



County of Santa Cruz

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PLANNING DEPARTMENT

701 OCEAN STREET, 4TH FLOOR, SANTA CRUZ, CA 95060
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

Agenda Date: May 25, 1999

April 22, 1999

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, California 95060

Subject: Proposal to rezone Assessor's Parcel Number: 095-271-01 from the Special Use (SU) zone district to the Timber Production (TP) zone district. Requires a Rezoning. The property is located the east side of Highway 17 approximately 2,000 feet north of Jarvis Road.

APPLICATION NUMBER NO. 98-046 1

APN: 095-271-01

APPLICANT AND OWNER: William and Tona Moores

Dear Members of the Board:

BACKGROUND

The County's General Plan Policy on Timber Resources is to "encourage timberland owners to apply for Timber Production Zoning where appropriate." Your Board adopted a resolution on April 14, 1999 establishing a flat fee of \$750 to process a rezoning to the Timber Production zone district, in order to facilitate appropriate rezoning of timberlands.

On July 8, 1999, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 25 acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. This project qualifies for a statutory exemption (Attachment 3) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703). County Code Section 13.10.375 (c) zoning to the TP district specifies the six criteria which must be met in order to rezone to TP. The project meets the following six criteria for rezoning to Timber Production:

1. A map has been submitted with the legal description or assessor's parcel number of the property to be rezoned (Exhibit B, Attachment 6).
2. A Timber Management Plan prepared by the property owner and approved as to

content by a registered professional forester has been submitted for the property (Exhibits I and K, Attachment 6). The Timber Management Plan has been reviewed and accepted by the Planning Department as meeting minimum standards (Exhibit J, Attachment 6).

3. The parcel currently meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules for the district in which the parcel is located.

4. The parcel is timberland, as the entire parcel is capable of producing a minimum of 15 cubic feet of timber per acre annually and approximately one half of the parcel is located within a mapped Timber Resource area.

5. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section 13.10.372.

6. The land area to be rezoned is in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and is comprised of at least five acres in area.

In addition, the three required findings for rezoning can be made subject to the Conditions of Approval (Attachment 2). The findings are included with this staff report as Attachment 1.

On March 24, 1999, the Planning Commission heard this application at a noticed public hearing. The Planning Commission adopted Resolution 5-99 (Attachment 4) recommending approval of the conditional rezoning of the subject parcel to your Board. Minutes of the Planning Commission meeting can be seen as Attachment 7.

DISCUSSION

Project Setting:

The project site is located in the Summit planning area with access off of Highway 17 just north of the intersection of Highway 17 and Jarvis Road (Exhibit A, Attachment 6). The subject parcel measures roughly 25 gross acres and is currently vacant. The topography of the property is predominantly steep with a narrow, north-south trending ridge. The nose of the ridge is located to the north. The flanks of the ridge are steeply sloped - generally 50% to greater than 75% slopes. The nose of the ridge is less steeply sloped with 15 to 45% slopes. An ephemeral drainage is located to the east of the ridge. This watercourse eventually drains into the West Branch of Soquel Creek. The property is generally heavily forested with second growth redwood and a few Douglas fir on the east and west ridge flanks, while the ridge top is predominantly oak and madrone woodland. This parcel was clear cut around the turn of the century. Some old growth trees are scattered on the property with one pocket located just northeast of the ridge saddle. These trees are mostly poor quality for lumber production due to fire damage. According to the Timber Management Plan, the site was lightly harvested a second time about 20 years ago. The property is readily capable of producing 15 cubic feet of timber per acre annually.

Roughly one half of the property is located within a mapped timber resource area. Portions of

this northern end of the parcel were harvested under the timber harvest permit 1-97-32 1 SCR, which included two adjoining parcels to the north. The access road for the property located on the west side of the ridge was significantly improved (about 3,000 cubic yards of fill) under the timber harvest permit and a Caltrans Encroachment Permit. The toe of the ridge slope was excavated in order to generate the fill required to improve the access road to Highway 17. Since County grading permits were not obtained, this road is not recognized by the County for any use other than timber harvesting. The landings labeled L9 and L10 (see Exhibit I, Attachment 6) were improved and utilized during the 1998 timber harvest. Landing L12 and the proposed logging road leading to it are outside of the mapped timber resource zone and were not included in the Timber Harvest Plan. Landing L12 and its access road were included in the Geologist's evaluation in the Timber Harvest Plan and was walked by the review team during the review of THP 1-97-32 1 SCR. The proposed logging road crosses slopes of 55 to 60% and over two small landslides. At the THP review, County staff recommended utilizing a tractor road from L9 to L12 instead of the proposed road. This alternative route requires significantly less grading and is located in a less steeply sloped area. The alternative route is in greater conformance with County policies of locating roads away from unstable areas, minimizing grading, and using the least environmentally damaging alternative when roads cannot be located away from slopes steeper than 30%. The Timber Management Plan (TMP) originally submitted with this application included a building site located on the ridge landing L12. Dave Hope, Resource Planner and Registered Professional Forester, has concluded that due to the narrowness of the ridge, locating a single family dwelling on or near this landing would interfere with and likely preclude future timber harvesting of this parcel. The proposal for a dwelling at this particular site was deleted in the current TMP.

The parcel is bordered on the east by five acre SU zoned rural residential and vacant parcels. To the north of the subject parcel is a 25 acre SU zoned parcel containing a cellular equipment site and to the northeast a 45 acre TP property with a residence. Both of these properties were harvested under the 1998 timber harvest (1-97-32 1 SCR). South of the subject parcel is a 20 acre SU zoned parcel and numerous 2 to 7 acre rural residential parcels off Jarvis Road. Highway 17 is located along the western boundary of the parcel. The Zoning Map for APN 095-27 1-01 and the surrounding parcels is included as Exhibit C of Attachment 6.

General Plan & Zoning Consistency

The project site has a 1994 General Plan land use designation of Mountain Residential and part of the parcel has a Timber Resource designation (Exhibit D, Attachment 6). This parcel is currently zoned Special Use. The Special Use and Timber Production zoning districts implement the Mountain Residential General Plan designation, as specified in Section 13.10.170 of the County Code.

At the direction of the Planning Commission, staff has prepared conditions for the rezoning approval of the subject parcel. The conditions (Attachment 2) proposed for this approval will ensure that any future development of the subject parcel will be compatible with a long-term timber use for which this rezoning is being proposed. Moreover, the conditions specify the uses for the access road and any other logging roads, which are allowed under and consistent with the County's ordinances and General Plan policies. The applicant submitted proposed language for

the conditions of approval to the Planning Commission which is attached as Exhibit L of Attachment 6.


All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations, subject to the attached conditions of approval.

RECOMMENDATION

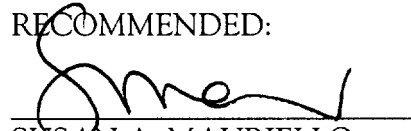
It is, therefore, RECOMMENDED that your Board, based on the attached Findings (Attachment 1) and Conditions (Attachment 2):

1. Approve the determination that the project is statutorily exempt from the California Environmental Quality Act (Attachment 3) ; and
2. Adopt the attached Ordinance amending Chapter 13.10 of the Santa Cruz County Code that Conditionally Rezones Assessor's Parcel Number 095-27 1-01 from the SU zone district to the TP zone district (Attachment 5).

Sincerely,


Alvin D. James
Planning Director

RECOMMENDED:


SUSAN A. MAURIELLO
County Administrative Officer

cc: Roy Webster, Webster and Assoc. 512 Capitola Ave. Suite 201, Capitola CA 95010

- Attachments:
1. Findings
 2. Conditions of Approval
 3. CEQA Exemption
 4. Planning Commission Resolution No. 5-99
 5. Ordinance Amending Chapter 13.10 of the County Code changing properties from one zone district to another
 6. Planning Commission Staff Report of March 24, 1999
 7. Planning Commission Minutes of March 24, 1999
 8. Correspondence received at Planning Commission hearing

SAM/ADJ/CLC Moores-Bdreport-TPZ.wpd

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Application No.: 98-046 1
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REZONING FINDINGS:

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,

Subject to the concurrent approval of the attached conditions, limiting the location of building sites to areas that will not interfere with future timber harvest operations, the rezone will allow a density of development and types of uses which are consistent with the objectives and the land use designations of Mountain Residential. The access road required over 2,000 cubic yards of fill to improve for use for the timber harvest under the California Department of Forestry permit 1-97-321 SCR. In addition, the logging road to landing L12 shown in the Timber Management Plan (Exhibit I) crosses unstable slopes steeper than 30%. These roads are new roads as defined in Section 16.22.030 of the County Code, condition IIA limits the use of these roads to those compatible with the County's General Plan policies for timber harvest roads, and requires that all County permits must be obtained prior to using these roads for any other purpose. Requiring that any dwelling be located a minimum of 300 feet from any timber landing ensures that development of a future dwelling will not preclude or interfere with any future timber harvesting use. The 300 foot distance, analogous to the Agricultural buffer requirement, allows an adequate distance for falling trees, as well as the access, staging and use of heavy equipment associated with logging and the stockpiling of logs for transportation. The uses will more closely conform with the General Plan as a result of the rezoning of a parcel which in part lies within a Timber Resource designation and the areas lying outside of the designated Timber Resources contains timber resources meeting the timber stocking requirements.

2. THE PROPOSED ZONE DISTRICT IS APPROPRIATE OF THE LEVEL OF UTILITIES AND COMMUNITY SERVICE AVAILABLE TO THE LAND; AND,

The proposed TP zone district is appropriate to the level of utilities and community services available to the parcel. The subject parcel is accessed by a private road which was installed for the purpose of timber harvesting. The parcel is located outside of the Urban Services Line and is, therefore, rural in nature.

3. THE PROPOSED REZONING IS NECESSARY TO PROVIDE FOR A COMMUNITY RELATED USE WHICH WAS NOT ANTICIPATED WHEN THE ZONING PLAN WAS ADOPTED,

The proposed rezoning is necessary to provide for a community related use - timber

Moores

Application No.: 98-0461

APN: 095-27 1-01

harvesting and timberland management. Timber harvesting was permitted in the SU zone district in the past in certain circumstances under the jurisdiction of the County and later under the sole authority of the California Department of Forestry. Interim Zoning Ordinances 4476 and 4469 adopted in August 1997 no longer allow timber related uses within the Special Use zone district except where the area within a designated Timber Resource area. The subject parcel is located partially within a Timber Resources area and contains timber stands meeting the timber stocking standards outside of the designated Timber Resource area. Two northern contiguous parcels are SU with a Timber Resource designation and TP and were harvested in conjunction with portions of the subject parcel. The proposed rezoning will allow for the continuation of the timber use on this parcel.

Permit No. 98-0461

Applicant: William and Tona Moores

Assessor's Parcel No. 095271-01

CONDITIONS OF APPROVAL

Approval No. 98-046 1

Applicant and Property Owner: William and Tona Moores

Assessor's Parcel No. 095271-01

Property location and address: East side of Highway 17 approximately 2,000 feet from Jarvis Road. No situs.

Summit Planning Area

Exhibits:

- I. Timber Management Plan prepared by W. Moores undated, Approved as to content by Roy Webster, Registered Professional Forester #1765
-

- I. This approval authorizes the rezoning of parcel 095-271-01 to the Timber Production zone district. Prior to revision of the Zoning Map and to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the Zoning Approval Holder shall:
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Record the conditions of rezoning on the subject parcel. The Zoning Approval Holder shall submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 90 days of final approval of the rezoning by the Board of Supervisors.
 - C. Record a Declaration of Acknowledgment Regarding a Timber Management Plan for APN 095-271-01 with the County Recorder. Submit proof of recordation to the Planning Department.
- II. Site Conditions.
- A. The access road constructed under Timber Harvest Permit 1-97-321 SCR and the future logging road as shown in Exhibit H are "new roads" as defined in Chapter 16.22.030 of the County Code. Use of the access road and any other

Permit No. 98-0461

Applicant: William and Tona Moores

Assessor's Parcel No.095-271-01

logging road for any purpose other than timber harvesting, non-vehicular recreation and fire suppression is strictly prohibited unless all required County permits are obtained.

- B. Any single family dwelling and/or other structures shall be designed and sited to be physically compatible with the growing and harvesting of a sustained yield tree crop, as well as be consistent with the purposes of the Forest Taxation Reform Act of 1976 and sections 13.10.371 to 13.10.375 of the County Code.
 - 1. Single family dwelling(s) shall not be located on or within 300 feet of any timber landing.
 - 2. Any proposed single family dwelling or other non-timber growing and harvesting use shall be consistent with any future timber harvesting or timber production use on the subject parcel.
 - C. Timber stands meeting minimum stocking standards shall be maintained as required by Section 13.10.375(c)3.
 - D. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the Zoning Approval Holder shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- III. As a condition of this rezoning approval, the holder of this rezoning approval ("Zoning Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this zoning approval of the COUNTY or any subsequent amendment of this approval which is requested by the Zoning Approval Holder.
- A. COUNTY shall promptly notify the Zoning Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Zoning Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Zoning Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Zoning Approval Holder.

Permit No. 98-0461

Applicant: William and Tona Moores

Assessor's Parcel No.095-271-01

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
 - 1. COUNTY bears its own attorney's fees and costs; and
 - 2. COUNTY defends the action in good faith.
- C. Settlement. The Zoning Approval Holder shall not be required to pay or perform any settlement unless such Zoning Approval Holder has approved the settlement. When representing the County, the Zoning Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the zoning approval without the prior written consent of the County.
- D. Successors Bound. "Zoning Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 90 days of the adoption of this Zoning approval, the Zoning Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of these conditions, or this Zoning approval shall become null and void.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT

ATTACHMENT 3
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The County of Santa Cruz has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 1506 1 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No. 98-046 1

Assessor Parcel No. 095-27 1-01

Project Location: On the east side of Highway 17 approximately 2,000 feet north of Jarvis Road

Project Description: Proposal to rezone a 25 acre parcel from the "SU" Special Use zone district to the "TP" Timber Production zone district. Requires a Rezoning.

Person or Agency Proposing Project: William and Tona Moores

Phone Number: (707) 526-3759

A. _____ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.

B. _____ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.

C. XXXX Statutory Exemption other than a Ministerial Project.

Specify type: Article 17, Section 1703. Timberland Preserves

D. Categorical Exemption

- | | |
|---|--|
| 1. Existing Facility | 17. Open Space Contracts or Easements |
| 2. Replacement or Reconstruction | 18. Designation of Wilderness Areas |
| 3. New Construction of Small Structure | 19. Annexation of Existing Facilities/Lots for 'Exempt Facilities |
| 4. Minor Alterations to Land | 20. Changes in Organization of Local Agencies |
| 5. Alterations in Land Use Limitations | 21. Enforcement Actions by Regulatory Agencies |
| 6. Information Collection | 22. Educational Programs |
| 7. Actions by Regulatory Agencies for Protection of the Environment | 23. Normal Operations of Facilities for Public Gatherings |
| 8. Actions by Regulatory Agencies for Protection of Nat. Resources | 24. Regulation of Working Conditions |
| 9. Inspection | 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| 10. Loans | |
| 11. Accessory Structures | 26. Acquisition of Housing for Housing Assistance Programs |
| 12. Surplus Govt. Property Sales | 27. Leasing New Facilities |
| 13. Acquisition of Land for Wild-Life Conservation Purposes | 28. Small Hydroelectric Projects at Existing Facilities |
| 14. Minor Additions to Schools | 29. Cogeneration Projects at Existing Facilities |
| 15. Minor Land Divisions | |
| 16. Transfer of Ownership of Land to Create Parks | |

E. _____ Lead Agency Other Than County:

Cathleen Carr
Cathleen Carr

Date: 4/22/99

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

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RESOLUTION NO. S-99

On the motion of Commissioner : **BREMNER**
duly seconded by Commissioner : **HUMMEL**
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. 98-0461, involving property located on the east side of Highway 17 approximately 2,000 feet north of Jarvis Road, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report,

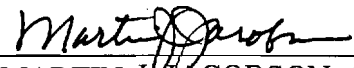
NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing property from the "SU" Special Use zone district to the "TP" Timber Production zone district.

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

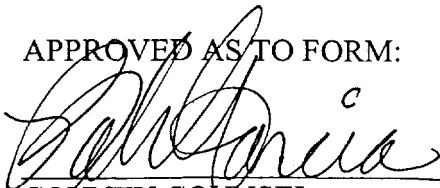
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 24th day of March, 1999, by the following vote:

AYES: COMMISSIONERS : **BREMNER, HUMMEL, RUTH, SHEPHERD**
NOES: COMMISSIONERS : **SKILLICORN**
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS


RENEE SHEPHERD, Chairperson

ATTEST: 
MARTIN J. JACOBSON, Secretary

APPROVED AS TO FORM:


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 property located the east side of Highway 17 approximately 2,000 feet north of Jarvis Road; finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16.01 of the County Code have been complied with by the preparation and approval of a Statutory Environmental Exemption for the project.

SECTION II

The Board of Supervisors hereby adopts the recommendations of the Planning Commission for the Zoning Plan amendment as described in Section III, and adopts their 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
2. The proposed zone district is appropriate of the level of utilities and community services available to the land; and
3. ☐ a) 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; or
☒ b) The proposed rezoning is necessary to provide for a community related use which was not anticipated when the zoning plan was adopted; or
☐ c) The present zoning is the result of an error; or
☐ d) The present zoning is consistent with the designation shown on the General Plan.

SECTION III

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Chapter 13.10, Zoning Regulations, of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change the following property 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>
095-271-01	"SU"	"TP"

SECTION IV

The rezoning which results from this ordinance shall not become operative until and unless: (1) a Declaration of Restrictions for the property, reviewed and approved by the County Planning Director, has been duly executed and recorded; and (2) the recording of said Declaration of Restrictions takes place within 90 days following the date that the Board of Supervisors adopts this ordinance. This ordinance shall be null and void if said Declaration of Restrictions is not recorded in the manner, and by the time required by this section.

