

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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# W11e

**Prepared October 23, 2008 (for November 12, 2008 hearing)**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, District Manager  
Susan Craig, Coastal Planner

**Subject:** **Santa Cruz County LCP Major Amendment Number 1-08 Part 2 (Minimum Parcel Size in Timber Production Zoning District).** Executive Director's determination that the proposed amendment is de minimis, to be reported to the California Coastal Commission at its November 12, 2008 meeting at Long Beach City Hall City Council Chambers, 333 W. Ocean Boulevard in Long Beach.

## Santa Cruz County's Proposed Amendment

Santa Cruz County is proposing to amend its Local Coastal Program (LCP) Implementation Plan (IP) to increase the minimum parcel size required to qualify for rezoning to the Timber Production (TP) zoning district from 5 acres to 40 acres. Under the amendment, parcels less than 40 acres in size that are not currently zoned TP could not be rezoned to TP unless these parcels are in common ownership and are comprised of contiguous parcels that taken together equal at least 40 acres. Parcels that are less than 40 acres but are already zoned TP would not be affected by this amendment. The amendment would directly affect approximately 522 acres of land in the County's coastal zone that would no longer be eligible for TP rezoning because it would not meet the new minimum parcel size requirements. Please see Exhibit A for the proposed IP amendment language.

The Forest Taxation Act of 1976, and later the Timberland Productivity Act of 1982, required that counties create a Timber Zone Production district (the "TP" zoning district in Santa Cruz County's case) and granted certain local discretion over which properties were allowed to be rezoned to TP. In general, as the law reads today, if a property meets, or can within five years meet, the minimum timber growing standards and the minimum parcel size requirements, then the property may be rezoned to TP. California Government Code Section 51113 allows local jurisdictions to set the minimum land area for rezoning to the TP zoning district by requiring the subject land area to be in the ownership of one person and comprised of single or contiguous parcels not to exceed 80 acres. The proposed amendment is consistent with these requirements of Government Code Section 51113.

**The purpose of this notice is to advise interested parties of the Executive Director's determination that this proposed LCP amendment is de minimis.**



### De Minimis LCP Amendment Determination

Pursuant to Coastal Act Section 30514(d), the Executive Director may determine that a proposed LCP amendment is “de minimis.” In order to qualify as a de minimis amendment, the amendment must meet the following three criteria:

1. The Executive Director determines that the proposed amendment would have no impact, either individually or cumulatively, on coastal resources, and that it is consistent with the policies of Chapter 3 of the Coastal Act;
2. The local government provides public notice of the proposed amendment at least 21 days prior to submitting the amendment to the Commission, by one of the following methods: posting onsite and offsite in the affected area, newspaper publication, or direct mailing to owners and occupants of contiguous property; and
3. The amendment does not propose any change in use of land or water or allowable use of property.

If the Executive Director determines that an amendment is de minimis, that determination must be reported to the Commission. If three or more Commissioners object to the de minimis determination, the amendment shall be set for public hearing; if three or more Commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP 10 days after the date of the Commission meeting, in this case, on November 22, 2008.

Each of the de minimis criteria is discussed briefly below:

**1. No impact to coastal resources and consistency with Chapter 3 of the Coastal Act:** The proposed amendment increases the minimum parcel size necessary to allow a rezoning to the TP zoning district from the current 5 acres to 40 acres. The primary effect of this proposed change will be to reduce the number of acres in the County that can be subject to commercial timber harvest logging activities. Approximately 522 acres of land in the coastal zone will be directly affected by the proposed amendment, i.e. this land will not be available for rezoning to TP and will not be subject to future timber harvest logging activities because it would not meet the minimum parcel size criteria.

Commercial timber harvest logging activities can have many impacts on coastal resources, including land disturbance and associated erosion, removal of forest habitat with resultant impacts to a variety of plant and animal species, neighborhood impacts due to tree removal activities and the presence of logging trucks, visual impacts to surrounding areas due to tree removal, etc. The LCP contains a myriad of policies that provide for: 1) protection of plant and wildlife habitats; 2) protection of visual resources, including wooded forests and mountain hillside views; 3) the control and abatement of erosion due to development activities, and; 4) protection of the aesthetic character of



local communities. The proposed amendment likely will result in less commercial logging activity in the coastal zone, which should reduce the number and intensity of associated impacts to habitat, visual resources, land disturbance, and community aesthetics. Thus, the proposed amendment will not have a detrimental impact on coastal resources, and is consistent with the policies of Chapter 3 of the Coastal Act.

2. **Provision of public notice:** The County provided public notice in advance of both the Planning Commission hearing (held on October 24, 2007) and the Board of Supervisors hearing (held on June 10, 2008). For the Planning Commission hearing, a newspaper publication notice was printed on October 10, 2007. For the Board hearing, a newspaper publication notice was printed on May 31, 2008. In addition, the County staff reports and proposed implementation plan changes were also made available on the County's website in advance of the Planning Commission and Board of Supervisors hearings. The amendment submittal was subsequently received in the Commission's Central Coast District Office on July 3, 2008, thus satisfying the 21-day requirement.
3. **No change in use of land or allowable use of property:** No change in use or allowable use of property is proposed by this amendment. Instead, the proposed amendment imposes a more stringent requirement for rezoning of property to TP by raising the required parcel size from 5 to 40 acres.

