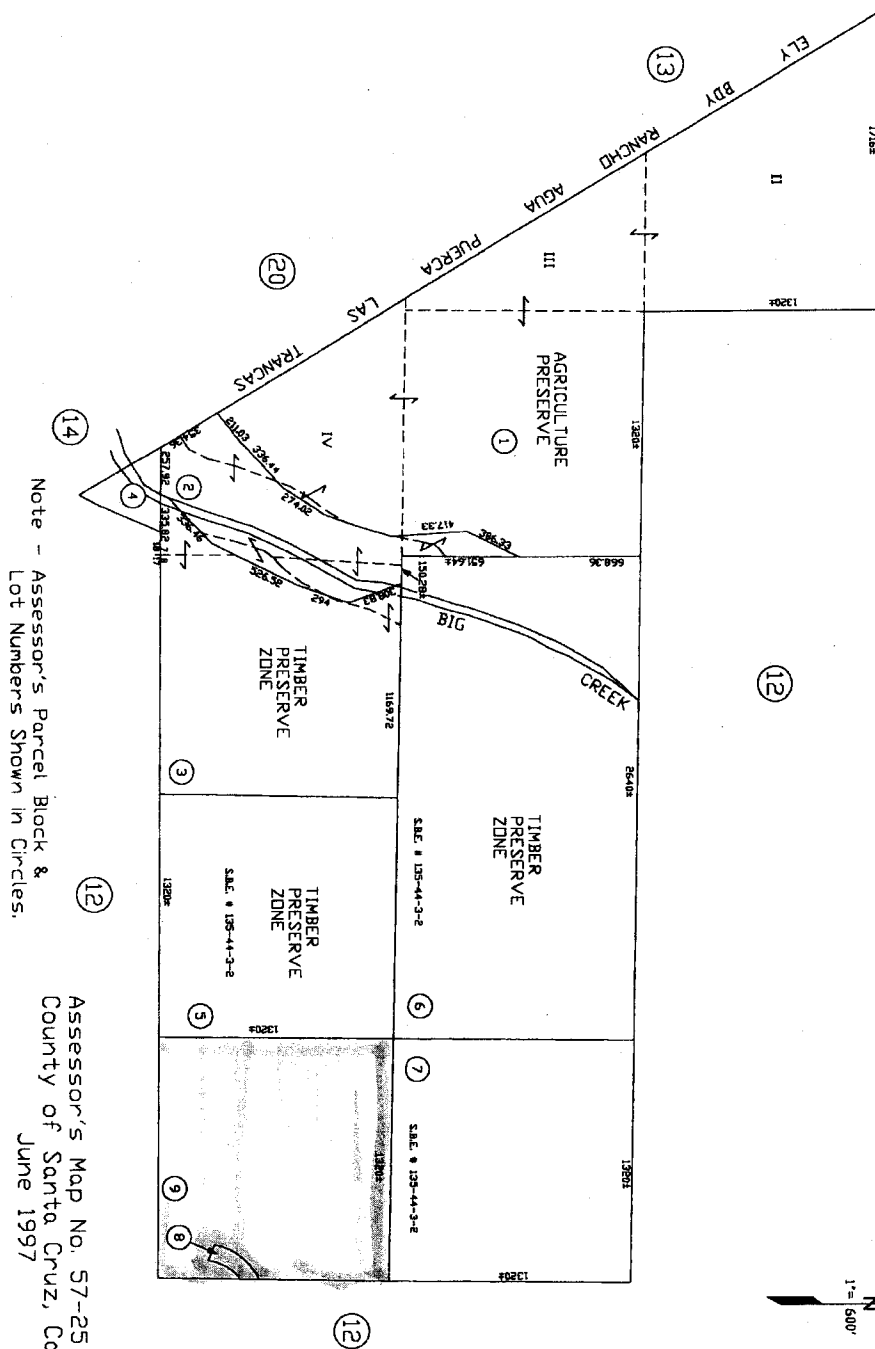
FOR TAX PURPOSES ONLY  
 THE ASSessor'S OFFICE HAS NO LIABILITY FOR ANY INACCURACIES OR OMISSIONS IN THIS MAP. ALL RIGHTS RESERVED.  
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FOR SECS 7, 8 & 18  
 T.10S., R.3W., M.D.B. & M.