SECTION V

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

PASSED AND ADOPTED this 25th day of May, 1999, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

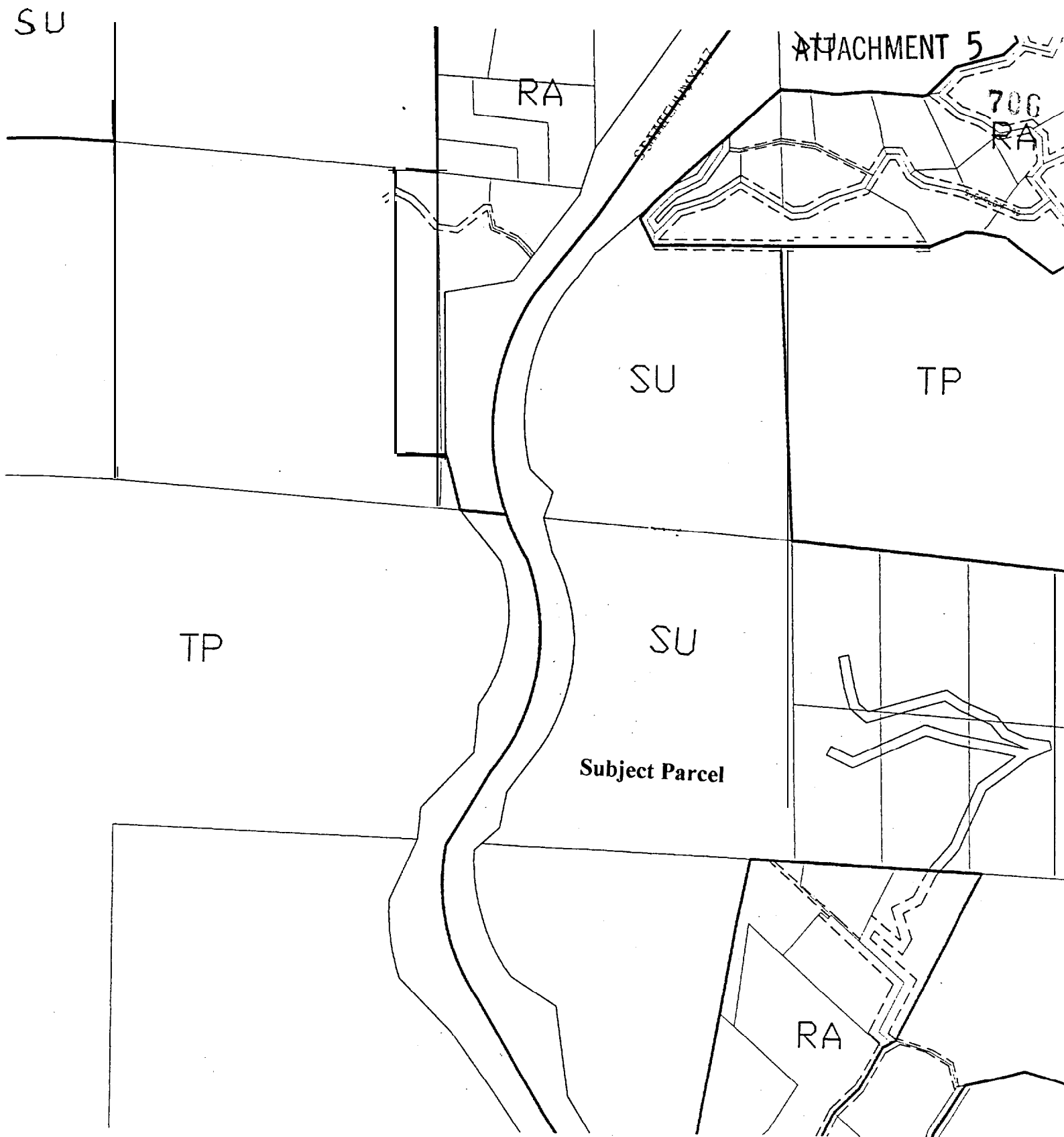
J E F F A L M Q U I S T
Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

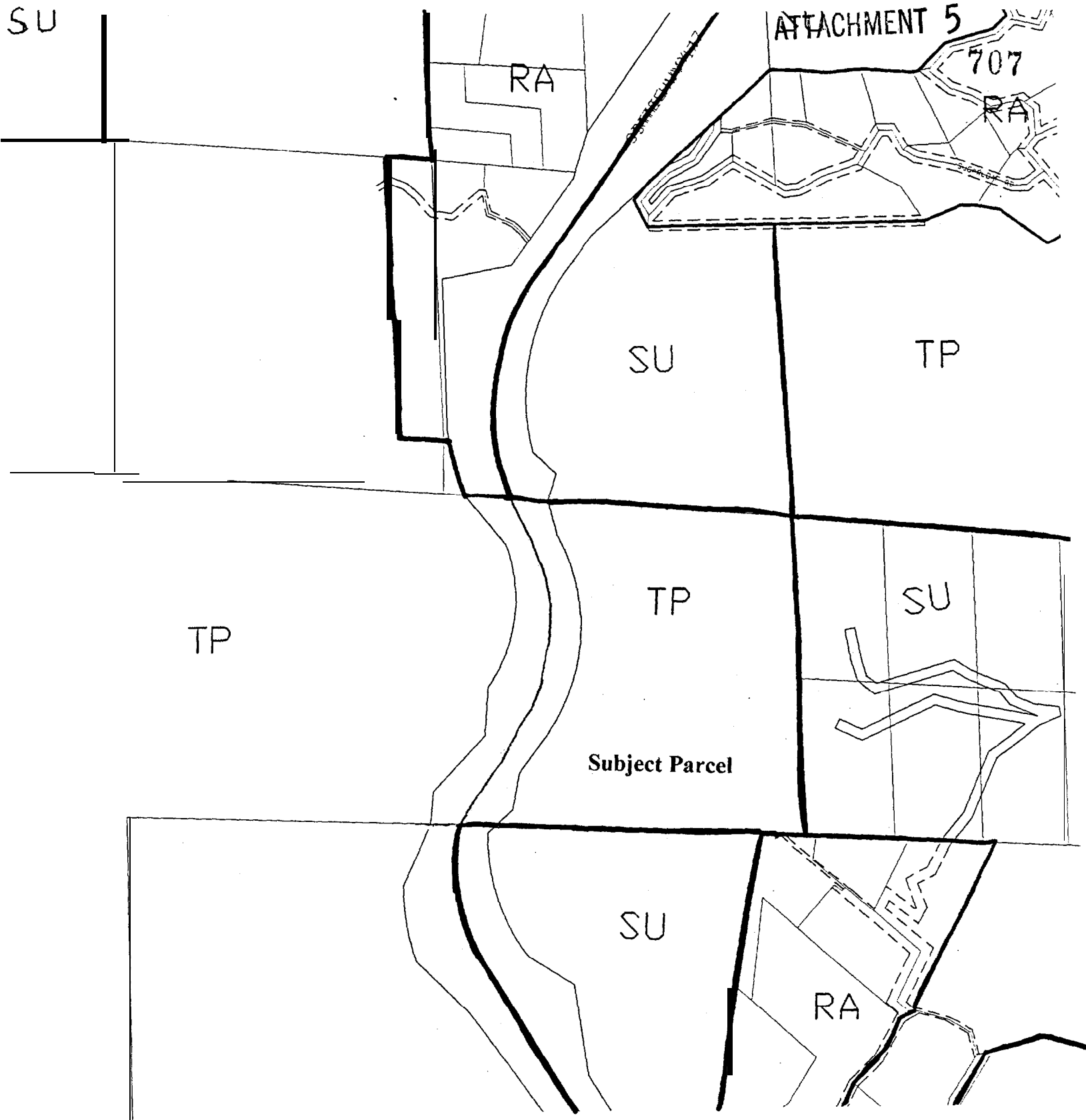
APPROVED AS TO FORM:

Assistant County Counsel

DISTRIBUTION: County Counsel
Planning
Assessor



EXISTING ZONING



PROPOSED ZONING

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

Date: March 24, 1999
Agenda Item: No. G-1
Time: After 9:00 a.m.

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STAFF REPORT TO THE PLANNING COMMISSION

APPLICATION NO. : 98-046 1

APN: 095-271-01

APPLICANT: William Moores

OWNER: William and Tona Moores

PROJECT DESCRIPTION: Proposal to rezone Assessor's Parcel Number 095-271-01 from the Special Use ("SU") zone district to the Timber Production ("TP") zone district. Requires a rezoning.

LOCATION: The east side of Highway 17 approximately 2,000 feet north of Jarvis Road.

FINAL ACTION DATE: Exempt from the Permit Streamlining Act (Legislative Action)

PERMITS REQUIRED: Zoning Ordinance Amendment

ENVIRONMENTAL DETERMINATION: Statutory exemption from CEQA per section 1703

COASTAL ZONE: yes XX no APPEALABLE TO CCC: yes XX no

PARCEL INFORMATION

PARCEL SIZE: 25 acres

EXISTING LAND USE: PARCEL: Vacant rural land, access road for used for harvesting an adjacent SU property

SURROUNDING: Timber Production (north and west across Highway 17), vacant rural land and rural residential

PROJECT ACCESS: Access road constructed under Timber Harvest permit 1-97-321 SCR from Highway 17

PLANNING AREA: Summit Planning Area

LAND USE DESIGNATION: "R-M" Mountain Residential

ZONING DISTRICT: "SU" Special Use

SUPERVISORIAL DISTRICT: First

ENVIRONMENTAL INFORMATION

<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. Mapped Cooper-Clarke feature on southeast corner of the property, Small landslides noted in THP 1-97-321 SCR along proposed logging road
b. Soils	b. Ben Lomond-Catelli-Sur complex, Lompico-Felton Complex, Nisene-Aptos Complex and Zayante Rock Complex
c. Fire Hazard	c. Mapped in Critical Fire Hazard area
d. Slopes	d. 15 to 75+ %
e. Env. Sen. Habitat	e. None mapped
f. Grading	f. Access grading completed, the proposed logging road will require grading **
g. Tree Removal	g. Future Timber Harvest Proposed **
h. Scenic	h. Portions of the property are visible from Hwy 17, a designated

Moores
 Application No.: 98-046 1
 APN: 095-271-0 1

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- | | |
|-----------------------|--|
| | scenic road. |
| i. Drainage | i. N/A |
| j. Traffic | j. Encroachment permit was obtained from Caltrans to construct access road from Hwy 17 for timber harvesting and a single family dwelling. |
| k. Roads | k. New logging road required crossing roads steeper than 30% |
| l. Parks | l. N/A |
| m. Sewer Availability | m. N/A |
| n. Water Availability | n. N/A |
| o. Archeology | o. Located in mapped area, no resources noted during reconnaissance during review of THP 1-97-321 SCR |

** Report was required - Timber Management Plan (Exhibits *I and K*)

SERVICES INFORMATION

W/in Urban Services Line: yes XX o

Water Supply: Private Well

Sewage Disposal: Septic

Fire District: Scotts Valley Fire Service District

Drainage District: None

ANALYSIS & DISCUSSION

Background

In August 1997, the Board of Supervisors was informed that the County had the authority to regulate the location of timber harvesting through its zoning ordinance. As a result, the Board adopted Interim Ordinances 4476 and 4469 allowing timber harvesting only in the following zone districts: Timber Production (TP), Park and Recreation (PR), Mineral Extraction (M-3), and Special Use (SU) provided the SU zoned property is also located within a designated Timber Resource area. As a result of these actions, a number of properties with commercially viable timber resources could not be managed and harvested as timber producing properties. The County's General Plan Policy on Timber Resources is to "encourage timberland owners to apply for Timber Production Zoning where appropriate." In order to facilitate rezoning timberlands in non-timber harvesting zone districts to Timber Production, the Board of Supervisors adopted a resolution on April 14, 1998 establishing a flat fee of \$750 to process a rezoning to the Timber Production zone district.

On July 8, 1999, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 25 acre parcel from the Special Use (SU) zone district to the Timber Production (TP) designation. County Code Section 13.10.375 (c) zoning to the TP district specifies the six criteria which must be met in order to rezone to

Moores

Application No.: 98-0461

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TP. This project qualifies for a statutory exemption (Exhibit G) in accordance with the California Environmental Quality Act and the County Environmental Review Guidelines (Article 17, Section 1703).

Project Setting

The project site is located in the Summit planning area with access off of Highway 17 just north of the intersection of Highway 17 and Jarvis Road (Exhibit A). The subject parcel is roughly 25 gross acres and is currently vacant. The topography of the property is predominantly steep with a narrow, north-south trending ridge. The nose of the ridge is located to the north. The flanks of the ridge are steeply sloped - generally 50% to greater than 75% slopes. The nose of the ridge is less steeply sloped with 15 to 45% slopes. An ephemeral drainage is located to the east of the ridge. This watercourse eventually drains into the West Branch of Soquel Creek. The property is generally heavily forested with second growth redwood and a few Douglas fir on the east and west ridge flanks, while the ridge top is predominantly oak and madrone woodland. This parcel was clear cut around the turn of the century. Some old growth trees are scattered on the property with one pocket located just northeast of the ridge saddle. These trees are mostly poor quality for lumber production due to fire damage. According to the Timber Management Plan, the site was lightly harvested a second time about 20 years ago. The property is readily capable of producing 15 cubic feet of timber per acre annually.

Roughly one half of the property is located within a mapped timber resource area. Portions of this northern end of the parcel were harvested under the timber harvest permit 1-97-321 SCR, which included two adjoining parcels to the north. The access road for the property located on the west side of the ridge was significantly improved (about 3,000 cubic yards of fill) under the timber harvest permit and a Caltrans Encroachment Permit. The toe of the ridge slope was excavated in order to generate the fill required to improve the access road to Highway 17. Since County grading permits were not obtained, this road is not recognized by the County for any use other than timber harvesting. The landings labeled L9 and L10 were improved and utilized during the 1998 timber harvest. Landing L12 and the proposed logging road leading to it are outside of the mapped timber resource zone and were not included in the Timber Harvest Plan. Landing L12 and its access road were included in the Geologist's evaluation in the Timber Harvest Plan and was walked by the review team during the review of THP 1-97-321 SCR. The proposed logging road crosses slopes of 55 to 60% and over two small landslides. At the THP review, County staff recommended utilizing a tractor road from L9 to L12 instead of the proposed road. This alternative route requires significantly less grading and is located in a less steeply sloped area. The alternative route is in greater conformance with County policies of locating roads away from unstable areas, minimizing grading, and using the least environmentally damaging alternative when roads cannot be located away from slopes steeper than 30 % . The Timber Management Plan (TMP) originally submitted with this application included a building site located on the ridge landing L12. Staff

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has concluded that due to the narrowness of the ridge, locating a single family dwelling on or near this landing would interfere with and likely preclude future timber harvesting of this parcel. This proposal was deleted in the current TMP.

The parcel is bordered on the east by five acre SU zoned rural residential and vacant parcels. To the north of the subject parcel is a 25 acre SU zoned parcel containing a cellular equipment site and to the northeast a 45 acre TP property with a residence. Both of these properties were harvested under the 1998 timber harvest (1-97-321 SCR). South of the subject parcel is a 20 acre SU zoned parcel and numerous 2 to 7 acre rural residential parcels off Jarvis Road. Highway 17 is located along the western boundary of the parcel. The Zoning Map for APN 095-271-01 and the surrounding parcels is included as Exhibit C.

General Plan & Zoning Consistency

The project site has a 1994 General Plan land use designation of Mountain Residential and part of the parcel has a Timber Resource designation (Exhibit D). This parcel is currently zoned Special Use. The Special Use and Timber Production zoning districts implement the Mountain Residential General Plan designation, as specified in Section 13.10.170 of the County Code.

In accordance with County Code Section 13.10.375, Special Standards and Conditions for the Timber Production (TP) District, the applicant has met all of the criteria to have the property rezoned. A Timber Management Plan (TMP) undated prepared by ~~Webster and Associates~~ **Professional Foresters W. Moores** (Exhibit **I**) and approved as to content by Roy Webster, Registered Professional Forester # 176.5 (Exhibit **K**) has been reviewed and accepted by the County Resources Planner as meeting minimum standards (Exhibit **J**). The parcel meets the timber stocking standards as set forth in Section 4561 of the Public Resources Code and Forest Practice Rules adopted by the State Board of Forestry. In addition, the parcel meets the definition of timberland (Chapter 13.10.700-T) in that the land is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre, and approximately half of the parcel lies within a mapped Timber Resource designation.

The conditions (Exhibit F) proposed for this approval will ensure that any future development of the subject parcel will be compatible with a long-term timber use for which this rezoning is being proposed. Moreover, the conditions specify the uses for the access road and any other logging roads, which are allowed under and consistent with the County's ordinances and General Plan policies. The applicant has submitted proposed language for the conditions of approval which is attached for your consideration as Exhibit L. Stars analysis of the applicant's proposal is the following:

Conditions I.A., I.B. and I. C. (Exhibit F): *The overall content of in the applicant's proposal does not substantially differ from proposed conditions in Exhibit F.*

Moores
 Application No.: 98-0461
 APN: 095-27 1-O 1

Condition II. B. 1. and II. B. 2. (Exhibit F): The applicant's proposed conditions (Condition IIC, Exhibit L) are substantially different. Your Commission directed staff to develop conditions which would address any potential future conflicts between residential development and the continuation of a timber production use on the subject property. Moreover, your Commission directed staff to address the concerns raised by County's registered professional forester (Exhibit J). The County's forester, Dave Hope, has indicated that locating a residence on or adjacent to Landing L12 will restrict future timber harvesting. To address these concerns, staff has proposed a 300 foot setback from the landing sites. This setback is consistent with the County's proposed amendments to the California Forest Practice Rules for required distances between logging operations and residences.

Condition II. C. (Exhibit F): The applicant has deleted reference to maintaining timber stocking standards (Condition II.D. Exhibit L).

Condition II.D. (Exhibit F): The applicant has reworded the standard compliance language and adds that if a violation complaint is unfounded, the County will be responsible for the property owner's expenses in defending the allegation(s) (See Condition II.E.)

Conditions III.A. to III. E. is the indemnity language approved by the Board of Supervisors.

Condition II.A. in Exhibit L was deleted from staff's draft conditions, as it was determined to be placing a condition upon timber operations which is outside of the County's authority.

Conclusion

All of the criteria have been met for rezoning this parcel to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations, *subject to the attached conditions of approval (Exhibit F)*.

Please see Exhibit E ("Findings") for a complete listing of findings and evidence related to the above discussion.

RECOMMENDATION:

Staff recommends that your Commission adopt the attached Resolution (Exhibit H), sending a recommendation to the Board of Supervisors for approval of Application No. 98-0461 based on the attached findings (Exhibit E) and *subject to the attached conditions (Exhibit F)*, and the approval of the determination that the project is statutorily exempt from CEQA (Exhibit G).

