



# County of Santa Cruz

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## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(631) 454-2580 FAX: (631) 454.2131 TDD: (631) 454-2123

ALVIN D. JAMES, DIRECTOR

**Agenda Date: December 7, 1999**

November 18, 1999

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

**Subject:** Proposal to rezone Assessor's Parcel Numbers 057-071-12, 15, 057-081-45 and 54 to the Timber Production ("TP") zone district. Requires a Rezoning.

APPLICATION NUMBER: 99-0141

APNs: 057-071-12, 15, 057-081-45 and 54

APPLICANT: Robert Briggs

OWNER: Rancho del Oso Operating Company

LOCATION: The property is located at Rancho del Oso, about 2 miles northeast on a private, unnamed right-of-way from Highway 1 and about 1 mile south from the intersection of Highway 1 and the entrance to Big Basin State Park.

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, 1998 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 March 12, 1999, the County Planning Department accepted this application for rezoning four parcels totaling about 157 acres to Timber Production (TP). This is a proposal to rezone the following parcels to the TP zone district: APN 057-071-12, an approximately 80 acre parcel currently zoned Parks, Recreation and Open Space (PR), APN 057-07 1-15 a 35.1 acre property also zoned PR, APN 057-081-45 an approximately 14.5 acre parcel presently zoned Special Use (SU) and APN 057-081-54 a 28 acre parcel zone Commercial Agriculture (CA). This rezoning has been applied for under the California State Government Code Section

5 1113.5 “Petition by owner to add to timberland production zone”. Under Section 5 1113.5, an owner with timberlands in a timberland production zone may petition the Board to add to his or her timberland production lands that meet the criteria of subdivisions (f) and (g) of Section 5 1104 and that are contiguous to the timberland already zoned as timberland production. Furthermore, Section 5 1113.5 states that Section 5 1113 shall not apply to these lands. Subdivisions (f) and (g) of State Government Code Section 51104 state (f) “Timberland” means land which is devoted to and used for growing and harvesting timber, or for timber production and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre, and (g) “Timberland production zone” means an area which has been zoned pursuant to Section 51112 or 5 1113 of the Government Code and is devoted to and used for growing and harvesting timber, or for timber production and compatible uses. The pertinent sections of the California Government Code are included as Exhibit G of Attachment 6.

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 under Section 51113. These criteria, however, do not apply to this rezoning application, since Section 51113 is not applicable. 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). The project meets the two aforementioned criteria for rezoning to Timber Production:

1. The properties are timberlands being devoted to and used for growing and harvesting timber and compatible uses and is capable of producing 15 cubic feet of fiber per acre per year; and
2. The properties are adjacent to Timberland Production property zoned pursuant to section 5 1112 or 5 1113 of the Government Code and are in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code (Exhibit C, Attachment 6).

In addition, the 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 October 13, 1999, the Planning Commission heard this application at a noticed public hearing. The Planning Commission adopted Resolution 16-99 (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 North Coast planning area with access via a private 40 foot right-of-way (Exhibit A, Attachment 6). The centerline of this right-of-way is the property

line between the State Parks property and APNs 057-081-54 and 057-071-12. Waddell Creek is located within the State Parks property between 5 feet to over 200 feet from the property line. The subject parcels total over 150 acres and are currently undeveloped. The topography varies from level areas to slopes of 15 to 70% and to areas of vertical rock palisades adjacent to the main right-of-way. The subject parcels all lie within the Waddell Creek watershed, and contain a number of class II (intermittent to perennial, but does not support fish) and III (ephemeral) watercourses (See Timber Harvest Plan - Exhibit L of Attachment 6). Small landslides and slump materials and a large slip-out on the main right-of-way were noted during staff's site visit, probably resulting from the El Nino winter storms. The slip-out on the State Parks side of the right-of-way appears to have resulted from a rerouting of Waddell Creek due to a landslide on the opposite (State Parks) bank. This portion of the road, however, was not used during the last timber harvest. The other slides and slumps will have a minimal affect on or be affected by future timber harvesting activities.

Assessor's Parcel Number 057-081-46 is a 53 acre Timber Production zoned parcel. Parcels 057-081-45, 54 and 057-071-12 are contiguous to this TP zoned property. APN 057-071-05 comprising about 125 acres is also zoned TP. This parcel is contiguous with APNs 057-081-45, 057-071-12 and 15. All of these parcels are under the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and together, these properties encompass about 337 acres. Exhibit C of Attachment 6 shows the physical relationship of these parcels.

These properties have a long and continuous history of timber production use. The properties were clear cut by William Waddell beginning in the 1860's. Some timber harvesting was conducted on the property by Amos Robison between 1937 and 1940. The McCrary family began timber harvest operations in the Waddell Valley in 1946 and harvested continuously until the mid 1960's. Their original mill on the banks of Waddell Creek was used until 1955 when it was moved to Big Creek Lumber's present location. The McCrary family still owns timberland tracts within the Waddell Valley. Big Creek Lumber again selectively harvested a 150 acre tract of the current Rancho del Oso Operating Company holdings in 1985 under Timber Harvest Permit 5-84-50 SCR. About 309 acres of the TP parcels and the subject parcels were harvested in 1994 and 1995 under Timber Harvest Permit 1-93-272 SCR (Exhibit L, Attachment 6). Some old growth trees, mostly damaged by fire or located in inaccessible canyons, remain on the property.

Parcels 057-071-12 and 057-081-54 have been integral to the harvesting of both of the Timber Production zoned parcels. Most of the existing access roads and some of the landings used for logging the two Timber Production zoned properties are located on those parcels (Exhibit L, Attachment 6). Future harvests will use the existing skid and logging roads, and no new roads are anticipated. About five acres of parcel 057-081-54 is currently in agricultural production. The rezoning will not affect this use, as commercial agriculture is permitted use on non-timbered portion of the parcel in the TP zone district. A Registered Professional Forester prepared a letter for Rancho del Oso Operating Company stating that the subject properties are contiguous to Timber Production zoned lands and that the subject properties qualify as timberlands pursuant to Section 51104 of the Government Code (Exhibit G, Attachment 6).

As demonstrated in the 1993 Timber Harvest Plan, past timber harvest activity and as verified in the field and by a Registered Professional Forester, the subject parcels are capable of producing at least 15 cubic feet of timber per acre annually, thereby meeting the definition of timberland.

The parcel 057-071-12, which is zoned PR, is bordered by PR zoned (State Parks) property on the west and north and by TP (Rancho del Oso Operating Company) properties on the east and south. Parcel 057-071-15, also zoned PR, is adjacent to PR zoned State Parks land on the west, north and east. The eastern parcel having been acquired by State Parks in 1988. Parcel 057-081-54, is currently zoned CA, is bordered on the west by a PR zoned parcel (part of Big Basin State Park) by CA on the south and by TP on the east. Lastly, there is parcel 057-081-46, which is zoned SU and bordered by TP on all three sides. The Zoning Map for the subject parcels and the surrounding properties is included as Exhibit D of Attachment 6.

General Plan & Zoning Consistency

The all of the subject parcels have a 1994 General Plan land use designation of Mountain Residential. Only APN 057-081-45 (zoned SU) is located within a mapped Timber Resource designated area (Exhibit F, Attachment 6). Parcels 057-071-12 and 15 are currently zoned Parks, Recreation and Open Space. The Parks, Recreation and Open Space, 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. Parcel 057-081-54 is zoned Commercial Agriculture. Commercial Agriculture is not an implementing zone district for the Mountain Residential General Plan designation. Additionally, this parcel is not located within a mapped agricultural resource designation which lends further credence that the CA zoning is incorrect. Thus, rezoning parcel 057-081-54 to Timber Production will correct a non-conforming zoning designation.

The 1997 Interim ordinance currently allows timber harvesting on parcels 057-071-12, 15 (zoned PR) and 057-081-45 (SU with a timber overlay). Nevertheless, this is an interim ordinance, and the allowed zone districts may change at some future date. Since all of the subject properties comprise a large timberland holding, the Rancho del Oso Operating Company wishes to rezone the parcels to Timber Production to ensure the integrity of the entire tree farm for future harvests.

Recently, the California Coastal Commission approved modifications to the County's ordinances with respect to timber production zones in the Coastal Zone - specifically, that timber harvesting no longer be permitted use in the PR zone district within the Coastal Zone. Moreover, the Coastal Commission's modifications include a change to County Code Section 13.10.170(d) that deletes the Timber Production zone district from the list of implementing zone district for the General Plan designations of O-R (Parks, Recreation and Open Space) and O-C (Resource Conservation) within the Coastal Zone. The proposed rezoning of APNs 057-071-12 and 15 from PR to TP is consistent with the current zoning ordinance and the proposed Coastal Commission modifications to the County's zoning ordinances, because the General

Plan designation for these parcels is R-M (Mountain Residential), not O-R or O-C,

The subject lands are not located within a designated scenic corridor or visible from a County General Plan designated scenic road. Big Basin State Park is adjacent to three of the subject parcels. The conditions (Exhibit I, Attachment 6) proposed for this approval will ensure that any future development of the subject parcels will be compatible with a long-term timber use for which this rezoning is being proposed. In addition, the condition requiring a “No Cut Zone” adjacent to the Big Basin State Park boundary along the western margins of APNs 057-071-12, 15 and 057-081-54 shall ensure that the visual aesthetics of the property as could be readily viewed from Big Basin State Park shall be preserved. The “No Cut Zone” will minimize the potential impacts of any future timber harvesting on the public view shed, which is consistent with the County’s General Plan policies. Moreover, the conditions specify the uses for the logging roads, which are allowed under and consistent with the County’s ordinances and General Plan policies.

Conclusion

In accordance with Section 51113.5 of the State Government Code, the applicant has met all of the criteria to have the property rezoned. As these properties are undeveloped, conditions (Attachment 2) are proposed for this approval to 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 any new logging roads, which are allowed under and consistent with the County’s ordinances and General Plan policies. The Condition II.G. in the Conditions of Approval (Attachment 2) have been revised subsequent to the Planning Commission hearing as directed by the Planning Commission. In addition, Conditions II.A. and II.B. have been modified from that presented to the Planning Commission in order to incorporate language modifications recommended by County Counsel. The intent of these two conditions, however, are unchanged.

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

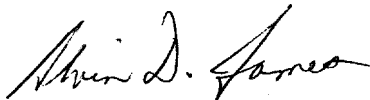
It is, therefore, RECOMMENDED that your Board, based on the attached Findings (Attachment 1) and Conditions (Attachment 2):

- 3. Approve the determination that the project is statutorily exempt from the California Environmental Quality Act (Attachment 3); and
- 4. Adopt the attached Ordinance amending Chapter 13.10 of the Santa Cruz County Code that Conditionally Rezones Assessor’s Parcel Numbers 057-071-12, 15 from the Parks, Recreation and Open Space (“PR”) zone district, 057-081-45 from the Special Use

("SU") zone district and 057-081-54 from the Commercial Agriculture ("CA") zone district to the Timber Production ("TP") zone district (Attachment 5); and

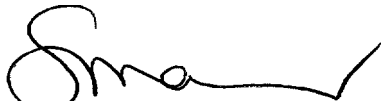
- 5. Direct the Planning Department to update the General Plan Timber Resources Map to include the area within the boundaries of Assessor's Parcel Numbers 057-071-12, 15 and 057-081-54 as Timber Resources.

Sincerely,



Alvin D. James  
Planning Director

RECOMMENDED:



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SUSAN A. MAURIELLO  
County Administrative Officer

cc: Robert Briggs, Rancho del Oso Operating Co. 3610 Coast Rd. Davenport, CA 95017

- Attachments :
- 1. Findings
  - 2. Conditions of Approval
  - 3. CEQA Exemption
  - 4. Planning Commission Resolution No. 16-99
  - 5. Ordinance Amending Chapter 13.10 of the County Code changing properties from one zone district to another
  - 6. Planning Commission Staff Report of October 13, 1999
  - 7. Planning Commission Minutes of October 13, 1999
  - 8. Correspondence

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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,

As conditioned, 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 uses will more closely conform with the General Plan as a result of the zoning of a parcel which lies within a Timber Resource designation (APN 057-081-45) and the rezoning of parcels which contain timber resources meeting the timber stocking requirements (APNs 057-07 1- 12, 15, 057-08 1-45 and 54) and which are contiguous to Timber Production zoned parcels which are within the same ownership as defined in Section 38 106 of the Revenue and Taxation Code. .

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. Condition II.A 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 any new roads, as defined in Chapter 16.22, 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.

General Plan Policy 5.10.3 states that significant public vistas shall be protected by minimizing disruption of landform and aesthetic character caused by development activities which include timber harvests. While the subject properties are not located within a designated scenic area, nor are they visible from a designated scenic road, two of the parcels border Big Basin State Park along a right-of-way which is shared by Rancho del Oso and the State Park. Thus, there is potential for adverse visual impacts immediately adjacent to the State Park property along this right-of-way. In order to protect the visual aesthetics of the area adjacent to Big Basin State Park, a condition will be placed upon this rezoning that there be a “No Cut” zone within 70 feet of the western property lines of Assessor’s Parcel Numbers 057-07 1 - 12 and 057-05 1-54 which are adjacent to Big Basin State. Provisions within these conditions will allow for continued

Robert Briggs for Rancho del Oso Operating Company  
Application No.: 99-0141  
APNS: 057-071-12, 15, 057-081-45 and 54

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use and maintenance of the logging roads and any timber landings which lie within this buffer zone. This condition will limit tree cutting to areas which will not adversely affect the public viewshed from within Big Basin State Park. Subject to these conditions, the uses will more closely conform with the General Plan as a result of the rezoning of these parcels which contain timber resources meeting the timber stocking requirements, which are contiguous with Timber Production zoned parcels within the same ownership and have a continuous timber growing and harvesting use, which may no longer be pursued under the current zoning designation.

- 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 via a privately maintained road off of a publicly maintained road. 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 PR, SU and CA zone districts 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 Commercial Agriculture zone district. In addition, these ordinances are anticipated to change in the near future to no longer allow timber harvesting within the PR zone district within the Coastal Zone. The subject parcels contain timber stands meeting the timber stocking standards on all portions outside of the designated resource area and APN 057-081-45 lies entirely within a mapped timber resource area. These properties have been harvested multiple times since the 1860's and most recently in 1994-95. The rezoning will allow the continuation of harvesting and management of the timberlands on the subject parcels and will allow lands which are integral to the management and harvesting of existing adjacent Timber Production lands to continue to be used for that purpose.

THE PRESENT ZONING IS INCONSISTENT WITH THE DESIGNATION SHOWN ON THE GENERAL PLAN.

Assessor's Parcel Number 057-08 1-54 is currently zoned Commercial Agriculture and has the General Plan land use designation of Mountain Residential. Commercial Agriculture



APNS: 057-071-12, 15, 057-081-45 and 54

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is not an implementing zone district for the Mountain Residential General Plan designation. In addition, this parcel does not lie within a mapped agricultural resource designation. A portion of the property is used for commercial agricultural production, but this is a permitted use in the Timber Production zone district on non-timbered portions of the property. Thus, rezoning APN 057-08 1-54 will correct a zoning which is currently inconsistent with the 1994 General Plan.

Application No. 99-O 14 1  
 Applicant: Rancho del Oso  
 Assessor's Parcel Nos. 057-071-12, 15, 057-081-45 and 54

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## CONDITIONS OF APPROVAL

Approval No. 99-O 14 1  
 Applicant and Property Owner: Rancho del Oso Operating Company  
 Assessor's Parcel Nos. 057-071-12, 15, 057-081-45 and 54  
 Property location and address: The property is located at Rancho del Oso, about 2 miles northeast on a private, unnamed right-of-way from Highway 1 and about 1 mile south from the intersection of Highway 1 and the entrance to Big Basin State Park. No situs.  
 North Coast Planning Area

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Exhibits:

- L. Timber Harvest Plan 1-93-272 SCR dated 1993 prepared by Michael Jani, Registered Professional Forester
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- I. This approval authorizes the rezoning of parcels 057-07 1-12, 15, 057-08 1-45 and 54 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.
- II. Site Conditions.
- A. Any future logging road constructed under a timber harvest permit is a "new road" as defined in Chapter 16.22.030 of the County Code. Any use of a new logging road, constructed under the terms of a State timber harvest permit, for a purpose connected in any way with subsequent "development", as defined by Section 13.10.700-D of the County Code, is strictly prohibited unless all required County permits are first obtained.
- B. The access roads on APNs 057-071- 12, 15, 057-08 1-45 and 54 shown in

Application No. 99-O 14 1  
 Applicant: Rancho del Oso  
 Assessor's Parcel Nos. 057-071-12, 15, 057-081-45 and 54

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Exhibit L are pre-existing roads. These roads will meet the definition of a "new road" and be subject to the restrictions set forth in Condition II.A. if any improvements resulting in over 100 cubic yards of grading along any 500 foot length are made to the road.

- C. 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.

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.

- D. Timber harvesting and/or tree removal is prohibited within 70 feet of the western property line of APNs 057-071-12 and 057-081-54 which is adjacent to the shared access road for Rancho del Oso and Big Basin State Park, with the following exceptions:
1. Maintenance of the timber landings designated in the Timber Harvest Plan (Exhibit L).
  2. Removal of trees for the maintenance of the roadbeds and to allow safe access along the roads within the "No Cut Zone".
- E. Timber stands meeting minimum stocking standards shall be maintained as required by Section 13.10.375(c)3.
- F. 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.
- G. Future timber harvesting shall conform with the applicable cutting restrictions set forth in the County Code.

- 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,

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Application No. 99-014 1

Applicant: Rancho del Oso

Assessor's Parcel Nos. 057-071-12, 15, 057-081-45 and 54

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.
- 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.

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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

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 15061 - 15329 of CEQA for the reason(s) which have been checked on this document.

Application No. 99-0 14 1

Assessor Parcel Nos. 057-07 1- 12, 15, 057-08 1-45 and 54

Project Location: The property is located at Rancho del Oso, about 2 miles northeast on a private, unnamed right-of-way from Highway 1 and about 1 mile south from the intersection of Highway 1 and the entrance to Big Basin State Park.

Project Description: Proposal to rezone Assessor's Parcel Numbers 057-071-12, 15, 057-08 1-45 and 54 to the Timber Production ("TP") zone district. Requires a Rezoning.

Person or Agency Proposing Project: Rancho del Oso

Phone Number: (83 1) 423-6958

- 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. Statutory Exemption other than a Ministerial Project. Specify type: Article 17, Section 1703. Timberland Preserves

D. Categorical Exemption

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

E. Lead Agency Other Than County:

Cathleen Carr, Project Planner

Date: Nov 19, 1999

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

ATTACHMENT - 4

RESOLUTION NO. 16-99

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On the motion of Commissioner : **HOLBERT**  
duly seconded by Commissioner: **RUTH**  
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. 99-0141, involving property located at Rancho del Oso, about 2 miles northeast on a private, unnamed right-of-way from Highway 1 and about 1 mile south from the intersection of Highway 1 and the entrance to Big Basin State Park, 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 conditionally changing APNs 057-07 1-1 2 and 15 from the "PR" Parks, Recreation and Open Space zone district to the "TP" Timber Production zone district, APN 057-08 1-45 from the "SU" zone district to the "TP" Timber Production zone district and APN 057-08 1-54 from the "CA" Commercial Agriculture zone district to the "TP" Timber Production zone district.

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

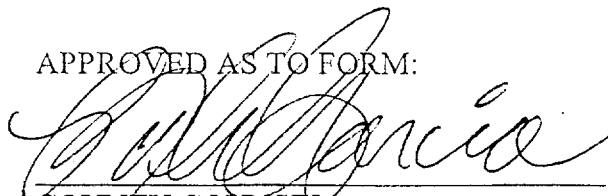
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 1 3<sup>th</sup> day of October, 1999, by the following vote:

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

  
RENEE SHEPHERD, Chairperson

ATTEST:   
MARTIN J. JACOBSON, Secretary

APPROVED AS TO FORM:

  
COUNTY COUNSEL

ORDINANCE NO. \_\_\_\_\_

0671

**ORDINANCE AMENDING CHAPTER 13  
OF THE SANTA CRUZ COUNTY CODE  
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

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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 at **Rancho del Oso**, about 2 miles northeast on a private, unnamed right-of-way from Highway 1 and about 1 mile south from the intersection of Highway 1 and the entrance to Big Basin State Park; 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 16.0 1 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**

Chapter 13.10, Zoning Regulations, of the Santa Cruz County Code is hereby amended by amending the County Zoning Plan to change te 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>
057-071-12	"PR"	"TP"
057-071-15	"PR"	"TP"
057-08 1-45	"SU"	"TP"
057-081-54	"CA"	"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. The Declaration of Restrictions shall contain the following provisions:

- A. Any future logging road constructed under a timber harvest permit is a "new road" as defined in Chapter 16.22.030 of the County Code. Any use of a new logging road, constructed under the terms of a State timber harvest permit, for a purpose connected in any way with subsequent "development", as defined by Section 13.10.700-D of the County Code, is strictly prohibited unless all required County permits are first obtained.
- B. The access roads on APNs 057-071-12, 15, 057-081-45 and 54 shown in Exhibit L of the Planning Commission Staff Report dated 10/13/99 for Application No. 99-0141 are pre-existing roads. These roads will meet the definition of a "new road" and be subject to the restrictions set forth in Condition II.A. if any improvements resulting in over 100 cubic yards of grading along any 500 foot length are made to the road.
- C. 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.

