



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: 093-051-10
Application: 08-0509
Item #: 8

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 November 21, 2008, the County Planning Department accepted this application for rezoning one parcel totaling about 18.1 acres from the Special Use (SU) zone district to Timber Production.

The property owners, Michael Noel Forde, also owns a 116 acre Timber Production zoned parcel, APN 093-051-09, which is contiguous with the subject property. The uses on the properties consist of a dwelling group that was approved under Use Permit 2659.

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

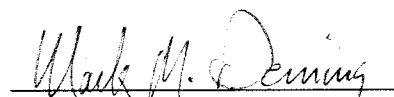
It is recommended that the Commission adopt Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 08-0509, to adopt the Ordinance rezoning the property to the TP zone district.

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 Matt Dias, RPF #2773, dated December 23, 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.08-0509 involving property located on the west side of Mountain Charlie Road, approximately 1.5 miles north of the intersection with Glenwood Drive, 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 Special Use (SU) 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

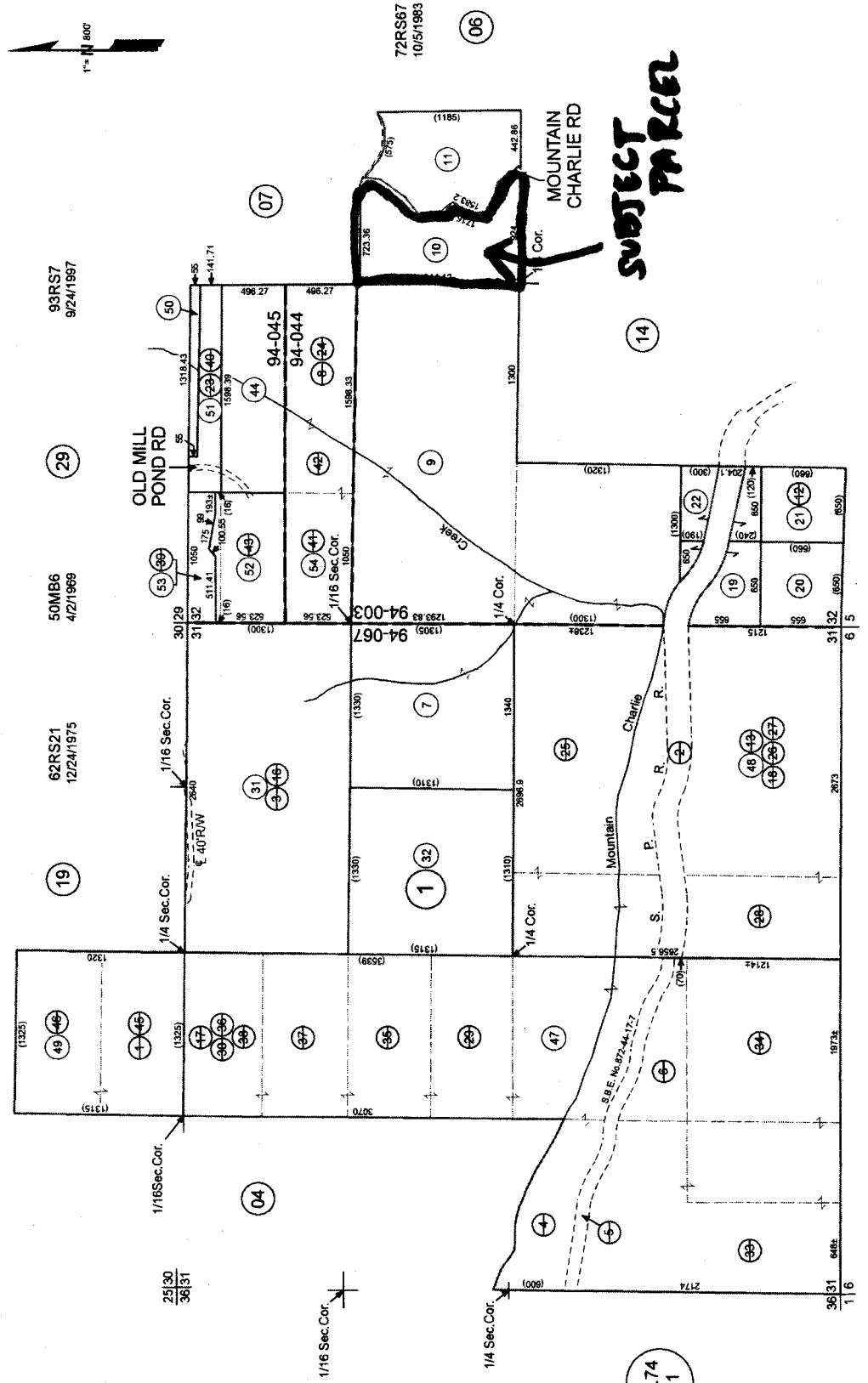
FOR TAX PURPOSES ONLY

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**POR. SECS. 30, 31 & 32,
T.9S., R.1W., M.D.B. & M.**

**Tax Area Code
94-003 94-044
94-045 94-067**

93-05



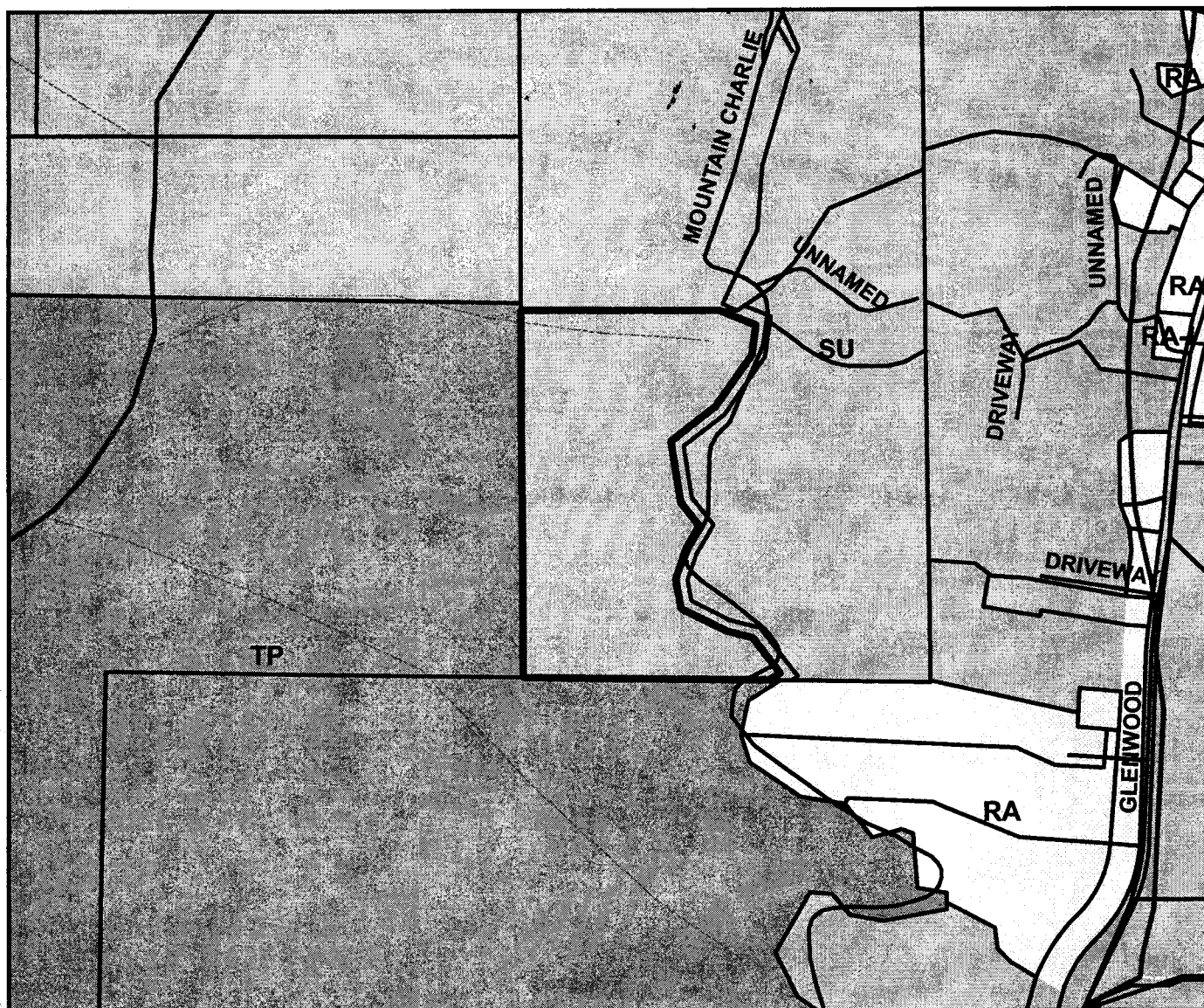
**Note - Assessor's Parcel & Block
Numbers Shown in Circles.**