Moores

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APN: 095-27 1-O 1

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EXHIBITS

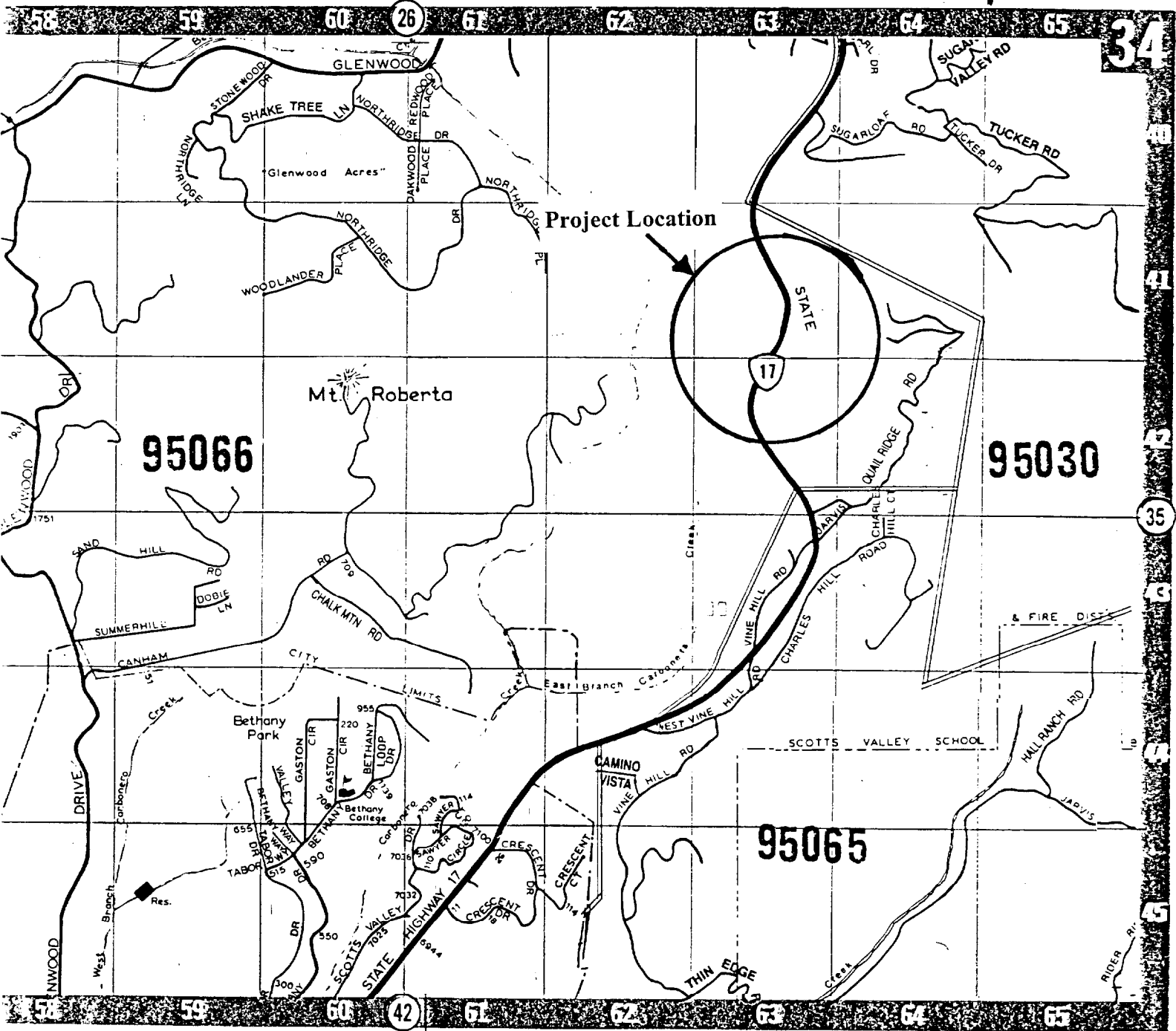
- A. Location Map
- B. Assessor's Parcel Map
- C. Zoning Map
- D. Timber Resource Map
- E. Findings
- F. *Conditions of Approval*
- G. Notice of Exemption from CEQA
- H. Planning Commission Resolution
- I. Timber Management Plan by W. Moores ~~Webster and Associates~~, undated, *approved as to content by Roy Webster, Registered Professional Forester # 176.5*
- J. TMP Review Memo dated January 12, 1999
- K. *Letter of Approval for the TMP by Roy Webster, Registered Professional Forester #1765, Webster and Associates*
- L. *Correspondence from W. Moores and Roy Webster dated March 3, 1999*

SUPPLEMENTARY REPORTS AND INFORMATION REFERRED TO IN THIS REPORT ARE ON FILE AND AVAILABLE FOR VIEWING AT THE SANTA CRUZ COUNTY PLANNING DEPARTMENT, AND ARE HEREBY MADE A PART OF THE ADMINISTRATIVE RECORD FOR THE PROPOSED PROJECT.

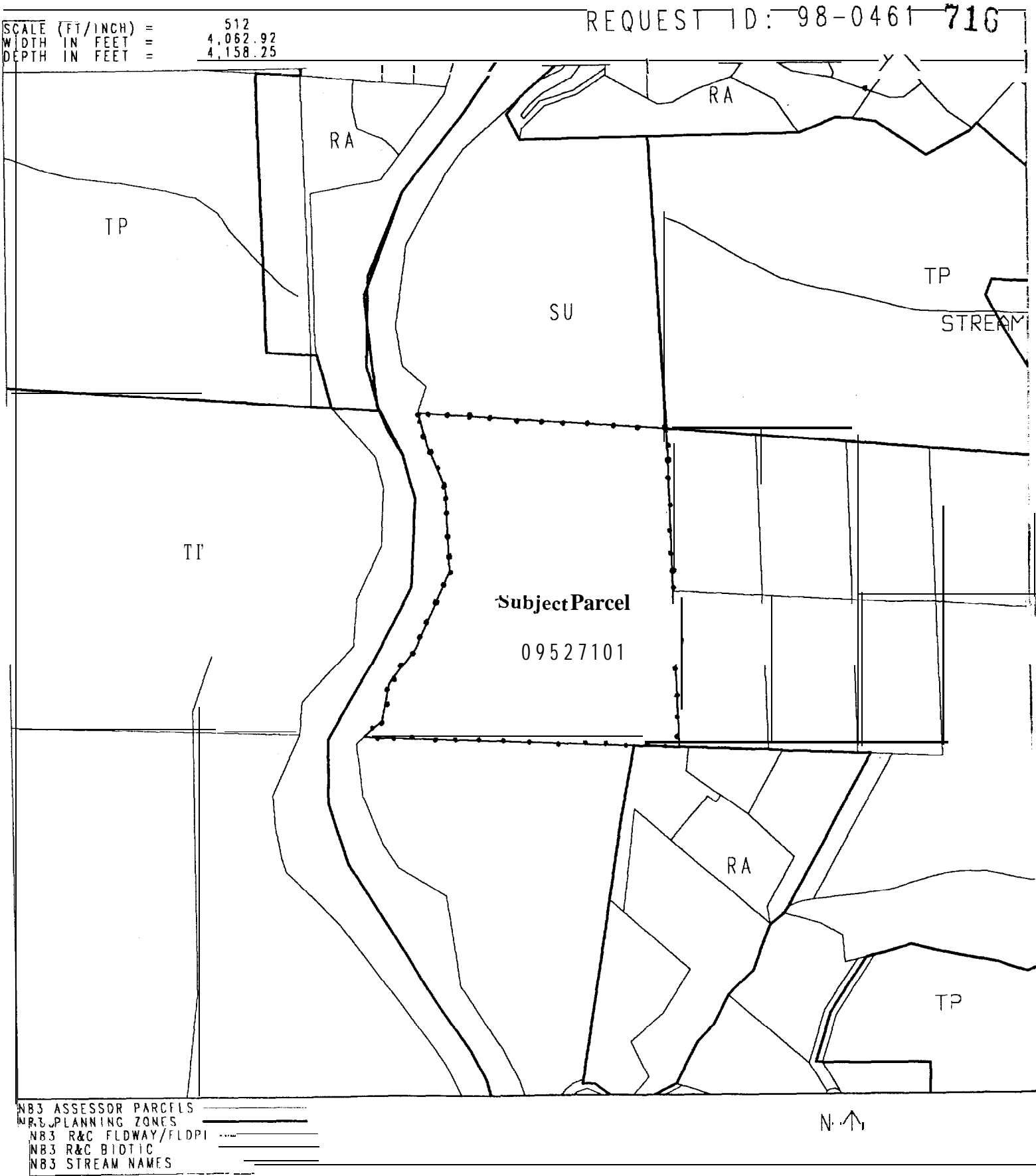
Report Prepared By: Cathleen Carr
 Cathleen Carr
 Santa Cruz County Planning Department
 701 Ocean Street, 4th Floor
 Santa Cruz CA 95060
 Phone Number: (408) 454-3225

Report reviewed by: Martin J. Jacobson
 Martin J. Jacobson, AICP
 Principal Planner
 Development Review

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LOCATION MAP



REQUEST ID: TIMBER 717

LE (FT/INCH) = 285
 TH IN FEET = 2,262.92
 TH IN FEET = 2,358.25

Subject Parcel

TIMBER

09527101

N83 ASSESSOR PARCELS
 N83 R&C TIMBER RESOU

N ↑

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REZONING FINDINGS:

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,

Subject to the concurrent approval of the attached conditions, limiting the location of building sites to areas that will not interfere with future timber harvest operations, the rezone will allow a density of development and types of uses which are consistent with the objectives and the land use designations of Mountain Residential.

The access road required over 2,000 cubic yards of fill to improve for use for the timber harvest under the California Department of Forestry permit 1-97-321 SCR. In addition, the logging road to landing L12 shown in the Timber Management Plan (Exhibit I) crosses unstable slopes steeper than 30%. These roads are new roads as defined in Section 1622.030 of the County Code. Condition II.A. limits the use of these roads to those compatible with the County's General Plan policies for timber harvest road, and requires that all County permits must be obtained prior to using these roads for any other purpose.

Requiring that any dwelling be located a minimum of 300 feet from any timber landing ensures that development of a future dwelling will not preclude or interfere with any future timber harvesting use. The 300 foot distance, provides an appropriate separation between future residential uses and falling and cabling trees, as well as the access, staging and use of heavy equipment associated with logging and the stockpiling of logs for transportation. This separation will protect the health and safety of any future residents from the hazards associated with falling and transporting trees, and noise and dust associated with timber harvesting. The separation will assure that any residential use will coexist with timber harvesting which is the principal use for which this rezoning is proposed.

The uses will more closely conform with the General Plan as a result of the rezoning of a parcel which in part lies within a Timber Resource designation and the areas lying outside of the designated Timber Resources contains timber resources meeting the timber stocking requirements.

2. THE PROPOSED ZONE DISTRICT IS APPROPRIATE OF THE LEVEL OF UTILITIES AND COMMUNITY SERVICE AVAILABLE TO THE LAND; AND,

The proposed TP zone district is appropriate to the level of utilities and community

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services available to the parcel. The subject parcel is accessed by a private road which was installed for the purpose of timber harvesting. The parcel is located outside of the Urban Services Line and is, therefore, rural in nature.

3. THE PROPOSED REZONING IS NECESSARY TO PROVIDE FOR A COMMUNITY RELATED USE WHICH WAS NOT ANTICIPATED WHEN THE ZONING PLAN WAS ADOPTED,

The proposed rezoning is necessary to provide for a community related use - timber harvesting and timberland management. Timber harvesting was permitted in the SU zone district in the past in certain circumstances under the jurisdiction of the County and later under the sole authority of the California Department of Forestry. Interim Zoning Ordinances 4476 and 4469 adopted in August 1997 no longer allow timber related uses within the Special Use zone district except where the area within a designated Timber Resource area. The subject parcel is located partially within a Timber Resources area and contains timber stands meeting the timber stocking standards outside of the designated Timber Resource area. Two northern contiguous parcels are SU with a Timber Resource designation and TP and were harvested in conjunction with portions of the subject parcel. The proposed rezoning will allow for the continuation of the timber use on this parcel.

Permit No. 98-046 1
Applicant: William and Tona Moores
Assessor's Parcel No.095-271-01

CONDITIONS OF APPROVAL

Approval No. 98-046 1
Applicant and Property Owner: William and Tona Moores
Assessor's Parcel No.095-271-01
Property location and address: East side of Highway 17 approximately 2,000 feet from Jarvis Road. No situs.
Summit Planning Area

Exhibits:

- I. Timber Management Plan prepared by W. Moores undated, Approved as to content by Roy Webster, Registered Professional Forester #1765
-

- I. This approval authorizes the rezoning of parcel 095-27 1-01 to the Timber Production zone district. Prior to revision of the Zoning Map and to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the Zoning Approval Holder shall:
- A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Record the conditions of rezoning on the subject parcel. The Zoning Approval Holder shall submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 90 days of final approval of the rezoning by the Board of Supervisors.
 - C. Record a Declaration of Acknowledgment Regarding a Timber Management Plan for APN 095-27 1-01 with the County Recorder. Submit proof of recordation to the Planning Department.
- II. Site Conditions.
- A. The access road constructed under Timber Harvest Permit 1-97-321 SCR and the future logging road as shown in Exhibit H are "new roads" as defined in Chapter 16.22.030 of the County Code. Use of the access road and any other

Permit No. 98-0461

Applicant: William and Tona Moores

Assessor's Parcel No.095-271-01

logging road for any purpose other than timber harvesting, non-vehicular recreation and fire suppression is strictly prohibited unless all required County permits are obtained.

- B. Any single family dwelling and/or other structures shall be designed and sited to be physically compatible with the growing and harvesting of a sustained yield tree crop, as well as be consistent with the purposes of the Forest Taxation Reform Act of 1976 and sections 13.10.371 to 13.10.375 of the County Code.
 - 1. Single family dwelling(s) shall not be located on or within 300 feet of any timber landing.
 - 2. Any proposed single family dwelling or other non-timber growing and harvesting use shall be consistent with any future timber harvesting or timber production use on the subject parcel.
 - C. Timber stands meeting minimum stocking standards shall be maintained as required by Section 13.10.375(c)3.
 - D. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the Zoning Approval Holder shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- III. As a condition of this rezoning approval, the holder of this rezoning approval ("Zoning Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this zoning approval of the COUNTY or any subsequent amendment of this approval which is requested by the Zoning Approval Holder.
- A. COUNTY shall promptly notify the Zoning Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Zoning Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Zoning Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Zoning Approval Holder.

Permit No. 98-0461

Applicant: William and Tona Moores

Assessor's Parcel No.095-271-01

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:
1. COUNTY bears its own attorney's fees and costs; and
 2. COUNTY defends the action in good faith.
- C. Settlement. The Zoning Approval Holder shall not be required to pay or perform any settlement unless such Zoning Approval Holder has approved the settlement. When representing the County, the Zoning Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the zoning approval without the prior written consent of the County.
- D. Successors Bound. "Zoning Approval Holder" shall include the applicant and the successor(s) in interest, transferee(s), and assign(s) of the applicant.
- E. Within 90 days of the adoption of this Zoning approval, the Zoning Approval Holder shall record in the office of the Santa Cruz County Recorder an agreement which incorporates the provisions of these conditions, or this Zoning approval shall become null and void.

Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

ATTACHMENT 6

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TIMBER MANAGEMENT PLAN

SANTACRUZ COUNTY ASSESSOR'S PARCEL 095-2714-H
CONSISTING OF 25 ACRES MORE OR LESS

ADDRESS: EAST SIDE OF HIGHWAY #17 BETWEEN JARVIS AND
SUGARLOAF ROADS

OWNER: WILLIAM AND TONA MOORES

PREPARED IN CONFORMANCE WITH SANTA CRUZ COUNTY
TIMBER MANAGEMENT PLAN REQUIREMENTS

EXHIBIT 1
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ATTACHMENT 6

MAPS

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The following maps are attached:

Map #1 - VICINITY MAP - contains north arrow

Map #2 - LOCAL MAP OF PROPERTY BOUNDARIES - shows natural features
(there are no cultural features - see archaeological report attached)

Map #3 - MAP OF WATERSHED AREA - vegetation is described, not mapped. There
are no streams, springs or seeps known

Map #4 - MAP OF ACCESS ROAD PER CALTRANS PERMIT ISSUED - see also
Map 8

Map #5 - MAP OF GEOLOGIC FEATURES IN AREA

Map #6 - MAP OF EROSION HAZARD RATING AREAS

Map #7 - MAP OF EROSION HAZARDS AND WATER COURSES

Map #8 - MAP OF EXISTING AND PROPOSED ROADS

Map #9 - TOP MAP

EXHIBIT 1

ATTACHMENT 6

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DESCRIPTION OF PROPERTY

This assessor's parcel #095-271-01 consists of 25 acres of timberland owned by William and Tona Moores. The property has direct frontage on Highway 17, and the owners have obtained a Caltrans permit to construct an approach onto Highway 17 per Map 4. A copy of the Caltrans permit is attached. Topographically there is no other alternative safe access onto the property. Caltrans has concurred that the access point provides safe sight distance and meets Caltrans standards. Approach construction safety measures and traffic control are conditions of the permit. Truck hauling from the property does not require using any private or county roadway used by others.

A portion of the parcel and two other adjoining parcels to the north are included within the boundaries of a THP J-97-321 SCR which has recently been approved with concurrence of county personnel involved. The portion of the parcel not included within the harvest plan was not included because the parcel is zoned Special Use (SU) and that portion did not have the Timber Resources Overlay. The County map does not correctly reflect the extent of the naturally forested area. This remaining area cannot be harvested until rezoned to Timber Production (TP) by the County or the map errors are corrected. Many of the management plan elements are incorporated into the approved Timber Harvest Plan.

The property is within the watershed of the West Branch of Soquel Creek - see drainage Map 3. The site is primarily on a ridge top with predominantly east facing slopes. The elevation ranges from 800 to 1400 feet. Slopes are steep (over 65%) except along the ridgeline. There are no streams or creeks on the property. There are class III watercourses on the east side of the plan area. The channels have steep "V" shaped sides with steep fall with heavy cutting shown from the last flood year ('82). The west side of the watercourse flattens but the east side has steep slopes. The channel has debris along the sides and channel bottom for the most part with several large dams. The Cathedral Woods Mutual Water Company has a diversion on an adjoining parcel about 800 feet north of the subject property and representatives of the Mutual Water Company have participated in the proceedings under the Timber Harvest Plan. The concerns were addressed and mitigated.

There are no structures on the property and none are proposed. There are also no fences or pipelines. Old Vine Hill Road runs through the property and is still in useable shape. The archaeological survey of the site found no cultural features. See attached report.

Geology and Soils There has been a focused geologic report prepared for the site by Timothy Best, CEG to address concerns of the County and CDF related to existing and proposed roads and landings as they affect site geologic-soils features. The report has been accepted by the County personnel involved and CDF. A copy of that report is in the CDF Timber Harvest Plan file.

The USDA Soil Conservation Service has classified the soils as Ben Lomond-Catellii-Sur Complex which occurs on slopes of 30-75%; Lompico-Felton Complex on slopes of 50-

EXHIBIT 1

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ATTACHMENT 6

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75%; Nisene-Aptos Complex on slopes 30-75%; and Zayante Rock Complex on slopes 15-75%. These soils are mainly loam and sandy loam deep and well-drained, formed from sandstone. The permeability is moderate in the loam and rapid in the sandy soils. Runoff is rapid to very rapid and the hazard of erosion is high to very high.

The current road system within the property was the one of the original routes between Santa Cruz and San Jose. After construction of Highway 17 was completed the road was left without installing erosion control as was the standard practice at the time (circa 1920's). Since that time the property remained under private ownership but appears to not have been used or maintained thus some erosion problems have occurred. Erosion problems on this parcel have been minor compared to those on the adjoining parcel to the north. This parcel has had some cutbank failures and minor gullying of the road surface which is presently evident. Those existing problems however have been addressed under the approved THP I-97-321 SCR.

Following this harvest the skid trails will be waterbarred, the roads will have rolling dips installed and will be rocked in specific areas. Certain portions of the roads will be abandoned also. The roads and skid trails are well removed from the WLPZ. To comply with coho salmon mitigation bare areas greater than 100 square feet within the WLPZ will be covered with slash or straw mulch by the LTO. Following harvest operations the LTO shall check erosion control structures throughout the first winter and the landowner will be required by law to maintain the structures for three more years per the coho rules.