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.

- D. Timber harvesting and/or tree removal is prohibited within 70 feet of the western property line of APNs 057-071-12 and 057-081-54 which is adjacent to the shared access road for Rancho del Oso and Big Basin State Park, with the following exceptions:



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- d. Slopes d. 2 to 75%
- e. Env. Sen. Habitat e. **Waddell** Creek on adjacent (west side) parcel
- f. Grading f. None proposed - existing logging roads and skid trails
- g. Tree Removal g. Future Timber Harvest Proposed
- h. Scenic h. Not located in a designated scenic area, portions adjacent to the road running along **Waddell** Creek is visible from the State Park
- i. Drainage i. N/A
- j. Traffic j. N/A
- k. Roads k. Private 40 foot right-of-way
- l. Parks l. Adjacent to Big Basin State Park
- m. Sewer Availability m. N/A
- n. Water Availability n. N/A
- o. Archeology o. Mapped in Archeologic Resource Area, an archeologic records check was completed as part of Timber Harvest 1-93-272 SCR - no sites noted.

SERVICES INFORMATION

W/in Urban Services Line: y e s X X n o

- Water Supply: Private Well
- Sewage Disposal: Septic systems
- Fire District: California Department of Forestry Fire 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 March 12, 1999, the County Planning Department accepted this application for rezoning four parcels totaling about 157 acres to Timber Production (TP). This is a proposal to rezone the following parcels to the TP zone district: APN 057-071-12, an approximately 80 acre parcel currently zoned Parks, Recreation and Open Space (PR), APN 057-071-15 a 35.1 acre property also zoned PR, APN 057-081-45 an approximately 14.5 acre parcel presently zoned Special Use (SU) and APN 057-081-54 a 28 acre parcel zone Commercial Agriculture (CA). This rezoning has been applied for under the California State Government Code Section 51113.5 "Petition by owner to add to timberland production zone". Under Section 51113.5, an owner with timberlands in a timberland production zone may petition the Board to add to his or her timberland production lands that meet the criteria of subdivisions (f) and (g) of Section 51104 and that are contiguous to the timberland already zoned as timberland production. Furthermore, Section 51113.5 states that Section 51113 shall not apply to these lands. The criteria for rezoning to timberland production in subdivisions are (f) "Timberland" means land which is devoted to and used for growing and harvesting timber, or for timber production and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre, and (g) "Timberland production zone" means an area which has been zoned pursuant to Section 51112 or 51113 of the Government Code and is devoted to and used for growing and harvesting timber, or for timber production and compatible uses. The pertinent sections of the California Government Code are included as Exhibit G. 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 under Section 51113. These criteria, however, do not apply to this rezoning application. This project qualifies for a statutory exemption (Exhibit J) 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 North Coast planning area with access via a private 40 foot right-of-way (Exhibit A). The centerline of this right-of-way is the property line between the State Parks property and APNs 057-081-54 and 057-071-12. Waddell Creek is located within the State Parks property between 5 feet to over 200 feet from the property line. The subject parcels total over 150 acres and is currently undeveloped. The topography of the properties varies with level areas to slopes of 15 to 70% and areas of vertical rock palisades, adjacent to the main right-of-way. The subject parcels all lie within the Waddell Creek watershed, and contain a number of class II (intermittent to perennial, but does not support fish) and III (ephemeral) watercourses (See Timber Harvest Plan - Exhibit L). Small landslides and slump materials and a large slip-out on the main right-of-way were noted during staffs site visit, probably resulting from the El Nino winter storms. The slip-out on the State Parks side of the right-of-way appears to have resulted from a rerouting of Waddell Creek due to a landslide on the opposite (State Parks) bank. This portion of the road, however, was not used during the last timber harvest. The other slides and slumps will have a minimal affect on or be affected

by future timber harvesting activities.

Assessor's Parcel Number 057-081-46 is a 53 acre Timber Production zoned parcel. Parcels 057-081-45, 54 and 057-071-12 are contiguous to this TP zoned property. APN 057-071-05 comprising about 125 acres is also zoned TP. This parcel is contiguous with APNs 057-081-45, 057-071-12 and 15. All of these parcels are under the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and together, these properties encompass about 337 acres. Exhibit C shows the physical relationship of these parcels.

These properties have a long and continuous history of timber production use. The properties were clear cut by William **Waddell** beginning in the 1860's. Some timber harvesting was conducted on the property by Amos Robison between 1937 and 1940. The McCrary family began timber harvest operations in the **Waddell** Valley in 1946 and harvested continuously until the mid 1960's. Their original mill on the banks of **Waddell** Creek was used until 1955 when it was moved to Big Creek Lumber's present location. The McCrary family still owns timberland tracts within the **Waddell** Valley. Big Creek Lumber again selectively harvested a 150 acre tract of the current **Rancho del Oso** holdings in 1985 under Timber Harvest Permit 5-84-50 SCR. About 309 acres of the TP parcels and the subject parcels were harvested in 1994 and 1995 under Timber Harvest Permit 1-93-272 SCR (Exhibit L). Some old growth trees, mostly damaged by fire or located in inaccessible canyons, remain on the property.

Parcels 057-071-12 and 057-081-54 have been integral to the harvesting of both of the Timber Production zoned parcels. Most of the existing access roads and some of the landings used for logging the two Timber Production zoned properties are located on those parcels (Exhibit L). Future harvests will use the existing skid and logging roads, and no new roads are anticipated. About five acres of parcel 057-081-54 is currently in agricultural production. The rezoning will not affect this use, as commercial agriculture is permitted use on non-timbered portion of the parcel in the TP zone district. A Registered Professional Forester prepared a letter for **Rancho del Oso** stating that the subject properties are contiguous to Timber Production zoned lands and that the subject properties qualify as timberlands pursuant to Section 5 1104 of the Government Code (Exhibit G). As demonstrated in the 1993 Timber Harvest Plan, past timber harvest activity and as verified in the field and by a Registered Professional Forester, the subject parcels are capable of producing at least 15 cubic feet of timber per acre annually, thereby meeting the definition of timberland.

The parcel 057-071-12, which is zoned PR, is bordered by PR zoned (State Parks) property on the west and north and by TP (**Rancho del Oso**) properties on the east and south. Parcel 057-071-15, also zoned PR, is adjacent to PR zoned State Parks land on the west, north and east. The eastern parcel having been acquired by State Parks in 1988. Parcel 057-081-54, is currently zoned CA, is bordered on the west by a PR zoned parcel (part of Big Basin State Park) by CA on the south and by TP on the east. Lastly, there is parcel 057-081-46, which is

Robert Briggs for **Rancho del Oso** Operating Company  
Application No.: 99-0141  
APNS: 057-071-12, 15, 057-081-45 and 54

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zoned SU and bordered by TP on all three sides. The Zoning Map for the subject parcels and the surrounding properties is included as Exhibit D.

### General Plan & Zoning Consistency

The all of the subject parcels have a 1994 General Plan land use designation of Mountain Residential. Only APN 057-081-46 (zoned SU) is located within a mapped Timber Resource designated area (Exhibit F). Parcels 057-071-12 and 15 are currently zoned Parks, Recreation and Open Space. The Parks, Recreation and Open Space, 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. Parcel 057-081-54 is zoned Commercial Agriculture. Commercial Agriculture is not an implementing zone district for the Mountain Residential General Plan designation. Additionally, this parcel is not located within a mapped agricultural resource designation which lends further credence that the CA zoning is incorrect. Thus, rezoning parcel ~~057-081-54~~ to Timber Production will correct a non-conforming zoning designation.

The 1997 Interim ordinance currently allows timber harvesting on parcels 057-071-12, 15 (zoned. PR) and 057-081-45 (SU with a timber overlay). Nevertheless, this is an interim ordinance, and the allowed zone districts may change at some future date. Since all of the subject properties comprise a large timberland holding, **Rancho del Oso** wishes to rezone the parcels to Timber Production to ensure the integrity of the entire tree farm for future harvests.

Recently, the California Coastal Commission has recommended changes to the County's ordinances with respect to timber production zones in the Coastal Zone. Specifically, that timber harvesting no longer be permitted use in the PR zone district within the Coastal Zone. Moreover, the Coastal Commission has recommended that the Timber Production zone district no longer be an implementing zone district for the General Plan designations of O-R (Parks, Recreation and Open Space) and O-C (Resource Conservation) within the Coastal Zone (Exhibit N). These Coastal Commission's proposed ordinance revisions will be before the Board of Supervisors on November 10<sup>th</sup> of this year. The proposed rezoning of APNs 057-071-12 and 15 is consistent with the current and proposed changes to the County's zoning ordinances in that while these parcels are zoned PR, their General Plan designation is Mountain Residential.

In accordance with Section 51113.5 of the State Government Code, the project meets the following criteria for rezoning to Timber Production:

1. The properties are contiguous with Timber Production zoned property under the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, (Exhibit C) .

2. The properties are timberland, as **they** are capable of producing an average of 15 cubic feet of timber per acre annually.
3. The uses on the parcel are in compliance with the Timber Production Zone uses set forth in Section **13.10.372**.

The subject lands are not located within a designated scenic corridor or **visible** from a County General Plan designated scenic road. Big Basin State Park is adjacent to three of the subject parcels. The conditions (Exhibit I) proposed for this approval will ensure that any future development of the subject parcels will be compatible with a long-term timber use for which this rezoning is being proposed. In addition, the condition requiring a “No Cut Zone” adjacent to the Big Basin State Park boundary along the western margins of **APNs** 057-071-12, 15 and 057-081-54 shall ensure that the visual aesthetics of the property as could be readily viewed from Big Basin State Park shall be preserved. The “No Cut Zone” will minimize the potential impacts of any future timber harvesting on the public view shed, which is consistent with the County’s General Plan policies. Moreover, the conditions specify the uses for the logging roads, which are allowed under and consistent with the County’s ordinances and General Plan policies.

Conclusion

All of the criteria have been met for rezoning the subject parcels 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 I).

Please see Exhibit H (“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 K), sending a recommendation to the Board of Supervisors for approval of Application No. 99-0141 based on the attached findings (Exhibit I) and subject to the attached conditions (Exhibit I), and **the** approval of the determination that the project is statutorily exempt from CEQA (Exhibit J).

EXHIBITS

- A. Location Map
- B. Assessor’s Parcel Map
- C. Map of **Rancho del Oso** Properties

Robert Briggs for **Rancho del Oso** Operating Company

Application No.: 99-0141

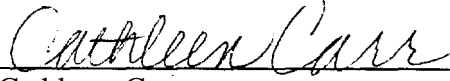
APNS: 057-071-12, 15, 057-081-45 and 54


**ATTACHMENT 6**

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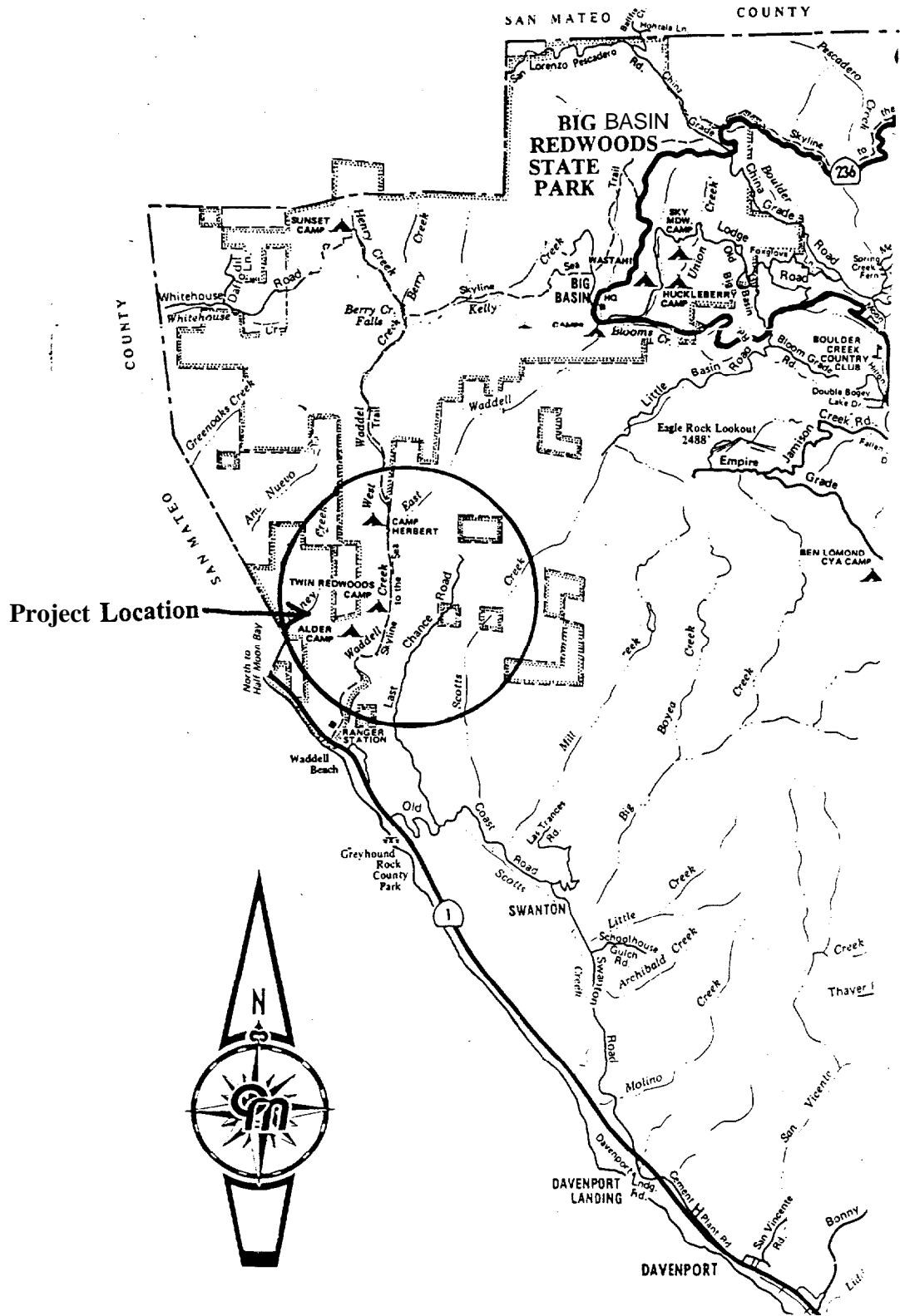
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- D. Zoning Map
  - E. General Plan Map
  - F. Timber Resource Map
  - G. State Government Code Sections 51104, 51112, 51113 and 51113.5
  - H. Findings
  - I. Conditions of Approval
  - J. Notice of Exemption from CEQA
  - K. Planning Commission Resolution
  - L. Timber Harvest Plan by Michael E. **Jani**, dated 1993
  - M. Letter by Michael E. **Jani**, dated February 15, 1999
  - N . Modifications to TP related Ordinances proposed by the Coastal Commission

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  
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, AICP  
Principal Planner  
Development Review

0684



POR. SECS. 11, 14, 23 & 26, T. 9 S., R. 4 W., M. D. B. & M.

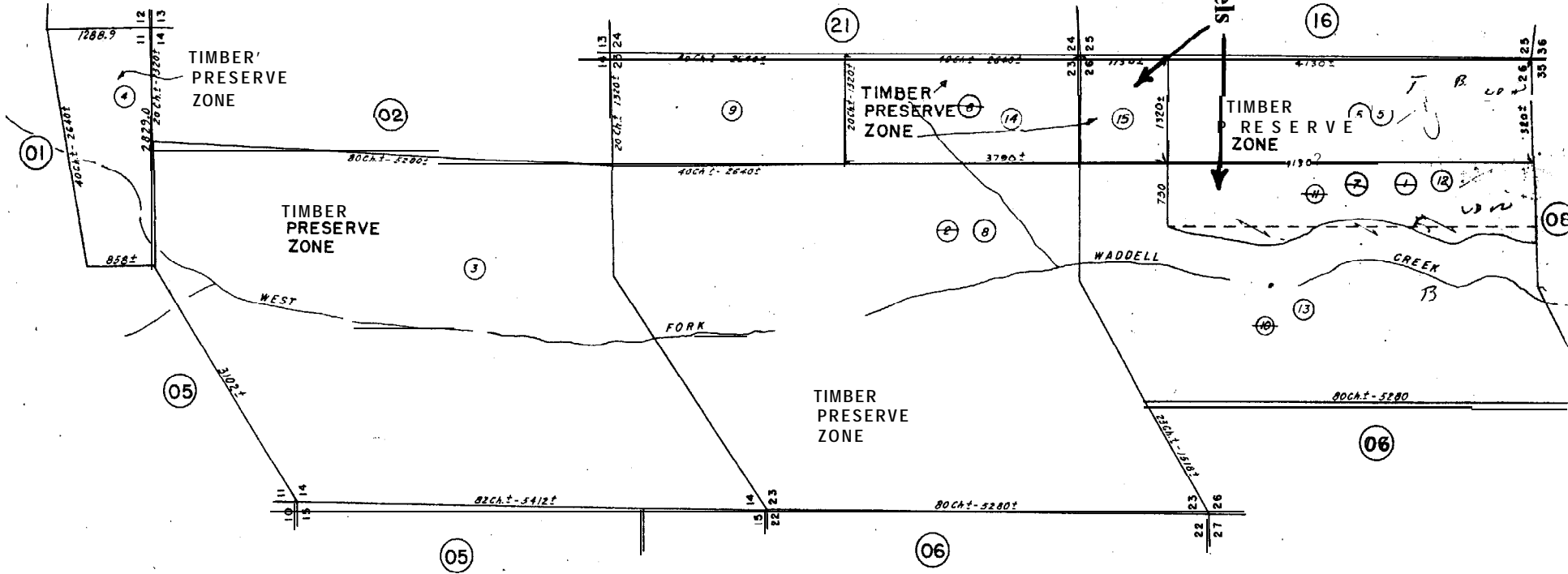
57-0

FOR TAX PURPOSES ONLY

R.S. MAP  
M.B. 49-24 11-27-68



ASSESSOR'S PARCEL MAP



Note - Assessor's Parcel Block a  
Lot Numbers Shown in Circles

Assessor's Map No  
County of Santa  
Aug.