Tax Area Code  
 86-022

57-25

Electronically drawn 5/29/97 CB  
 Rev 5/29/97 CB (Part of pg 57-12)  
 Rev 5/29/97 CB (C.B.A. 080955 to 960, 1-12, & 3)  
 Rev 5/27/98 (TCA CONSOLIDATION) rrr

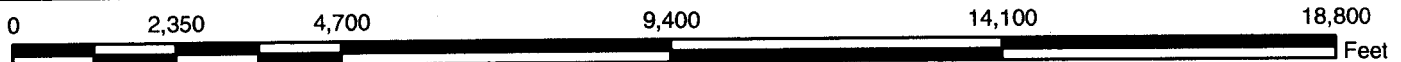
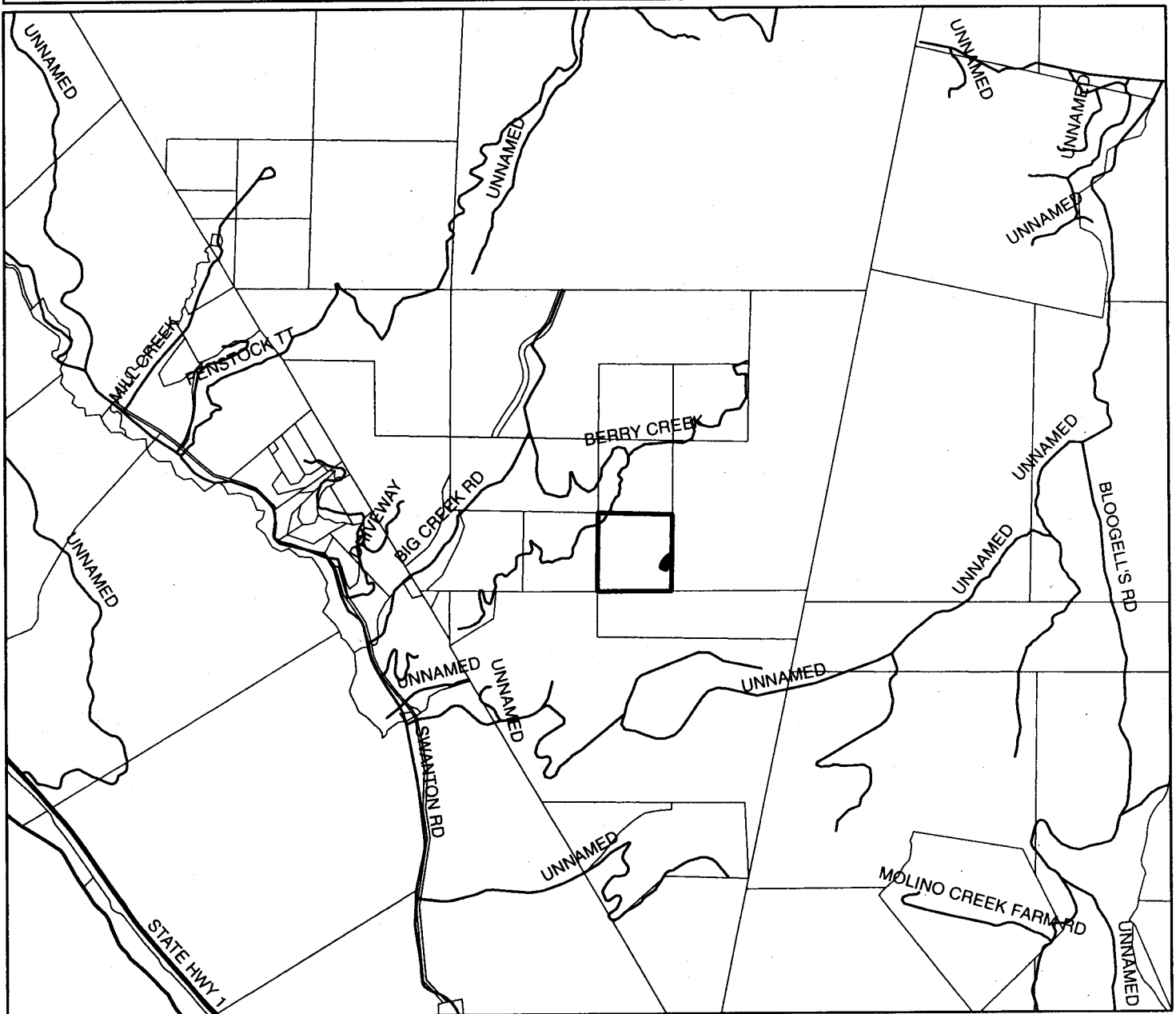


Note - Assessor's Parcel Block &  
 Lot Numbers Shown in Circles.







