



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

January 5, 2009

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

Agenda Date: February 11, 2009
APN: 097-091-12
Application: 08-0526
Item #: 7

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

Members of the Commission:

On December 9, 2008, the County Planning Department accepted this application for rezoning one parcel totaling about 1.6 acres from the Residential Agriculture (RA) zone district to Timber Production.

The property owners, Roger & Barbra Wicht, also owns a 26 acre Timber Production zoned parcel, APN 097-151-10, which is contiguous with the subject property. 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)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

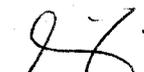
All of the criteria have been met for rezoning the subject parcel to the Timber Production zoning designation. All required findings can be made to approve this application pursuant to California State Government Code Section 51113.5.

Recommendation

It is recommended that the Commission adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 08-0526, 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. Letter from Joseph Culver, RPF #2674, dated December 2, 2008.


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.08-0526 involving property located on the north side of Stetson Road, at about one and a half miles east of the intersection with Soquel San Jose 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 _____, 2009, by the following vote:

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

Chairperson

ATTEST: _____
MARK DEMING, Secretary

APPROVED AS TO FORM:



COUNTY COUNSEL



Location Map



LEGEND

-  APN: 097-091-12
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
December 2008

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SOQUEL AUGMENTATION RANCHO
 POR. SEC. 35, T.9S., R.1W., & SEC. 2, T.10S., R.1W., M.D.B. & M.