ATTACHMENT 6

0685

EXHIBIT 29



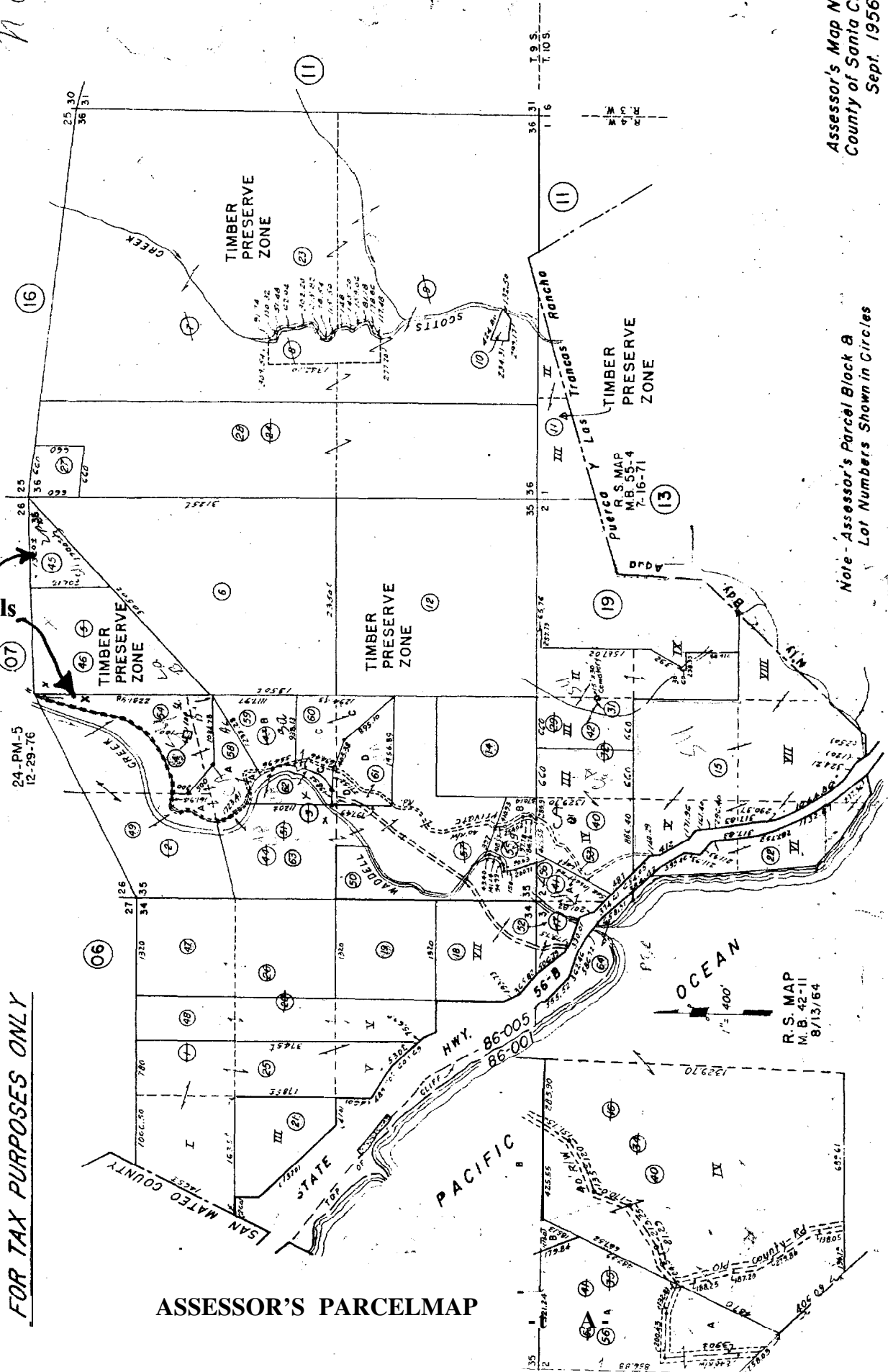
FOR TAX PURPOSES ONLY

Tax Area Code  
86-001 86-005

5Z-08

*N Coast*  
33/44

ASSESSOR'S PARCELMAP

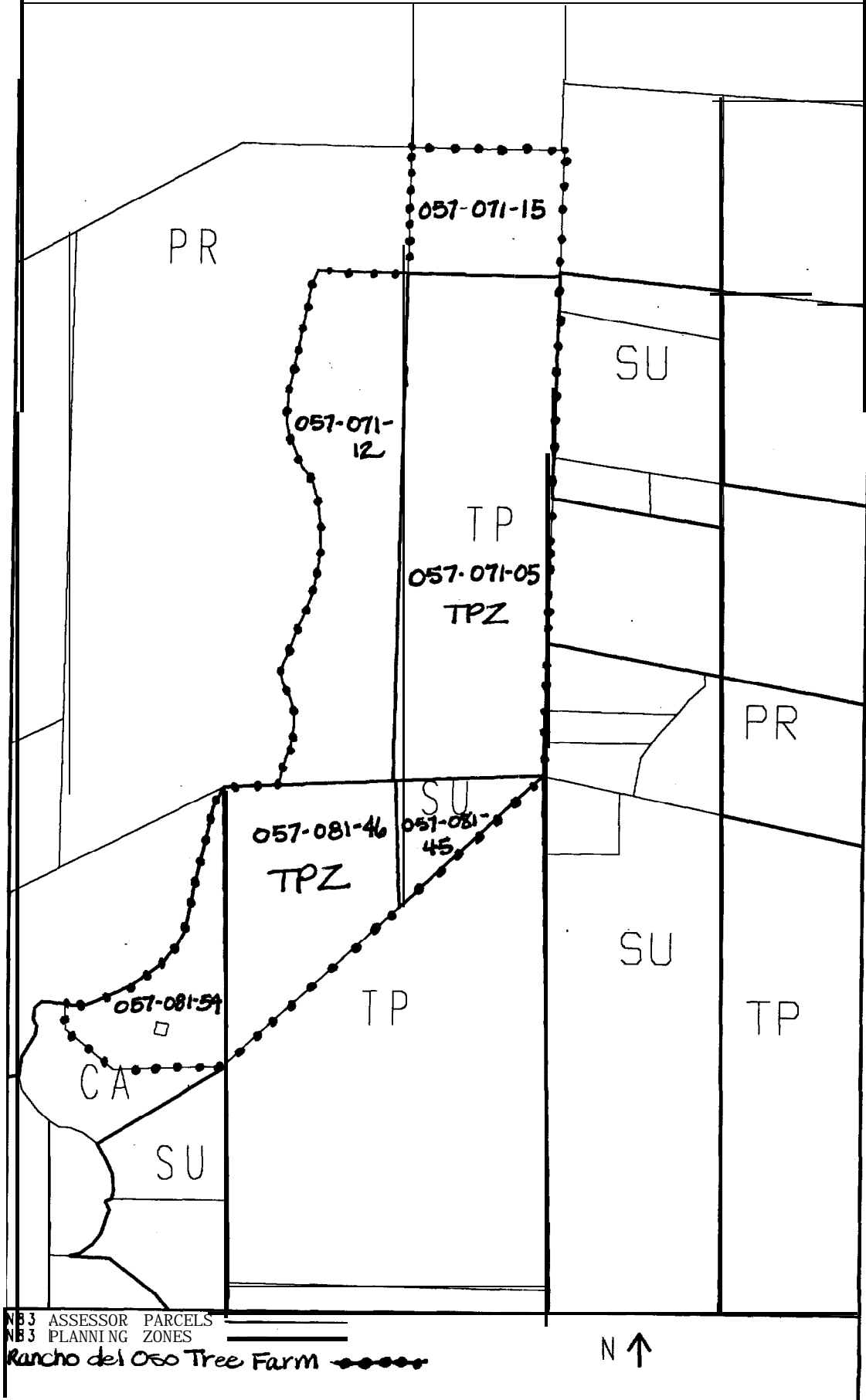


Assessor's Map No. 57-08  
County of Santa Cruz, Calif  
Sept. 1956

Note - Assessor's Parcel Block B  
Lot Numbers Shown in Circles

SCALE (FT/INCH) = 1.228  
WIDTH IN FEET = 6,957.00  
DEPTH IN FEET = 10,864.00  
REQUEST ID: 99-0141

0687



NB3 ASSESSOR PARCELS  
NB3 PLANNING ZONES

Rancho del Oso Tree Farm 

N ↑

Map of Rancho del Oso Holdings

**STAFF REPORT TO THE PLANNING COMMISSION**

APPLICATION NO.: 99-0141

APNS: 057-071-12, 15 and  
057-081-45, 54

APPLICANT: Robert Briggs for **Rancho del Oso** Operating Company

OWNER: **Rancho del Oso** Operating Company

PROJECT DESCRIPTION: Proposal to rezone Assessor's Parcel Numbers 057-071-12, 15, 057-081-45 and 54 to the Timber Production ("TP") zone district. Requires a Rezoning.

LOCATION: The property is located at **Rancho del Oso**, about 2 miles northeast on a private, unnamed right-of-way from Highway 1 and about 1 mile south from the intersection of Highway 1 and the entrance to Big Basin State Park.

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: ~~-XX~~-yes APPLICABLE TO CCC: yes XX no

PARCEL INFORMATION

PARCEL SIZE: 057-07 1-12	80.1 acres
057-071-15	35.1 acres
057-08 1-45	14.5 acres
057-08 1-54	28.0 acres

EXISTING LAND USE: PARCEL: Vacant rural and timber production

SURROUNDING: Timber production, vacant rural, rural residential and Big Basin State Park

PROJECT ACCESS: unnamed 40 foot right-of-way off of Highway 1

PLANNING AREA: North Coast Planning Area

LAND USE DESIGNATION: "R-M" Mountain Residential

ZONING DISTRICT:	057-071-12	"P-R" Parks, Recreation and Open Space
	057-071-15	"P-R" Parks, Recreation and Open Space
	057-08 1-45	"SU" Special Use
	057-081-54	"CA" Commercial Agriculture

SUPERVISORIAL DISTRICT: Third

ENVIRONMENTAL INFORMATION

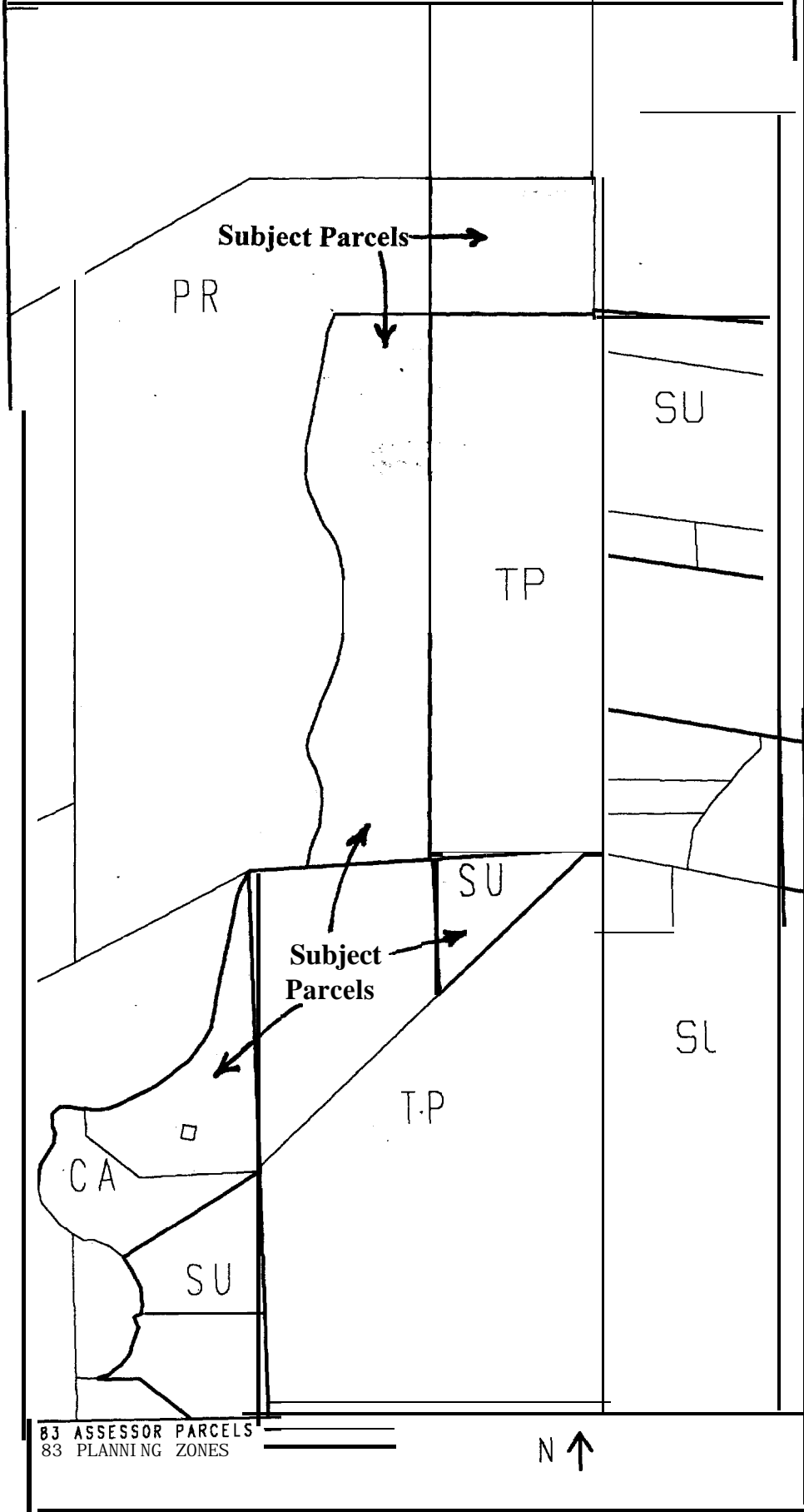
<u>Item</u>	<u>Comments</u>
a. Geologic Hazards	a. Small scale slides and slumping observed in the field, large slip-out on Parks' property affecting road adjacent to 057-071-12
b. Soils	b. Ben Lomond-Felton complex, Elder Sandy loam, Lompico-Felton complex, Maymen-Rock outcrop complex, Santa Lucia shaly clay loam, Soquel loam and Sur-Catelli complex,
c. Fire Hazard	c. None mapped

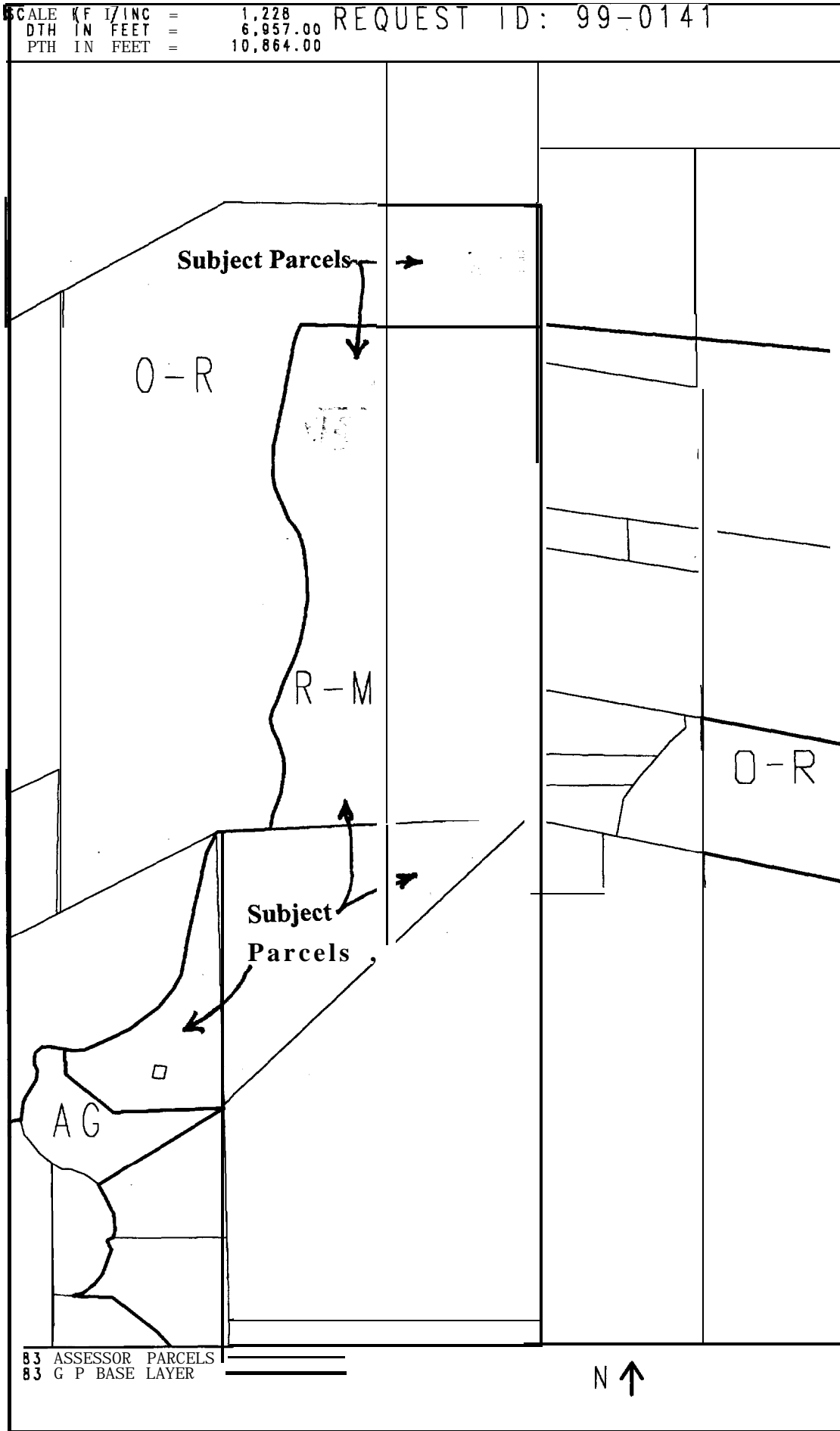
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WIDTH IN FEET = 6,005.05  
DEPTH IN FEET = 10,910.11

REQUEST ID: 99-01411

ATTACHMENT 6

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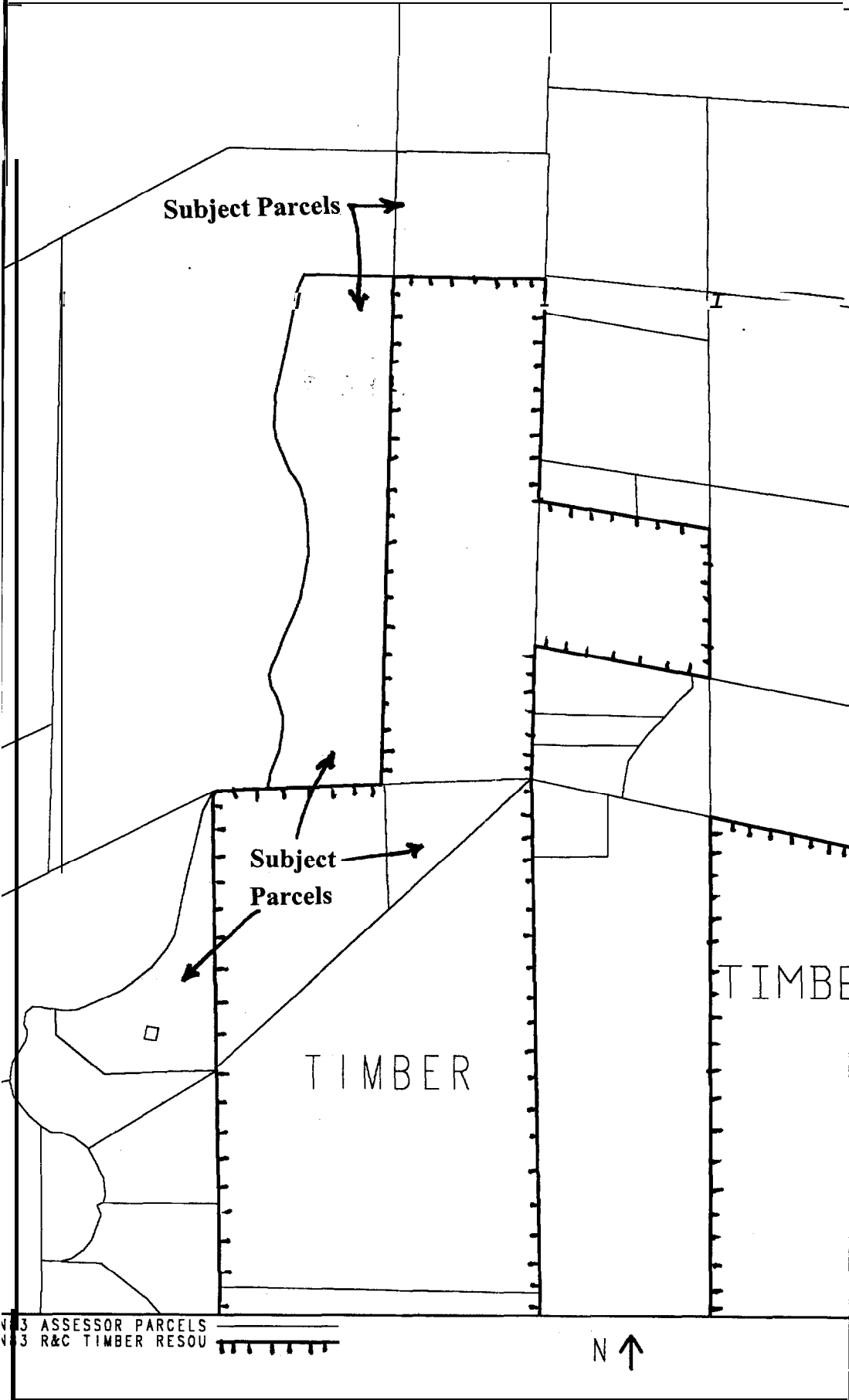




GENERAL PLAN MAP

SCALE (FT INCH) = 1,228  
 WIDTH IN FEET = 6,957.00  
 DEPTH IN FEET = 10,864.00  
 REQUEST ID : 99-0141

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the locality of those operations

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Added Stats 1982 ch 1489 §4.

**Collateral References:**

Witkin Summary (9th ed) Taxation § 184.

**§ 51103. Legislative intent**

It is the intent of the Legislature to implement the policies of this chapter by including all qualifying timberland in timberland production zones.

Added Stats 1982 ch 1489 §5.

**Cross References:**

“Timberland”: Gov C §5 1104(f).

“Timberland production zone”: Gov C §5 11 04(g).