The Executive Director will report this de minimis determination, and any comments received regarding it, to the Coastal Commission at its November 12, 2008 meeting at the Long Beach City Hall City Council Chambers, 333 W. Ocean Boulevard in Long Beach. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Susan Craig at the Central Coast District Office in Santa Cruz. If you wish to comment in writing on the proposed de minimis amendment determination, please do so by November 6, 2008.

Exhibits:

Exhibit A: Proposed LCP Amendment

Exhibit B: Santa Cruz County Resolution 147-2008 Adopting Proposed LCP Amendment



Ordinance No. 5015

ORDINANCE AMENDING COUNTY CODE SECTION 13.10.375 OF THE SANTA CRUZ COUNTY CODE REGARDING THE TIMBER PRODUCTION ZONE DISTRICT

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Santa Cruz County Code is hereby amended by changing Subsection 13.10.375 (c) 6 to read as follows:

The land area to be rezoned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels consisting of at least five forty acres in area.

SECTION II

This Ordinance shall take effect on the 31<sup>st</sup> day after the date of final passage outside the Coastal Zone and upon certification by the California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED this 10th day of June, 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

- AYES: SUPERVISORS Stone, Coonerty, Beautz & Pirie
- NOES: SUPERVISORS None
- ABSENT: SUPERVISORS Campos
- ABSTAIN: SUPERVISORS None

TESS FITZGERALD  
Chairperson, Board of Supervisors

ATTEST: ELLEN PIRIE  
Clerk of the Board

APPROVED AS TO FORM: [Signature]  
County Counsel

Copies to: Planning  
County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE ATTEST MY HAND AND SEAL THIS 21<sup>st</sup> DAY OF June 2008  
[Signature]  
SUSAN A. MAURIELLO, COUNTY ADMINISTRATIVE OFFICER AND EX OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CRUZ, CALIFORNIA  
BY [Signature] DEPUTY

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**ATTACHMENT** *1*

BEFORE THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SANTA CRUZ  
STATE OF CALIFORNIA

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RESOLUTION NO. 147-2008

On the motion of Supervisor: Stone  
Duly seconded by Supervisor: Coonerty  
The following resolution is adopted:

RESOLUTION ADOPTING ORDINANCE AMENDING SUBSECTION (C)7 OF SECTION  
13.10.375 OF THE SANTA CRUZ COUNTY CODE INCREASING THE MINIMUM PARCEL  
SIZE FOR REZONING LAND TO THE TIMBER PRODUCTION ZONE DISTRICT

WHEREAS, the County of Santa Cruz contains several thousands of acres of timberland;  
and

WHEREAS, much of the timberland in the County is held in private ownership on parcels of  
various size; and

WHEREAS, the California Government Code requires that local jurisdictions establish a  
Timber Production zone district to promote the growing and harvesting of timber throughout the  
State of California; and

WHEREAS, the Government Code also provides authority for the Board of Supervisors to  
establish a minimum parcel size required in order to rezone property to the Timber Production zone  
district; and

WHEREAS, the Board of Supervisors, in seeking to reduce neighborhood conflicts with  
timber harvesting activities and to maintain a healthy timber industry in the County, finds it  
appropriate to increase the minimum required parcel size for Timber Production zoning from five  
acres to forty acres; and

WHEREAS, an amendment to the County Code and the Local Coastal Program is necessary  
to achieve this goal; and

WHEREAS, the California Coastal Commission has certified the County's Local Coastal  
Program, including County Code Chapter 13.10, as consistent with and legally adequate to carry out  
the California Coastal Act; and

WHEREAS, the Planning Commission held a duly noticed public hearing and considered  
the proposed amendments, and all testimony and evidence received at the public hearing and has  
recommended the proposed ordinance amendment for approval by the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that the proposed Local Coastal Program  
amendment and proposed amendment to the Santa Cruz County Code will be consistent with the  
policies of the General Plan and Local Coastal Program and other provisions of the County Code, is  
in compliance with the California Coastal Act, and will contribute to the responsible management of  
natural resources in the community; and

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**CCC Exhibit** B  
**(page 1 of 2 pages)**

WHEREAS, pursuant to the California Environmental Quality Act, an Initial Study was prepared for this action and a Negative Declaration issued by the Environmental Coordinator on September 4<sup>th</sup>, 2007.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby finds that the ordinance amendments proposed serve a public benefit; and

BE IT FURTHER RESOLVED, that the Board of Supervisors adopts the proposed amendment to Santa Cruz County Code Section 13.10.375(c)7 to require a minimum of 40 acres in order to establish a Timber Production zone district on an individual parcel, in accordance with the definitions and restrictions found in the state law governing the same, as set forth in Exhibit A hereto, and the Environmental Coordinator's determination under the California Environmental Quality Act as set forth in Attachment 3, and incorporated herein by reference, be submitted to the California Coastal Commission as part of the Local Coastal Program Update.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, California, this 10th day of June, 2008 by the following vote:

AYES: SUPERVISORS Beautz, Coonerty, Stone & Pirie  
NOES: SUPERVISORS None  
ABSENT: SUPERVISORS Campos  
ABSTAIN: SUPERVISORS None

ELLEN PIRIE

Chairperson of the Board

ATTEST: TESS FITZGERALD  
Clerk of the Board

APPROVED AS TO FORM:

*Chris Chedoke*  
County Counsel

Cc: County Counsel  
Planning Department

STATE OF CALIFORNIA )  
COUNTY OF SANTA CRUZ ) ss  
I, SUSANA MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on 6/24/08 20  
SUSANA MAURIELLO, County Administrative Officer  
By *Susana Mauriello* Deputy

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