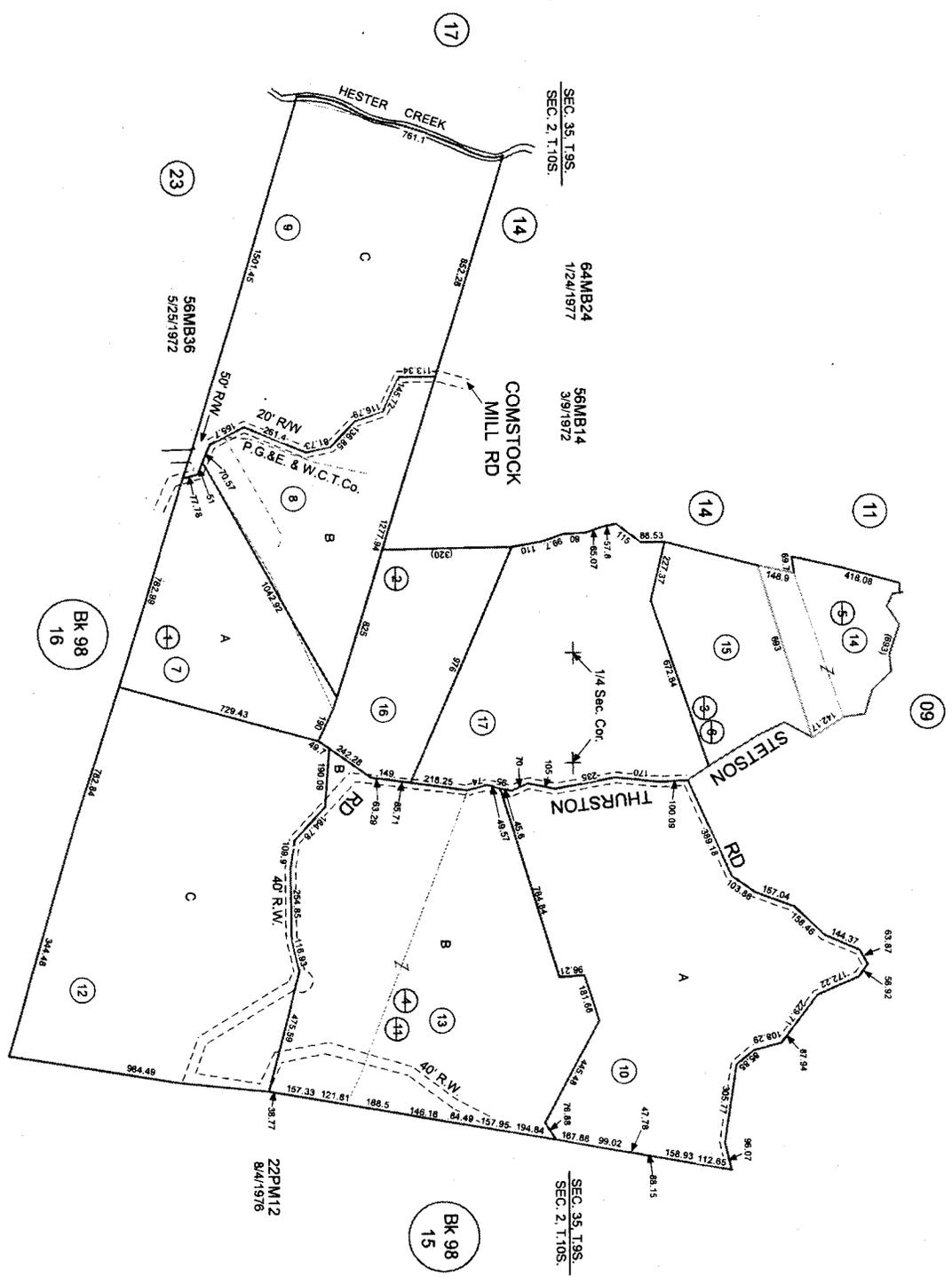
Tax Area Code
 79-032

97-15

Electronically Redraw 3/4/97 rw
 Rev. 5/21/98 KSA (CA)
 Rev 8/26/08 CB (8-0032272 & 73, Sp 1-16 & 17)

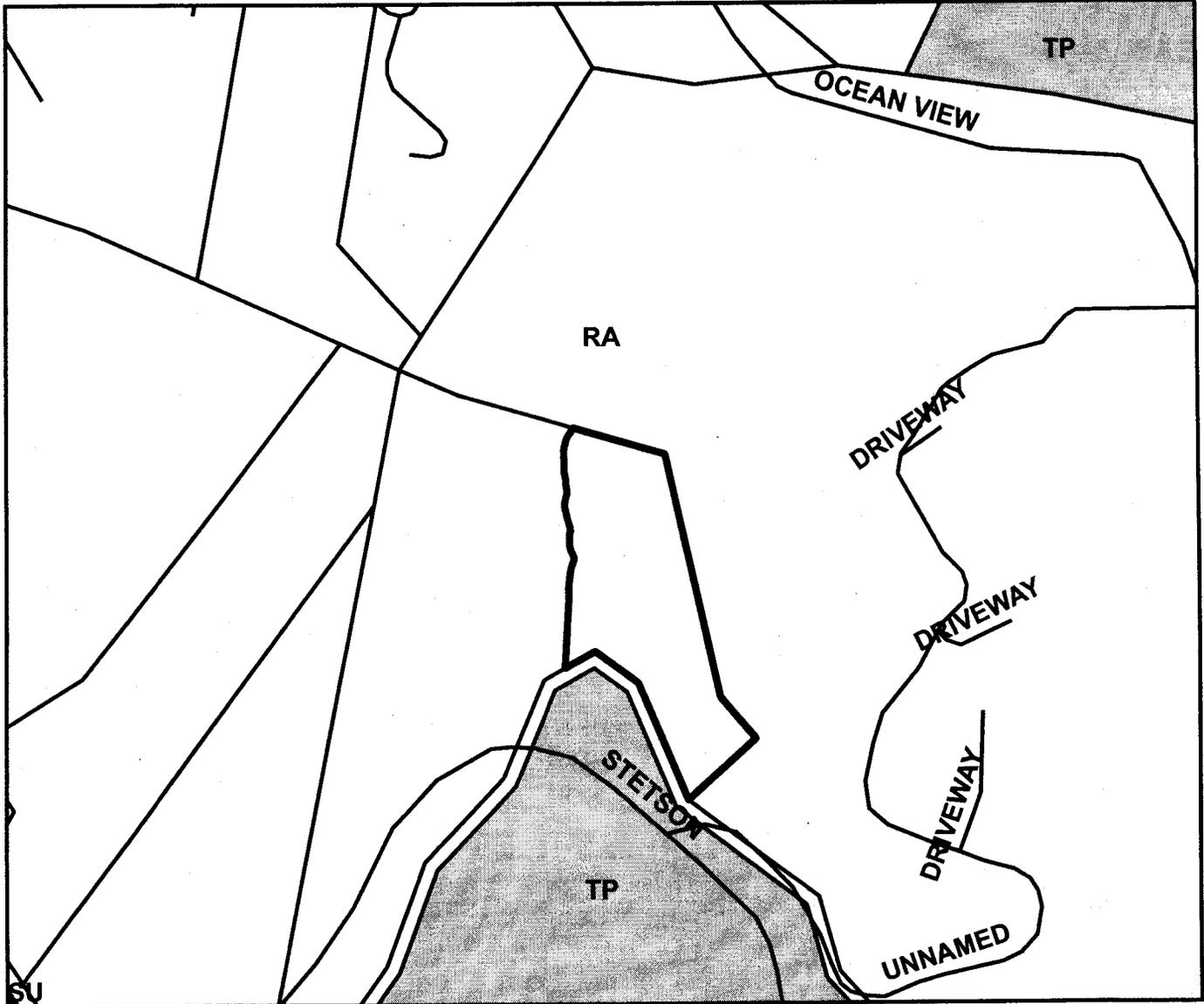
Note - Assessor's Parcel & Block Numbers Shown in Circles.