Assessor's Map No. 57-25  
 County of Santa Cruz, Calif.  
 June 1997

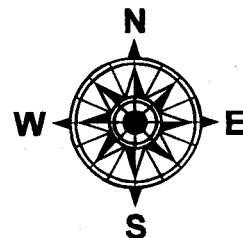


# Location Map



## LEGEND

-  APN: 057-251-09
-  APN: 057-251-08
-  Assessors Parcels
-  Streets
-  State Highways
-  County Boundary

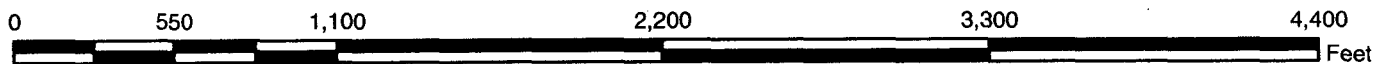
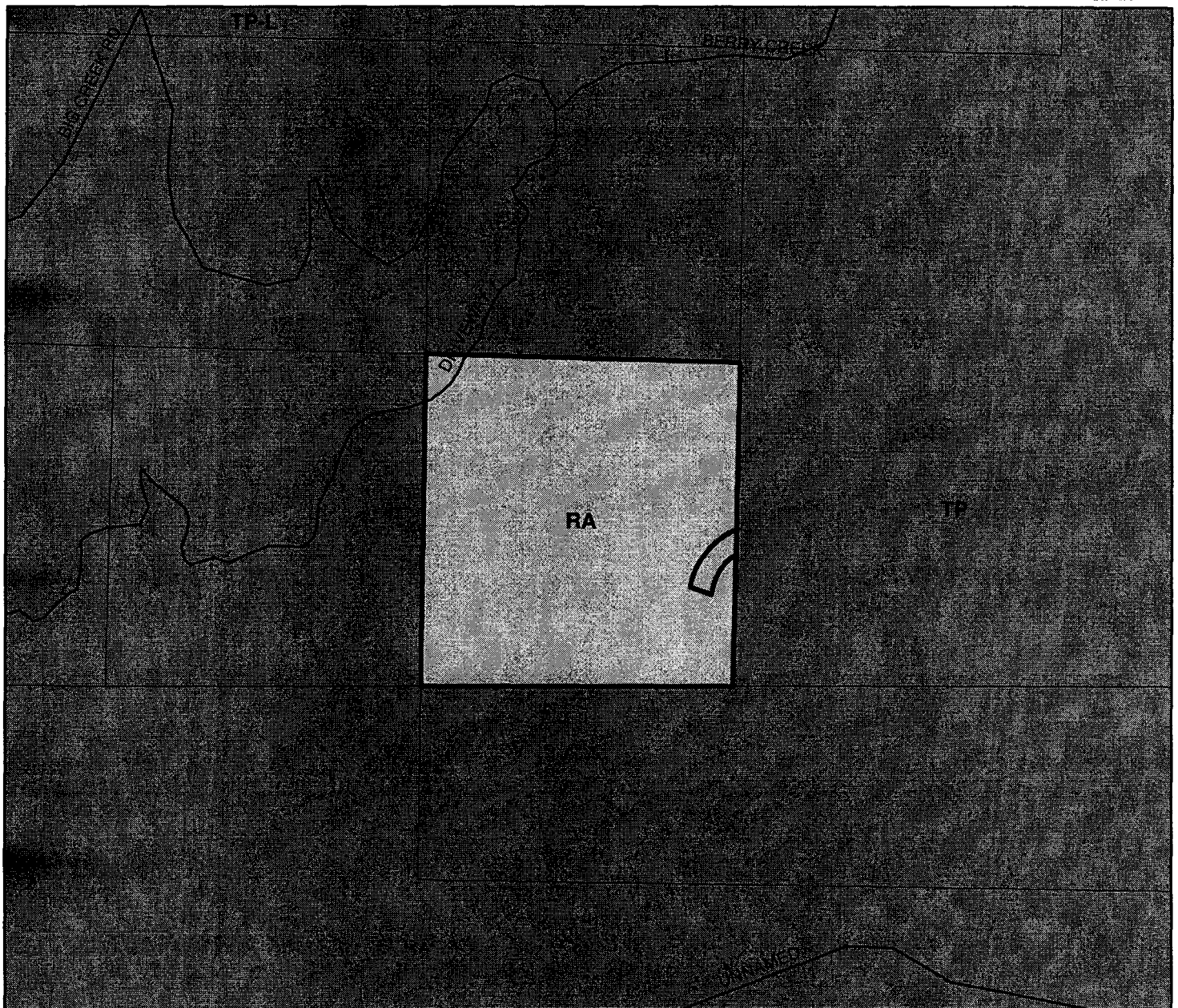


