



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

KATHLEEN MOLLOY PREVISICH, PLANNING DIRECTOR

April 10, 2012

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

Agenda Date: May 23, 2012
APN: 100-022-13, 15 and 16.
Application: 121049
Agenda Item: 9

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

Members of the Commission:

On February 29, 2012 the County Planning Department accepted this application for rezoning three parcels totaling approximately 13.38 acres from the Residential Agriculture (RA) zone district to Timber Production. The parcels are currently vacant rural acreage.

Background and Discussion

The property owner, Ecotone LLC, owns an approximately 19.5 acre Timber Production (TP) zoned parcel, APN 103-022-14, which is contiguous with the subject properties. This project qualifies for a rezoning under California Government Code Section 51113.5 which allows a property owner with TP-zoned land that meets all of the requirements of that section, to petition the County to rezone a contiguous parcel to the TP zone. This type of rezoning must also meet the definitions of Government Code Section 51104(f)&(g).

51104(f)"Timberland" means privately owned land, or land acquired for state forest 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.

51104(g)"Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 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).

Government Code Section 51113 expressly prohibits local jurisdictions from placing any additional requirements on applications to rezone the property to TP. The proposed zoning is consistent with the General Plan, as Timber Production is an implementing zone district for the Mountain Residential (R-M) General Plan designation of the parcel.

In accordance with Section 51113.5 of the State Government Code, the project meets the

following County criteria for rezoning to Timber Production:

- (1) 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 (Exhibits B and C).
- (2) The property is timberland, as it is capable of producing an average of 15 cubic feet of timber per acre annually (Exhibit E).
- (3) The uses on the parcel comply with the Timber Production Zone uses set forth in Section 13.10.372.

Environmental Review

This project qualifies for a statutory exemption in accordance with the California Environmental Quality Act Article 18, Section 15264 (Exhibit D).

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. There are no Williamson Act contracts that apply to the RA zoned properties.

Recommendation

It is recommended that the Commission adopt a Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application 121049, to adopt the Ordinance rezoning the property to the TP zone district.

EXHIBITS

- A. Planning Commission Resolution, with Ordinance / Findings
- B. APN maps
- C. Location, Current Zoning and General Plan Designation and Ownership maps
- D. Notice of Exemption from CEQA
- E. Completion and/or Timber Stocking Report and letter from Joseph Culver, Registered Professional Forester, dated February 29, 2012

Lezanne Jeffs
Project Planner
Development Review

Reviewed By: _____
Ken Hart
Principal Planner

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. 121049, involving property located on the west and east sides of an unpaved, unnamed right-of-way that extends north from its intersection with Soquel San Jose Road, approximately 500 southwest of its intersection with Olive Springs Road (no situs), 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 zone 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 _____, 2012, by the following vote:

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

Chairperson

ATTEST: _____
KEN HART, Secretary

APPROVED AS TO FORM:

ASSISTANT 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 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 west and east sides of an unpaved, unnamed right-of-way that extends north from its intersection with Soquel San Jose Road, approximately 500 southwest of its intersection with Olive Springs Road (no situs); and 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* Court decision.

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 a Statutory exemption has been prepared pursuant to the California Environmental Quality Act (CEQA), and
2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and
3. 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
4. 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>
103-022-13	Residential Agriculture (RA)	TP
103-022-15	Residential Agriculture (RA)	TP
103-022-16	Residential Agriculture (RA)	TP

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED THIS _____ day of _____ 2012, 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

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**POR, N.W. 1/4 SEC. 23,
 T.10S., R.1W., M.D.B. & M.**