Assessor's Map No. 97-15
 County of Santa Cruz, Calif.
 March, 1997





Zoning Map



LEGEND

-  APN: 097-091-12
-  Assessors Parcels
-  Streets

AGRICULTURE RESIDENTIAL

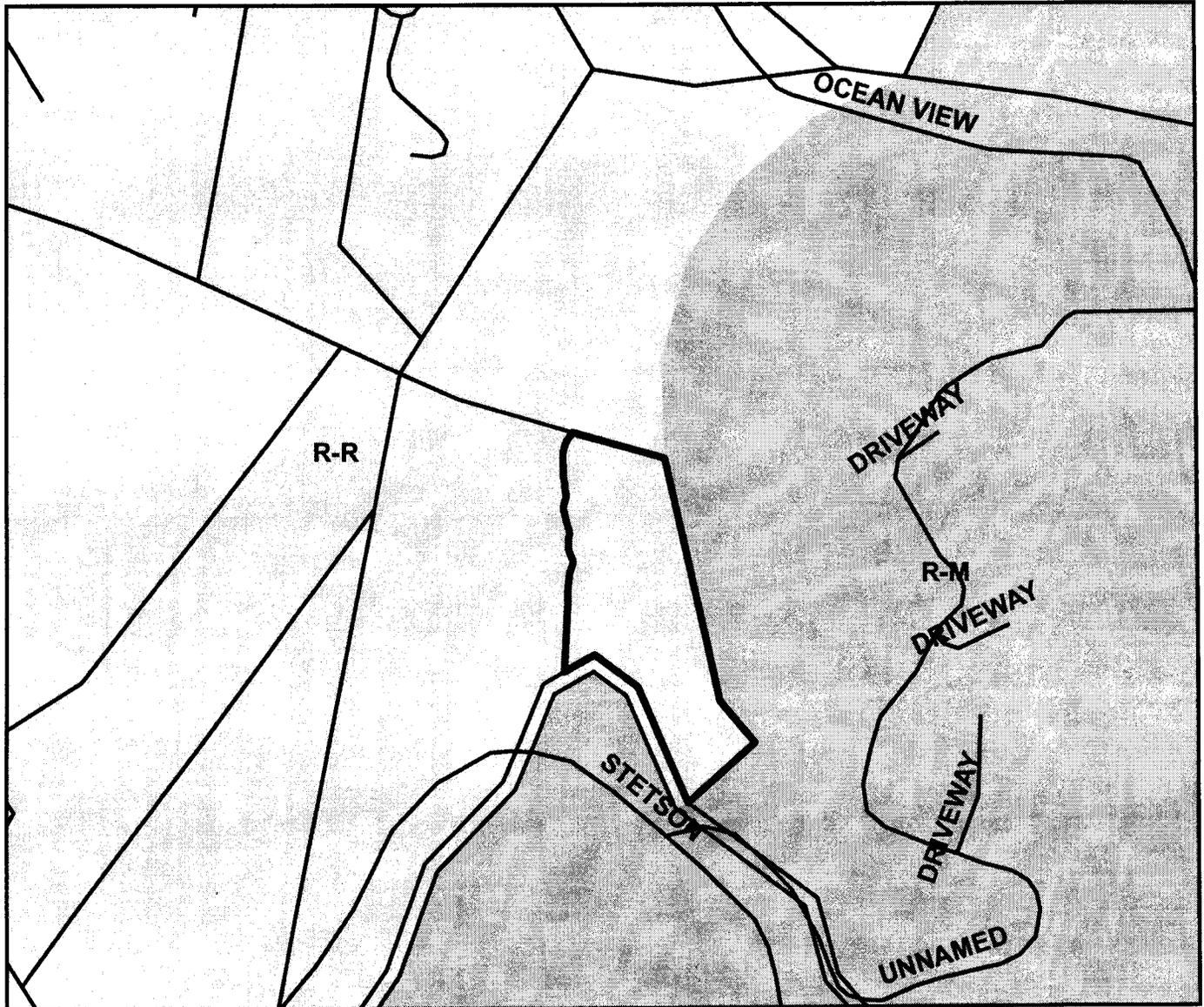
 TIMBER PRODUCTION



Map Created by