Map created by  
County of Santa Cruz  
Planning Department  
December 2007






EXHIBIT C

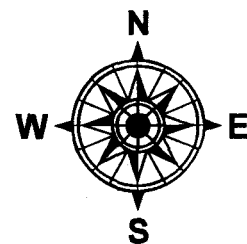


# Zoning Map



## LEGEND

-  APN: 057-251-09
-  APN: 057-251-08
-  Assessors Parcels
-  Streets
-  AGRICULTURE RESIDENTIAL
-  TIMBER PRODUCTION

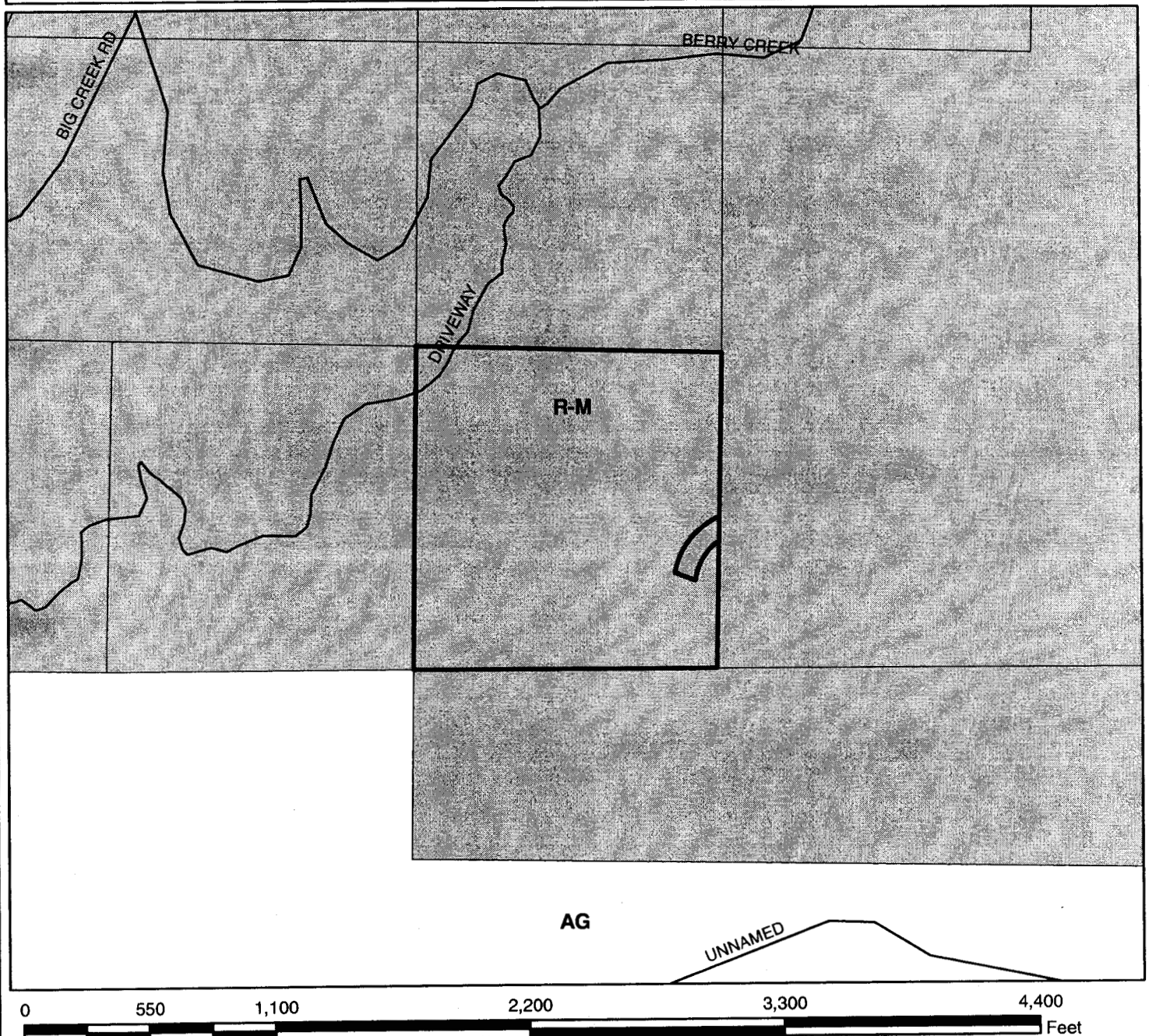