**Tax Area Code
 83-010**

103-02

**LANDS CONVEYED TO
 RICHARD FOURNIER
 ET AL
 42MB41 11/18/64**

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

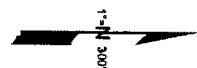
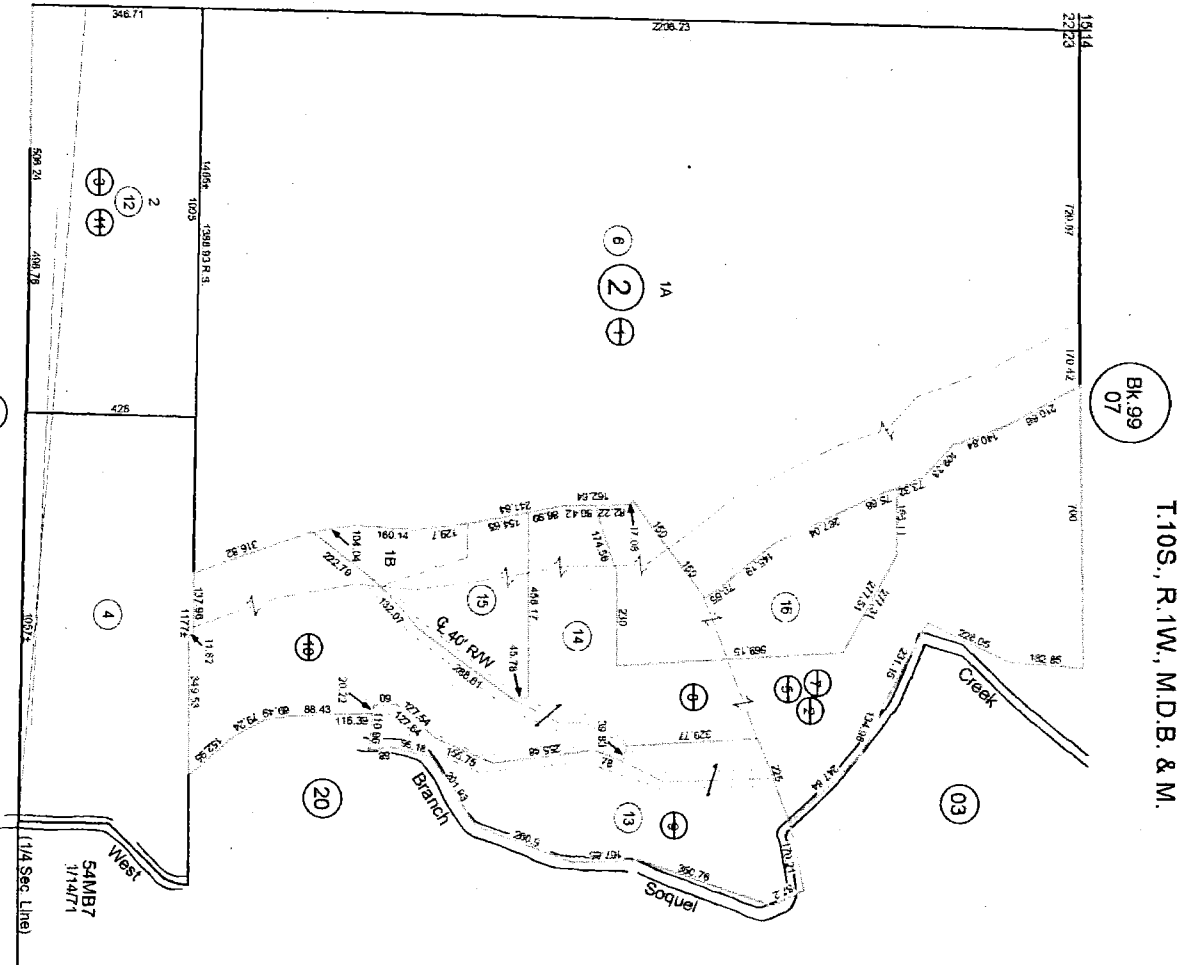
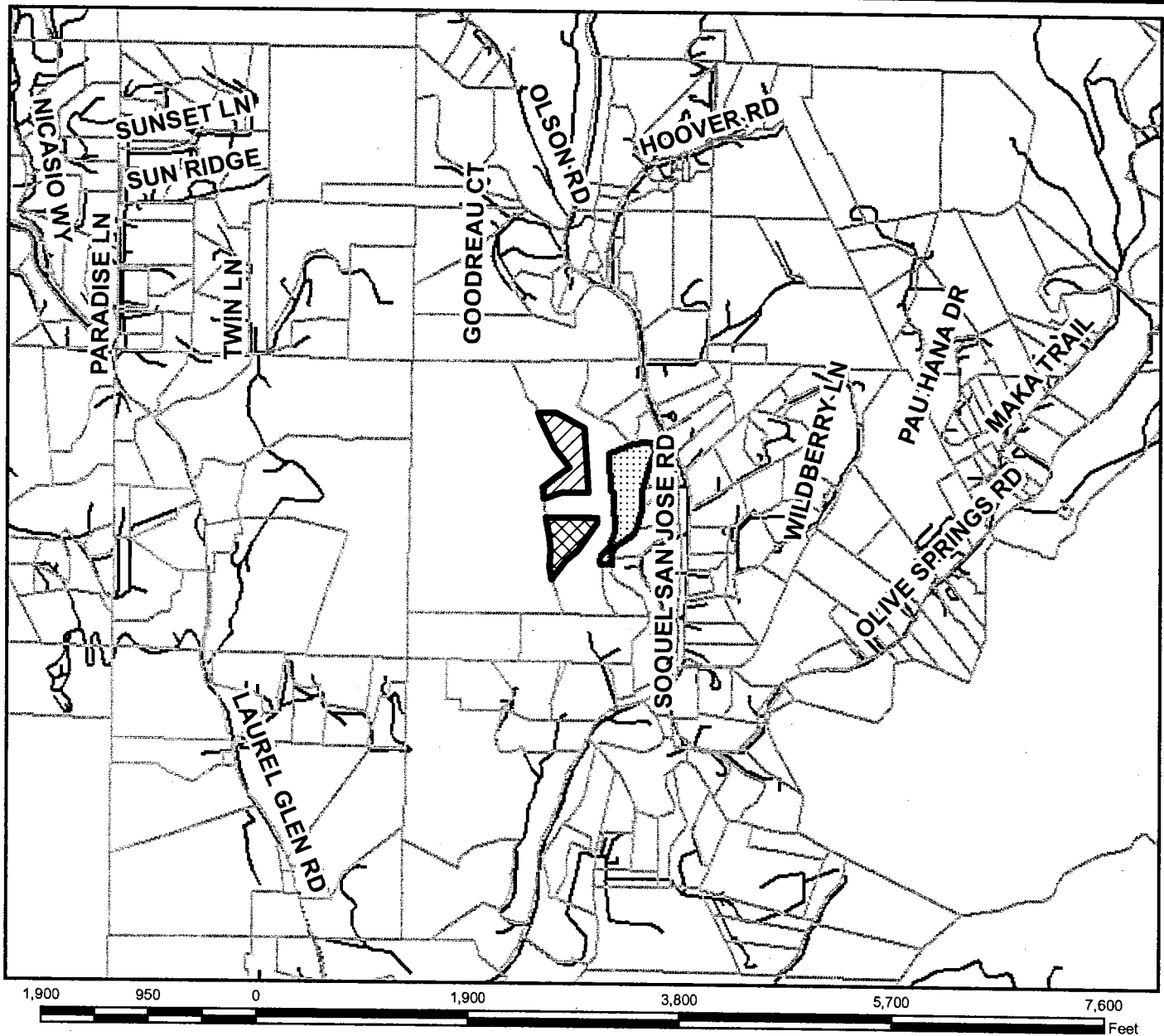