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 Planning Department
 December 2008



General Plan Designation Map



LEGEND

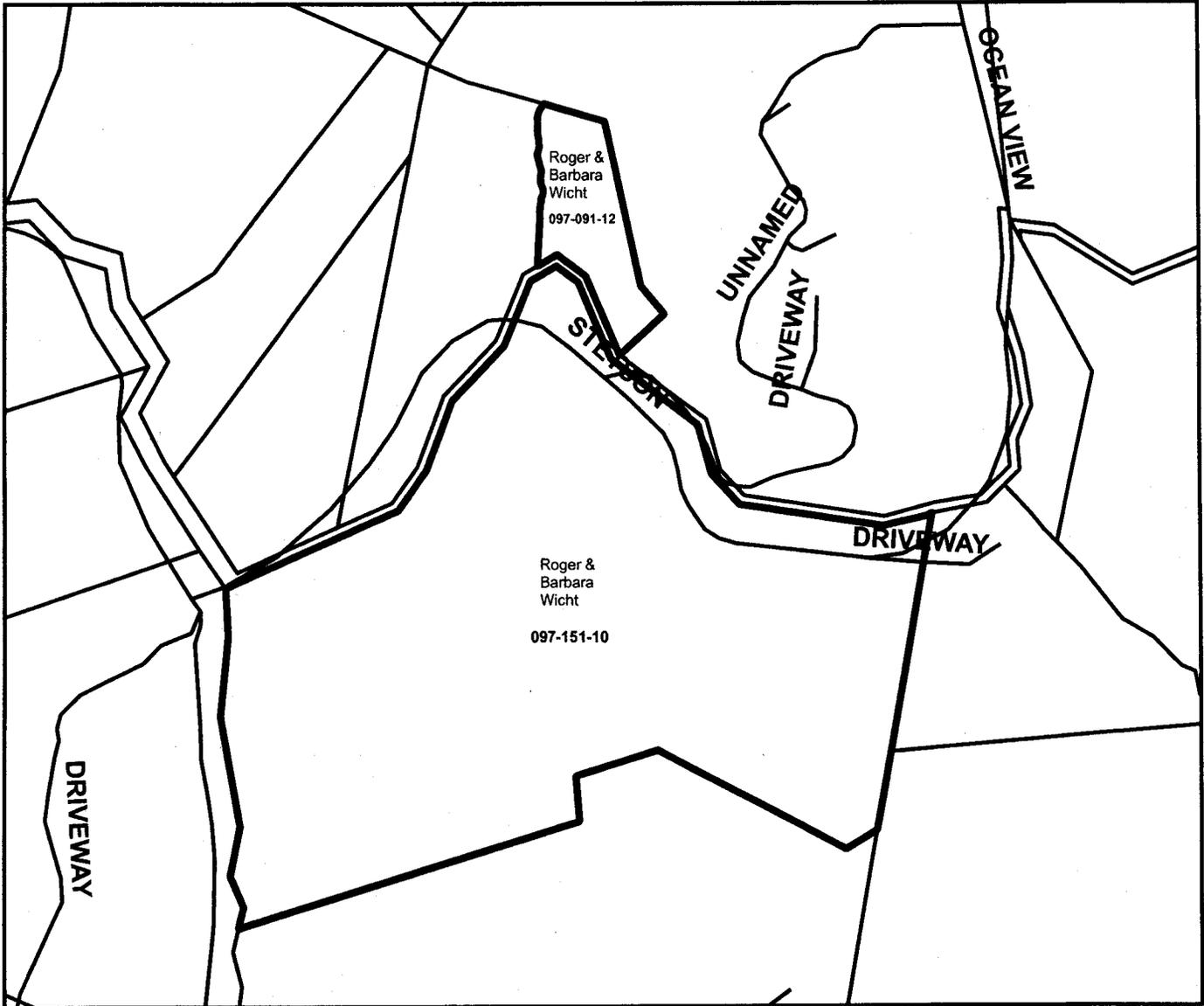
-  APN: 097-091-12
-  Assessors Parcels
-  Streets
-  Residential-Rural
-  Residential-Mountain