**§ 51104. Definitions**

AS used in this chapter, unless otherwise apparent from the context:

- (a) “Board” means the board of supervisors of a county or city and county, whether general law or chartered, which establishes or proposes to establish a timberland production zone pursuant to this chapter.
- (b) “Contiguous” means two or more parcels of land that are adjoining or neighboring or are sufficiently near to each other, as determined by the board or council, that they are manageable as a single forest unit.
- (c) “Council” means the city council of a city, whether general law or chartered, which establishes or proposes to establish a timberland production zone pursuant to this chapter.
- (d) “County” or “city” means the county or city having jurisdiction over the land.
- (e) “Timber” means trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees, but does not mean nursery stock.
- (f) “Timberland” means privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.
- (g) “Timberland production zone” or “TPZ” means an area which has been zoned pursuant to Section 5 1112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).
- With respect to the general plans of cities and counties, “timberland preserve zone” means “timberland production zone.”
- (h) “Compatible use” is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:



# County of Santa Cruz

0676

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## PLANNING DEPARTMENT

701 OCEAN STREET - 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060

(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

ALVIN D. JAMES, DIRECTOR

October 4, 1999

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

Subject: Agenda Item: No. H-3 on the October 13, 1999 Planning Commission Agenda, APNs: 0579-071-12 et al, Application No.: 99-0141 Rezoning to Timber Production

Dear Members of the Planning Commission:

Please note the following corrections for the above referenced staff report. "Rancho del Oso" should read "Rancho del Oso Operating Company" throughout the staff report. On page 5, first second sentence under General Plan & Zoning Consistency, "APN 057-08 1-46" should be "APN 057-08 1-45". Under the conditions of approval on page 23, Condition II.A., the first sentence should begin "Any future logging roads..". Finally, Condition II.B. on page 24, the first sentence should read "The access roads *on APNs 057-071-12, 15, 057-081-45 and 54* shown in Exhibit L are pre-existing roads."

Sincerely,

Cathleen Carr  
Project Planner

cc: Robert Briggs, Rancho del Oso Operating Company



- 1. Maintenance of the timber landings designated in the Timber Harvest Plan (Exhibit L of the Planning Commission Staff Report dated 10/13/99 for Application No. 99-0141).
  - 2. Removal of trees for the maintenance of the roadbeds and to allow safe access along the roads within the "No Cut Zone".
- E. Timber stands meeting minimum stocking standards shall be maintained as required by Section 13.10.375(c)3.
- F. 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.
- G. Future timber harvesting shall conform with the applicable cutting restrictions set forth in the County Code.

0673

**SECTION V**

This ordinance shall take effect on the 3 1<sup>st</sup> day after the date of final passage.

PASSED AND ADOPTED this 7<sup>th</sup> day of December, 1999, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

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JEFF ALMQUIST  
 Chairperson of the Board of Supervisors

ATTEST: \_\_\_\_\_  
 Clerk of the Board

APPROVED AS TO FORM:

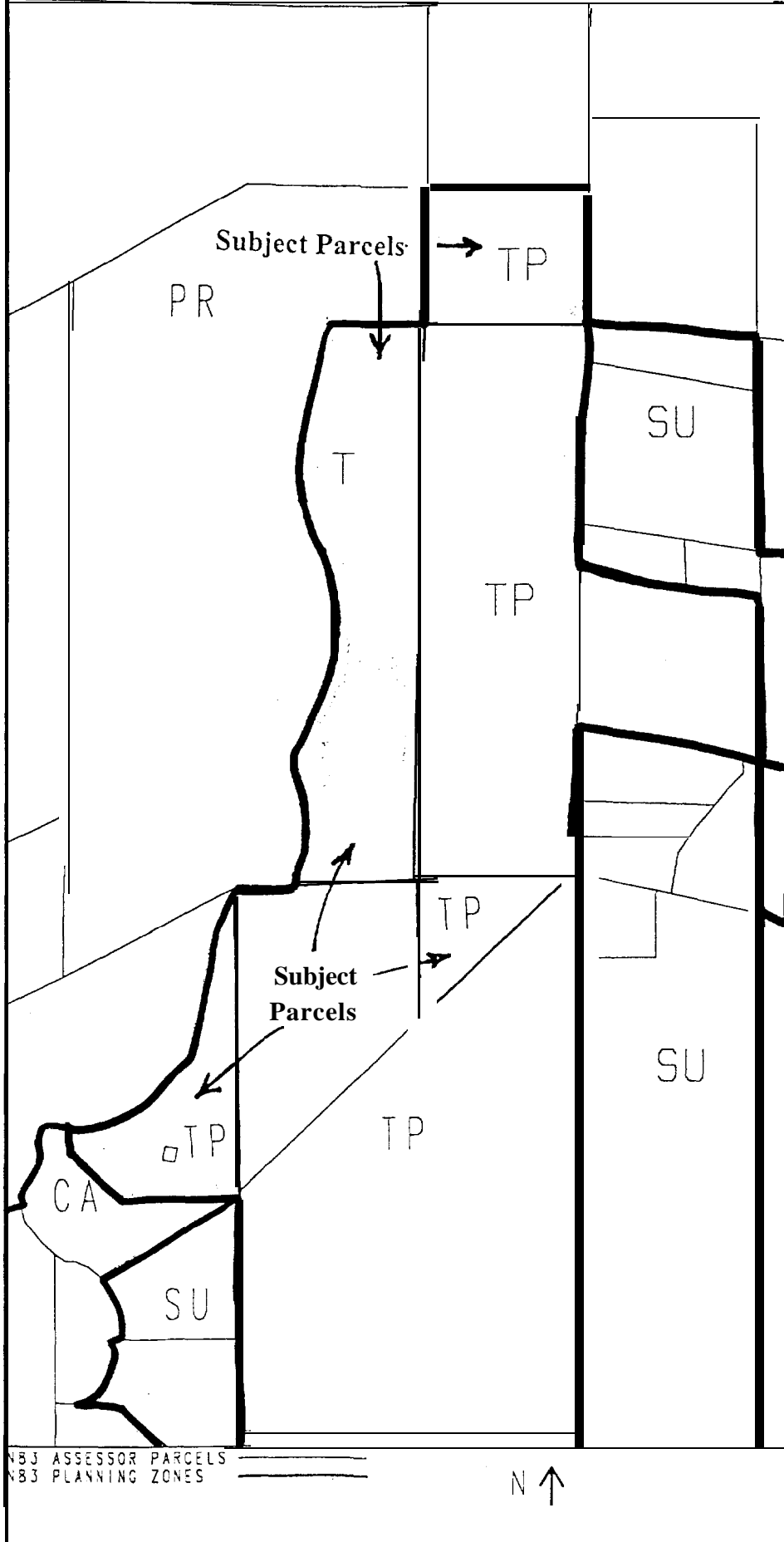
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Assistant County Counsel

DISTRIBUTION: County Counsel  
 Planning- Cathleen Carr  
 Planning -Bernice Romero  
 Assessor

SCALE (FT/INCH) = 1,233  
WIDTH IN FEET = 6,005.05  
DEPTH IN FEET = 10,910.11  
REQUEST ID: 99-0141

0675



PROPOSED ZONING

**§ 5110.3. Landowner's nonreceipt of notice listing parcels not assessed for growing and harvesting timber; Petition to board to have parcel included in list; Board's action**

0692

In the event that a landowner does not receive notice pursuant to subdivision (b) of Section 5 1110.1, such owner may prior to January, 1, 1978, petition directly to the board or council to have a parcel owned by such person included on list "B." Such owner must be able to demonstrate that on each such parcel a plan for forest management has been prepared, or approved as to content, by a registered professional forester prior to October 15, 1977. Such plan shall provide for the harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

In the event that the board or council finds that the parcel does in fact have plans for forest management signed by a registered professional forester prior to October 15, 1977, the board or council shall include the parcel listed in the petition on list "B" without respect to acreage or size and shall consider these parcels under subdivision (c) of Section 5 1112.

Added Stats 1977 ch 853 95.5, effective September 17, 1977.

**Collateral References:**

*Law Review Articles:*

Review of Selected 1977 California Legislation.. 9 Pacific LJ 563.

**§ 5111. Compatible uses**

On or before October 1, 1976, the board or council shall adopt a list and a detailed description of additional compatible uses for parcels zoned as timberland production.

Added Stats 1976 ch 176 94.5, effective May 24, 1976; Amended Stats 1984 ch 678 §2.

**Amendments:**

**1984 Amendment:** Substituted "production" for "preserve" at the end of the section.

**Cross References:**

"Compatible use": Gov C §5 1104(h).

**§ 51112. Zoning of parcels by board or council**

(a) On or before March 1, 1977, the board or council by ordinance, after the advice of the planning commission pursuant to Section 5 1110.2, and after public hearing, shall **zone** as timberland **production** all parcels appearing on list **A** submitted by the assessor pursuant to subdivision (d) of Section 5 1110 which are not designated as "contest," unless it finds by a majority vote of the full body that a parcel or parcels are not devoted to and used for growing and harvesting **timber** or for growing and harvesting **timber** and compatible uses.

The basis for such a finding **is** limited to either of the following:

(1) The parcel is not in fact capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre;

(2) The use of the parcel has changed subsequent to the lien date in 1976, and that such use no longer meets the definition of timberland, or of compatible uses as defined and as adopted by the board or council pursuant to Section 5 1111.

(b) On or before March 1, 1977, the board or council by ordinance, after the advice of the

planning commission pursuant to Section 5 1110.2, and after public hearing, shall zone as timberland production all parcels appearing on list A which are designated as "contested" pursuant to subdivision (c) of Section 5 1110, except those parcels which it finds by a majority vote of the full body to be in the public interest to exclude from such a zone.

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(c) On or before March 1, 1978, the board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels appearing on list B submitted by the assessor pursuant to subdivision (c) of Section 5 11 10. 1, except those parcels which it finds by a majority vote of the full body to be in the public interest to exclude from such a zone.

(d) On parcels excluded from the timberland production zone under this section, the board or council shall apply an alternate zone which is in conformance with the county general plan and whose primary use is other than timberland, if no such appropriate zone currently applies to such parcels.

(e) The owner of the land shall be given written notice at least 20 days prior to the hearing of the board or council, and notice of hearing shall be published pursuant to Section 6061 of this code, and shall include a legal description, or the assessor's parcel number, of the land which is proposed to be included within the timberland production zone.

Added Stats 1976 ch 176 §4.5, effective May 24, 1976; Amended Stats 1984 ch 678 §3.

#### Amendments:

**1984 Amendment:** Substituted "timberland production" for "timberland preserve" wherever it appears.

#### Cross References:

"Board": Gov C §5 1104(a).

"Council": Gov C §5 1104(c).

Cancellation of contract: Gov C §5 1282.5,

#### Collateral References:

Ehrman & Flavin, Taxing California Property (3d ed) §19:03.

### § 51113. Zoning of land as timberland production upon petition of owner

(a)(1) After November 1, 1977, an owner may petition the board or council to zone his or her land as timberland production. The board or council by ordinance, after the advice of the planning commission pursuant to Section 5 1110.2, and after public hearing, shall zone as timberland production all parcels submitted to it by petition pursuant to this section, which meet all of the criteria adopted pursuant to subdivision (c). Any owner who has so petitioned and whose land is not zoned as timberland production may petition the board or council for a rehearing on the zoning.

(2) This section shall not be construed as limiting the ability of the board or council to zone as timberland production any parcel submitted upon petition, which is timberland, defined pursuant to subdivision (f) of Section 5 1104, -and which is in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 5 1111.

(b) The board or council, on or before March 1, 1977, by resolution, shall adopt procedures for initiating, filing, and processing petitions for timberland production zoning and for rezoning. The rules shall be applied uniformly throughout the county or city.

(c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland

**production** under this section. The criteria shall not impose any requirements in addition to those listed in this subdivision and in subdivision (d). The following shall be included in the criteria:

ATTACHMENT \*\* 6

(1) A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.

(2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester. The plan shall provide for the eventual harvest of **timber** within a reasonable period of time, as determined by the preparer of the plan.

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(3) The parcel shall currently meet the **timber** stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the board or council to meet those stocking standards, and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland **production** under subdivision (a), then failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 5 1121.

Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the **timber** stocking standards in effect on the date the agreement was signed. Notwithstanding the provisions of Article 4 (commencing with Section 51130), if the parcel fails to meet the **timber** stocking standards, the board or council shall immediately rezone the parcel and specify a new **zone** for the parcel which is in conformance with the county general plan and whose primary use is other than timberland;

(4) The parcel shall be timberland, as defined in subdivision (f) of Section 5 1104; and

(5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 5 1111.

(d) The criteria required by subdivision (c) may also include any or all of the following:

(1) The land area concerned shall be in the ownership of one person, as defined in Section 3 8 106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, provided, that such number required may not exceed 80 acres.

(2) The land shall be a certain site quality class or higher under Section 434 of the Revenue and Taxation Code; provided, that the parcel shall not be required to be of the two highest site quality classes.

Added Stats 1976 ch 176 §4.5, effective May 24, 1976; Amended Stats 1977 ch 853 §6, effective September 17, 1977; Stats 1982 ch 1489 §6.

**Amendments:**

**1977 Amendment:** (1) Redesignated former subd (a) to be subd (a)( 1); (2) added subd (a)(2); (3) added the second paragraph in subd (c)(3); and (4) added subds (c)(4) and (c)(5).

**1982 Amendment:** In addition to making technical changes, (1) substituted "production" for "preserve" after "timberland" wherever it appears in subds

(a)(1), (a)(2), (b), the first sentence of subd (c), and subd (c)(3); (2) substituted "Section 5 1104" for "Section 5 1100" in subds (a)(2) and (c)(4); (3) deleted "below" after "subdivision (d)" in the second sentence of subd (c); (4) substituted "(commencing with Section 51130)" for "of this chapter" in the second paragraph of subd (c)(3); and (5) substituted "80 acres" for "160 acres or one quarter section" at the end of subd (d)(1).

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**Cross References:**

"Board": Gov C §51104(a).  
"Council": Gov C §5 1104(c).  
Procedure on filing of owner's written notice of desire to rezone: **Gov C §51120.**

**Collateral References:**

Ehrman & Flavin, Taxing California Property (3d ed) §19:03.

*Law Review Articles:*

Review of Selected 1977 California Legislation. 9 Pacific LJ 563.

**NOTES OF DECISION**

A county ordinance requiring an owner of timberland to obtain a county use permit to commercially harvest the timber as a prerequisite for zoning the timberland property as a "timberland preserve zone" (TPZ) under the Forest Taxation Reform Act of 1976 (FTRA) (Gov. Code, §51110 et seq.), was in conflict with the FTRA and thus invalid. Nowhere in the list (Gov. Code, §5 1113) of the sole criteria required to be met by parcels to be considered for timberland preserve zoning is there a requirement that the owner must obtain a use permit for timber harvesting before qualifying for a TPZ, nor is the local government granted authority by the statute to demand one. Further, the Legislature intended property owners to enjoy the tax benefits of timberland preserve zoning during the long growing phase when they are unable to realize income on their timber. *State of California v County of Santa Clara* (1983, 1st Dist) 142 Cal App 3d 608, 191 Cal Rptr 204.

**§ 51113.5. Petition by owner to add to timberland production zone; Land exchanges**

- (a) After March 1, 1977, an owner with timberlands in a timberland production zone pursuant to Section 5 1112 or 5 1113 may petition the board or council to add to his or her timberland production lands that meet the criteria of subdivisions (f) and (g) of Section 5 1104 and that are contiguous to the timberland already zoned as timberland production. Section 5 1113 shall not apply to these lands.
- (b) In the event of land exchanges with, or acquisitions from, a public agency in which the size of an owner's parcel or parcels zoned as timberland production pursuant to Section 5 1112 or 51113 is reduced, the timberland production shall not be removed from the parcel except pursuant to Section 5 1121 and except for a cause other than the smaller parcel size.

Added Stats 1976 ch 176 §4.5, effective May 24, 1976; Amended Stats 1977 ch 853 §7, effective September 17, 1977; Stats 1982 ch 1489 §7.

**Amendments:**

**1977 Amendment:** (1) Amended subd (a) by (a) deleting "recently acquired" after "his timberland preserve"; and (b) substituting "subdivisions (f) and (g) of Section 5 1100 and that are contiguous to the timberland already

Application No. 99-0141  
 Applicant: **Rancho del Oso**  
 Assessor's Parcel Nos. 057-071-12, 15, 057-081-45 and 54

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## CONDITIONS OF APPROVAL

Approval No. 99-0141  
 Applicant and Property Owner: **Rancho del Oso** Operating Company  
 Assessor's Parcel Nos. **057-071-12**, 15, 057-081-45 and 54  
 Property location and address: The property is located at **Rancho del Oso**, about 2 miles northeast on a private, unnamed right-of-way from Highway 1 and about 1 mile south from the intersection of Highway 1 and the entrance to Big Basin State Park. No **situs**.  
 North Coast Planning Area

Exhibits:

- L. Timber Harvest Plan 1-93-272 SCR dated 1993 prepared by Michael **Jani**, Registered Professional Forester

- I. This approval authorizes the rezoning of parcels 057-071-12, 15, 057-081-45 and 54 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 **APNs** 057-071-12, 15, 057-081-45 and 54 with the County Recorder. Submit proof of recordation to the Planning Department.
- II. Site Conditions.
- A. The any future logging roads constructed under a timber harvest permit are "new roads" as defined in Chapter 16.22.030 of the County Code. Use of any new logging road for any purpose other than timber harvesting, timber management as defined in Public Resources Code 4527, non-vehicular

Application No. 99-0141

Applicant: **Rancho del Oso**

Assessor's Parcel Nos. 057-071-12, 15, 057-081-45 and 54

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recreation and tire suppression is strictly prohibited unless all required County permits are obtained.

- B. The access roads shown in Exhibit L are pre-existing roads. These roads will meet the definition of a "new road" if any improvements resulting in over 100 cubic yards of grading along any 500 foot length are made to the road, and the usage of the road shall then be restricted to those allowed under Condition II.A.
- C. 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.
- 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.
- D. Timber harvesting and/or tree removal is prohibited within 70 feet of the western property line of APNs 057-071-12 and 057-081-54 which is adjacent to the shared access road for **Rancho del Oso** and Big Basin State Park, with the following exceptions:
1. Maintenance of the timber landings designated in the Timber Harvest Plan (Exhibit L).
  2. Removal of trees for the maintenance of the roadbeds and to allow safe access along the roads within the "No Cut Zone".
- E. Timber stands meeting minimum stocking standards shall be maintained as required by Section 13.10.375(c)3.
- F. 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.
- G. Future timber harvesting shall conform with the cutting restrictions set forth in Chapter 13.10.695 "Locational Criteria for Timber Harvesting" of the County Code.



Application No. 99-0141  
 Applicant: **Rancho del Oso**  
 Assessor's Parcel Nos. 057-071-12, 15, **057-081-45** and 54

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- 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.
- 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.

Application No, 99-0141

Applicant: **Rancho del Oso**

Assessor's Parcel Nos. 057-071-12, 15, 057-081-45 and 54

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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.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
COAST REGION  
135 RIDGWAY AVENUE  
P.O. BOX 670  
SANTA ROSA, CA 95402-0670  
(707) 576-2275

ATTACHMENT

6



0700

IM

Date: SEPTEMBER 2, 1993  
THP: 1-93-272 SCR

MICHAEL E. JANI  
535 38th Avenue  
SANTA CRUZ CA 95062

NOTICE OF CONFORMANCE

Enclosed is a true copy of your Timber Harvesting Plan (THP) identified by the number shown above. The Director of Forestry and Fire Protection finds that the plan conforms with the Rules and Regulations of the Board of Forestry, pursuant to the provisions of the Z' Berg-Nejedly Forest Practice Act of 1973. Conformance is indicated by the facsimile signature of his duly constituted representative being shown on the attached copy of the plan.

You may begin the timber operations proposed in the plan according to the conditions specified therein, and subject to the Forest Practice Act, Forest Practice Rules of the Forest District in which the operations will take place, related Board of Forestry regulations and other applicable laws, regulations and ordinances.

The Forest Practice Act requires the filing of the two reports listed below for each timber harvesting operation undertaken:

1. Timber Operations Work Completion Report: Within one month after completion of work described in a Timber Harvesting Plan, excluding work for stocking, a report shall be filed by the timber owner or his agent with the Director that all work, except stocking, has been completed.
2. Report of Stocking:
  - a)  Within six months after completion of timber operations covered by this THP, a Report of Stocking shall be filed by the timber owner or his agent with the Director.
  - b) N/A Within five years after completion of timber operations covered by this THP, a Report of Stocking shall be filed by the timber owner or his agent with the Director.
  - c) Stocking obligations do not apply because:
    - N/A A Timberland Conversion Permit is in effect.
    - N/A The THP is for road right-of-way construction only.
    - N/A The THP is for a one-time, minor conversion.

In future correspondence, please refer to the THP number in the upper right corner of the attached plan.

Sincerely,

LLOYD I. KEEFER  
DEPUTY DIRECTOR, OPERATIONS

Thomas P. Osidowich  
Resource Manager, RPF X7767

Enclosures

cc: Rancho del Oso  
Unit  
File

bw

SEPTEMBER 2, 1993  
Date of Director's Decision

OFFICIAL NOTICE OF THE DIRECTOR OF FORESTRY'S DETERMINATION<sup>0701</sup>  
OF CONFORMANCE OF AMENDMENTS TO TIMBER HARVESTING PLANS  
WITH THE FOREST PRACTICE ACT, AND BOARD OF FORESTRY REGULATIONS

The Director of Forestry found on the date shown that the Amendment(s) to the Timber Harvesting Plan(s) listed below are in conformance with the rules of the Board of Forestry and and to State laws, and regulations.