EXHIBIT B






**Assessor's Map No. 103-02
 County of Santa Cruz, Calif.
 Aug. 1998**

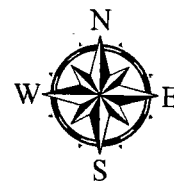


Location Map



LEGEND

-  APN: 103-022-16
-  APN: 103-022-15
-  APN: 103-022-13
-  Assessors Parcels
-  Streets

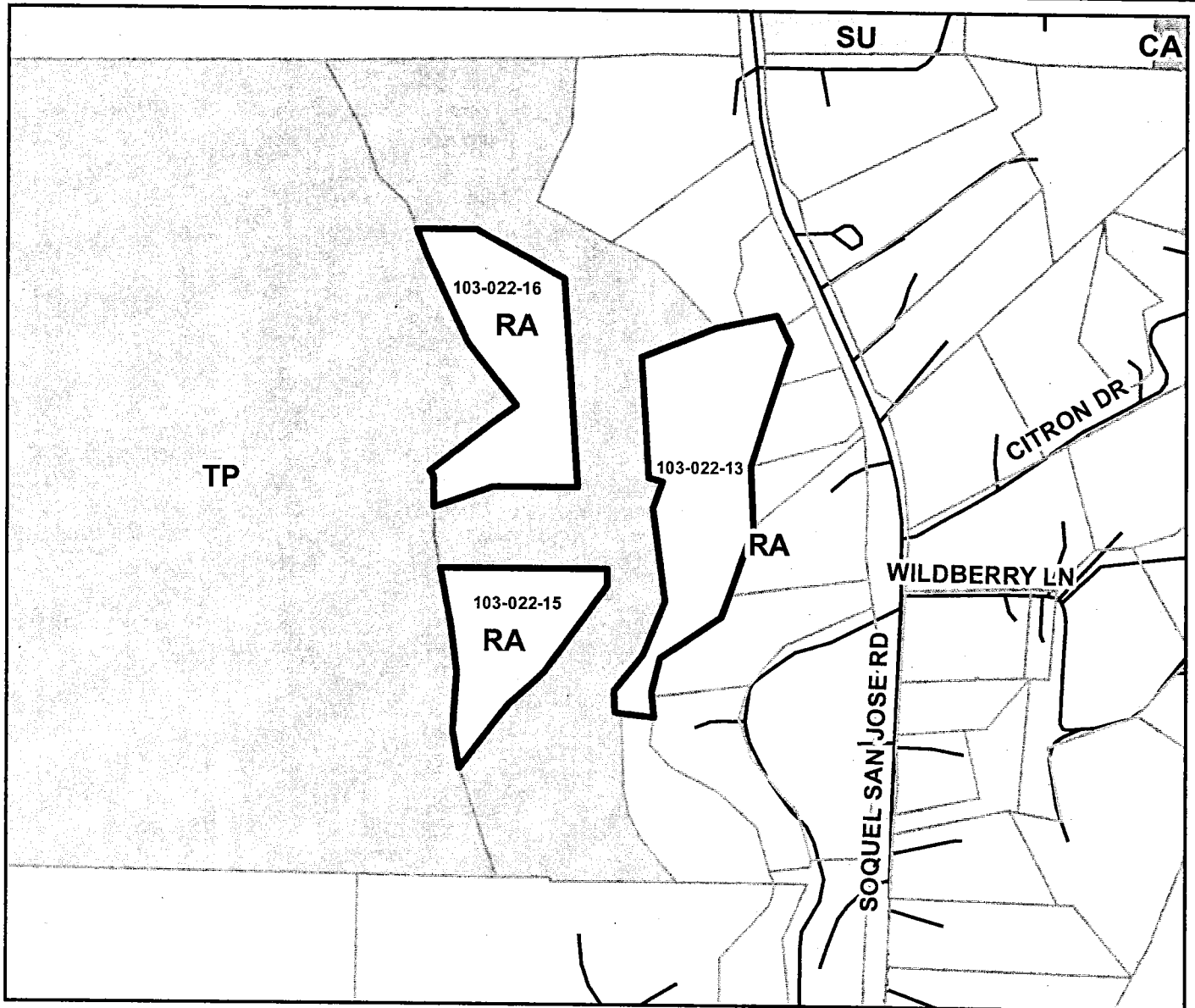


Map Created by
County of Santa Cruz
Planning Department
March 2012










EXHIBIT C

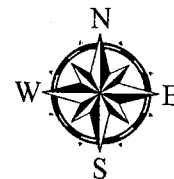


Zoning Map



LEGEND

-  APN: 103-022-16
-  APN: 103-022-15
-  APN: 103-022-13
-  Assessors Parcels
-  Streets
-  AGRICULTURE RESIDENTIAL
-  TIMBER PRODUCTION
-  AGRICULTURE COMMERCIAL
-  SPECIAL USE