**Assessor's Map No. 93-05
County of Santa Cruz, Calif.
March, 1997**

Electronically Redrawn 3/8/97
Rev. 5/2/97 CB (CA)
Rev. 12/28/97 (90857)
Rev. 5/28/98 KSA (CA)
Rev. 9/10/98 CB (4601450, 1-54)
Rev. 9/17/01 mm (changed page refs.)
Rev. 11/02 mm (CA)
Rev. 5/22/06 mc (TCA)



Zoning Map



850 425 0 850 1,700 2,550 3.4

LEGEND

APN: 093-051-10

Assessors Parcels

Streets

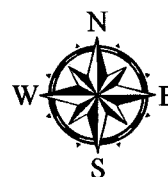
STREAMTYPE

SWALE

SPECIAL USE

TIMBER PRODUCTION

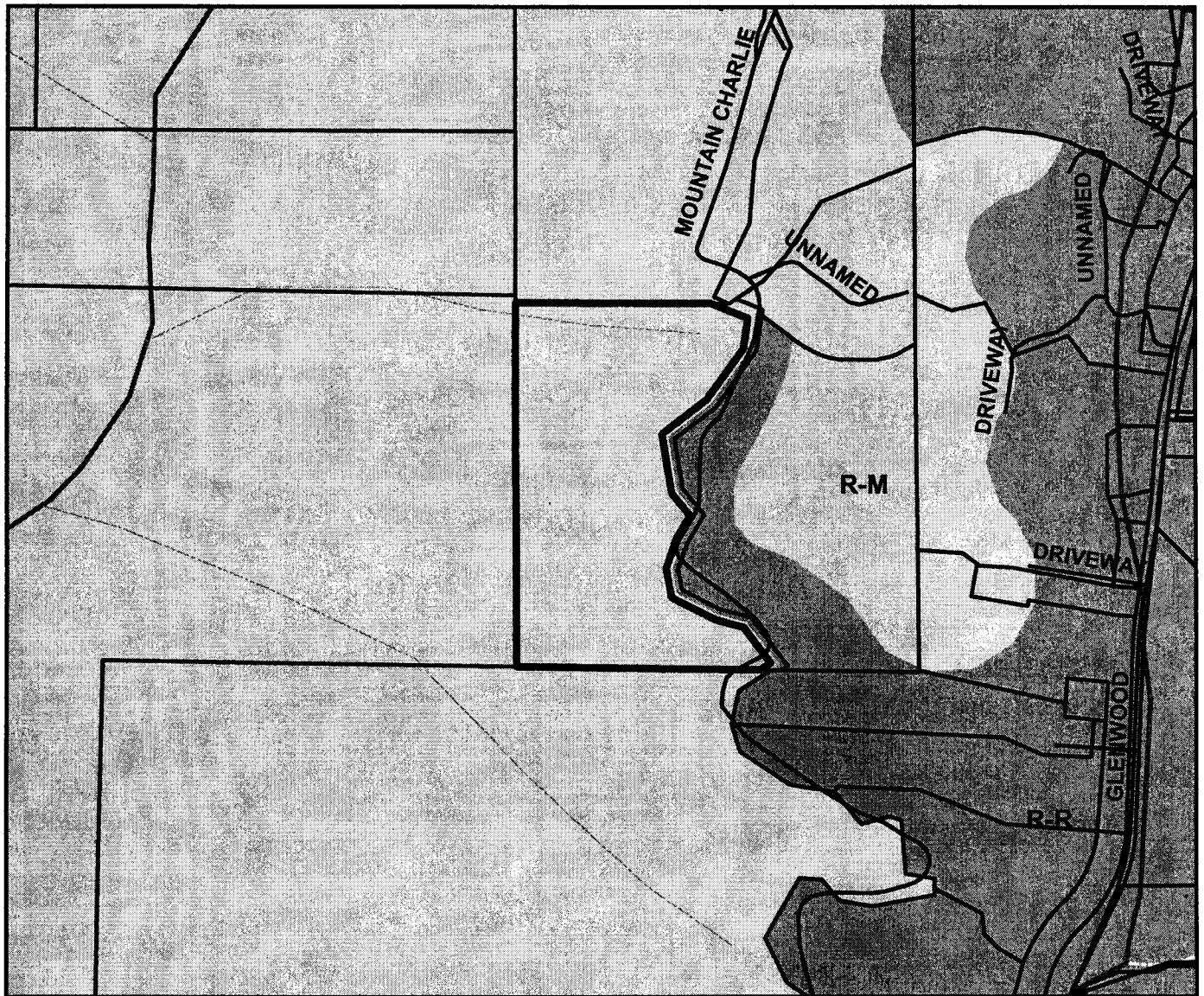
AGRICULTURE RESIDENTIAL



Map Created by
County of Santa Cruz
Planning Department
December 2008



General Plan Designation Map



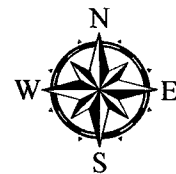
820 410 0 820 1,640 2,460 3,280

LEGEND

- APN: 093-051-10
- Assessors Parcels
- Streets

STREAMTYPE

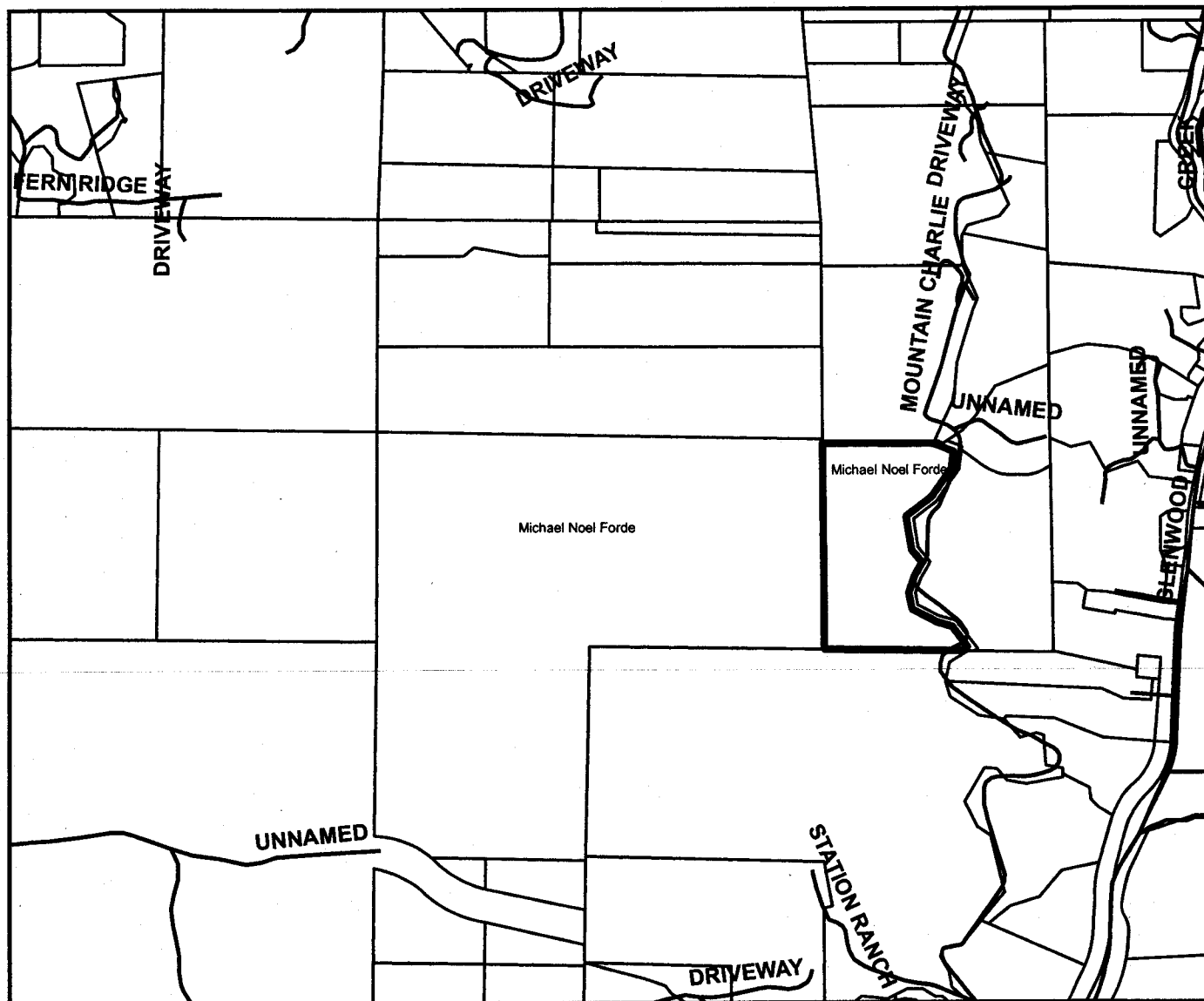
- SWALE
- Residential-Mountain
- Residential-Rural