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







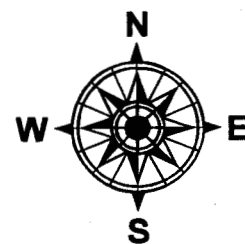


# General Plan Designation Map



## LEGEND

-  APN: 057-251-09
-  APN: 057-251-08
-  Assessors Parcels
-  Streets
-  Agriculture
-  Residential-Mountain

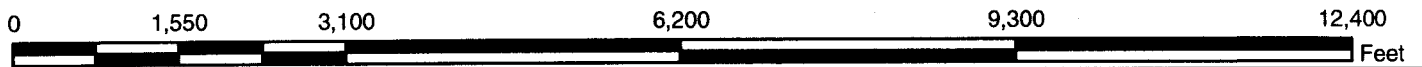
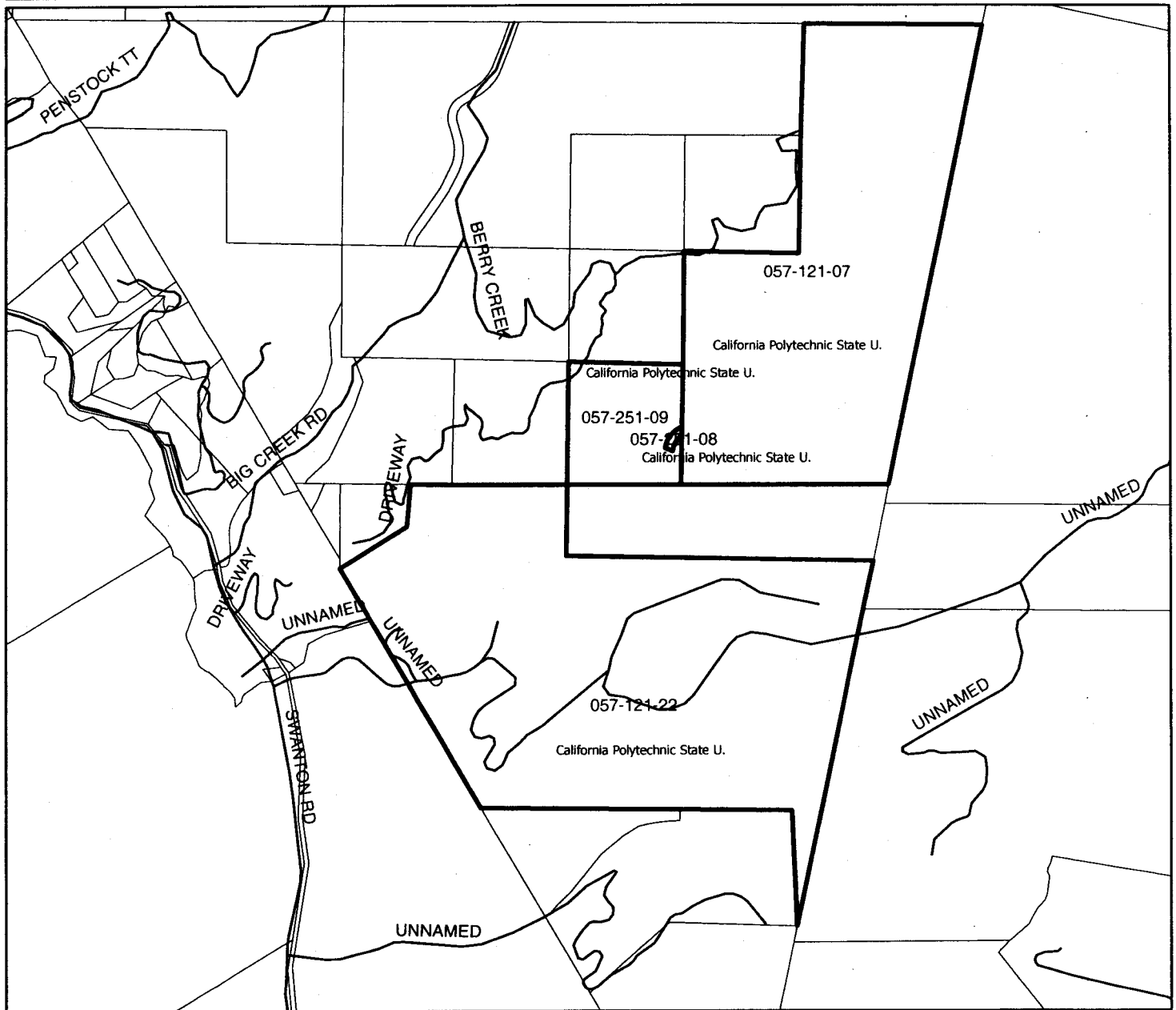