Vegetation on the site is predominantly second growth redwood with tan oak and madrone understory. The conifer content is 94% second growth redwood with 6% Douglas fir. The stand age is 80-90 years with some over 120 years. Conifer diameters range from 16 inches to over 32 inches in DBH and heights range from 90 to 160 feet. The plan area is a two-tiered stand with larger conifers forming the overstory and regeneration and hardwoods forming the understory except on the top of the south hill. The site is uniformly covered in redwood with the exception of a 2 acre area on the top of the south hill on the main ridge line which generally has little or no conifers but has a tan oak and madrone overstory. Brush types include scotch broom, ceanothus, poison oak, ferns, grasses and forbs. There is very little Douglas fir present and no open grassland areas. The Caltrans right of way along the west boundary of the site is forested in redwood as well and it is expected that the Caltrans forest and leave trees under the Timber Harvest Plan will largely screen logging activities on the site as seen from Highway 17. A large portion of the site is not visible from Highway #17 or any other public road, and most of the mature forest is on the easterly slopes within the area designated by the County's Timber Resources Overlay map as non-forested. The timber stand was logged around the turn of the century with another light logging about 20 years ago. The plan area consists of Site Class II and III timberland.

The property is currently zoned SU with partial timber overlay.

EXHIBIT 1

MANAGEMENT OBJECTIVES AND GOALS

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The overall goal on the Moores property is to develop a multiple use sustained forestry program. The plan is intended to insure that the principle uses allowed under the existing zoning ordinance for TPZ land are accommodated and enhanced. The intent is not only to produce high quality forest products, but also to protect and enhance related values of aesthetic, wildlife, recreation.

This goal can be achieved by:

- 1) Developing the access roads proposed in the Timber Harvest Plan proposed and being processed by CDF;
- 2) Improving stocking, increasing tree vigor and maximum growth by proper thinning and following stocking standards prescribed by good forest practices with well-spaced young stock;
- 3) Maintaining a sustained-yield program based on harvest cycles consistent with site growth rates;
- 4) Improve wildlife habitat as pan of continuing forest management;
- 5) Maintaining a high degree of aesthetic consideration during all aspects of forest management.

RECOMMENDED LOGGING SYSTEM

The plan area is recommended to be logged by cable and tractor methods. See Maps 9 and 10. Access roads and landing locations are shown on these maps.

PRESENT AND FUTURE STAND CONDITIONS

The stand is presently mature and the extent of existing overstory is not conducive to maximizing tree growth rates. In general the site is both evenly and well stocked. There is insufficient existing access to necessary high lead settings and landings and to the site in general, but this condition is expected to be corrected during the execution of the Timber Harvest Plan under processing with CDF. Once the stand is thinned, the growth rates will substantially increase as more sunlight is let into the site and water and nutrients are made available.

ATTACHMENT 6

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TIMBER GROWTH AND HARVESTING CYCLES

Timber growth is a function of available water supply, soils conditions, stocking and tree health. These factors vary over the property, and so does the timber growth. Soil fertility for timber growth is rated by site classes based upon the growth of dominant tree types. Much of the area under this plan would be classified as Class 11 and 111,

Ancient trees (over 200 years old) are few and widely scattered throughout the property, and are mostly poor quality for lumber production. One pocket of trees that can be mapped on the map of this scale can be found just to the northeast of the saddle.

The average growth rates can be computed by dividing the current volume by stand age. The redwood trees on the property are about 80 years old. The average stocking on the property is about 44,000 board feet per acre. This would mean that the site is producing about 550 board feet per year. The site as a whole produces about 13,750 board feet per year.

A 50-60% harvest by tree count of trees over 18" DBH would be appropriate for the next harvest. This would maximize light and spacing and hence tree growth for regeneration, sapling and pole size trees. Minimum basal area retention shall not be less than 75 sq. ft. per acre for site III areas nor less than 100 sq. ft. per acre for site II land. After harvest at least 40% by number of trees 18" and over DBH and at least 50% by number of trees over 12 inches DBH but less than 18" shall be retained. Leave trees shall be coniferous trees which were dominant prior to harvesting and have typical crowns of such class. Leave trees shall be free of significant damage by timber operations. No conifer shall be cut which is more than 75 feet from a leave tree 12 inches DBH or larger.

Assuming the average growth rate as described above, a harvest of 250,000 board feet every 18-19 years could be realized. Due to costs of permits it is generally not economic to harvest less than 200,000 board feet per harvest. The site is relatively evenly forested and should be managed as a single unit. The forest will be improved with development of access roads and landing sites. Large trees that are exhibiting signs of slowing in growth should be removed. There are many trees in the 22 to 30 inch range that are competing with each other, many from the same stump. The harvest should focus on these trees. It is also important that when new sprouts start from cut trees that they have enough light to grow successfully. As these sprouts vie to become the next forest they should be thinned so that only a few of the dominant sprouts from each stump remain. There is very little downed wood or snags.

FIRE PROTECTION AND RECREATION

Fire protection will be important during all phases of forest management. Buffer areas should be maintained around any inhabited house that may be built in the future and a smaller buffer area should be maintained along Highway #17. Lopping of slash to 30 inches above the ground is a good management practice. Slash within 100 feet of any

EXHIBIT 1

ATTACHMENT 6

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home or within 20 feet on either side of roads running through the property and within 50 feet of Highway 17 would greatly reduce the risk of future fire. All contractors involved in forest management and working on the property should comply with standard wildland protection rules. This means the availability of fire extinguishers or adequate supplies of water, shovels and spark arrestors. The encroachment constructed off of Hwy 17 has been built to allow log trucks to enter and exit the property. Log trucks are larger than most fire trucks therefore entering the property for fire suppression will be improved over that which currently exists. Fire protection would most likely be provided by trucks from Scotts Valley entering Hwy 17 from the Granite Creek on ramp. Following harvesting the long term plan is to keep the road open permanently to provide access to GTE so they can access their cellular site. Therefore the roadway will be maintained for fire protection also.

During harvesting operations standard fire fighting rules to be adhered to include the following. Each piece of heavy equipment shall have a fire-fighting shovel, each chain saw shall be accompanied by a fire extinguisher or a shovel. Fire tools box shall be located on each active landing and contain shovels, McCleod's, pump style fire extinguisher filled with water. The logging foreman shall observe the active logging area at the beginning and the end of each day for signs of ignition. If a fire is ignited during timber operations one employee shall be deployed to contact the local CDF Fire Department. All other personnel and equipment shall work to extinguish the fire.

Due to topography the recreational potential of the site is largely limited to walking and nature observing on trails and roads.

WILDLIFE MANAGEMENT

During field preparation of the THP for the area no rare, threatened, endangered or sensitive species of plant or wildlife as identified in the Santa Cruz General Plan were found or seen on or near the area. The CDF&G Natural Diversity Data Base reports no rare, threatened, endangered or sensitive species contacts in the assessment area. The anadromous fish zone on Sequel Creek ends south of the property. Wildlife habitat will not be significantly altered as a result of the harvest activities. Hardwood structure will see little impact and shall be maintained for bio-diversity. Browse for deer and small mammals is expected to increase in the post-harvest stand where openings provide conducive environments for early succession species for forage and browse habitat. Use of the plan area by small mammals and some bird species will likely increase with created openings and slash deposits.

EROSION HAZARD INVENTORY AND PLAN

The plan area description foregoing contained soils typing and soils erosion ratings. Map 6 provides a delineation of the soils erosion hazard categories within the plan area which reflects both topography and soils types. Much of the plan area is within a moderate to high risk of erosion. For that reason, cable logging methods have been proposed in those

ATTACHMENT 6
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areas. Tractor logging is limited to the areas of more moderate slopes, less erodible soils, or areas with roads. The cut banks along Old Vine Hill Road are remarkably intact and little sloughing has occurred.

Under the currently approved timber harvest plan the parcel was thoroughly evaluated by the Review Team for erosion problems. The most noticeable erosion on the parcel are the slides located along an old road which heads east out of landing 8. This old road is to be used as a skid trail for about 100 ft. Past this point the trail edge has failed and is only wide enough to be used by animals and humans as a foot path over to the eastern portion of the property. This area is in the cable yarding portion of the THP and any future use by equipment or vehicles would require geologic review. The existing old road system had no erosion control structures in it prior to the current timber operation. The road is relatively flat, but some minor erosion was occurring on the road. The old road south of L10 has been abandoned. This section of road had two small class 3 drainages that intersected it and were causing some erosion. At these spots the operator has constructed two large waterbars to re-channel the runoff to its natural drainage. The road system has been compacted to 95% and tested by an engineering firm, base rocked, culverts installed and is due to be paved the first week of November 1998. This is for a county use permit which is no doubt being scrutinized by the County of Santa Cruz for drainage. The rest of the trails and roads will have erosion control structures installed per the THP.

The proposed road, from point "13" to L12, has been reviewed by Tim Best CEG. On page 9 of this report under the recommendations section, construction techniques and erosion control measures to be carried out are included. These measures address seasonal use of the road for timber harvesting purposes. For residential use or other year around uses this road will most likely need to be hard surfaced or at least rocked. If a residence is proposed that will utilize this road it is assumed that the County Building Department will require certain specific road surfaces to be used to treat the road,

Impermeable surfaces on the property that result in accelerated runoff and must be monitored are the base-rocked road and any future proposed buildings. The permanent road through the property should be regularly maintained. Culverts shall be placed where they drain onto well vegetated areas. Maintaining the culverts is important in controlling road runoff. Prior to every winter period, the road should be walked and inside ditches should be cleaned out. The road system should also be inspected during larger winter storms to ensure all culverts are functioning properly.

Buildings create small impermeable areas slightly increasing runoff outside the roofline. Roof drainage should be channeled onto splash blocks or piped to a natural drainage to prevent accelerated erosion. If these are not possible eroded areas should be treated with rock armoring or wood chunks to dissipate the energy of the water.

URBAN INTERFACE ISSUES

The plan site is within a rural part of the County and there are few urban interface issues to address. The property has a right of way and a permit to access directly onto Highway 17 since

ATTACHMENT 6

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the highway approachments were not purchased by the state when the highway was constructed. The highway feeds urban areas. Traffic on Highway 17 is known to be very heavy. Caltrans has permitted an approach in a location that has adequate sight distance for traffic speeds in the area.

DESCRIPTION OF ANY PROPOSED DEVELOPMENT AND CONFLICTS WITH FUTURE HARVESTING

No development of a single family residence as a principal permitted USC under the TP zone and County General Plan is proposed at this time. It is recognized that a single residence as a principal permitted USC is allowed. It has been stated that, in the TPZ zone, a future application for a residence should attempt to locate a home in a portion of the property which is non-timbered. While almost all of the parcel is covered with conifers, both the east-west trending ridge line between points "C" & L12 and the north-south trending ridgeline between points L9 & L12 are mostly covered with hardwood species and have relatively gentle slopes compared with the rest of the parcel. The home site should also be placed such that it does not interfere with future harvesting entries. Homes should be located away from landings where active timber operations will occur and as far away as possible from the route to be used for hauling of logs and machinery.

Another goal should be to implement multiple use of necessary logging roads to avoid construction of new roads for residential access. All existing road surfaces are compacted earth. Caltrans has required the new approach onto Highway 17 to be paved for a distance from the highway and the road has been constructed as required. The current proposal before CDF under the TMAP is to rock, pave or abandon the existing roads. The site is proposed to be developed with necessary roads for timber harvesting. No need for future boundary adjustments is foreseen. The haul route will use the newly paved approach onto Highway 17. There are no conflicts along the haul route because there are no other users of the haul route, and the Highway 17 approach proposed is the only road leading from a public road into the property. The existing roads on site are in good condition.

EXHIBIT 1

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Hwy #17

ATTACHMENT 6

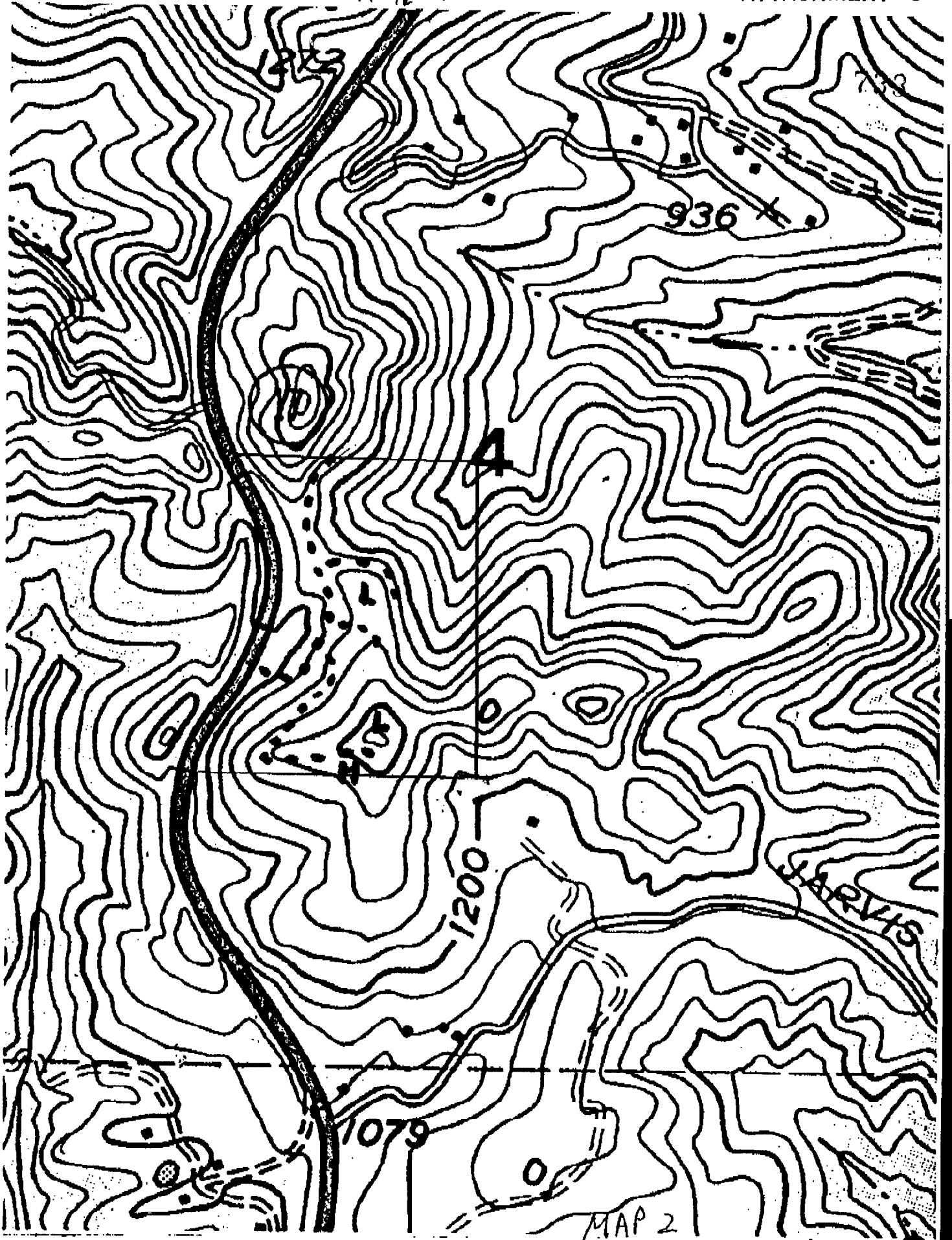
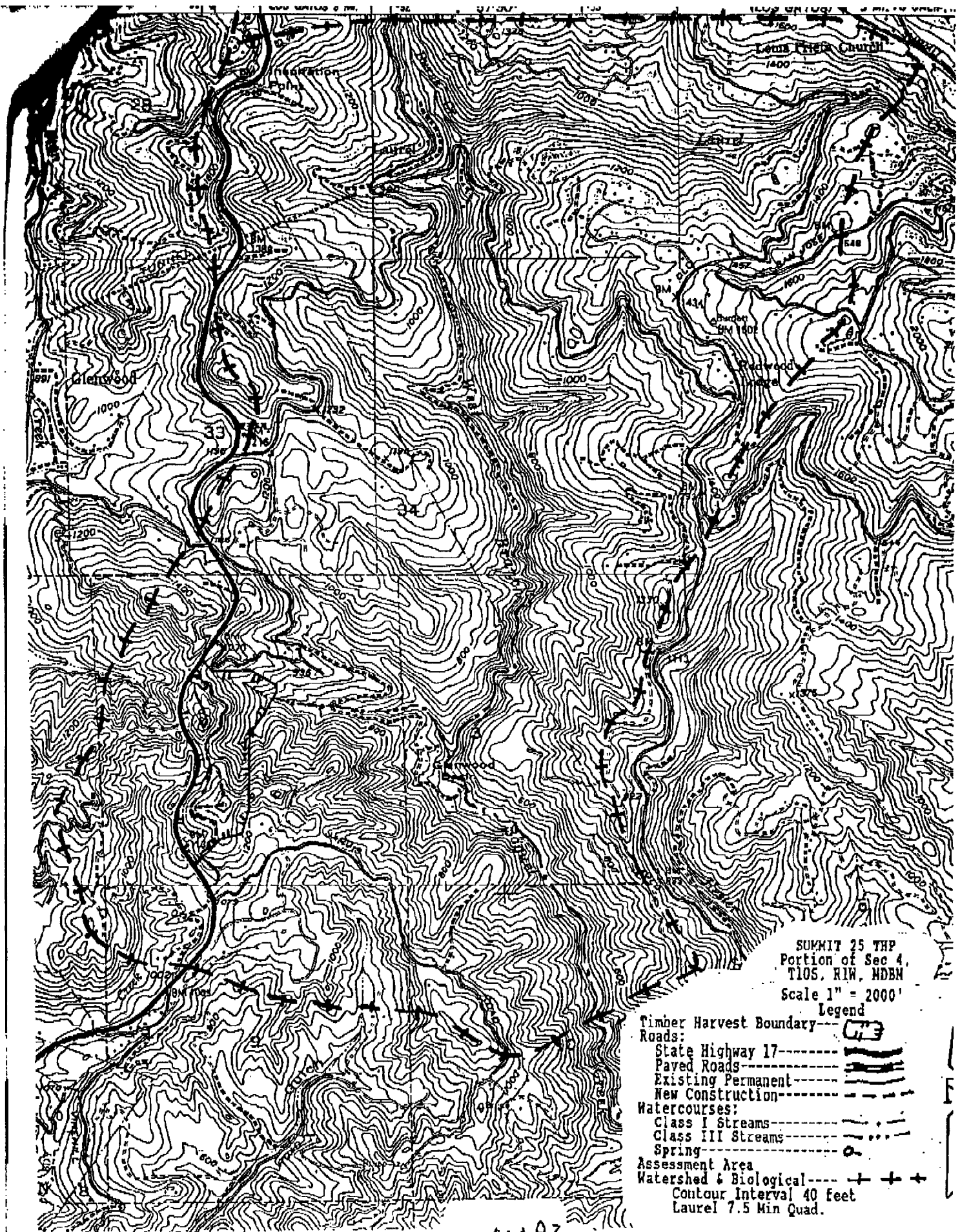
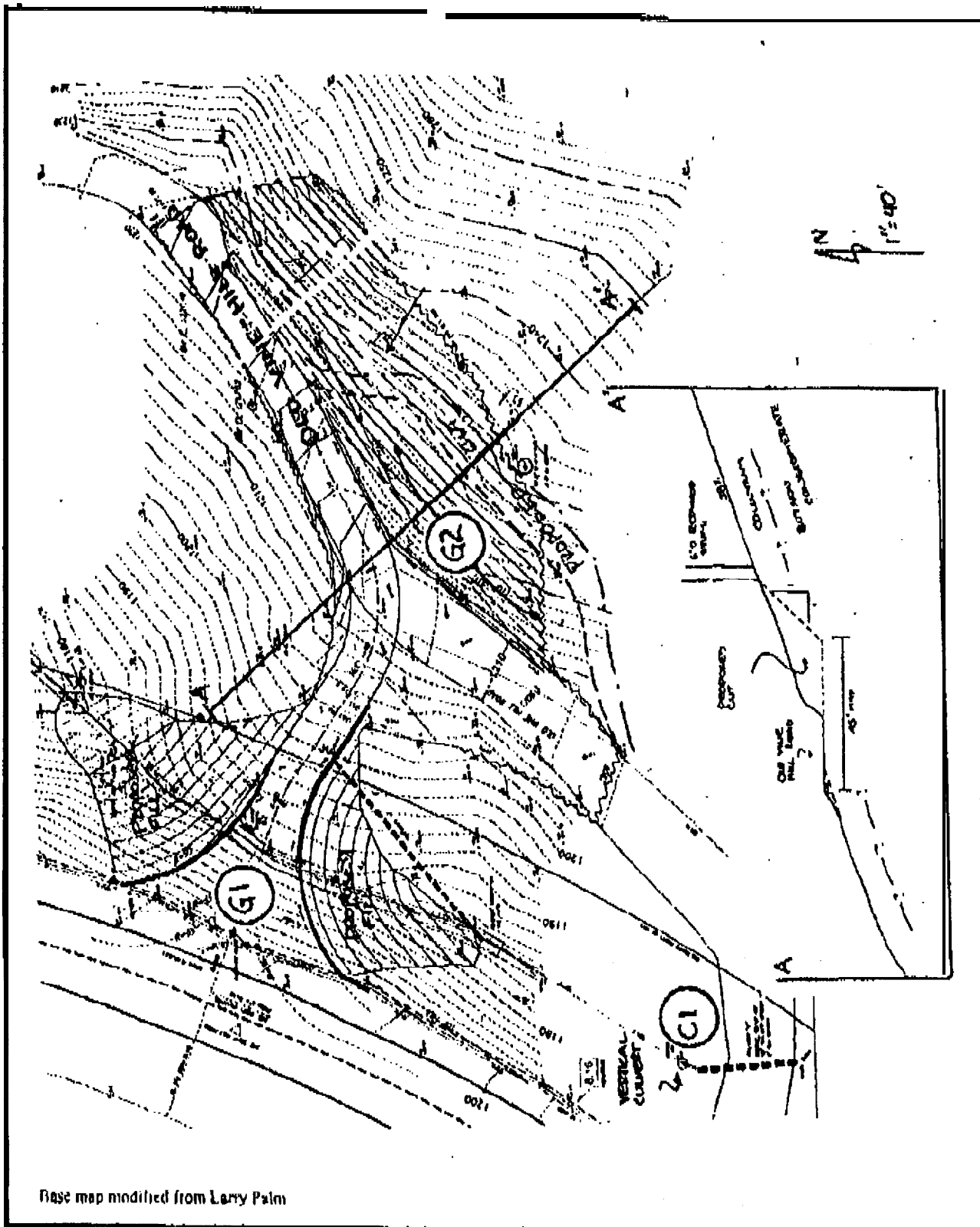