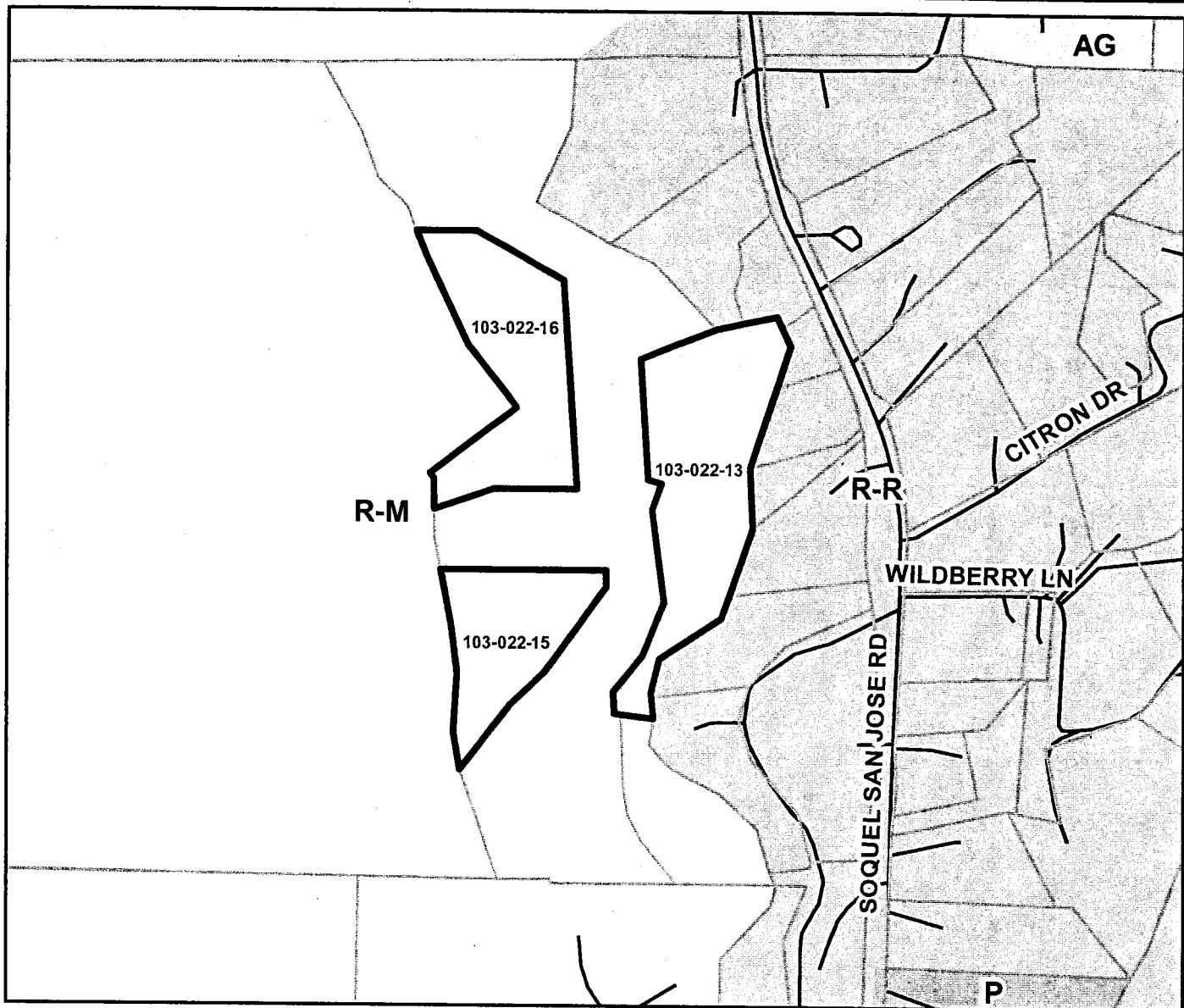


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March 2012

EXHIBIT C

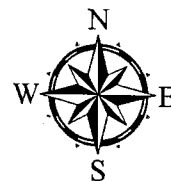


General Plan Designation Map



LEGEND

- APN: 103-022-16
- APN: 103-022-15
- APN: 103-022-13
- Assessors Parcels
- Streets
- Residential-Mountain
- Residential-Rural
- Agriculture
- Public Facilities



Map Created by
County of Santa Cruz
Planning Department
March 2012

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: 121049

Assessor Parcel Numbers: 103-022-13, 15 and 16

Project Location: No situs

Project Description: Rezone three parcels from the Residential Agricultural (RA) zone district to the Timber Production (TP) zone district.

Person or Agency Proposing Project: Joseph Culver, Professional Forester

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 15264).

In addition, none of the conditions described in Section 15300.2 apply to this project.

Lezanne Jeffs, Project Planner

Date: _____

JOSEPH CULVER
CONSULTING FORESTER

February 29, 2012

RE: Rezoning APN# 103-022-13, 15, 16 to Timber Production
Adjacent to TPZ Property Under Same Ownership

To Santa Cruz County Planning Department:

Mr. Tim Martin, Managing Partner of Ecotone LLC, has commissioned Joseph Culver, Consulting Forester, to facilitate the rezoning of APN # 103-022-13, #103-022-15, #103-022-16 to Timber Production. The County Assessor lists the parcel as 5.8 acres, 3.0 acres and 4.5 acres in size, respectively¹. The parcels are adjacent of APN #103-022-14, a 19.5 acre parcel¹ zoned Timber Production, which is also owned by Ecotone LLC.

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 on 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 above 50 square feet, and averages between 100 – 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 cable 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 1980'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 as "Timberland", and the current use is compatible with Timber Production zoning.

Sincerely,



Joseph Culver
Register Professional Forester #2674

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