Copies of tht Amendment(s) and related documents are available for inspection at: 6059 Hwy. 9, Felton, CA.95018 (40Sj 335-9148

This notice is posted in compliance with Sections 1037.1 and 1037.7, Title 14, California Administrative Code.

Plan No.: 1-93-272 SCR Plan No.: \_\_\_\_\_

County: SANTA CRUZ County: \_\_\_\_\_

Submitter: MICHAEL E. JANI Submitter: \_\_\_\_\_

Approx. Acres in Plan: 280 Approx. Acres In Plan: \_\_\_\_\_

Location: MDB&M  
PTN E 1/2 SEC 26, N 1/2 SEC 35 T9S R4W Location: \_\_\_\_\_

WADDELL CREEK \_\_\_\_\_

Description: SELECTION Description: \_\_\_\_\_

Plan No: \_\_\_\_\_ Plan No: \_\_\_\_\_

County: \_\_\_\_\_ County: \_\_\_\_\_

Submitter: \_\_\_\_\_ Submitter: \_\_\_\_\_

Approx. Acres in Plan: \_\_\_\_\_ Approx. Acres in Plan: \_\_\_\_\_

Location: \_\_\_\_\_ Location: \_\_\_\_\_

Description: \_\_\_\_\_ Description: \_\_\_\_\_

TO POSTING AGENCY: Please post this notice at the place where official notices concerning Environmental Quality Act compliance are usually posted. If there are questions concerning posting, please contact: Resource Management Office, California Department of Forestry and Fire Protection (707) 576-2275. Posting Period is 30 days.

EM-10A (4/8

STATE OF CALIFORNIA  
 DEPARTMENT OF FORESTRY  
 RM-63 (6/86)                      TIMBER HARVESTING PLAN

< FOR ADMINISTRATIVE USE ONLY<sup>0702</sup>  
 < THP No. 1-93-272 SCR  
 < Date Recd JUL 09 1993  
 < Date Filed JUL 19 1993  
 < Date Apprvd SEP 2 1993

This Timber Harvesting Plan (THP) form, when properly completed, is designed to comply with the Forest Practice Act (FPA) and Board of Forestry rules. See separate instructions for information on completing this form. NOTE: The form must be printed legibly in ink or typewritten.

1. TIMBER OWNER(S) :Name      Rancho del Oso Operating Co.  
     Address: 3610 Coast Hwy. 1  
     City: Davenport          State: CA.    Zip: 95017      Phone: 408-423-6958
2. TIMBERLAND OWNER(S) :Name      Same as above  
     Address  
     City State Zip Phone
3. TIMBER OPERATOR(S) :Name      Big Creek Lumber Co.                      License # A-300 ✓  
     Address: 3564 Highway 1  
     City: Davenport          State: CA.    Zip: 95017      Phone: (408) -423-4156
4. PLAN SUBMITTER(S) :Name          Michael E. Jani  
     If the plan submitter is different from 1, 2, or 3 explain authority to submit plan.  
     Forester for the above
5. Person to contact on-site who is responsible for the conduct of the operation:  
     Name:      Michael E. Jani  
     Address :    535 38th. Ave.  
     City: Santa Cruz          State: CA.    Zip: 95062      Phone: (408) 476-1015
6. RPF preparing the THP: Name      Michael E. Jani                      #1856  
     Address: 535 38th Ave.  
     city: Santa Cruz          State: CA.    Zip: 95062      Phone: (408) 476-1015

CDF STOCK NO. 7540-130-0063

Received CDF  
 REGION 1

JUL 09 1993

EXHIBIT L  
 RESOURCE MANAGEMENT

0703

7. Expected commencement date of timber operations: 5 days from director's decision <sup>Y2</sup>
- a. Expected completion date of timber operations: 3 year's from ~~case above~~ <sup>director's let</sup> 9/2/93
9. Forest products to be harvested: Conifer sawlogs
10. The timber operation is to be within: (check the appropriate boxes)
1.  Coast Forest District
  2.  Northern Forest District
  3.  Southern Forest District
  4.  Southern Subdistrict of the Coast Forest District
  5.  High-Use Subdistrict of the Southern Forest District

Received CDF  
REGION 1

JUL 09 1993

RESOURCE MANAGEMENT

11. Location of the timber operation by legal description:

Base and Meridian:  Mount Diablo,  Humbolt,  San Bernardino

Section Township Range Approximate Acreage County (Optional, Assessors Parcel No.)

Section	Township	Range	Approximate Acreage	County	(Optional, Assessors Parcel No.)
Ptn. E 1/2 Sec. 26 N 1/2 Sec. 35	9S	4w		Santa Cruz	

Total Acreage: 280

12.  Yes  No Is timberland conversion in effect? If yes, list permit number and of expiration:
13.  Yes  No Is there a THP on file with CDF for any portion of the plan area for which a report of satisfactory stocking has not been issued by CDF? If yes, identify the THP number: NOTE: one portion of the plan area has not to date gone through the mandatory 10 year waiting period for re-entry.  
This area has been isolated on the plan map and as a condition of this plan and in accordance with the forest practice rules for this area, will not be eligible for re-entry until June of 1995.
14.  Yes  No Is any part of the plan within a special treatment area, Tahoe Regional Planning Agency jurisdiction, or a county which has special rules? If yes identify the special area: Santa Cruz County Coastal Zone and borders with State Park land on the North and West.

#### SILVICULTURE

15. Check the method or treatments which are to be applied, and provide any other

0704

information required by the rules in an addendum:

- 1  Clearcutting                                2  Shelterwood, preparatory step  
 3  Shelterwood, seed step                                4  Shelterwood, removal step  
 5  Seed tree, seed tree step                                6  Seed tree, seed tree removal step

7  Selection- designate basal area stocking standards to be met: 913.8a  
 Site III- 75 sq. ft. Site IV - 50 sq. ft.

8  Commercial thinning- designate basal area stocking standards to be met:

9  Sanitation salvage- when will stocking be met:

- 10  Special treatment areas                                11  Rehabilitation of understocked areas  
 12  Alternative prescription                                13  Transition Method

NOTE: Where the level of stocking is based upon timberland site, timberland sites must be shown on the map.

16. A.  Yes  No Are any exceptions to the standard silviculture permitted in the rules proposed for this plan? If yes, explain and justify the exception in a addendum.

B.  Yes  No Will artificial regeneration be required to restock the logged area?

17.  Yes  No Are broadleaf or optional species proposed for management? See item 18.

18.  Yes  No Are broadleaf or optional species to be used to meet stocking standards?

If the answer to items 17 or 18 is yes, list the species and provide the information required by the rules:

#### HARVESTING PRACTICES AND EROSION CONTROL

19. Indicate type of yarding systems to be used this plan:

- 1  Tractor, skidder, forwarder                                2  Balloon, helicopter  
 3  Cable, ground lead                                4  Cable, high lead  
 5  Cable, skyline                                6  Animal

7  Other: tractor longlining from approved roads and suitable terrain

20.  Yes  No Will tractor constructed layouts be used?

21.  Yes  No Will tractors be used for directional tree pulling?

Check items 22 through 25 that apply to the use of tractors.

22.  Yes  No Operations on unstable soils or slide areas?

23.  Yes  No Operations on slopes over 65%?

Received CDF  
 REGION 1

JUL 09 1993

RESOURCE MANAGEMENT

EXHIBIT L

0705

**EXPLANATION:** Much of the proposed harvest area has a history of timber harvesting, some dating back to as early as 1860. As a result of this past, the majority of the plan area is not only roaded but has an extensive trail system as well. No new permanent **truck** road is proposed for this harvest. The only new construction involves two short temporary spur roads off the existing main road along the creek so as to better screen harvesting activities from the park. In many areas, both existing road and trails are located on slopes over 65%. During plan review, these were judged to be stable and reusable for the harvest proposed.

**JUSTIFICATION:** These roads and trails area stable and usable and have been maintained periodically over the years to provide continuing access to the landowner's forestland for the purpose of growing and harvesting timber. To relocate these roads and trails on slopes less than 65% would result in unnecessary soil disruption and loss of viable timber growing land.

24.  Yes  No Operations on slopes over 50% with high or extreme EHR?

25.  Yes  No Operations within cable yarding areas?

**EXPLANATION:** Some parts of the plan area have been designated as cable/tractor option (see "FEATURES MAP"). In these areas, the operator will have the option to tractor log on terrain that is less than 50% where no skid road construction is required and the tractors can back downslope with their blades up.

**JUSTIFICATION:** Cable operations will be crossing over gentle terrain to access steeper terrain. If the topography is suitable, the tractors can back downslope without constructing skid roads. In these instances, tractor logging will be permissible. This may eliminate the need for additional skyline corridors and may reduce damage to the residual stand.

26. Indicate erosion hazard ratings on this THP:

Low  Moderate  High  Extreme

27. Describe soil stabilization measures to be implemented or any additional erosion control measures proposed in this THP where required by the rules:

Where feasible, tractor trails will be obliterated by burying or covering with slash, spread and crushed in place by tractors in addition to the required waterbarring to prevent significant soil erosion. In addition, the temporary roads and landings will be treated in a similar manner.

28.  Yes  No Are any alternative practices or exceptions to the standard harvesting or erosion control practices permitted in the rules proposed for this plan? If yes explain and justify: Operations on slopes over 65% and operations within cable logging areas (see #23 and 25, above.)

29.  Yes  No Are timber operations proposed for the winter period? If yes, provide winter period plan in an addendum or specify compliance with 14 CAC 914.7(c), 934.7(c) or 954.7(c). No winter period plan is needed for cable, helicopter, or ballooning yarding.

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Winter operations within the plan will occur in accordance with 14CAC 914.7(c) including the following:

1. Tractor yarding or the use of tractors shall be allowed during dry, rainless periods where soils are not saturated.
2. Erosion control structures shall be installed on all tractor roads, landings and truck roads prior to the end of the day if the U.S. Weather Service forecast is a "chance" (30% or more) of rain before the next day, and prior to any weekend or other shutdown period. Erosion control structures shall be installed concurrently with any new road construction.
3. Erosion control structures for roads in use will consist of rolling dips or hand dug waterbars.
4. Only one landing together with the road serving it and a single tractor road will be opened and in use at any given time.
5. Wet condition operations will be limited to felling and lopping.
6. Winter period operations will continue only with the approval of CDF.
7. Cable logging only within the WLPZ Truck roads within the WLPZ shall have rolling dips installed permanently. Should truck use cause deterioration of the existing road surface, CDF may require rocking road sections within the WLPZ.
8. Areas where log removal occurs prior to Jan. 1 in any year will be lopped prior to April 1 of the following year. The RPF shall submit a map to CDF at the beginning of each year of harvesting showing those areas to be lopped.

#### ROAD AND LANDINGS

30.  Yes  No Will any roads or landings be constructed or re constructed?  
If yes, check items 31 through 37 that apply:
31.  Yes  No Will new roads be wider than single lane with turnouts?
32.  Yes  No Will any landings exceed the maximum size specified in the rules?
33.  Yes  No Are logging roads or landings proposed in areas of unstable soils or known slide-prone areas?
34.  Yes  No Will new roads exceed a grade of 15% or pitches of 20% for distance greater than 500 feet?
35.  Yes  No Are roads to be constructed, other than crossings, within the watercourse and lake protection zone of a class I or II watercourse?
36.  Yes  No Will roads or landings longer than 100 feet in length be located on slopes over 65%, or on slopes over 50% which are within 100 feet of the boundary of a watercourse or lake protection zone?

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37.  Yes  No Are exemptions proposed for flagging or otherwise identifying the location of roads to be constructed?
38. If any of items 31 through 37 are answered yes, explain, justify, and give site-specific measures to reduce adverse impacts or, is there any additional or special information concerning the construction and/or maintenance of roads or landings, if required by the rules. Provide necessary information in a addendum.

WATERCOURSE AND LAKES

39.  Yes  No Are there any watercourses or lakes which contain class I through IV waters on or adjacent to the plan area? If yes, complete items 40 through 50.
40.  Yes  No Are any in-lieu practices and/or alternative practices proposed for watercourse or lake protection? If yes, explain and justify:  
(see items #41, 43 and 46, below and the following)

**Explanation:** Flagging the WLPZ of the Class I watercourse along the proposed haul route and the Class II watercourse in areas proposed for cable logging only will not be necessary to protect water quality.

**Justification:** No harvesting operations or tractor use is proposed for areas adjacent to Waddell Creek, a Class I watercourse. Operations will be limited to the road's use for trucking and for improvements that will be made to the road prior to the onset of operations.

Flagging the WLPZ within areas proposed for cable yarding is unnecessary as no crawler type equipment will be anywhere near the stream. Because all trees are marked for selective harvest it is not critical that the fallers be aware of the shade/canopy requirements within the WLPZ. The standards proposed below for WLPZ protection on Class II watercourses exceed the standard rules. (see item#50)

Implementation of this alternative, coupled with the standards proposed, will provide greater protection of the quality and beneficial uses of water than the standard.

41.  Yes  No Exclusion of the use of watercourses, marshes, wet meadows, and other wet areas, for landings, roads, or tractor roads?
- Explanation:** Two existing landings used in the past harvesting are located in the middle of a marginal Class III watercourse and are proposed for use. There is evidence of some flow across at least one of the landings though its location is way up in the watershed approximately 1000 feet away from any higher order stream with large flats in between.
- Justification:** Reuse of these landings followed by proper channel reconstruction following completion of operations will not cause any degradation of water quality. To relocate these landings outside the watercourse would require much more soil disruption and require removal of productive redwood clumps. Review of the past operation

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revealed that these two landings were safe to use.

42.  Yes  No Retention of non-commercial vegetation bordering and covering meadows and wet areas?

43.  Yes  No Directional felling of trees within the zone away from the watercourse or lake?

Explanation: Trees adjacent to Class II and Class III watercourses may be crossfelled at angles near perpendicular to the streamcourse where doing so will not result in deposition of significant amounts of soil and debris. During the summer period, these trees may be left until removed except where falling and or bucking will result in logs being left in flowing or standing water. Trees as this shall be felled and removed immediately. Any dirt or debris, accidentally deposited in the water as a result of this practice shall be removed immediately. Accidental dirt or debris not in flowing water shall be removed prior to the winter period. During the winter period, this practice will be allowed as well however, all dirt and debris will be removed immediately and trees whose falling would result in logs being deposited below the high water mark, shall not be felled. Channels which have been crossfelled shall be monitored during the winter period to insure that water passage continues under and around logs nearby the channels.

Justification: Winter falling of timber creates the possibility of accidental placement of logs in the watercourses. If the above mitigation measures are followed, this would be highly unlikely and, protection should equal what is required by the rules. All the timber in the watercourse will be marked prior to falling and CDF shall be noticed prior to commencement. In addition, upon commencement of timber falling, CDF shall be notified and the RPF and CDF shall meet to review the effectiveness of the alternative in respect to all the benefits described in this section.

This falling practice increases timber saved by allowing the cutters to utilize the best lays for trees. It also minimizes crown damage of residual trees when harvested trees would otherwise have to be pulled back through residual crowns. This practice will increase shade retention along the watercourse and minimize debris deposition into the channels.

Implementation of this proposed alternative will provide GREATER protection, including all proposed mitigations for the quality and beneficial uses of water and those features listed in 916.4 (b) than would implementation of the specified standard prescriptions.

At this time, the exact number of trees to be crossfelled is unknown. This information will be available once marking of the trees is

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completed. However, it should be pointed out that the actual number of trees is insignificant as this practice will only be used in instances where crossfalling will lessen residual crown damage thereby increasing watercourse protection.

44. Yes No Increase or decrease of width(s) of the zone(s)?
45. Yes No Protection of watercourses which conduct class IV waters?
46. Yes No Exclusion of heavy equipment from the zone?

Explanation: There is a skid road proposed for construction and use within the WLPZ of a Class II watercourse. A spring's discharge meanders across a large alluvial flat before finally dropping into a much larger Class II watercourse. A skid road is proposed for construction which utilizes the area at the base of a steep hill and its margin with the alluvial flat, both within the WLPZ. A small amount of the toe of the hill will be cut to raise the skid road high enough to keep it dry as it's unknown whether other sections of the flat are dry enough to support cats and log skidding. During operations, the spring area and wet runoff area will be flagged off limits and fallers will be directed to fall timber on the hillside above, away from the area. Following completions of operations, the trail will be completely covered with either logging slash or straw to eliminate soil erosion and sediment transport.

Justification: This trail is needed to access timber on the adjacent hillside where there is inadequate deflection to allow cable logging and the ground is too steep to build skid roads upslope, outside the WLPZ. This trail location minimizes soil disruption and though it is within the WLPZ, the erosion control measures, described above will insure complete protection of the spring and channel area.

Explanation: The plan proposes to use a portion of existing road as a haul road that is located within the WLPZ of Waddell Creek, a high order Class I watercourse. The road is currently used year round as the principle access route for the State Park personnel for access to their lands located in the Waddell Basin between the coast and Big Basin Park.

In addition, this shared right of way is used on occasion by the members of the Rancho del Oso Operating Co. The timber operator, in consultation with the Parks Dept. will make improvements to the road so as to lessen the current problems associated with its present condition and its proximity to the creek.

Justification: Use of this road dates back to the mid-1800's when Waddell had a sawmill in this canyon. The road is generally located away from the creek enough to provide adequate filter capacity for sediments created from the roads winter use. In areas where there is insufficient filter capacity, this plan will propose improvements.

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The RPF, in consultation with the maintenance Dept. of the State Parks will create an erosion control plan to be amended to this plan prior to the onset of operations. The use of this shared right of way, coupled with the improvements to be made will have a positive impact on the stream and be much less disruptive than the alternative of constructing a new road outside the WLPZ.

47.  Yes  No Retention of 50% of the overstory canopy in the zone?

48.  Yes  No Retention of 50% of the understory in the zone?

If any of the items 41 through 48 are answered yes, explain and justify if required by the rules and provide necessary information in an addendum.

49.  Yes  No Are residual trees or harvest trees going to be marked within the watercourse lake protection zone? If no, explain:

50. In an addendum describe the protective measures and zone widths for the watercourse or lake protection zones that are in the plan area.

WLPZ widths and protection measures as per State Forest Practice Rules described in Table I-14 CAC 916.5

Slope Class	Class I (no tractor logging proposed, haul road only)		Class II	Class III	RESOURCE MANAGEMENT	JUL 09 1993	Received CDF REGION 1
	Width/	Protect					
<30	75/	G	50/EDI	0/FH			
30-50	100	G	75/BDI	0/FH			
>50	150	G	100/BDI	0/FH			

B- (tractor logging area only), WLPZ shall be clearly identified as above, prior to the start of timber operations.

D- To ensure retention of shade campy, filter strip properties of the WLPZ and the maintenance of a multi-storied stand for protection of values described in 14CCR 916.4 (b), a base mark below the outline of residual or harvest trees within the zone shall be done in advance of ~~preharvest inspection~~ <sup>inspection</sup> by the RPF who prepared the plan, or his designee. Sample marking is satisfactory in those cases where the Director determines it is adequate for plan evaluation. When sample marking is used, all marking shall be done in advance of falling operations within the WLPZ.

E- To ensure retention of shade canopy, filter strip properties and the maintenance of wildlife values described in 14CCR 916.4 (b), a baseline mark, as above, shall be done in advance of timber falling operations.

F- All timber to be harvested shall be marked in advance of falling operations.

G- To protect water temperature, filter strip properties, upslope stability, and fish and wildlife values, at least 50% of the overstory and 50% of the understory canopy covering the ground and adjacent waters shall be left in a well distributed multi-storied stand composed of a diversity of species similar to that found before the start of operations. The residual overstory canopy shall be composed of at least 25% of the existing overstory conifers. Species composition may be adjusted consistent with the above standards to meet on-site conditions when agreed to in the THP by the RPF and the Director.

H- At least 50% of the understory vegetation present before timber operations shall be left living and well distributed within the WLPZ to maintain soil stability.

I- To protect water temperature, filter strip properties, upslope stability and fish and wildlife values, at least 50% of the total canopy covering the ground shall be left in a well distributed multi-storied stand configuration composed of a diversity of species similar to that found before the start of operations. The residual overstory canopy shall be composed of at least 25% of the existing overstory conifers. Due to variability in Class II watercourses these percentages and species composition may be adjusted to meet on-site conditions when agreed to by the RPF and the Director in the THP.