EXHIBIT 6



MAP3



Base map modified from Larry Palm



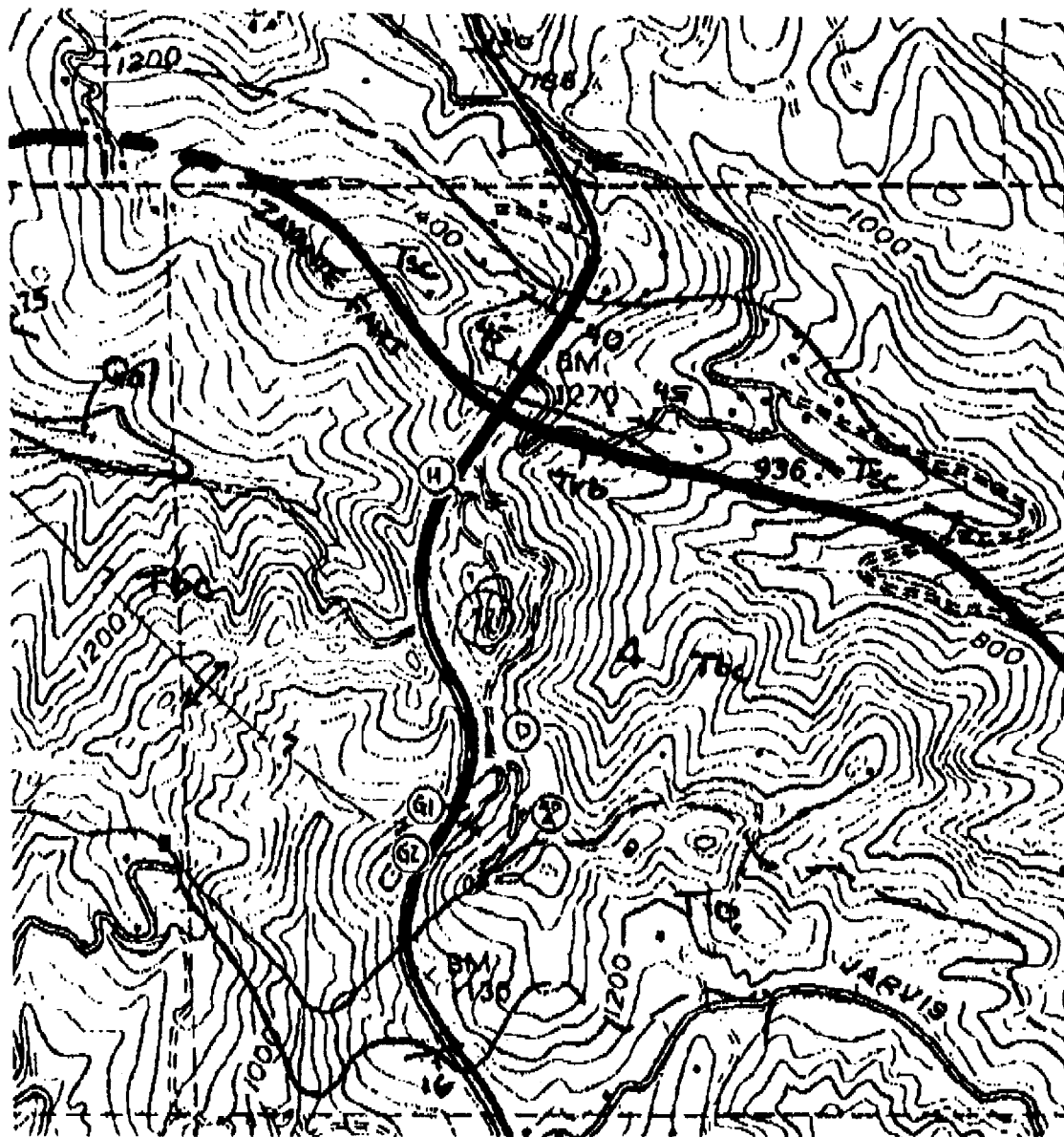
TIMOTHY C. BEST, CEG
 ENGINEERING GEOLOGY AND HYDROLOGY
 1003 Main Street, Suite 405, Santa Cruz, CA 95060
 (408) 433-5813 (408) 433-5177 FAX

PLAN MAP: SITES G1 and G2
THP 1-98-043

FIGURE
3

Job # BM-HYW17-151
 Scale: 1" = 40'

MAP 4
60
 EXHIBIT



- Geologic Contact
 --- Fault
 ↗ Strike and dip of bedding
 --- Existing Road
 --- Proposed Road

- Qal: Alluvium
 Tp: Purisima Formation
 TSc: Santa Cruz Mudstone
 Tlo: Lompico Sandstone
 Tba: Basalt
 Tbc: Conglomerate of the Duxano Formation

Geology from Clark and others, 1989

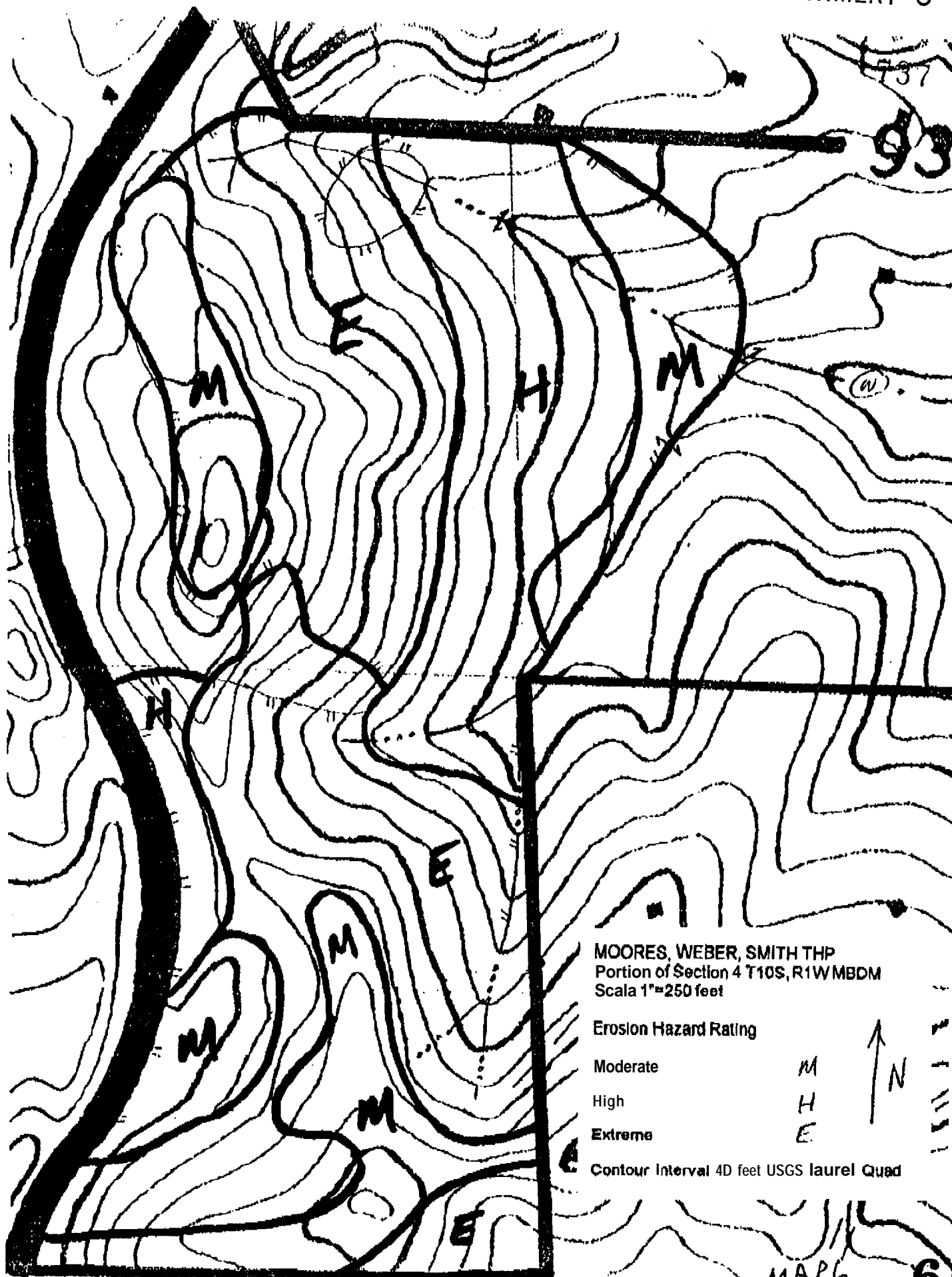


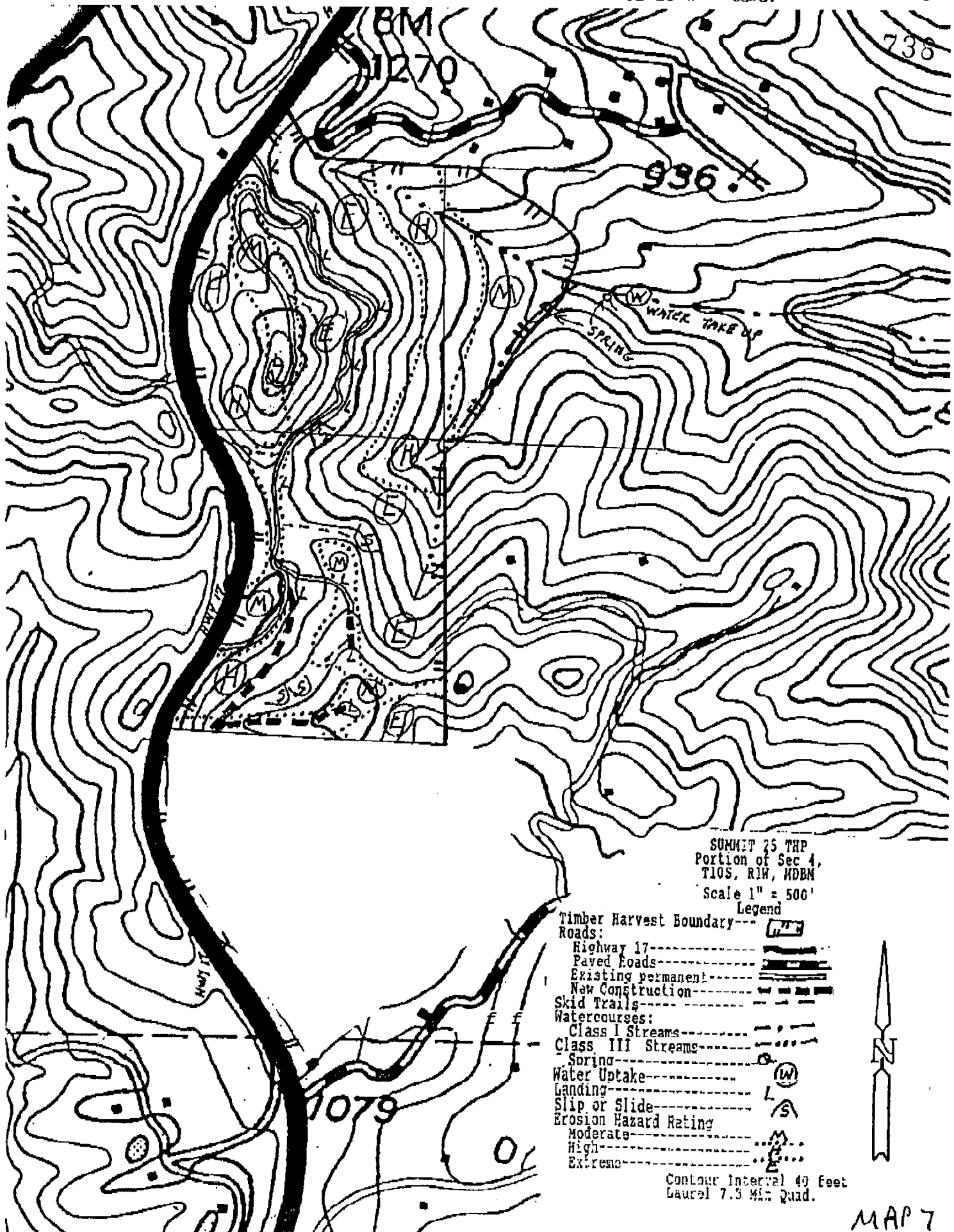
TIMOTHY C. BEST, CEG
ENGINEERING GEOLOGY AND HYDROLOGY
1809 Mission Street, Suite 407, Santa Cruz, CA 95060