Map Created by
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Planning Department
December 2008

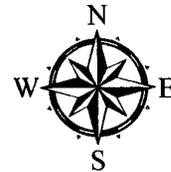


Ownership Map



LEGEND

-  APN: 097-151-10
-  APN: 097-091-12
-  Assessors Parcels
-  Streets



Map Created by
County of Santa Cruz
Planning Department
December 2008

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: 08-0526

Assessor Parcel Number: 097-091-12

Project Location: Property located on the north side of Stetson Road at about one and a half miles east of the intersection with the Soquel San Jose Road.

Project Description: Rezone a one parcel 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 2, 2008

Santa Cruz County
Planning Department
701 Ocean St, 4th floor
Santa Cruz, CA 95060

RE: Rezoning APN # 097-091-12 to Timber Production
Adjacent to TPZ Property Under Same Ownership

To Santa Cruz County Planning Department:

In November 2008, Joseph Culver, Consulting Forester was commissioned by Roger Wicht to facilitate the rezoning of APN# 097-091-12 to Timber Production. The county assessor lists the parcel as 1.6 acres in size. The parcel is adjacent to APN #097-151-10, a 26 acre parcel zoned Timber Production also owned by Mr. Wicht.

An existing inventory conducted on the Wicht property in 2007 indicates that the parcel proposed for rezoning is part of a larger forest stand totaling 23.6 acres. This stand has an average conifer volume of 49,200 board feet per acre. Average basal area in the stand is 214 square feet per acre and the growth rate is 114 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 214 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 114 cubic feet per acre and therefore meets the definition of timberland.

COMPATIBLE USE: Current property use of the parcel includes 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 timber.

Joseph Culver

Consulting Forester

The property is well suited for timber management into the future. Mr. Wicht selectively harvested a portion of his lands 12 years ago and the forest resource is currently healthy and experiencing a growth rate consistent with managed forests. Mr. Wicht has indicated that he wants to continue to manage the timber resource on his lands and stand conditions warrant another harvest in the near future. The property meets required state stocking levels, qualifies as "Timberland," and the current use is compatible with the Timber Production zoning.



Joseph Culver

Registered Professional Forester #2674