#### WILDLIFE

51.  Yes  No Are any known rare or **endangered** species or species of special concern, including key habitat, associated with the THP area? If yes, in an addendum identify the species and the provisions to be taken for protection of the species. See Wildlife Addendum and attached documents.
52.  Yes  No Are there any snags which must be felled for fire protection or other reasons? If yes, describe which snags are going to be felled:
53.  Yes  No Are any other provisions for wildlife protection required by the rules? If yes, describe provisions: Note: All trees to be cut will be marked thus providing the RPF an opportunity to preview the entire plan area prior to the onset of operations. Should any species of concern be located, the provisions of the rules will be applied and the Department notified immediately. In addition, though not *required* by the rules, trees within the plan area which the RPF believes may have potential for wildlife habitat (though currently not in use) are being excluded from harvest.

#### CULTURAL RESOURCES

- 54.a.  Yes  No Has an archaeological survey been made of the areas to be harvested?
- b.  Yes  No Have the California Archaeological Inventory Records been checked for any recorded archaeological or historical sites located in the area to be harvested?
- c.  Yes  No Has the RPF contacted the local tribal governments listed by the NAHC?
- d.  Yes  No Did any tribal governments contacted respond?
- e.  Yes  No Will the local tribal groups identified by the NAHC be notified of the opportunity to participate in the THP review process?
55.  Yes  No Are there any archaeological or historical sites located in the area to be harvested? If yes, describe in an addendum how the sites are to be protected.

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EXHIBIT 79  
RESOURCE MANAGEMENT

HAZARD REDUCTION

56. What type of slash treatment will be used in the fire protection zone?

- 1  Pile and burn      2  Logging      3  Other:  
4  Not applicable no fire protection zone present

57.  Yes     No If the clearcutting method is used, will broadcast burning be used of site preparation?    Not applicable

58. If piling and burning is to be used for hazard reduction, who will be responsible for compliance?

- 1  Timber owner      2  Timber operator      3  Timberland owner  
Not applicable

PUBLIC NOTICE

59.  Yes     No Are there any ownerships within 300 feet of the plan boundary which are owned by persons other than the persons executing this plan? If yes, a list of the names and addresses of the adjacent property owners and a Notice of Intent to Harvest Timber must be included with the plan.

PESTS

60.  Yes     No Are there any adverse insect, disease, or pest problem of significance in the plan area? If yes, describe the mitigation measures, if any, to improve the health and productivity of the stand in an addendum.

Explanation: There is evidence that many of the Douglas-firs within the plan area are infected with Fomes Pini, an interior heart rot mainly spread through airborne spores entering broken limb collars.  
Mitigation: As in past harvests on the property, trees with visible conks will be the first trees selected for cutting unless they are significant wildlife trees or in stands of trees which because of viewshed considerations will not be cut. In addition, because the spores can spread the rot through cut stumps, the harvest will avoid leaving residuals where other firs have been cut close by.

OTHER INFORMATION

61. Are there any other existing or planned land use activities including but not limited to the other THPs in the area of the proposed THP which may combine with the effects of your timber harvesting operation to cause significant adverse cumulative environmental effects?  Yes     No If yes, please describe the other land use(s) and the likely effect as well as any mitigation which would reduce the negative effect in an addendum.

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EXHIBIT L

0713

See "Cumulative Impacts Assessment" Addendum

ATTACHMENTS

62. Check if the attachments listed are included with the plan:
- 1  Notice of Stream Bed Alteration to Department of Fish and Game (A copy of this notice is attached to the instructions for your use.)
  - 2  Estimated Surface Soil Erosion Hazard Calculations
  - 3  Notice of Intent to Harvest Timber and a list of names and addresses or adjacent property owners
  - 4  Maps
  - 5  Addendum for silviculture information
  - 6  Written notice of plan to the timber operator, timberland owner, or timber owner that did not sign the THP.

REGISTERED PROFESSIONAL FORESTER

63. I have the following authority, responsibilities, and limitation for preparation or administration of the THP and timber operation:

Plan preparation, timber marking, plan review, plan implementation and all other aspects of the timber harvest. RPF shall make amendments to the plan if necessary.

64. I have notified the timber owner and the timberland owner, in writing, of their responsibilities for:
1.  Yes  No The stocking requirements of the rules
  2.  Yes  No The maintenance of erosion control structures requirements of the rules
  3.  Yes  No The marking requirements contained in the rules
65.  Yes  No I will provide the timber operator with a copy of the approved THP.
66. After considering the rules of the Board of Forestry and the mitigation measures I have proposed I have determined that the timber operation:
- will have a significant adverse impact on the environment
- will not have a significant adverse impact on the environment.
- If the operation will have a significant adverse impact on the environment, in an addendum explain why any alternatives or additional mitigation measures that would reduce the impact are not feasible.

See "Significant Environmental Impacts Assessment" Addendum

67. Registered Professional Forester: I Certify that I, or my designee, personally inspected the plan area, and the plan complies with the Forest Practice Act and the forest practice rules.

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Signature Michael E. Jani Date 7/7/93 0714

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RESOURCE MANAGEMENT

68.

CERTIFICATION

0715

The above conforms to my/our plan and, upon filling, I/we agree to conduct harvesting in accordance therewith. Consent is hereby given to the Director of Forestry, his agents and employees, to enter the premises to inspect timber operations for compliance with the Forest Practice Act and forest practice rules.

Timber Owner: Rancho Del Oso Operating Co., Robert Briggs, Pres.

Signature: [Signature] Date 7-8-93

Printed Name: Robert Briggs

Timberland Owner: Rancho Del Oso Operating Co., Robert Briggs, Pres.

Signature: [Signature] Date 7-8-93

Printed Name: Robert Briggs

Timber Operator: Big Creek Lumber Co., Michael E. Jani, Forester

Signature: [Signature] Date 7/7/93

Printed Name: Michael E. Jani

DIRECTOR OF FORESTRY

This Timber Harvest Plan conforms to the rules and regulations of the Board Of Forestry and with the Forest Practice Act.

By: [Signature] (Signature) 9/2/93 (Date)

[Signature]  
( Printed Name )

RESOURCE MANAGER

( Date )

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EXHIBIT L  
RESOURCE MANAGEMENT

RANCHO DEL OSO OPERATING CO.

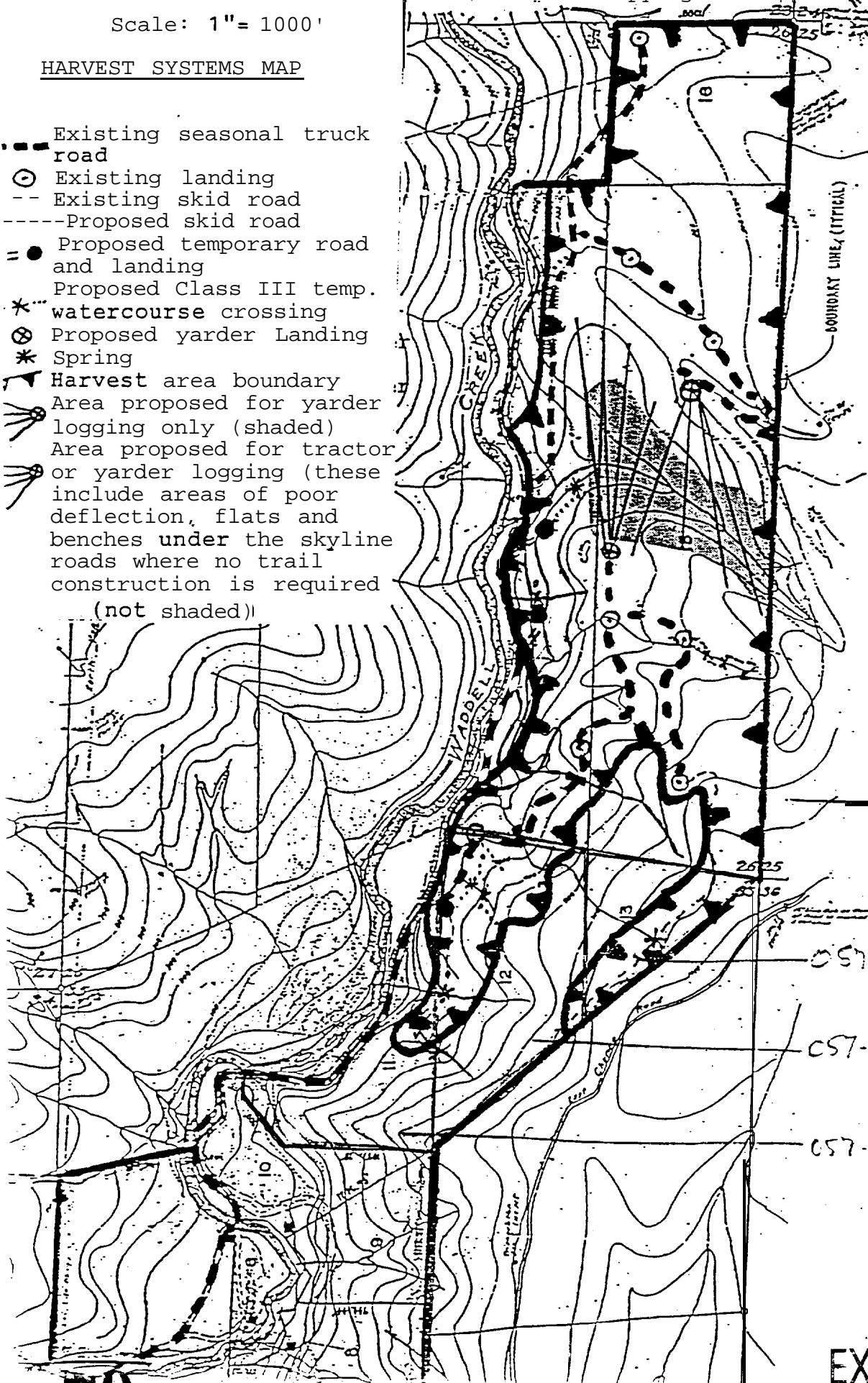
\*amended at CDF's request, 7/18/'93 to facilitate clearer copying.

Scale: 1" = 1000'

amended 7/29

HARVEST SYSTEMS MAP

- Existing seasonal truck road
- Existing landing
- - Existing skid road
- - - Proposed skid road
- Proposed temporary road and landing
- \* Proposed Class III temp. watercourse crossing
- \* Proposed yarder Landing Spring
- ▲ Harvest area boundary
- Area proposed for yarder logging only (shaded)
- ▨ Area proposed for tractor or yarder logging (these include areas of poor deflection, flats and benches under the skyline roads where no trail construction is required (not shaded))



NOTE 1  
 THE TOPOGRAPHY SHOWN ON THIS MAP WAS PHOTO-COPIED FROM A TOPOGRAPHIC MAP OF THE LANDS OF INDIANORE, J. HOOPER, SURVEYED BY E.P. ROBERTS DATED 1915.

057-081-A5 (SU)  
 057-081-A5 (TP)  
 057-081-54 (SU)

EXHIBIT L

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Scale: 1" = 1000'

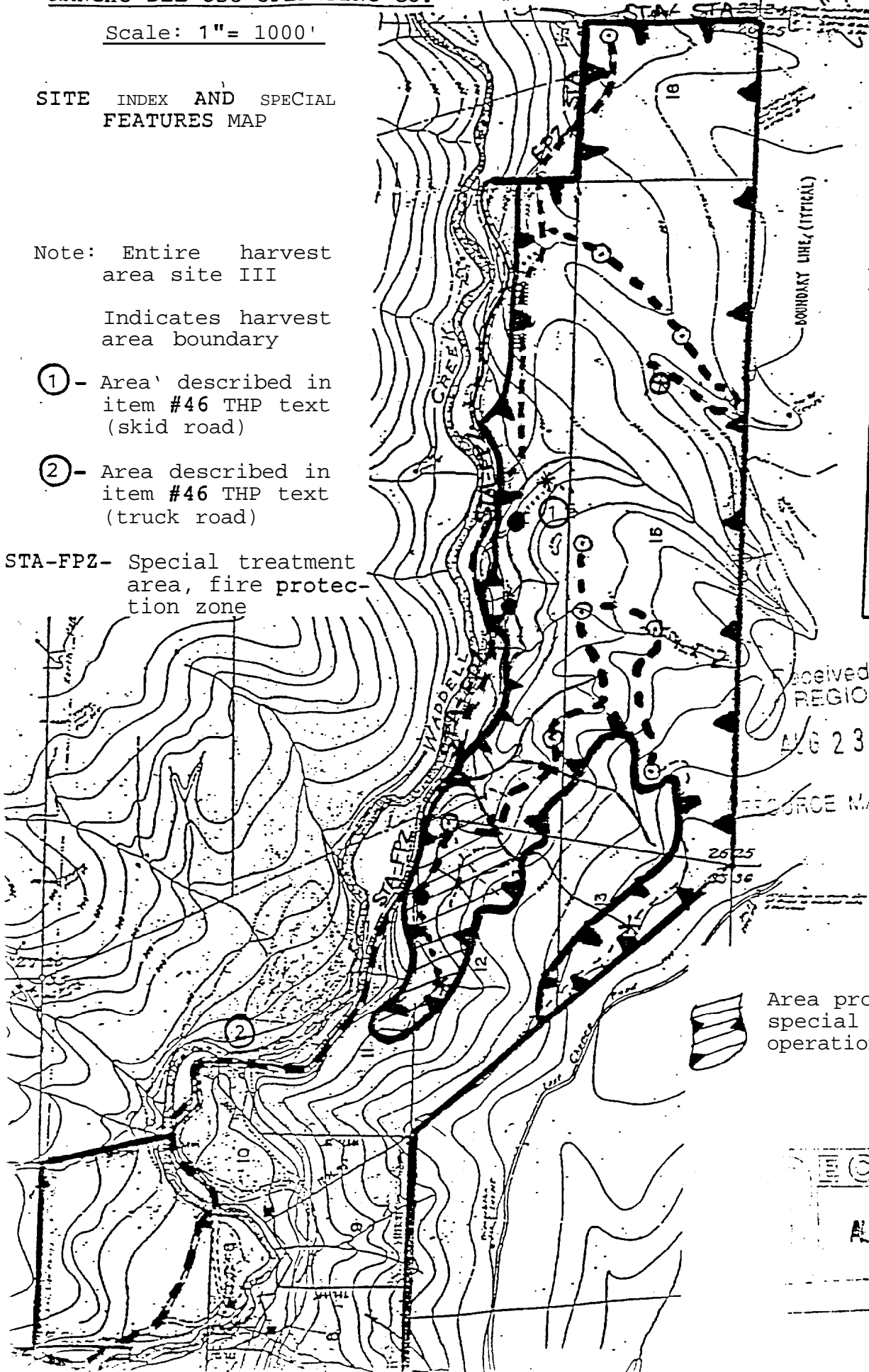
SITE INDEX AND SPECIAL FEATURES MAP

Note: Entire harvest area site III

Indicates harvest area boundary

- ① - Area described in item #46 THP text (skid road)
- ② - Area described in item #46 THP text (truck road)

STA-FPZ- Special treatment area, fire protection zone



0717

NOTE 1  
 THE TOPOGRAPHY SHOWN ON THIS MAP WAS PHOTO-COPIED FROM A TOPOGRAPHIC MAP OF THE LANDS OF INLOPPE, J. HOOPER SURVEYED BY E.P. ROGERS DATED 1915.

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RESOURCE MANAGEMENT



Area proposed for special hours of operations.

REC'D

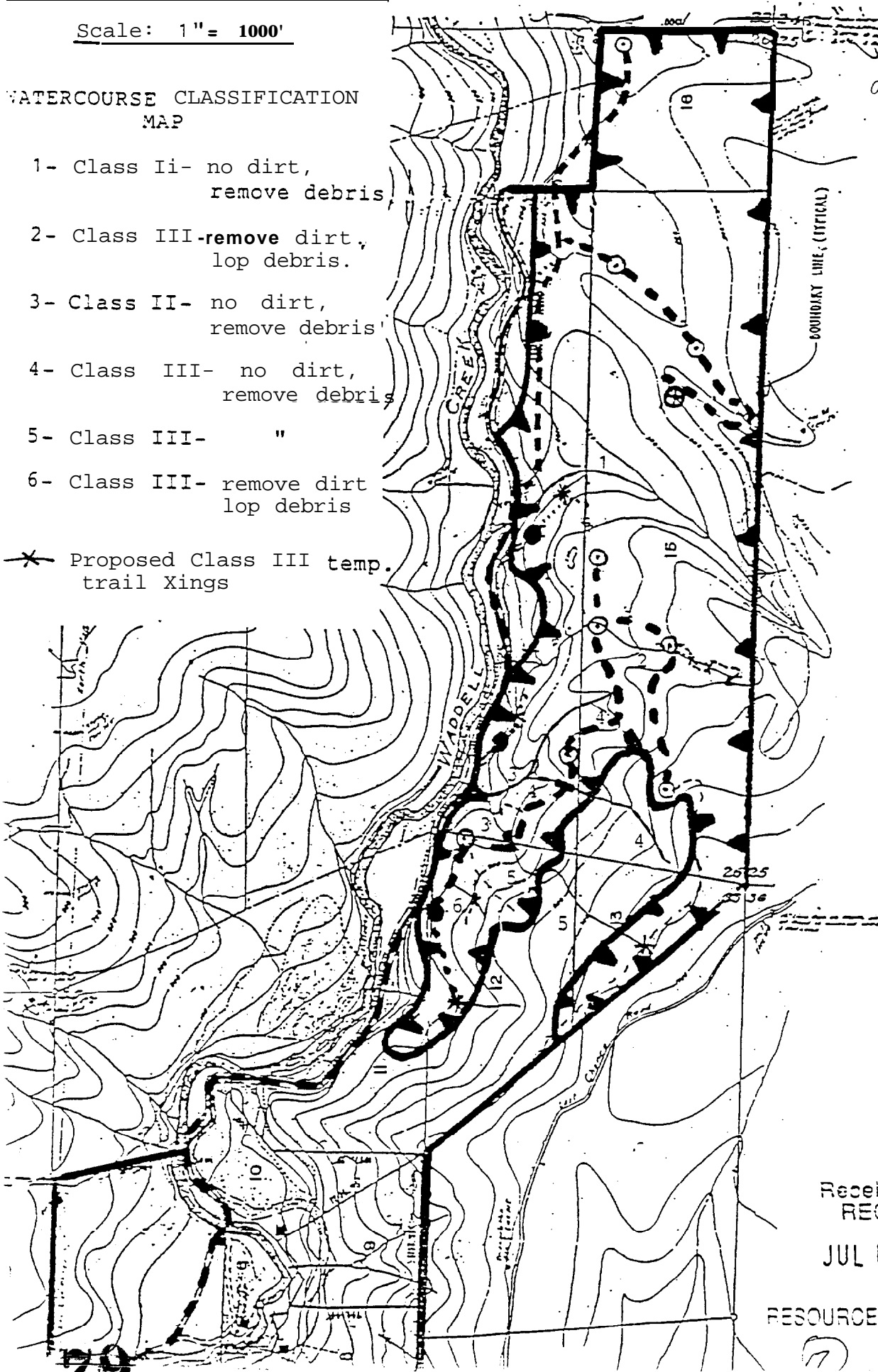
AUG 23 1993

Scale: 1" = 1000'

WATERCOURSE CLASSIFICATION MAP

- 1- Class II- no dirt, remove debris
- 2- Class III- remove dirt, lop debris.
- 3- Class II- no dirt, remove debris
- 4- Class III- no dirt, remove debris
- 5- Class III- "
- 6- Class III- remove dirt lop debris

\* Proposed Class III temp. trail Xings



NOTE:  
 THE PHOTOGRAPHY SHOWN ON THIS MAP WAS PHOTO-COPIED FROM A TOPOGRAPHIC MAP OF THE LANDS OF THEODORE J. HOVDEK SURVEYED BY E.P. ROYGENS DATED 1915.