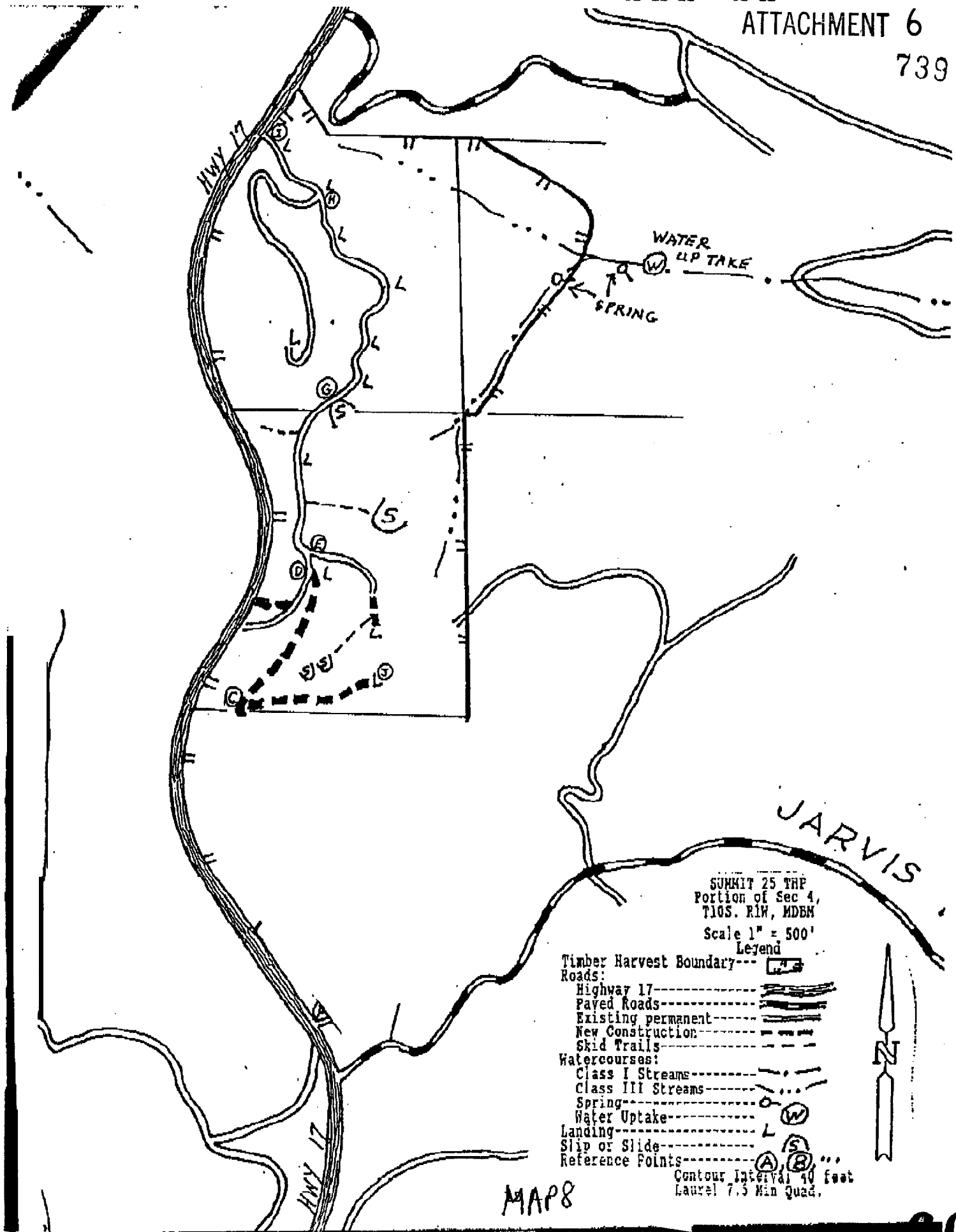
GEOLOGIC MAP
TIP 1-98-043

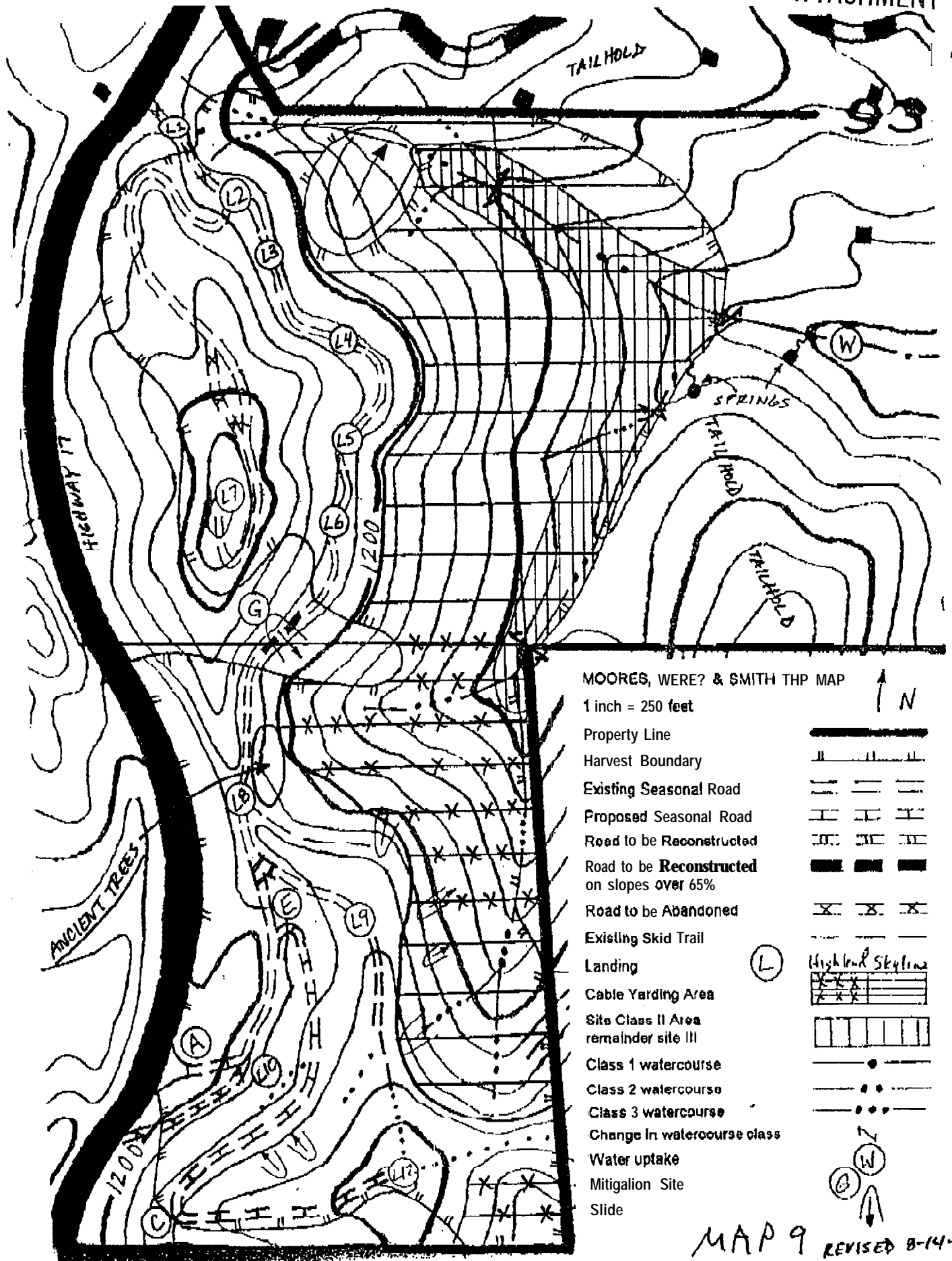
FIGURE
2

MAPS









WEBSTER & ASSOC.

831 462-6233

07-24-98

14:34

STATE OF CALIFORNIA

BOARD OF FORESTRY

ESTIMATED SURFACE SOIL

EROSION HAZARD

Summit 25 THJ

I. SOIL FACTORS

FACTOR

				RATING		
A. SOIL TEXTURE				1	2	3
	FINE	MEDIUM	COARSE			
1. DETACHABILITY	LOW	MODERATE	HIGH			
RATING	1-8	10-18	19-30	23	23	23
2. PERMEABILITY	SLOW	MODERATE	RAPID			
RATING	5-4	3-2	1	1	1	1
B. DEPTH TO RESTRICTIVE LAYER OR BEDROCK						
	SHALLOW	MODERATE	DEEP			
	1'-18"	20'-39"	40'-60" (+)			
RATING	15-8	8-4	3-1	4	4	4
C. PERCENT SURFACE COARSE FRAGMENTS GREATER THAN 2MM IN SIZE INCLUDING ROCKS OR STONES						
	LOW	MODERATE	HIGH			
	(-) 1-39%	40-70%	71-100%			
RATING	10-8	5-3	2-1	7	7	7
SUB TOTAL				35	35	35

Soil Type:
 113 Ben Lomond-Catelli-
 Sur Complex
 144 Lompico-Felton
 Complex
 158 Nisene-Aptos
 Complex

1. Ridge tops and
 flattened areas.
 2. Steep slopes.
 3. Extreme steep
 slopes.

The 3 main soil types
 have similar factors.

II. SLOPE FACTOR

							1	2	3
SLOPE	5-15%	16-30%	31-40%	41-50%	51-70%	71-80%			
RATING	1-3	4-6	7-10	11-15	16-25	26-35	8	20	28

III. PROTECTIVE VEGETATIVE COVER REMAINING AFTER DISTURBANCE

		LOW	MODERATE	HIGH			
		0-40%	41-80%	81-100%			
RATING		15-8	7-4	3-1	4	4	4

IV. TWO-YEAR, ONE HOUR RAINFALL INTENSITY (Hundredths Inch)

		LOW	MODERATE	HIGH	EXTREM			
		(-) 30-39	40-59	60-69	70-80			
RATING		1-3	4-7	8-11	12-15	15	15	15
TOTAL SUM OF FACTORS						62	74	82

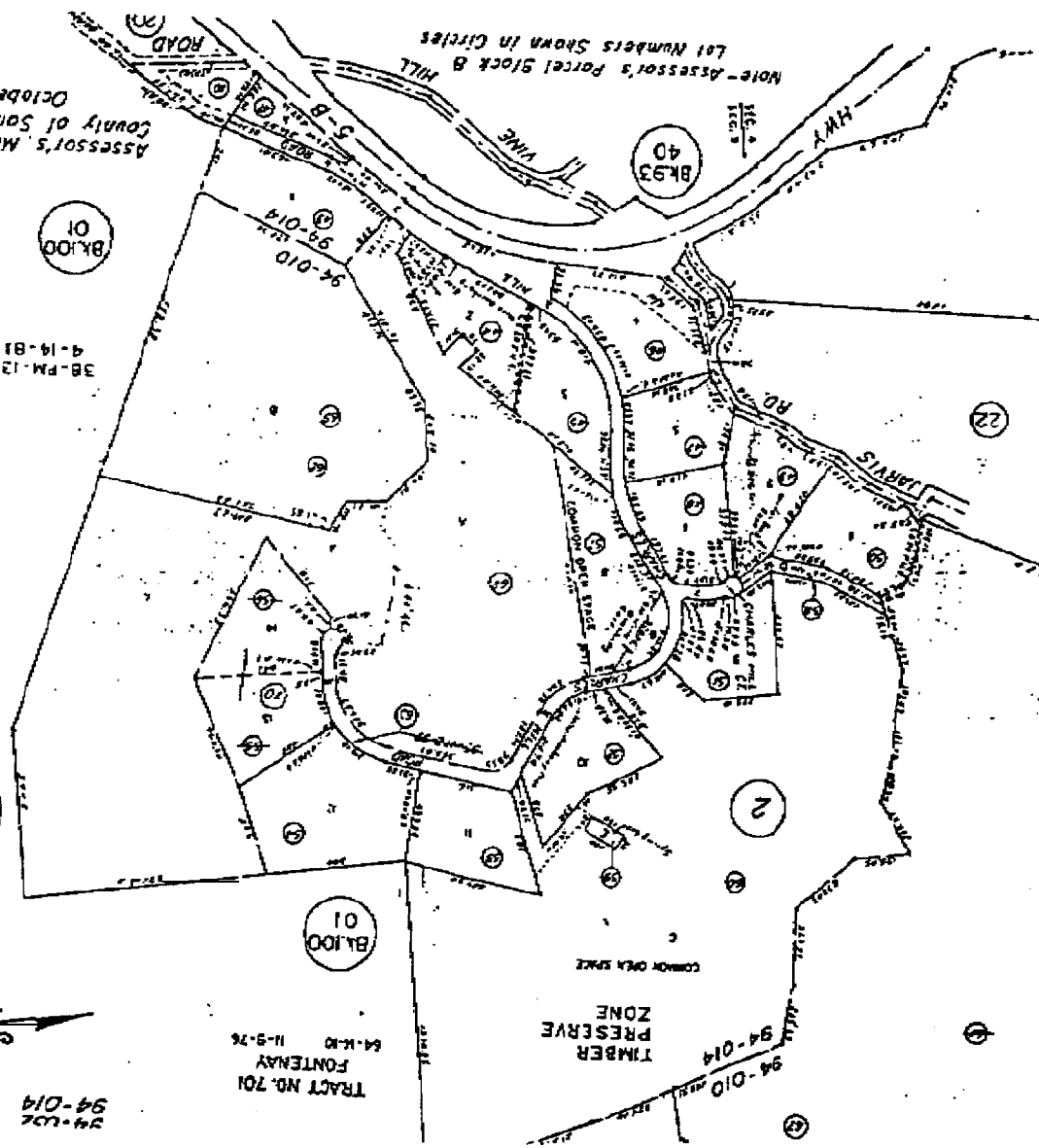
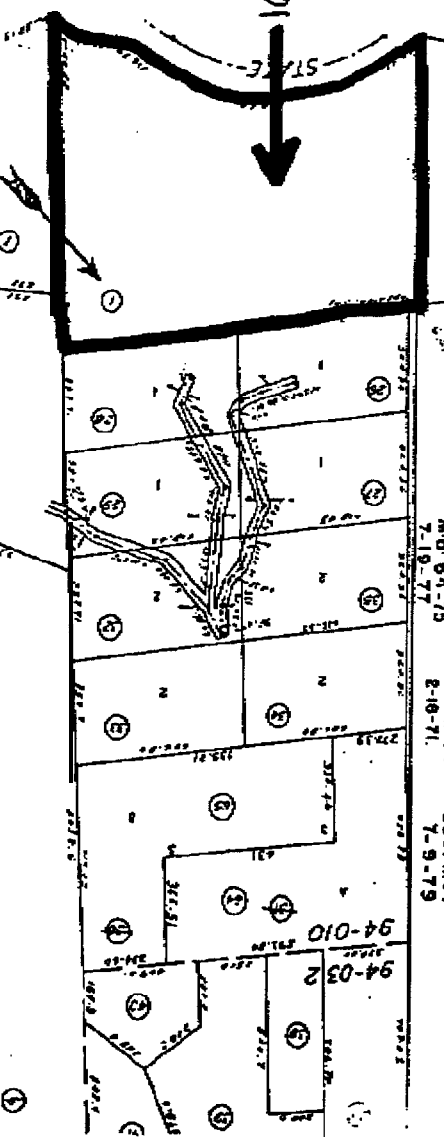
EROSION HAZARD RATING

<50	50-65	66-75	>75	
LOW	MODERATE	HIGH	EXTREM	
THE DETERMINATION IS				MODERATE HIGH Extreme

AP 091-07-01
STAGE
↓

FOR TAX PURPOSES ONLY 742

54-M-14 33-PM-7
7-19-77 7-9-79



FOR REFERENCE ONLY THIS IS NOT A SURVEY
THIS PLAT IS PROVIDED FOR THE PURPOSE OF
LOCATING THE LAND IN GENERAL RESPECT TO STREETS
AND OTHER PARCELS. NO LIABILITY IS ASSUMED FOR
ANY LOSS OCCURRING BY REASON OF RELIANCE THEREON.

ATTACHMENT 6

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Historical Resources Information System



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE

MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO

SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Foundation Cantor, Bldg. 300
Sonoma State University
1801 East Cotati Avenue
Rohnert Park, California 94928-3609
(707) 664-2484 • Fax (707) 664-3947

April 19, 1996

File No: 96-THP-116

Lahman Hartzell
5207 El Cerrito Ave.
Davis, CA 95616

Re: Summit 1996 THP, Portions of T10S/R1W Sections 4. & 9, Laurel 7.5' Quad,
Santa Cruz County.

Dear Mr. Hartzell:

Per your request received by our office on April 1, 1996, an archaeological records search for the above referenced project was conducted by reviewing the State of California Office of Historic Preservation archaeological maps and records of Santa Cruz County, and literature on file at this office.

PREVIOUS ARCHAEOLOGICAL INVESTIGATIONS: Our records gave no indications of a previous survey of the project area.

NATIVE AMERICAN RESOURCES: No recorded Native American archaeological sites are within or adjacent to this project. In this portion of Santa Cruz County, Native American archaeological sites have been identified on ridge tops, midslope terraces and near water sources. The project area encompasses ridge tops, fairly steep slopes and a seasonal stream. With this in mind, there is a moderate likelihood that unrecorded Native American archaeological sites exist in the THP area.

HISTORIC RESOURCES: There are no previously recorded historical archaeological sites within or adjacent to this project. Review of historical literature and maps gave no indications of cultural resources in the project area. With this in mind there is a low possibility of identifying cultural resources. The Office of Historic Preservation has determined that buildings and structures 45 years or older may be of historic value. If the project area contains such buildings or structures, they should be evaluated prior to commencement of project activities.

LITERATURE REVIEW: The following literature and maps were reviewed for unrecorded cultural resources: National Register of Historic Places; California Inventory of Historic Resources; California Historical Landmarks; Historic Spots In California; California Place Names; Point of Historical Interest Log; General Land Office plats; Historic Maps; Handbook of North American Indians, Volume 8; California Handbook of the Indians of California; California Athabascan Groups; Barrett; Kroeber. No other references were consulted.

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EXHIBIT 1

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Hartzell
96-THP- 116

Page 2

RECOMMENDATIONS: Our recommendations are based only on the information on file at this office, therefore there is always a possibility that additional Native American and historic records exist that could not be accessed by us. Based upon review of information at the Northwest Information Center it is our assessment that there is a moderate possibility of Native American and a low possibility of historic cultural resources in the project area. We recommend an archaeological survey for the project area and any additional areas where construction or maintenance of camps, roads, trails, or landings will occur in accordance with the Forest Practice Rules. Please keep in mind that the location of cultural resources, especially historical sites and features, do not always fall in predictive patterns.

If archaeological remains are discovered in the project area, they should be reported to CDF and formally recorded on the State Office of Historic Preservation form DPR 523 or similar forms. Any mitigation and/or preservation efforts should be approved by a CDF archaeologist. CDF requires RPFs to attach a complete copy of this record search to the confidential Archaeological Survey Report submitted with the THP. Be sure to include the map which accompanies this record search in the material submitted to CDF. They compare this map with your TWP map.

Thank you for your inquiry and for your effort to conserve California's cultural resources.

Sincerely,


Lynn Compas
THP Researcher

DEPARTMENT OF TRANSPORTATION (CALTRANS)
ENCROACHMENT PERMIT
ON-M-P202A (REV 1/90)

Permit No.	0598 GRP 0255	745
Dist/Co/Rte/PM	05-SCR-17-8.71	
Date	June 15, 1998	
Fee Paid	\$350	Deposit \$350
Insurance Amount	\$ 2,000,000	
Insurance Company	Fireman's Fund Insurance Co.	
Policy Number	MZX80684526	

In compliance with (check one):

☒ Your application of 4-15-98

☐ Utility Notice N O of

☐ Agreement No. of

☒ Your Reference: THP #1-97-321 SCR

TO:

Attn: William M. Moores
William M. Moores
7580 Empire Grade
Santa Cruz, CA. 95060

Phone: (707) 526-3759

PERMITTEE

and subject to the following, PERMISSION IS HEREBY GRANTED to:

Construct a rural residential driveway as shown on the attached plans and temporarily post several traffic advisory signs ("TRUCKS ENTERING ROADWAY FT."), and a lookout communicating by radio, along Highway 17 at, or near Jarvis Road to advise and facilitate the safe entry and exit of logging trucks at said driveway located along northbound Highway 17 approximately 2000' northerly of Jarvis Road.

Permittee shall contact State Inspector, Greg Mahoric, telephone (408) 476-1337, 48 hours prior to commencing work, to arrange a pre-job meeting, in accordance with Provision 5 of the attached General Provisions. When work has been interrupted for more than five (5) working days, an additional 24 hour notification is required before restarting work unless a pre-arranged agreement has been made with the Department's representative.

Log hauling operations into and out of the driveway shall be permitted Monday through Friday from 9:30 a.m. to 3:00 p.m. only and shall exclude travel on holidays.

Page 1 of 6

The following attachments are ☒ too included as part of this permit (Check applicable)

☒ Yes ☐ No General Provisions
☒ Yes ☐ No Utility Maintenance Provisions
☒ Yes ☐ No Special Provisions (2)
☒ Yes ☐ No Excavation permit required prior to beginning work:

In addition to fee the permittee will be billed actual costs for:

☐ Yes ☒ No Review
☒ Yes ☐ No Inspection
☒ Yes ☐ No Field Work

(If any Caltrans effort expended)

☒ Yes ☐ N.A. The information in the environmental documentation has been reviewed and considered prior to approval of this permit.

This permit is void unless the work is completed before 6-1-99

This permit is to be strictly construed and no other work other than specifically mentioned is hereby authorized. No project work shall be commenced until all other necessary permits and environmental clearances have been obtained.

File P
Greg Mahoric (Insp) 2P
N. D. Lyman
R. Roden-CHP
Robin De Alvarez-Pac Bell
Nancy Drinkard-CDP

APPROVED:

Mike Brown, Interim District Director

BY:

G. A. Benet, District Permit Engineer

William M. Morris
Permit No. 0598 GRP 0255

ATTACHMENT 6

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Commercial logging trucks: may use the access only under a **system** of controlled operation consisting of a traffic **lookout** posted near Jarvis Road and a **flagman** posted at the **access** driveway, each equipped with **2-way communication**. The traffic lookout shall advise the flagman of a suitable break in traffic (**both #1 and #2 lanes**), whereupon the flagman may allow trucks to leave the driveway. **"Suitable break in traffic"** shall be defined as a period of time when there are **no vehicles occupying** either of the northbound lanes between Jarvis Road and the **Permittee's** driveway.

