

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

BIG CREEK LUMBER CO. et al.,

Plaintiffs and Appellants,

v.

COUNTY OF SANTA CRUZ et al.,

Defendants and Appellants.

H023778

(Santa Cruz County

Super.Ct.Nos. CV134816, CV137992

**ORDER MODIFYING OPINION
AND DENYING REHEARING**

**NO CHANGE IN THE
JUDGMENT**

It is ordered that the opinion filed herein on February 17, 2004, be modified as follows:

1) The last sentence of the first paragraph on page 21, beginning with “Even so, only . . .” is deleted and replaced with the following:

Actions by the local government that authorize “a use other than that designated in the LCP as a permitted use . . . require certification by the Commission . . .” (*Yost v. Thomas, supra*, 36 Cal.3d at p. 573, fn. 9. See Pub. Resources Code, § 30514, subd. (e); *Conway v. City of Imperial Beach, supra*, 52 Cal.App.4th at p. 90.)

2) The third sentence of the last paragraph on page 29, beginning with “As the Commission recognizes . . .” is deleted and replaced with the following sentence, which includes a new footnote:

The Coastal Act provision on which the Commission relies applies to local government actions that change the use of a given parcel. (See Pub. Resources Code, § 30514.)¹²

¹² Subdivision (e) of that provision also governs LCP amendments in other circumstances not present here. In this opinion, we address the application of that subdivision only as it relates to TPZ rezoning of timberland. We express no view on the application of the subdivision in other circumstances.

The remaining footnotes are renumbered accordingly.

The petition for rehearing is denied.

There is no change in the disposition.

Dated:

Wunderlich, J.

Elia, Acting P.J.

Mihara, J.