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Planning Department  
December 2007

**EXHIBIT C**

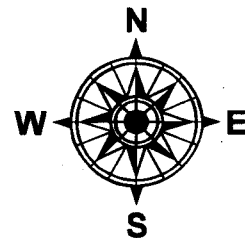


# Ownership Map



## LEGEND

- APN: 057-121-22
- APN: 057-121-07
- APN: 057-251-09
- APN: 057-251-08
- Assessors Parcels
- Streets



Map created by  
County of Santa Cruz  
Planning Department  
December 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: 07-0658

Assessor Parcel Number: 057-251-08,09

Project Location: Property located on the south side of Stetson Road approximately 1.5 miles of the intersection with Soquel-San Jose Road.

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

**Person or Agency Proposing Project: Joseph Culver**

**Contact Phone Number: (831) 359-5989**

- 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*

December 31, 2007

RE: Rezoning APN # 057-251-08, 057-251-09 to Timber Production  
Adjacent to TPZ Property Under Same Ownership

To Santa Cruz County Planning Department:

In December 2007, Joseph Culver, Consulting Forester was commissioned by the California Polytechnic State University Foundation to facilitate the rezoning of APN# 057-251-08 and 057-251-09 to Timber Production. The county assessor lists the contiguous parcels as .6 acres and 41.5 acres in size, respectively. The parcels are adjacent to APN #057-121-07, a 273 acre parcel zoned Timber Production which is also owned by the California Polytechnic State University Foundation.

An existing inventory conducted on the property indicates that the parcels proposed for rezoning are part of a larger forest stand totaling 426 acres. This stand has an average conifer volume of 26,900 board feet per acre and average hardwood volume of 5,800 board feet per acre. Average basal area in the stand is 163 square feet per acre and growth rates exceed 46 cubic feet per acre per year.

**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 163 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 46.7 cubic feet per acre and therefore meets the definition of timberland.

**COMPATIBLE USE:** Current property use of the parcels include watershed, wildlife habitat and timber management. Existing infrastructure on the parcels 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 is currently included in a Non-Industrial Timber Management Plan (NTMP) submitted to the California Department of Forestry. The NTMP will allow a sustainable harvest of the timber resource into perpetuity. The property meets required state stocking levels, qualifies as "Timberland," and current use is compatible with the Timber Production zoning.

A handwritten signature in cursive script, appearing to read "Joseph Culver", written over a horizontal line.

Joseph Culver

Registered Professional Forester #2674