No truck shall attempt to initiate a right turn into the driveway if there is a vehicle(s) following in the **#2 lane** (outside lane) within **500'** of that truck.

Violation of the above **provisions** shall be justification for suspension of logging **operations** on the state highway from this driveway.

DRIVEWAY CONSTRUCTION:

All work shall be done in accordance with **Caltrans'** Standard Specifications and Standard Plans dated 1992.

Work on this permit is to be done between the hours of **7:30 AM and 4:00 PM**, any deviations from these hours must be approved in advance by the State Inspector,

In addition to any other **measures taken** by the **permittee** pursuant to the provisions of Section **7-1.09** of the Standard Specifications, the **permittee** shall **install temporary** railing (Type K) between any lane currying public traffic and any excavation when the following conditions exist:

(1) **Excavations.**--Any excavation the near edge of which is 12 feet or less **from the edge** of the lane, except:

- a. Excavations **covered** with **sheet** steel or **concrete covers** of **adequate** thickness to prevent accidental **entry** by traffic or the public,
- b. **Excavations less** than one foot deep,
- c. Trenches less than one foot: wide for irrigation pipe or **electrical conduit** or excavations **less than** one foot in diameter,
- d. Excavations parallel to the lane for **the** purpose of pavement widening **or** reconstruction.
- e. Excavations **inside slopes**, where the slope is **steeper than 4:1**.
- f. Excavations protected by existing barrier or railing.

(2) **Temporarily Unprotected Permanent Obstacles.**--Whenever the work includes the installation of a fixed **obstacle together** with a **protective system**, such as a sign structure together with **protective** railing, and the **Permittee** elects to install the obstacle prior to installing the protective system: or whenever the **Permittee**, for his convenience and with permission of the State Inspector, **removes** a portion of an existing protective railing at an obstacle and **does not** replace such railing complete in place during the same day,

William M. Moores
Permit No. 0598 6RP 0255
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ATTACHMENT 6

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(3) Storage Areas. --Whenever **material** or equipment **is stored** within 12 feet of **the** lane and **such storage** is not **otherwise** prohibited by the **specifications**.

The approach end of temporary railing (Type K), **installed** in accordance **with** the requirements of **Section 7-1.09, "Public Safety,"** and in **Section 7-1.09, "Public Safety,"** of the **standard specifications** shall be offset a minimum of 15 **feet from the edge of** the traffic lane open to public **traffic**. The temporary railing shall be installed **an a skew** toward the edge **of** the traffic lane **of not more** than one foot transversely to 10 feet **longitudinally** with respect to the edge of the traffic lane. **If** the 15-foot minimum offset cannot be achieved, the temporary railing shall be installed **on** the 10 to 1 skew to obtain the maximum available offset between **the approach end of the railing** and the edge of the traffic lane, and an array **of temporary** crash cushion modules shall be installed at the approach end **of** the temporary railing as approved by the State **inspector**.

Temporary railing (Type K) shall conform to the provisions in **Section 12-3.08, "Temporary Railing (Type K)"** of the standard **Specifications**, except **temporary railing** (Type K) fabricated prior to January 1, 1993, with one longitudinal **no. 5** reinforcing **steel** bar near the **tap** in lieu of the 2 longitudinal **no. 5** reinforcing steel bars **near the top**, **us shown on** the plans, may be used,

Temporary **crash** cushion modules shall, conform to the provisions in **"Temporary Crash Cushion Module"** obtainable upon request to the State **Inspector**.

Except for installing, maintaining and removing traffic control **devices**, whenever work is **performed** or equipment is **operated** in the following work areas the **permittee** shall close the **adjacent** traffic lane:

APPROACH SPEED OF PUBLIC TRAFFIC
(**Posted** Speed Limit)
(mph)

WORK AREA

Over 45

Within 6 feet of a traffic lane but not on a traffic lane,

35 to 45

Within 3 feet of a traffic lane but **not** on a traffic lane.

The lane closure provisions of **the section** shall not apply if the work area is protected by **permanent** or temporary railing or barrier.

When traffic cones or delineators are used to delineate a **temporary** edge of traffic lane, the line of cones or delineators **shall be** considered to be the edge of **traffic** lane, however, the permittee shall not reduce **the** width of an existing lane to less than 10 feet without the **written** approval of the State **Inspector**.

When work is **not** in progress on a trench or **excavation** that required a lane closure of an adjacent lane, the traffic cones or delineators used for the lane closure shall be placed off **of** and adjacent to the **edge** of

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EXHIBIT 1.

William M. Moores
Permit No. 0598 6RP 0255
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the traveled way. The spacing of the **cones or** delineators shall be not more than the spacing used for **the** lane closure.

Suspended loads or equipment shall not be moved nor positioned **over** the public traffic or pedestrians.

Traffic control and **construction zone** signing shall **be** approved in advance by the State Inspector and shall be performed in accordance with the applicable **Caltrans** Standard Plan for traffic control. **Traffic control which** reduces the number of highway lanes shall be **allowed only as specified** on the Lane Closure **Chart (ATTACHMENT A)**.

Work shall not interfere **with** traffic and **no** equipment shall be parked on or operated **from** the traveled way unless approved by the **Caltrans** representative. When one lane closure is authorized, it shall be **done** in accordance **with the** applicable attached "**MISCELLANEOUS DETAILS**" for **traffic** control. If lane closure is authorized, work shall be confined to one lane; equipment and/or material shall not encroach beyond **the** painted lane line. Where required by the plan, the use of a flashing narrowboard is **MANDATORY**.

All **conform** locations **in** open cuts or where new paving meets existing paving shall be **saw** cut to a neat line the full depth of the pavement **with** a power driven saw or rock cutting **excavator** before removing any surfacing. The surfacing to remain in place shall not be disturbed or displaced by cutting or removal methods employed.

New paving shall only abut **existing** pavement which is in serviceable condition as determined by the **State** Inspector. **Unsuitable** portions of pavement shall be removed if necessary and new paving continued from the new **sawcut** line at the original grade or **as** directed by the state Inspector ,

No **excavation** shall be left open overnight without written permission from the caltrans representative or unless otherwise **specified** herein.

At the end of each working day if a difference **exists** between the **elevation** of the **existing** pavement and the **elevation** of any excavation **within** 5 feet of the traveled way, material shall be **bladed** up end **compacted** against the vertical cuts **adjacent to the** traveled way. During **excavation** operations, native material may be used for this purpose; **however, once** the placing of the structural **section** commences, structural material shall be used. The material shall be placed to the level of the **top** of existing pavement and tapered at **a slope of 4:1** or flatter to the **bottom** of the **excavation**.

Existing drainage shall not be impaired. Either **a** valley gutter or a **culvert** shall be provided.

Where a culvert is installed, it shall be installed **in the flowline of** the existing drainage **ditch** at an elevation to provide **maximum** drainage.

, standard tapered end section shall be installed at the inlet and outlet of the culvert.

Any change in the existing drainage pattern, whether occasioned by increase or diversion, and the cost of any damage, repair or restoration

William M. Moores
Permit No. 0598 6RP 0255
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of the **State** highway right of way **shall** be the responsibility of the **permittee**.

Once excavation has **been** initiated to **place** a structural section for **pavement** widening, **complete** excavation, **placement of** structural base courses, and paving **shall be** performed in **succession** and continuously, **without** delay, **until** completed.

Existing improvements shall be protected or relocated **as required** by work **authorized** by **this** permit- **If** existing improvements are damaged or their operation impaired by this work, **they** shall be replaced or **restored** to the satisfaction of the Caltrans **representative**. Such work shall be **done** **immediately** if requested by the Caltrans representative.

If existing public or private utilities conflict with **the construction of** **Permittee's** Project, **Permittee** shall make **necessary arrangements** with the **owners** of such utilities for their protection, relocation or removal. **Permittee** shall inspect the relocation, removal, or protection of such **facilities**. Total costs of such protection, relocation, or removal shall be borne by **Permittee** in compliance with the terms of the Highway Encroachment Permits, case Law, Public Utility Regulations and Property Rights. **Permittee** shall require any utility company performing relocation work in the **State's** right of way to obtain a **State Encroachment Permit** prior to the performance of said work. Any relocated utilities shall be correctly **Located** and identified on the as-built plans. Any utility modification shall be performed to the reasonable satisfaction of the utility owner, in compliance with **STATE's** highway encroachment policy and any special provisions of the environmental clearance for this project, and agreed to prior to start of construction of improvements authorized under this permit.

Any relocation of utilities by **Permittee** may be performed **as** approved and **authorized** by the utility owner. **Approved relocation** plans shall be **submitted** to the state **Inspector** prior to beginning **such work**.

Erosion control shall be applied to all **disturbed** slopes **as described** in **ATTACHMENT E, EROSION CONTROL RECOMMENDATIONS-**

Material testing and quality control shall conform to the **State Construction Manual** and the **State Material Testing Manual**. Testing shall be performed by a certified material testing consultant acceptable to the **STATE** and paid for by the **Permittee**. Materials testing and **quality** control tests shall be performed as required by the **State's** Inspector and the results thereof made immediately available.

Advisory signs shall read "TRUCKS ENTERING ROADWAY ____ FT." Sign panels shall **be** shall be **48" x 48"** on single **4" wood posts**. Signs shall be constructed with commercial quality **reflective** material with minimum **6"** black lettering on orange background.

Roadside signs shall be placed **at** locations approved by the **State** Inspector in compliance with the latest **edition** of **Caltrans** Standard **Plans, ROADSIDE SIGNS TYPICAL INSTALLATION DETAILS NO.1, Standard Plan No, RS-1. Use of Metal posts is prohibited**.

Signs shall be **covered** with opaque material when trucks **are not** running.

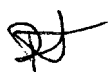
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EXHIBIT 1

-COUNTY OF SANTA CRUZ

ATTACHMENT 6

INTER-OFFICE CORRESPONDENCE

DATE: January 12, 1999
TO: Cathleen Carr, Planner III
FROM: Dave Hope, Senior Resource Planner RPF #2614 
SUBJECT: Moores TPZ rezoning application #98-0461

6750

After a field review of the subject property it is clear that the timber management plan provides the minimum information only,

The property does have "ancient trees" that were not mapped, significant amounts of downed wood are onsite providing habitat and must be mapped and retained. Eroding bare soils exist on the property which were not addressed by the Erosion Hazard Inventory.

The feasibility of harvesting the property in the future is a key issue behind the rezoning justification, a house site can not be located on the south ridge due to its' conflict with future use of this site for a landing and yarder site. The ridge is narrow and will not accommodate both uses.

This proposed truck road to the south ridge would be in direct conflict with County policies to locate roads away from unstable, steep areas that require excessive grading.

Alternate building sites are available with no additional grading and the access for a yarder to the south ridge is feasible by using the old skid road along the ridge, or using a small cat based yarder (McClelland).

The proposed harvest will conflict with sustained yield policys.

Issues of Concern for the Planning Commission

1. County prohibition on cutting "ancient trees", (trees over 200 years old). The Commission should prohibit harvest of "ancient trees".
2. Building site on south ridge area will restrict future harvesting. The Commission should restrict road access to the first building site on under 30% slopes to be consistent with the 16.22.50 of the Erosion Control Ordinance.
3. Maintaining downed wood onsite. The Commission should clearly state that all existing downed wood shall be retained in place and recruitment of large downed wood shall be promoted and retained in the future.
4. Proposed truck road construction to south ridge landing, crossing steep slopes >50% and landslide prone slopes. Require closure and recontour of this road if approved Timber Harvest Plan allows construction of the proposed truck road.
5. Proposed cut is above sustained yield by >60%. The approved cut should be no more than 40% of those trees over 18" diameter at breast height.

Webster and Associates PROFESSIONAL FORESTERS

12 Capitola Avenue, Suite 201 . Capitola, CA 95010 . Phone 408-462-6237 . Fax 408-462-6233

751

February 5, 1999

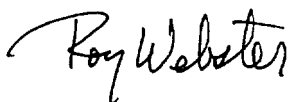
Cathleen Carr
 County of Santa Cruz
 Planning Department
 701 Ocean Street
 Santa Cruz, CA. 95060

Subject: Application No. 98-0461; Assessor's Parcel No.:
 095-27 1-O 1; Applicant: William Moores.

Dear Ms. Carr:

I have reviewed the Timber Management Plan (TMP) on file
 with the County for the above referenced rezoning to TP.
 The TMP contains the elements normally covered in such a
 plan, and, therefore, I hereby approve the content of the
 TMP.

Sincerely,



Roy Webster
 RPF # 1765

Cc W. Moores

Roy Webster
 RPF # 1765

John Andersen
 RPF # 1703

Matt Bissell
 Associate Forester

John Dilay
 Associate Forester

Joe Culver
 Associate Forester

Karen Hamner
 Office Manager

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EXHIBIT K

3/3/99 P1 of 6

ATTACHMENT 6

752

From: WILLIAM M. MOORES
3880 SLEEPY HOLLOW
SANTA ROSA, CA 95404 (707) 526-3759

TO: Kathleen Carr re. AP# 98-0461

Re: Sean Cathleen:

after talking with Ron Darcia and Roy Webster we offer the following redraft of your proposal - largely adhering to each of your suggestions or conditions - with very minor modifications. after reviewing these drafts please call to discuss any problems you may have. I feel that we are very close to agreement and should be able to easily reconcile any remaining differences. Please see Roy Webster's comments attached. I am hoping you can reach me tomorrow since I will be in the field all day Friday and can't be reached.

Sincerely,

Wm Moore

ATTACHMENT 6

WEBSTER & ASSOC.

931 462-6233

03-03-99

16:42

753

Webster &
Associates
512 CAPITOLA AVE.
STE. 201
CAPITOLA, CA. 95010
(408) 462-6237

MEMO

To : William Moores

From: Roy Webster

Date: March 3, 1999

Re: Permit No. 98-0461, Conditions of Approval for rezoning to Timber Production.

I have reviewed the above referenced conditions of approval. There is one condition that I believe is worth discussing with the planner, Cathleen Carr, as it appears, on the surface, to potentially be inconsistent with the idea of minimizing conflicts between timber harvesting and residential development.

Condition C.1. requires any single family dwelling to be sited more than 300 feet from any timber landing. I assume that this was proposed to offset any timber operations as far as possible from a homesite. While I understand the reasoning, I disagree with that approach because it might foreclose use of the best site for building both from an environmental and aesthetic standpoint.

We need to keep in mind that we only have possible conceptual ideas for future housing development. Conditions for the rezoning need to be flexible enough to respond to unknown wishes of this or a future landowner and changes in regulations. As well, timber harvesting is likely to occur once every fifteen or twenty years, and use of any one landing will likely be for about two weeks. In my opinion, the short term disadvantage of potential noise and dust, is not worth foreclosing, outright, the potential use of a building site because of an arbitrary distance separation requirement.

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EXHIBIT

ATTACHMENT 6

WEBSTER & ASSOC.

931 462-6233

03-03-99

16:43

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If there needs to be such a requirement, I would suggest it be something like 50 to 75 feet.

Condition B suggests that forest access roads should not receive dual use by future homeowners. Clearly there can be conflicts between log hauling and residential access. However, it is an accepted planning practice to minimize both the number and length of roads on a given parcel to achieve required access. Log trucks are likely to use any roads on site for less than a month every fifteen to twenty years. It is suggested that Condition B be removed to discourage future need for unnecessary new roads.

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CONDITIONS OF APPROVAL**REZONING AUTHORIZATION NO. 98-0461****APPLICANT AND PROPERTY OWNER: WILLIAM AND TONA MOORES****ASSESSOR'S PARCEL NO. 095-271-01**

**PROPERTY LOCATION AND ADDRESS: EAST SIDE OF HIGHWAY 17 APPROXIMATELY 2,000FT
FORM JARVIS ROAD. NO SITUS
SUMMIT PLANNING AREA**

EXHIBITS: 1. TIMBER MANAGEMENT PLANS PREPARED BY W. MOORES, APPROVED AS TO CONTENT BY ROY WEBSTER, RPF # 1765

1. THIS RESOLUTION AUTHORIZES THE REZONING OF PARCEL t-195-271-01 TO THE TIMBER PRODUCTION ZONE DISTRICT. PRIOR TO REVISION OF THE ZONING MAP AND TO EXERCISING ANY RIGHTS GRANTED BY A SUBSEQUENT PERMIT REQUIRED TO BE ISSUED BY THE COUNTY UNDER CURRENTLY EXISTING COUNTY CODES OR ORDINANCE PROVISIONS EFFECTIVE FOR THIS ZONE DISTRICT INCLUDING ANY CONSTRUCTION OR SITE DISTURBANCE REQUIRING A COUNTY PERMIT THE APPLICANT/OWNER SHALL:

- A. SIGN, DATE AND RETURN TO THE PLANNING DEPARTMENT ONE COPY OF THE APPROVAL TO INDICATE ACCEPTANCE AND AGREEMENT WITH THE CONDITIONS HEREOF;**
- B. SUBMIT TO THE COUNTY PLANNING DEPARTMENT EVIDENCE THAT THE PROPERTY OWNER HAS SUBMITTED TO THE COUNTY RECORDER FOR RECORDING ON THE SANTA CRUZ COUNTY RECORDS AGREEMENT TO THE CONDITIONS OF APPROVAL AS WORDED IN II SITE CONDITIONS BELOW INCLUDING THE RECORDING FEE AND INSTRUCTIONS TO THE RECORDER TO RECORD WITHIN 90 DAYS OF APPROVAL OF THE ZONING RESOLUTION BY THE BOARD OF SUPERVISORS;**
- C. SUBMIT TO THE COUNTY PLANNING DEPARTMENT EVIDENCE THAT THE PROPERTY OWNER HAS SUBMITTED TO THE COUNTY RECORDER FOR RECORDING ON THE SANTA CRUZ COUNTY RECORDS A DECLARATION OF ACKNOWLEDGMENT REGARDING TIMBER MANAGEMENT PLAN AS REQUIRED BY SECTION 13.10.376(C)(1) OF THE COUNTY CODE.**

11. SITE CONDITIONS

- A. PURSUANT TO SECTIONS 1640.040 AND 1642.100 OF THE COUNTY CODE, IF AT ANY TIME DURING SITE PREPARATION, EXCAVATION, OR OTHER GROUND DISTURBANCE ASSOCIATED ANY COUNTY PERMITTED DEVELOPMENT, ANY ARTIFACT OR OTHER EVIDENCE OF AN HISTORIC ARCHAEOLOGICAL RESOURCE OR A NATIVE AMERICAN CULTURAL SITE IS DISCOVERED, THE RESPONSIBLE PERSONS SHALL IMMEDIATELY CEASE AND DESIST FROM ALL FURTHER SITE EXCAVATION AND NOTIFY THE SHERIFF-CORONER IF THE DISCOVERY CONTAINS HUMAN REMAINS, OR THE PLANNING DEPARTMENT IF THE DISCOVERY CONTAINS NO HUMAN REMAINS. THE PROCEDURES ESTABLISHED IN SECTIONS 1640.040 AND 1642.100 SHALL BE OBSERVED.**
- B. THE ACCESS ROAD AND FUTURE LOGGING ROADS ARE NOT CONSIDERED AS LEGAL COUNTY ROADS. ANY USE OF THE SITE WHICH IS NOT PERMITTED WITHOUT A COUNTY PERMIT SHALL NOT BE COMMENCED UNTIL ALL REQUIRED COUNTY PERMITS HAVE BEEN OBTAINED,**
- C. ANY SINGLE FAMILY DWELLING AND/OR OTHER STRUCTURE SHALL BE DESIGNED AND SITED TO BE PHYSICALLY COMPATIBLE, IN THE OPINION OF A LICENSED PROFESSIONAL**

FORESTER, WITH THE GROWING AND HARVESTING OF TIMBER CROPS AS WELL AS BE CONSISTENT WITH THE REQUIREMENTS OF THE EXISTING FOREST TAXATION REFORM ACT OF 1976 AND, IF APPLICABLE, SECTIONS 13.10.371 TO 13.10.375 OF THE COUNTY CODE. SINGLE FAMILY DWELLINGS SHALL, IF POSSIBLE, BE LOCATED IN NON-FOREST AREAS ON THE SITE OR IN AREAS ON THE SITE WHICH DO NOT CONTAIN COMMERCIALY VALUABLE TREE TYPES. DWELLINGS SHOULD NOT BE LOCATED WITHIN AREAS IDENTIFIED BY A LICENSED PROFESSIONAL FORESTER AS NECESSARY FOR LOGGING EQUIPMENT OPERATIONS WHERE ALTERNATIVE EQUIPMENT OPERATION AREAS CAN NOT BE FOUND ON THE SITE. IN THE INTEREST OF MINIMIZING ROAD BUILDING IT IS GENERALLY DESIRABLE FOR TRUCK HAULING AND RESIDENTIAL ACCESS TO USE THE SAME ROADWAYS. THE INTENT OF THIS CONDITION IS TO INSURE THAT THE SITE CAN BE USED FOR ALL PRINCIPAL PERMITTED USES IDENTIFIED IN SECTION 13.10.372(a) OF THE EXISTING COUNTY CODE IN A COMPATIBLE MANNER. ALLEGED CONFLICTS, IF ANY, WITH TIMBER OPERATIONS SHALL BE REFERRED TO A LICENSED PROFESSIONAL FORESTER TO DETERMINE IF CONFLICTS EXIST AND WHETHER A PROPOSED HOUSE SITING PRECLUDES FUTURE FORESTRY USES OF THE SITE.