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County of Santa Cruz
Planning Department
December 2008






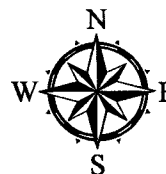
Ownership Map



1,500 750 0 1,500 3,000 4,500 6,000

LEGEND

-  APN: 093-051-10
-  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: 08-0509

Assessor Parcel Number: 093-051-10

Project Location: Property located on the west side of Mountain Charlie Road, approximately 1.5 miles north of the intersection with Glenwood Drive.

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

Person or Agency Proposing Project: Matt Dias C/O Big Creek Lumber

Contact Phone Number: (831) 457-6390

- 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: _____



December 23, 2008

RE: Rezoning APN# 093-051-10 to Timber Production
Adjacent to TPZ Property Under Same Ownership

To Santa Cruz County Planning Department:

Mr. Michael Noel Forde has commissioned Matt Dias, forester with Big Creek Lumber, to facilitate the rezoning of APN # 093-051-10 to Timber Production. The County Assessor lists the parcel as 18.14 acres¹. The parcel is adjacent of APN #093-051-09, a 116.289 acre parcel¹ zoned Timber Production, which is also owned by Michael Noel Forde.

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 capable of, and far exceeds this criteria."

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

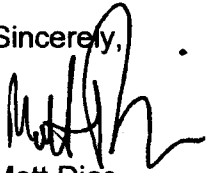
This property is well suited for timber management into the future. The property was last selectively harvested in the early 1990's. The forested stands are thrifty and healthy and are growing at a rate consistent with other managed forests with the County of Santa Cruz. The owner desires to continue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

¹ Parcel acreage provided by County of Santa Cruz GIS website.

as "Timberland", and the current use is compatible with Timber Production zoning.

In addition, this parcel supports two legal dwellings that were constructed under a dwelling group use permit granted by the County of Santa Cruz in 1966. One of the dwellings is the primary residence of the timberland owner, Mr. Michael Forde, while the other is an occupied rental property. These residences are constructed along a secondary ridge directly adjacent to Mountain Charlie Road, with driveway access intersecting Mountain Charlie Road. The locations of these legal structures do not adversely affect the forested portions of the parcels and would not hinder the ability to conduct forest management activities.

Sincerely,



Matt Dias
Register Professional Forester #2773
Big Creek Lumber Company
3564 Highway 1
Davenport, Ca. 95017
831.457.6390