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JUL 09 1993

RESOURCE MANAGEMENT

EXHIBIT

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Scale: 1" = 1000'

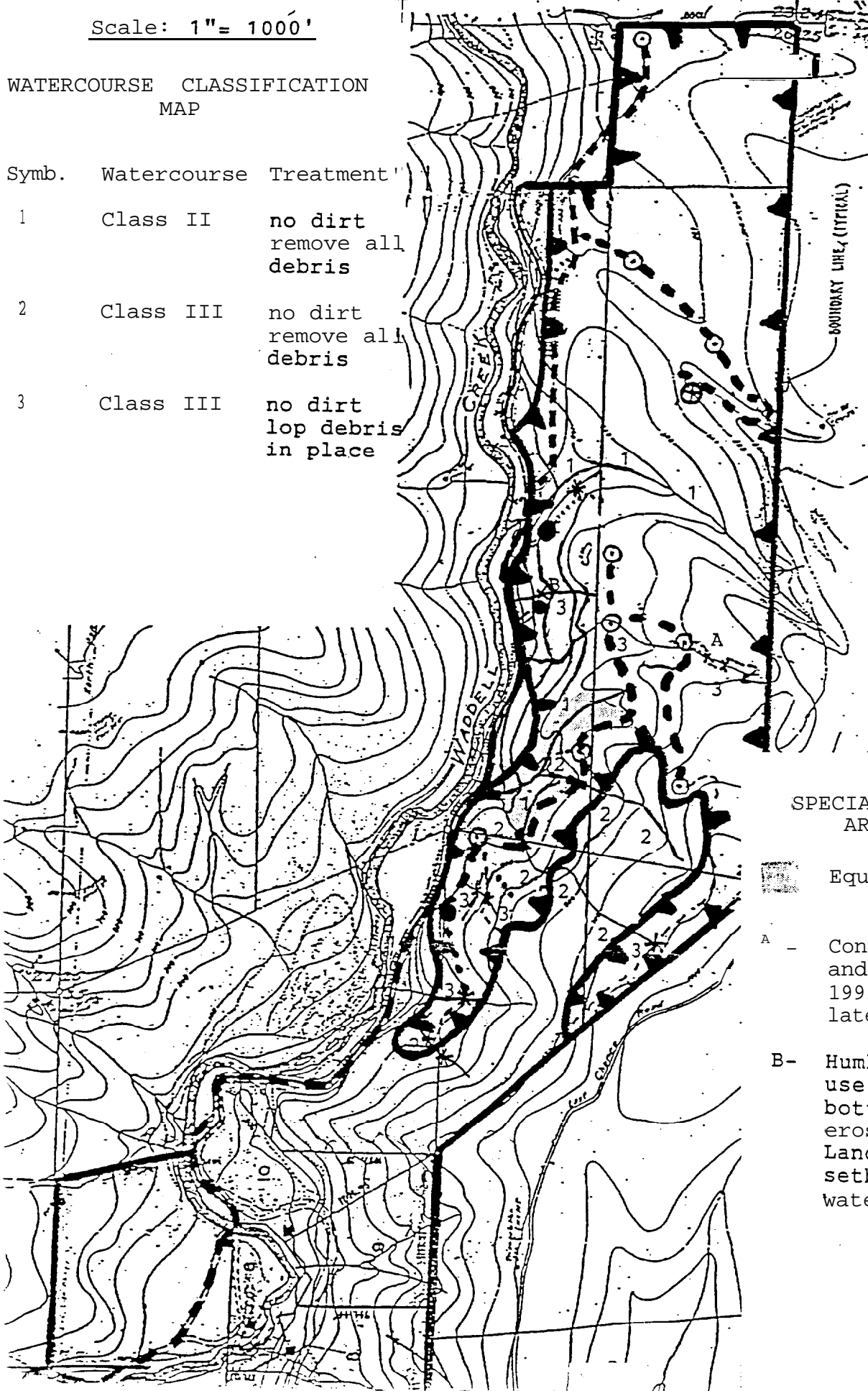
WATERCOURSE CLASSIFICATION MAP

ATTACHMENT


0719

Symb.	Watercourse	Treatment
1	Class II	no dirt remove all debris
2	Class III	no dirt remove all debris
3	Class III	no dirt lop debris in place

NOTE:  
 THE TOPOGRAPHY SHOWN ON THIS MAP WAS PHOTO-COPIED FROM A TOPOGRAPHIC MAP OF THE LANDS OF THEODORE J. HOOPER SURVEYED BY E.P. ROBBERS DATED 1915.



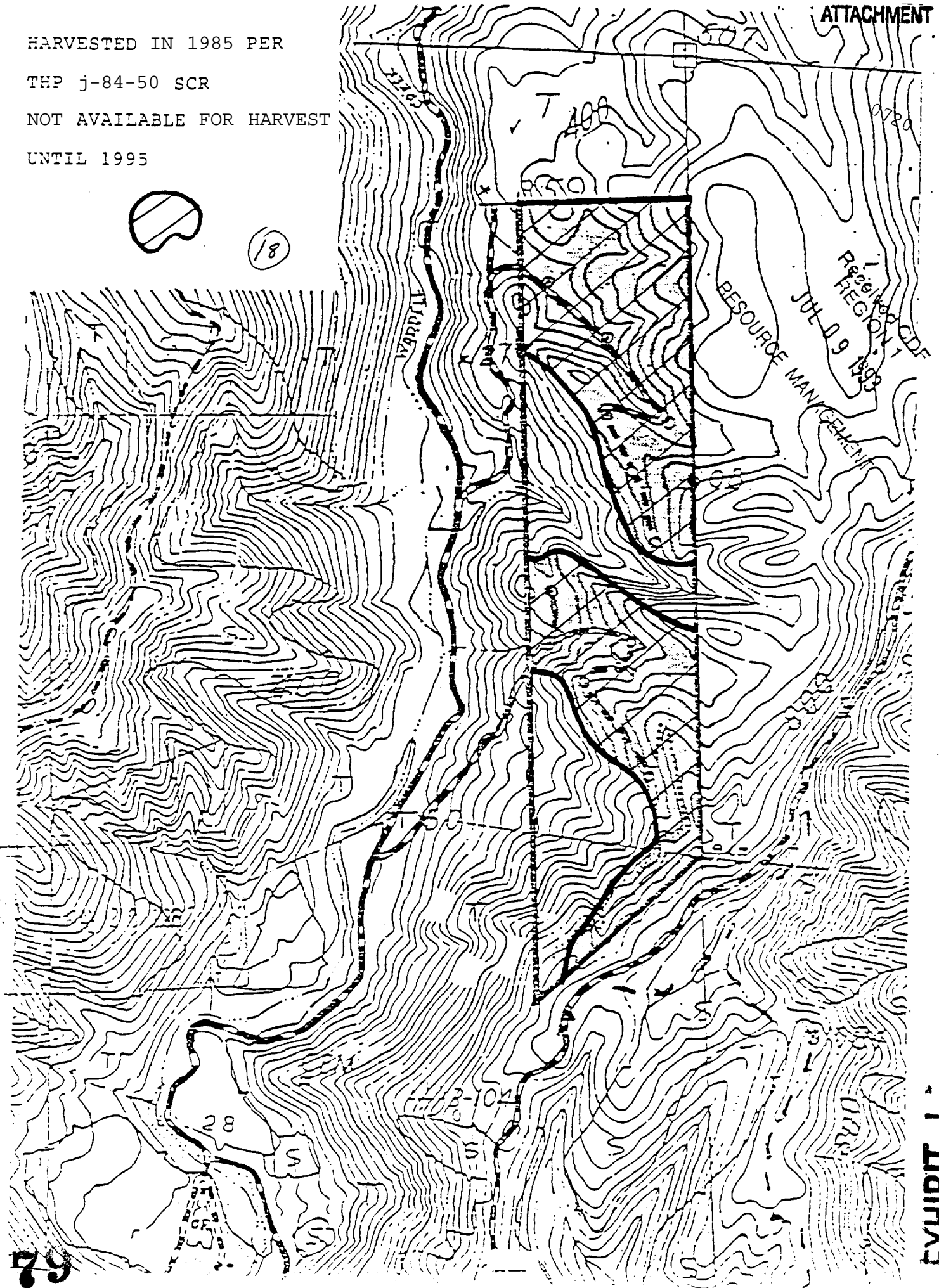
SPECIAL TREATMENT AREAS

-  Equipment exclusion zone
- A - Construct waterbars and diversions in 1993, log in 1995 or later. Monitor
- B- Humbolt type Xing use straw top and bottom. Plug gully erosion downstream. Landing boundary setback 25'+/- from watercourse edge

HARVESTED IN 1985 PER  
THP j-84-50 SCR  
NOT AVAILABLE FOR HARVEST  
UNTIL 1995



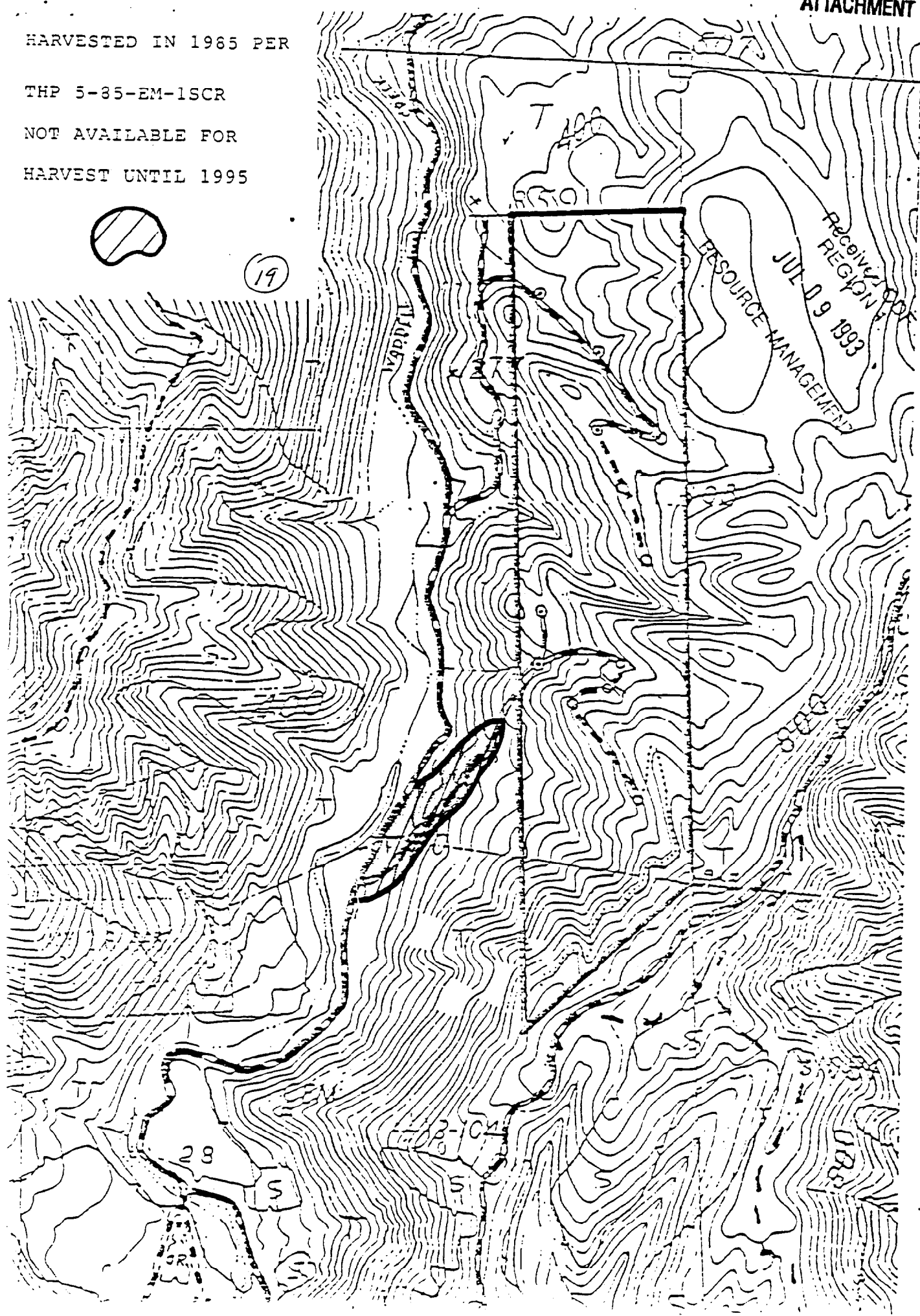
18



RESOURCE MANAGEMENT  
PACIFIC REGION  
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HARVESTED IN 1985 PER  
THP 5-85-EM-1SCR  
NOT AVAILABLE FOR  
HARVEST UNTIL 1995

0721





ESTIMATED SURFACE SOIL EROSION HAZARD  
RM-87 (4/84)

0722

I. SOIL FACTORS				Ben Lomond- Felton Complex, Lompico- Felton Cornplex and Sur-Catelli-all sandy loams			FACTOR RATING BY AREA		
A. SOIL TEXTURE	Fine	Medium	Coarse	A	B	C			
1. DETACHABILITY	Low	Moderate	High						
Rating	1-9	10-18	19-30	10					
2. PERMEABILITY	Slow	Moderate	Rapid						
Rating	5-4	3-2	1	2					

B. DEPTH TO RESTRICTIVE LAYER OR BEDROCK

	Shallow	Moderate	Deep			
	1"-19"	20"-39"	40"-60" (+)			
Rating	15-9	8-4	3-1	3		

C. PERCENT SURFACE COARSE FRAGMENTS GREATER THAN 2 MM IN SIZE INCLUDING ROCKS OR STONES

	Low	Moderate	High				FACTOR RATING BY AREA		
	(-) 10-39%	40-70%	71-100%				A	B	C
Rating	10-6	5-3	2-1	2					
SUBTOTAL							17		

II. SLOPE FACTOR

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	11		

III. PROTECTIVE VEGETATIVE COVER REMAINING AFTER DISTURBANCE

	LOW	Moderate	High			
	0-40%	41-80%	81-100%			
Rating	15-8%	7-4	3-1	2		

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

	Low	Moderate	High	Extreme			
	(-) 30-39	40-59	60-69	70-80 (+)			
Rating	1-3	4-7	8-11	12-15	15		

TOTAL SUM OF FACTORS 45

EROSION HAZARD RATING

<50	5065	66-75	>75			
LOW (L)	MODERATE (M)	HIGH (H)	EXTREME (E)			
THE DETERMINATION IS				(M)		

REC'D CDF REGION

JUL 6 9 10

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WATER MANAGEMENT

EXHIBIT L

0723

1034 jj: a general description of the plan site

**Soils:** The soil survey for Santa Cruz County identified three basic soil types within the plan area: Ben-Lomond-Felton complex, 50-75% slopes, Lompico-Felton complex, 30-50% slopes and the Sur-Catelli complex, all described as relatively deep, sandy loams. Almost all of the plan area, except for a small area exclusively proposed for cable logging lays on fairly flat to moderate terrain. These soils are all described as forest-type soils and have Site class ratings of III and IV. Where there is exposed bare sub-base, it is very rocky and resistant to erosion. For this reason, the existing road system appears to be fairly erosion free.

**Terrain:** A large percentage of the plan area is on very flat to moderate terrain. Much of the steep terrain adjacent to the plan area was excluded from harvesting because it was deemed too steep to tractor log and there was no practical manner in which to access the terrain to allow for selective cable harvesting.

**Vegetation and Stand Condition:** Primarily a second-growth stand of coast redwood and Douglas-fir with an occasional residual old-growth tree scattered in and some third growth sagings; a result of the harvesting which occurred in 1995. Because of past fire and harvest history, the ownership is comprised of varying ages of second and third growth timber. (see attached "Brief History of Events", by Robert Briggs, 1992.) In the unthinned stands, the estimated basal area approaches 280-300 sq. ft. while in the stands that were harvested in the 1960's and again in the 1980's, the estimated basal areas in places has been reduced to about 100 sq. ft.

It is estimated that in the unthinned stands an approximate 40-50% reduction of the basal area will occur. In those stands that have already been entered, harvest trees will be few and scattered, mainly removed very selectively to promote the growth of the sapling stands or to remove defect. Stocking will easily be met using the point count system. (913.8a (2)). There is no need to employ the use of 913.8b.

**Watershed and Stream Conditions:** See "Cumulative Impacts, Watershed Assessment"

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RESOURCE MANAGEMENT

EXHIBIT L

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0724

ROBERT O. BRIGGS  
RANCHO DEL OSO  
DAVENPORT, CALIFORNIA 95017

RESOURCE MANAGEMENT

BRIEF HISTORY OF EVENTS IMPACTING THE FOREST OF THE LOWER WADDELL VALLEY  
Revised January 6, 1992

The first major impact by non-native people on the Waddell Valley forest was the timber harvest activities of William Uaddell from 1862 to 1875. Waddell built a sizable mill powered by two steam boilers between the forks of the East and West Waddell. The mill site was accessed by horse and ox roads. Logs and lumber were transported by a horse drawn tramway which went from several miles up the valley beyond the mill site down to the ocean and up the coast about three miles to Waddell's wharf at Ano Nuevo Point. The lumbermen and their families were housed in a small village near the mill site of which no evidence now remains.

Contemporaneous reports and physical evidence indicate that Mr. Waddell clear cut the majority of the Waddell Valley and further impacted the forest by burning the waste and slash in situ. He left only a few large isolated redwood trees and a few small groves in steep, inaccessible canyons.

Waddell Valley forest was heavily impacted by a major fire in early September of 1904. A story in the "Santa Cruz Daily Surf", reports that this fire engulfed the coastal slope of the mountain range from Pescadero to Santa Cruz. There are also reports and evidence of a burn in the lower valley in August of 1910. Photographs of the lower valley taken circa 1915-1920 show bare slopes with a few charred tree trunks and some new pine growth. Other smaller fires have had a more local effect on various parts of the valley.

Another timber harvest operation was conducted in the Waddell Valley by Ams Robinson between 1937 and 1940. Robinson built a mill near Waddell's site and a lumber camp at the present location of Camp Herbert just south of the forks. It included a number of residences, an office a large cook house, and a school house with quarters for a teacher. The size of this settlement may have been 50 to 75 people including over a dozen school age children. An account by the property owner, T. J. Hoover, indicates that very little timber was actually harvested by this operation and It was prematurely terminated by financial problems and an epidemic of polio and typhoid. The abandoned buildings were removed In 1981.

Concurrently with Robinson's efforts, a small shingle and split lumber operation was conducted by Earl McCrary but very little timber was removed.

The McCrary family began timber harvest operations in the Waddell Valley in 1946 and harvested continuously until the mid 1960's. Their original mill on the creek bank about 1/4 mile north of the forks was used until 1955 when it was moved to the present location of Big Creek Lumber Co. adjacent to the Waddell Creek mouth. For the remainder of Big Creek's Waddell Valley harvest, logs were trucked from the valley to the new site.

Big Creek Lumber Co. again selectively timbered a 150 acre tract on the Waddell east ridge in 1985.

Since that time, no major fire or timbering activity has taken place In the lower Waddell Valley.

WILDLIFE ADDENDUM

The following species or habitats have been identified either within or nearby the proposed harvest plan area. Following the name of the name of the species or habitat is the reason the proposed harvest will not impact the species or habitat.

WESTERN SNOWY PLOVER- The harvest area does not include the beach areas where these birds have been spotted.

SAN FRANCISCO GARTER SNAKE- The harvest area does not include the area where these snakes have been spotted. The haul road goes through the area where these snakes from time to time have been seen but the drivers will be alerted to their presence and the log trucks will be moving through this area so slowly that there is no risk of a snake being run over.

MONARCH BUTTERFLY- The harvest area does not include the area where these butterflies have been spotted.

SCHREIBER'S MANZANITA- The harvest area does not include the area where this plant has been located.

MARbled MURRELET- see attached preharvest consultation from Ted Wooster, Calif. Dept. of Fish and Game, dated 2/4/93

WESTERN POND TURTLE- The harvest area does not include the area where these turtles have been spotted. The haul road goes through the area where these turtles from time to time have been seen but the drivers will be alerted to their presence and the log trucks will be moving through this area so slowly that there is no risk of a turtle being run over.

COASTAL BRACKISH MARSH- The harvest area does not include the area where this habitat has been located. The haul road runs through this area but its use will have no impact.

MONTEREY PINE- The harvest area does not include the area where this habitat has been located. The haul road runs through this area but its use will have no impact.

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Franklin Point and  
Año Nuevo 7.5 Min. Quads

THP# \_\_\_\_\_  
Marbled Murrelet Preconsultation Assign # \_\_\_\_\_

0726

California Department of Fish and Game  
Environmental Services - Timber Harvest Review

A. PROJECT NAME (if any) Rancho del Oso THP  
Plan submitter/representative Robert Briggs  
Watershed/Tributaries Waddell Creek  
county Santa Cruz Township 9S Range 4W Section 26 & 35  
Project acres 309 Silvicultural Method(s) Selection - 309 acres  
(0 acreage)

Preconsultation requested by: Bud McCrary on 12/17/92  
date  
Preconsultation request was in writing \_\_\_\_\_ or verbal XX  
Initial DFG contact of project submitter (date) 12/18/92  
Field inspection date(s) , 12/30/92  
Field inspection participants (name/affiliation) Theodore Wooster, CDF&G; Mike Jani, RPF; Nancy Drinkard, CDF; Jeff Holmes, CDF; Robert Briggs, landowner; and Bud McCrary; Biz Creek Lumber

B. DOCUMENT REVIEW - Briefly describe adequacy or relevance.  
Documents received by reviewing DFG biologist (date) 12/30/92  
Map of project, surrounding areas, existing stand conditions and habitat types. USGS maps of project area; acreage of timber cover types by Constituent Parcel; forest type map; summary of timber inventory; aerial photos of 4/30/70, 5/15/68, 7/22/74. Historical review of past events impacting the forest of Lower Waddell Valley, dated 1/06/93. Feb. 3, 1993 letter from CDF to CDFG. Post-harvest description Wooster site review notes on 12/30/92  
See Before and After volume figures by parcel by Mike Jani, RPF

Database check results and data - Positive, Negative  
Provided by: DFG XX Project submitter \_\_\_\_\_  
Location of nearest potential MM habitat Big Basin State Park  
Location of nearest known occupied murrelet habitat +/- 2 miles, Big Basin State Park  
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Project name Rancho del Oso TSP # \_\_\_\_\_  
Marbled murrelet Preconsultation Assign # \_\_\_\_\_

Distance from coast - air one (mi) drainage one (mi)

Survey performed - intensive / general forms survey (type)

Survey dates/times/results 6/8 & 21/88; 45 minutes before sunrise  
to one hour & 30 minutes after sunrise; 11 stations along Waddell Creek;

2.82 detections/stagn 6/8; 2.73 detections per station on 6/21. (Patton & Ralph 1988)

Name of surveyor/affiliation Gary Strachen, Calif. Dept of Parks & Recreation

Written verification of surveying ability provided yes no X  
/(cut line visible)

Aerial photos (date) 4/30/70 Were FRRAP maps used? yes  
5/15/68; 7/22/74 - 4-5 (good photos) to indicate presence of old growth)

c.