- D. THE REQUIREMENTS OF SECTION 13.10.375(c) HAVE BE MET;**
- E. IN THE EVENT THAT THE SITE OWNER DEFAULTS IN COMPLYING WITH ANY OF THESE CONDITIONS OR OTHERWISE VIOLATES THE EXISTING COUNTY CODE IN THE OPINION OF A COURT, THE OWNER SHALL PAY TO THE COUNTY IT'S DOCUMENTED OUT OF POCKET COSTS FOR INSPECTIONS, INCLUDING FOLLOW UP INSPECTIONS AND/OR NECESSARY ENFORCEMENT ACTIONS, UP TO AND INCLUDING REVOCATION OF ANY OUTSTANDING VALID PERMIT. IN THE EVENT IT IS DETERMINED BY A COURT THAT AN COUNTY ALLEGED VIOLATION OR DEFAULT IN THESE CONDITIONS HAS NOT OCCURRED, THE COUNTY WILL PAY TO THE OWNER HIS OUT OF POCKET DOCUMENTED COSTS FOR DEFENSE! OF THE ALLEGATIONS.**
- III AS A CONDITION OF THIS REZONING APPROVAL, THE HOLDER OF THIS REZONING APPROVAL, IS REQUIRED TO DEFEND AND HOLD HARMLESS THE COUNTY, ITS OFFICERS, EMPLOYEES, AND AGENTS, FROM AN AGAINST ANY CLAIM AGAINST THE COUNTY, ITS OFFICERS, EMPLOYEES, AND AGENTS FILED OR ORIGINATED BY THIRD PARTIES TO ATTACK, SET ASIDE, VOID, OR ANNUL THIS ZONING APPROVAL OF THE COUNTY OR ANY SUBSEQUENT AMENDMENT OF THIS APPROVAL WHICH IS REQUESTED BY THE ZONING APPROVAL HOLDER.**
 - A. COUNTY SHALL PROMPTLY NOTIFY THE ZONING APPROVAL HOLDER OF ANY CLAIM, ACTION, OR PROCEEDING AGAINST WHICH THE COUNTY SEEKS TO BE DEFENDED AND HELD HARMLESS. THE COUNTY SHALL COOPERATE FULLY IN SUCH DEFENSE. IF THE COUNTY FAILS TO NOTIFY THE ZONING APPROVAL HOLDER WITHIN SIXTY DAYS OF ANY SUCH CLAIM, ACTION OR PROCEEDING OR FAILS TO COOPERATE FULLY IN THE DEFENSE THEREOF, THE ZONING APPROVAL HOLDER SHALL NOT THEREAFTER BE RESPONSIBLE TO DEFEND OR HOLD HARMLESS THE COUNTY IF SUCH FAILURE TO NOTIFY OR COOPERATE WAS SIGNIFICANTLY PREJUDICIAL TO THE ZONING APPROVAL HOLDER.**
 - B. NOTHING CONTAINED HEREIN SHALL PROHIBIT THE COUNTY FROM PARTICIPATING IN THE DEFENSE OF ANY CLAIM, ACTION OR PROCEEDING IF BOTH OF THE FOLLOWING OCCUR:**
 - 1. THE COUNTY BEARS ITS OWN ATTORNEY'S FEES AND COSTS; AND**

ATTACHMENT 6

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2. THE COUNTY DEFENDS THE ACTION IN GOOD FAITH.

- C. **SETTLEMENT:** THE ZONING APPROVAL HOLDER SHALL NOT BE REQUIRED TO PAY OR PERFORM ANY SETTLEMENT UNLESS SUCH ZONING APPROVAL HOLDER HAS APPROVED THE SETTLEMENT. WHEN REPRESENTING THE COUNTY THE ZONING APPROVAL HOLDER SHALL NOT ENTER INTO ANY STIPULATION OR SETTLEMENT MODIFYING OR AFFECTING THE INTERPRETATION OR VALIDITY OF ANY OF THE TERMS OR CONDITIONS OF THE ZONING APPROVAL WITHOUT PRIOR WRITTEN CONSENT OF THE COUNTY.
- D. **SUCCESSORS BOUND:** "THE ZONING APPROVAL HOLDER" SHALL INCLUDE THE APPLICANT AND THE SUCCESSORS IN INTEREST, TRANSFEREES AND ASSIGNS OF THE APPLICANT.
- E. **WITHIN 90 DAYS OF THE ADOPTION OF THIS ZONING APPROVAL,** THE ZONING APPROVAL HOLDER SHALL SUBMIT TO THE COUNTY RECORDER FOR RECORDING IN THE OFFICE OF THE SANTA CRUZ COUNTY RECORDER THE AGREEMENT WHICH INCORPORATES THE CONDITIONS OF PARAGRAPH 1(B) OF THIS APPROVAL AS DESCRIBED IN 1(B) ABOVE OR THE ZONING APPROVAL SHALL BECOME NULL AND VOID.
- MINOR VARIATIONS TO THIS PERMIT WHICH DO NOT AFFECT THE OVERALL CONCEPT OR DENSITY MAY BE APPROVED BY THE PLANNING DIRECTOR AT THE REQUEST OF THE APPLICANT OR STAFF IN ACCORDANCE WITH CHAPTER 18.10 OF THE COUNTY CODE.**

APPLICANT: MOORES WILLIAM M & TONA E H/W CP
SUPERVISORIAL DIST: 1
PROJECT PLANNER: CATHLEEN CARR, 454-3225

CATHLEEN CARR: Reviewed background of application and proposed conditions of approval. Discussed the intent of the conditions. Gave recommendation for action.

PUBLIC HEARING OPENED

ROY WEBSTER: Submitted information for the record. Agree with staff recommendation except for one condition. Wants flexibility in condition B. 1. Timber plans sometimes need to be amended. Wants condition deleted or reduced.

COMMISSIONER SHEPHERD: Asked for setback clarification.

ROY WEBSTER: Doesn't think it's a good idea to specify the setback; should be up to the land owner.

BILL MOORES: No problem with condition if it could be waived by the property owner. No one else will be involved. Separation of 300 feet is too great. Should be **100-feet** from equipment. Does not want a residence precluded by condition.

DAVID HOPE: The issue here is land use compatibility. Discussed the proposed method of harvesting. Yarder tower located too close to proposed home site. Yarder and landing are the same. House can't preclude future timber harvest.

COMMISSIONER SHEPHERD: No, you're opposed to amending condition?

COMMISSIONER BREMNER: You think 300' should be from edge of landing?

DAVID HOPE: Yes, condition makes sense for a lot of reasons, House would be incompatible with timber harvest.

BILL MOORES: Still wants a reduced setback, because new road can't be approved, why have the condition? Setback should address the issue. Arbitrary setback being applied. Not sure there are alternative building sites.

DAVE HERMAN: Opposed to the setback restriction. The real issue is the use of the road. Concerned about restriction on use of the road.

COMMISSIONER SHEPHERD: Is this a site specific condition?

CATHLEEN CARR: Should be applied to all vacant lots.

COMMISSIONER SHEPHERD: So the reason for the condition is to insure long-term timber production that is not precluded by a residential use.

RAHN GARCIA: Noted that the method of timber harvest is out side the County's preview.

ROY WEBSTER: Disagrees that logging could not occur with a house on the ridge.

PUBLIC HEARING CLOSED

COMMISSIONER BREMNER: Beautiful property including its entrance. Not concerned about the road. Logging should not be inter-her with residential use. Sides with Mr. Hope on this issue.

COMMISSIONER SKILICORN: Shares Mr. Bremner's position. Can variances be allowed to setback?

RAHN GARCIA: Variance would not apply, condition could be amended.

COMMISSIONER SKILLICORN: Wants a variance process. Does not want to set a precedent with condition. Building site is in a scenic corridor and that is an issue. Mechanisms are already in place.

COMMISSIONER SHEPHERD: Allows for legitimate timber harvesting. Uncomfortable that we don't have local control of harvest. Agrees with setback restriction. Does not set a precedent.

COMMISSIONER RUTH: Agrees, projects don't need to be conditioned the same way.

MOTION

COMMISSIONER BREMNER MOVED TO APPROVE STAFF RECOMMENDATION WITH REVISED CONDITIONS. SECONDED BY COMMISSIONER HUMMEL.

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 4-1/WITH COMMISSIONER SKILLICORN VOTING NO.

3/11/99

r1971

From:

ATTACHMENT 8

WILLIAM M. MOORES
3880 SLEEPY HOLLOW
SANTA ROSA, CA 95404 (707) 526-3759

760

To: Cathleen Carr Re: Rezone #98-0461

Dear Cathleen:

- 1) Please fax to me at the above number the pages of your P.C. staff report which are in addition to the conditions of approval which you recently revised and faxed to me. (last prior staff report);
- 2) Please fax to me the T1Z code section specifying the content of the Declaration of Acknowledgement referred to in item 1 (c) of your conditions. I vaguely recall that the code section 13.10.376 (c)(3) but code section copies previously faxed to me only show through (c)(2). Was there a recent addition of a (c)(3) section? Also section (b) the acknowledgement content required to be recorded? As suggested by (c)(2).
- 3) your 3/12/99 memo indicates that staff is unwilling to discuss Roy Webster's comments on the inadvisable inclusion of B (1) to paragraph B. If you have any professional RPF input in your file which supports ignoring or disagreeing with Webster's comments, please fax a copy of such file input to me.
- 4) please fax to me the P.C. hearing time & place and your suggestion of when you suggest we appear. I have no idea where we will appear on the agenda and what time of day to undertake the 3rd one way drive to appear. Bill Moore

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Webster and Associates PROFESSIONAL FORESTERS

512 Capitola Avenue, Suite 201 . Capitola, CA 95010 . Phone 408-462-6237 . Fax 408-462-6233

March 22, 1999

Santa Cruz County Planning Commissioners
Governmental Center
701 Ocean Street
Santa Cruz, CA. 95010

RE: Application No. **98-0461**, APN 095-27 1-01, Rezoning
request of SU zoned parcel to TP, William and **Tona** Moores.

Dear Planning Commissioners:

Mr. Moores has asked me to review the proposed conditions for rezoning and my comments and suggestions are generally crafted to allow the greatest degree of flexibility so that the best potential future land use options for melding timber management and one single family residence are not foreclosed. I have no disagreement with either the county codes or staff planners general intent in the conditions. However, some of the requirements may not be the best method for achieving minimum environmental impacts and maximizing management of the forest resource and a single family residence.

The first point to recognize is that site conditions can and do change over time. Unanticipated slides often occur during wet weather or earthquakes, adjacent parcels can be purchased to improve access, or, adjacent owners can build new access roads nearby that can be utilized for either the timber harvest or future construction of a home.

As well, changes in harvesting technology can and do occur. No one thought ten years ago that feller **bunchers** would be developed for harvesting small trees. Five years ago, no one thought helicopters would be used in this county for thinning stands of trees.

The above two points make it clear that there are often good reasons for changing harvesting systems over time.

Roy Webster
RPF #1355

John Andersen
RPF #2403

Matt Bissell
Associate Forester

John Finlay
Associate Forester

Joe Culter
Associate Forester

Karen Palmer
Office Manager

There are often good reasons for amending Timber Harvest Plans as an operation progresses. For example, sometimes during road, landing, or skid trail construction an obstacle is encountered that was not anticipated. Examples include springs, slides, archaeology sites, or unique or rare species of plants or animals. In these cases locations of planned facilities are amended. This is both a prudent and desirable practice and should be encouraged.

These are all reasons why I suggest not being so prescriptive and absolute in conditioning a rezoning. The Timber Management Plan acts as an overall general plan for a parcel, much like the County General Plan guides subsequent development within the county. The precise location of constructed roads, landings, and skid trails should be determined during the THP Review process, not by the attempted rigid interpretation of the Timber Management Plan. The same could be said for zoning designation of a given parcel, with specific building plans reserved for another venue (a building permit application).

The condition requiring a setback of 300 feet between any constructed landing and a homesite is just such a prescriptive standard. There is no technical or safety reason why such a distance should be adopted. In fact I have had log landings located within 100 feet of an occupied dwelling, with no exposure to safety concerns.

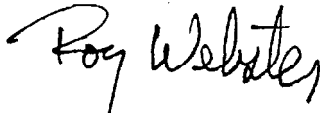
If the reason for the 300 foot setback is to be consistent with the county's latest proposal to the Board of Forestry for new Forest Practice Rules, then that reasoning is flawed. See the attached copy of the applicable portions of the latest proposal. Note that it allows harvesting within 300 feet of any occupied dwelling with the property owner's written consent. In the case at hand, the property owner would be deciding if he wanted operations within 300 feet, and future owners would be free to make a different choice.

For these reasons we recommend that condition B (1) of the proposed conditions be eliminated. If the Planning

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Commission believes that a set back should be included in the conditions for rezoning, in order to avoid arbitrarily ~~eliminating options we recommend that B (1) be reworded to~~ provide: No house shall be constructed within 100 feet of the operational equipment portion of a constructed landing.

Sincerely,



Roy Webster
RPF # 1765

1999 AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE RULES

APPROVED BY THE

BOARD OF SUPERVISORS - January 26, 1999

764

- ◆ New text is underlined
- ◆ Deletions are shown with ~~strikeout~~
- ◆ All other text is existing language

1 926.11 Flagging of Property Lines [Santa Cruz County]

~~In addition to other flagging requirements in Subchapter 3 of Title 14 CCR, the Director, where necessary to protect adjoining properties may require flagging of~~ The RPF or his/her supervised designee shall. prior to plan submission to the Department. flag the approximate property lines of the timberland owner's parcel on the site where any truck road, tractor road or harvest area is proposed within 100 ft. of a property line, and the approximate boundaries of all residential buffer zones.

2. 926.15 Road Construction and Maintenance [Santa Cruz County]

In addition to Article 12 (14 CCR Sections 923 through 923.8). the following shall apply in Santa Cruz County:

(a) New logging roads, including all temporary, seasonal and permanent roads, shall be subject to the following limitations:

(1) New road construction shall be prohibited:

(i) Across slopes steeper than 65%.

(ii) Across slopes steeper than 50% where the erosion hazard rating is high or extreme.

crossings proposed to be used or constructed during the timber harvest, as well as residential buffer areas and riparian corridor areas where timber operations are prohibited pursuant to 14 CCR 926.24 or 14 CCR 926.26, shall be designated on the plan map and shall be located in the field with flagging. Such flagging shall occur prior to the preharvest inspection if one is to be conducted. Flagging for truck roads and constructed tractor roads will be intervisible along the proposed alignments.

(b) The RPF or supervised designee shall flag the location of all water breaks which are within the WLPZ, on manned unstable areas or on slopes over 65% regardless of erosion hazard rating.

4. 926.17 Abandonment of Roads and Landings [Santa Cruz County]

When an existing truck road, tractor road, or landing is located within the property of the landowner submitting the plan in an area in which it could not be newly constructed in conformance with these the Forest Practice Rules, rules then, such road or landing shall be abandoned, pursuant to 14 CCR 923.8, stabilized, re-vegetated, and restricted from vehicular use by the installation of gates and/or other devices to prevent access, following cessation of active logging operations, prior to the Work Completion Inspection, unless the use of such road or landing would produce less environmental impact than the use of a new road or landing constructed in accordance with these rules.

5. 926.24 Residential Buffer Zone [Santa Cruz County]

Harvesting or other timber operations are prohibited within 300 feet of any occupied legal dwelling used for residential purposes on non-TPZ parcels without the residential property owner's

written consent in writing is submitted with the plan. This prohibition does not apply to the removal of except for dead, dying and diseased trees which are imminently threatening any occupied legal dwelling or which constitute an imminent fire hazard. If timber operations do occur within 300 feet of an occupied legal dwelling, all slash shall be lopped to 30.5 cm (12 in.) or less or removed, within 10 working days of on removal operations but no later than 60 days of the felling of trees.

5. 926.25 Special Harvesting Methods [Santa Cruz County]

In addition to 14 CCR 913.8 subsection (a), the harvesting limitation, re-entry period and leave tree standards shall be modified as follows:

a) The cutting standards for TPZ parcels are as follows:

(1) For areas where the proposed harvest rate is 51-60% of the trees greater than 45.7 cm (18 in.) d.b.h., the minimum re-entry period shall be 14 years.

(2) For areas where the proposed harvest is 50% or less of the trees greater than 45.7 cm (18 in.) d.b.h., a 10 year re-entry period shall apply.

(3) Regardless of re-entry period, no more than 40% of the trees greater than 35.6 cm. (14 in.) and less than 45.7 cm (18 in.) d.b.h. shall be harvested.

b) The cutting standards for non-TPZ parcels are as follows:

(1) For areas where the harvest rate is 25% or less of those trees greater than 61.0 cm (24 in.) d.b.h. present prior to commencement of current timber operations, the re-entry period shall be 10 years.