**FIELD REVIEW**

Was a field inspection requested/necessary? yes no X o  
(explain) Determine age, size, and condition of conifer stands.

Was the review route adequate? yes no X \_\_\_\_\_

Were murrelets detected during the surveys or field review?  
yes no X

Were the maps and project descriptions accurate? yes no X \_\_\_\_\_

(if no, explain and attach copy, describe changes made on documents)

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**D. PROJECT EVALUATION/SIGNIFICANT OBSERVATIONS RESOURCE MANAGEMENT**

a. Will the proposed project likely directly or indirectly impact:  
(if yes, describe in comments or on attached pages)

	Yes	No	N/A	Unknown
1. Travel corridors (on site/off site)	---	<u>X</u>	---	---
2. Nesting habitat	---	<u>X</u>	---	---
3. Buffer/screening habitat	---	<u>X</u>	---	---

b. Comments (explanation  project document & • valuation responses)

All five parcels, which total 309 acres, have a previous history of extensive logging. All but parcel 5 have small residual redwoods scattered through the 2nd growth stands. These residuals are originally suppressed understory trees which were released when the stands were first logged.

EXHIBIT 79

ATTACHMENT

6

Project Name Rancho del Cso THP #                       
Marbled Murrelet Preconsultation Assign #                     

0728

I.            The reviewing DFG biologist has determined that the proposed project may adversely impact either Individuals or the population of the species "marbled murrelet" (*Brachyramphus marmoratus*) and a formal CESA consultation with DFG will be necessary.

II.            The information provided was inadequate to assess potential impacts to the marbled murrelet therefore a formal CESA consultation with DFG may be necessary.

III.   xx   The project will not adversely affect the marbled murrelet if the stipulated conditions are incorporated into the proposed project. (listed below or on attached narrative)

IV.            The information provided by the project proponent, known to the reviewing biologist and/or gathered during the site review was adequate in order to determine that the project, as proposed, does not appear to affect the marbled murrelet or its habitat. Formal CESA consultation with DFG will not be necessary.

Comments on above I.II.III.IV. The Water and Lake Protection Zone for the Class I stream (Waddell Creek) will not be logged. Information from David Suddjian and Gary Strachen indicates the drainage is a flyway to the Biz Basin nesting area. (See 1/16/93 memo by Briggs, and 2/3/93 memo from CDF to CDFG, and original Marbled Murrelet Survey Forms dated 6/8 and 6/21/88

8. Does this checklist apply to a proposed project that includes more than one timber harvest plan? yes            no XX  
(attach a map which adequately describes the proposed harvest area[s].)

Reviewer Theodore Woods ter  
(DFG Biologist)

Signature *Theodore W Woods*

Date Completed 2/4/93

Copies to:

- (x) Project submitter (representative)
- (x) DFG - HQ coordinator
- (x) DFG - Office of origin file

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## SIGNIFICANT ENVIRONMENTAL IMPACTS ASSESSMENT

0729

Introduction: mowing the quality of the work is important when trying to assess the likely environmental impacts from a project. California forestry is the most rigorously regulated of any in the nation. The forestry regulations for the Santa Cruz Mountains are even more restrictive. They protect the environment better and involve the public more than anywhere else in the state. The forestry practiced here served as the model for the 1990 forestry reform initiative, Proposition 130- Forests Forever.

Timber management in the area has been lauded by leading environmentalists. " (Gail) Lucas and others involved in writing Forests Forever says McCrary's Big Creek Lumber Co. - based in Davenport, north of Santa Cruz - was a sort of model for the initiative. Eric Swanson, a citizen activist in Mendocino County who helped write the initiative, is more blunt. He calls Big Creek 'the best forestry I've seen, bar none. anywhere in the state.' " San Jose Mercury News, 8/26/9

The forest practice rules are designed to protect the environment by minimizing the impacts from harvesting. Any assessment of possible consequences from harvest operations must be made with the full knowledge and understanding of all that the rules require. This assessment, therefore, is based on the entire process of plan approval, the rules of the Board of Forestry and their enforcement, as well as the experience gained from past operations.

1. Will the project adversely affect a threatened or endangered species of animal or plant, or the habitat of the species?

NO. see wildlife addendum, attached

2. Will the project interfere significantly with the movement of any resident or migratory fish or wildlife?

NO. The bulk of the project area is well removed from fish bearing streams and all other forms of wildlife associated with the plan area will benefit from the harvesting as proposed.

3. Will the project significantly diminish habitat for fish, wildlife or plants?

NO. Past operations on the property have demonstrated that habitat alteration is so small that fish, wildlife and plants are not adversely affected. In the case of this proposed harvest it could be argued that operations will have significant benefits to local deer populations in that operations will increase browse and improve access. Improvements to the haul road will benefit habitat for spawning fish.

4. Will the project significantly degrade water quality, including temperature, chemical composition, pH and color?

NO. Based on similar operations in the past, on the property and elsewhere in the Santa Cruz Mountains, erosion and sedimentation after harvesting will be comparable to natural rates. Runoff reaching the streams will essentially be unchanged, so pH and chemical composition will not be altered significantly. (Ray Rice, Marvin Dodge)

5. Will the project contaminate a domestic water supply?

NO. Springs within the harvest area do not provide domestic water but will be protected to the same degree.

6. Will the project cause significant flooding, erosion or siltation?

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NO. Similar projects within and/or adjacent to the same watershed have been through flood conditions during the winters of 1982, 83, 86 and in Feb. of 1992. There is no evidence to suggest that these projects caused flooding, erosion or siltation. As such, it is not anticipated that the proposed project is likely to create similar problems. There is evidence that the earthquake of 1989 dislodged significant amounts of material in the steeper terrain adjacent and within parts of the plan area. Harvesting will not effect this condition.

7. Will the project have a significant, demonstrable negative aesthetic effect as viewed from areas of high public use such as roads and parks?

NO. Mitigation measures have been proposed to minimize the visual effects of the harvesting adjacent to Park boundaries. See "Visual Cum. Effects" section.

8. Will the project increase significantly the long term ambient noise levels for adjoining areas?

No, but for a short period of time the operations are going on near the Park boundaries, there will be times when operations will be heard by park users. Mitigation measures have been proposed for operations in these areas.

9. Will the project violate ambient air quality standards?

NO. The dust created by tractors quickly dissipates in the forest. Truck roads will be watered to maintain them in a reasonably dust free condition during use. Any burning of logging debris which may occur shall be done with strict adherence to Bay Area Air Pollution Control Board regulations.

10. Will the project create a potential public health hazard or involve the use, production or disposal of materials which pose a hazard to people or animal or plant populations in the area affected?

NO. There is no known public health hazard associated with timber harvesting, other than the potential affect to water quality. These have been discussed above.

11. Will the project disrupt or adversely affect a prehistoric or historic archaeological site or property of historical or cultural significance to a community or ethnic or social group; or a paleontological site?

NO. While there are known sites on the owner's property, none of the sites are located within the project area. (see item #54 a,b,c and d. in the TWP)

12. Will the project conflict with established recreational, educational, religious or scientific uses of the area?

Yes, it may. Log hauling on a road shared in common with the adjacent park may conflict somewhat with established recreational uses. Mitigation measures have been proposed to minimize those conflicts.

13. Will the project disrupt or divide the physical arrangement of an established community?

NC.

14. Will the project cause an increase in traffic which is significant in relation to the existing traffic load and capacity of the public road system, and

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as it interferes with the scheduled school bus traffic and commute period traffic.?

NO. About 6-10 loads of logs will be trucked over the roads each day for a period of about 2 months during any one harvest season. This is similar to operations we have undertaken in the past on the same road. To date there have been no problems. The only road proposed for use that is open to the public for vehicular use is Hwy. 1 for approximately 1/4 mile between the mill and the entrance to the job.

15. Will the project interfere with emergency response or emergency plans?

NO. In the unlikely event that an accident should occur involving a logging vehicle that would block the the proposed haul road, equipment will be in the immediate vicinity to reopen the road. Because the haul road is not used by the general public, the chances of an accident are nil. There is helicopter access to the back portions of the canyon as well.

16. Will the project increase fire hazard significantly?

NO. During the harvest operation, there is an increase in fuel and risk of ignition. At the same time, the risk of spread is considerably reduced because people and equipment are on-site and available for fire suppression. Following completion of operations, hazardous material is crushed or hand cut close to the ground using chainsaws where it remains an increased hazard for only a few months at the most. That increased hazard is offset by a reduction in the ability of the selectively harvested forest to sustain or carry a large crown fire and the increased access for fire suppression.

Considering the rules of the Board, mitigation measures proposed in this plan, the discussion above and the field review and appraisal of the harvest area, I have concluded that the proposed operation Will not have any significant adverse impact on the environment.

The following resources were used in making this assessment.

1. Natural Diversity Data Base
2. A Guide to Wildlife Habitats of California, Oct. 1988
3. RPF communication, Marvin Dodge, Ph.D. regarding CDF soil erosion studies, 1976
4. California Regional Water Quality Control Board Waste Discharge Report Number 74-60, 1975
5. RPF communication with Dave Hope, Santa Cruz County Planning Dept. and Review Teammember.
6. RPF communication with Victor Roth and George Cook, Calif. Dept. of Parks and Recreation.
7. Over 100 years of forest-y experience.
8. California's Wildlife, Vols.I-III, Nov. 1990
9. RPF communication with Andy Schiffren, aid to Gary Patton, Santa Cruz County Board of Supervisors.
10. "A Brief History of Events Impacting the Forest Of the Lower Waddell Valley" by Robert Briggs, 1992
11. RPF communication with Robert and Ann Briggs, property owners in the Waddell.

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STA	DESCRIPTION	OWN	I	D	OD	BD	SB	SF	RB	CR
			inside	outside	berm	drain	slit	slit	remove	crow
			ditch	ditch			basin	fence	berm	road
0	Center of first brdge	P/R								1
2 1 3	Drain towards creek	P			x					
460	Tip road grade towards creek	P				x				
614	Crown of hill	P				x				
714	Fine tune berm removal	P						x		
1140		P								
1306	Install 12" culvert	P							x	x
1336	"Swing Hill": Tip road to inside	P	x							
1591	Snag Trees: Rip roots from road surface	P	x							
1650	begin crowned road	P								x
1900	tip road to insrde	R		x						x
2000	Existing culvert	R		x						
2710	Place excavated ID material over fence	R	x		x					x
2855	Center of second bridge	R								
3043	Reconsbuct berm drain	R		x		x				
3365	Large fir. good filter capacity	R				x				
3368	Begin road tip away from creek	P/R	x							
3487	Tip road to creek	P/R		x		x				
3563	Reconstruct berm drain	P/R		x		x				
3724	Reconstruct berm drain	P/R		x		x				
3841	Complete berm drain	P/R		x		x				
4115	Minimize vegetation disruption. use back-hoe	P/R		x		x				
	Stabilize excess materials from above constructions									
4255	Existing berm drain. bp road to creek	P/R		x		x	x	x		
4417	Existing berm drain. tip road to creek	P/R		x		x	x	x		
4559	Complete berm drain. install 18" culvert	P/R	x	x		x	x		x	x
4656	Remove berm w. hen feasible. revegetate	P/R	x						x	x
4927	Tip road towards bank	P/R	x							
5080	Construct sump. tip road to sump	P/R	x							
5193	"Eagle bee"	P/R	end							
5264	"Beach trail": bp road towards creek,	P/R							x	
5450	Reconstruct outside berm	P/R								
5460	Large nutmeg. good filter capacity	P/R		x						
5339	Rock road surface to 5450	P/R								
5639	Reconstruct I D	P/R	x						x	x
5835	Replace culvert. reconstruct outflow	P/R	x						x	x
	begin toad surface rockng									x
5840	"Alder Camp": Reconstruct outside berm	P/R	x							x
	Tip road to inside ditch. Revegetate bare soil									
	Option: If tip-rap available. armor creek bank									
6264	Tip road towards creek	P/R	x			x			x	x
	end road rockng									
6447	"Hulda's Camp gate. Twin Redwoods sign":	P/R	end	x		x				

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	tip road towards outside								
6850	construct u-shaped relief drain, revegetate	P/R	x	end	x				
	tip road to inside								
7152	existing 24" culvert. straw filter dam	P/R	x			x	x	x	x
7413	"Tramway springs": use backhoe, open ID	P/R	x			x	x	x	
	to existing culvert. straw filter dam								
7730	Install 12" culvert	P/R	x					x	x
8098	Install 12" culvert	P/R	x					x	x
	Reconstruct filled inside ditch								
8193	Temporary spur road location	P/R	x					x	
8393	Install 18" culvert at Class III crossing	P/R	x					x	x
	install trash rack at culvert head								
8495	Install 12" culvert. construct outflow	P/R	x						
	channel								
8576	Revegetate constructed sump	P/R	x					x	x
8701	Leaning small fir tree	P/R		x					
8774	Daylight ID of large vegetated depression	P/R	end			x		x	x
	on bank side of road. minimize disruption								
	to vegetation: tip road to inside								
8874	Daylight ID into area above			P/R		x			
9200	Temporary spur road location	P/R			x				
	tip road towards bank								
9365	Existing culvert, tip road towards creek	P/R	end	x	x				
	Install berm drain near redwood grove								
9443	Large Doug-fir: roots exposed on road	P/R			x				
	surface. use soil from outside ditch								
	construction to cover roots								
9523		P/R						x	x
9695	"Steven's Camp gate": end of project area		x						

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CUMULATIVE ENVIRONMENTAL IMPACTS ASSESSMENT

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- I. CUMULATIVE WATERSHED IMPACTS ASSESSMENT
- II. CUMULATIVE SOIL PRODUCTIVITY IMPACTS ASSESSMENT
- III. CUMULATIVE TERRESTRIAL BIOLOGICAL IMPACTS ASSESSMENT
- IV. CUMULATIVE RECREATIONAL IMPACTS ASSESSMENT
- V. CUMULATIVE VISUAL IMPACTS ASSESSMENT
- VI. CUMULATIVE TRAFFIC IMPACTS **ASSESSMENT**
- VII. APPENDIX

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A. CUMULATIVE IMPACTS ASSESSMENT CHECKLIST

The assessment area for the cumulative impacts area is the area shown on the accompanying Cumulative Watershed Impacts Assessment Area map. The assessment area was selected to encompass the area that reasonably could be expect& to be impacted by the proposed Project. The assessment areas for Soil Productivity, Recreation, Visual and Traffic were selected in the same manner; while all are different, each area is specific as to the impacts the proposei operation will have on them.

A. Does the assessment area of resources that may be affected by the. proposed project contain any past, present or reasonably f creseeable probable future projects?

YES   x   NO           

If the answer is yes, identify the affected resource subjects and projects .

Past, present and future human activity affects all resources. The largest single landowner within the assessment area is the Calif. State Parks System. Any activity associated with the Parks my have an affect. These activities are regulated by the Stat2 of Calif. The private inholdings in the area historically have harvested timber and involved a few homesteads. These uses probably won't change significantly.

E. Are there any contiming, significant adverse impacts from past land use activities that may add to the impacts of the propose project .

YES   x   NO           

If the answer is yes, identify the activities and affected resource subjects.

Whenever there is human activity, there is potential for advers2 effects on the environment. The increasing human population affects all resources, either directly or indirectly. Accelerated erosion can occur f rom roads, house sites, camp sites, hiking trails and agricultural land. Chemical pollutants can enter waterways fran septic systems and roads. The increasing human population reduces the inventory of productive soils. It disrupts wildlife. It reduces wildland recreational opportunities and disrupts the visual resources. Almost all land use activities are controlled by either the County or the Stat2 with regulations designed to prevent significant adverse impacts. The state forest practice rules and THP review process, particularly in the Santa Cruz Mountains, minimize the impacts from timber harvesting.

C. Will the proposed project, as presented, in combination with past, present, and reasonably foreseeable probable future projects identified in item (A) and (E) above, have a reasonable potential to cause or add to significant cumulative impacts in any of the foilowing resource subjects?

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	yes after mitigation (a)	nc after mitigation (b)	NC reasonably Potential significant effects (c)
1. Watershed	_____	_____X_____	_____
2. Soil productivity	_____	_____X_____	_____
3. Biological	_____	_____X_____	_____
4. Recreation	_____	_____X_____	_____
5. Visual	_____	_____X_____	_____
5. Traffic	_____	_____X_____	_____
7. Other	_____	_____	_____

a.) Yes, means that potential significant impacts are left after application of the forest practice rules and mitigation or alternatives proposed by the plan submitter.

b.) **Nc, after** mitigation, means that any potential for the proposed harvest operation to cause significant adverse impacts has been substantially reduced or avoided by mitigation measures or alternatives proposed in the THP and/or application of the forest practice rules.

c.) No reasonable potential significant effects, means that the operations proposed under the THP do not have a reasonable potential to join with the impacts of any other project to cause cumulative impacts.

D. If column (a) is checked in (C) above, describe why the expected impacts cannot be feasibly mitigated or avoided and what mitigation measures or alternatives were considered to reach this determination.

E. If column (b) is checked in (C) above, describe what mitigation measures have been selected which substantially reduce or avoid reasonably potential significant cumulative impacts except for those mitigation measures or alternatives mandated by application of the rules of the State Board of Forestry.

The proposed harvest is typical of harvests conducted in the Santa Cruz mountains. There are no unique environmental problems associated with the proposed operation. The state forest practice rules are designed to mitigate significant adverse impacts from normal and routine harvest operations. Thus, the application of the forest practice rules will mitigate all potential significant **adverse** impacts on the proposed operation.

F. A brief description of the assessment area for each resource subject is contained in the analysis of each resource that follows.

G. The following individuals, organizations and records were consulted in the assessment of the cumulative impacts.

SEE APPENDIX

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RESOURCE MANAGEMENT

## I. CUMULATIVE WATERSHED IMPACTS ASSESSMENT

## A. Watershed Impacts Assessment Area

The watershed impacts assessment area is the Waddell Creek watershed. This includes all the area proposed for harvesting and the surrounding Park and privatelands.

All these, in combination, allow a reasonable ground base from which to analyze cumulative impacts.

## B. Beneficial Uses

List the known onsite and downstream beneficial uses of water that could be affected by the project.

The beneficial uses of water are wildlife habitat and agricultural uses. There are no domestic water uses of Waddell Creek downstream from the proposed operation.

## C. Current Stream Channel Conditions

1. Are there any Order 3 or larger streams that are within or adjoin the project area that will receive runoff from an area disturbed by the project?

YES  NO

If yes, indicate the condition of the order 3 or larger stream channels that are within or adjoin the project area. Use High, Medium or Low

The following describes Waddell Creek, a Class I watercourse into which all tributaries within the plan area drain.

Gravel Embeddedness	H-M
Pool Filling	H
Aggrading	H
Bank Cutting	H-M
Bank Mass Wasting	M
Down Cutting	L
Scurica	L
Debris Clearing	M-L
Debris Jamming	M
Canopy Reduction	M-L
Recent Flooding	H(1982, 83, 86)

3. Are there any current stream channel conditions outside the project area but within the watershed assessment area, that are contributing to a reduction in the beneficial uses of water.

YES  NO

If yes, briefly describe the channel conditions, their location and the affected beneficial uses.

Dave Hope, Santa Cruz County Watershed planner, identified the following:

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The lower reaches of Waddell Creek, below the forks have extremely mobile bedloads which are deleterious to spawning anadromous fish like the Coho salmon. In the very lowest reaches, below the plan area, the gravel beds are silted in and are also poor for spawning fish. The causes of these conditions are in part due to severe bank cutting in several places.

George Cock, Dist. Superintendent, State Farks, identified the following:

Past sewage discharge from a waste treatment facility within Big Easin Park caused significant water pollution in the stream. At great expense and under order of the State Water Quality Control Eoard, a tertiary treatment facility has been constructed and the discharges to the stream now meet State and Federal water quality standards. These past discharges may have had a deleterious effect of aquatic wildlife.

The RPF has identified the following:

The road running adjacent to the stream is unsurfaced, used during the winter and in poor condition. Discharge from this road enters the stream in places and contributes to the cementing by siltation of spawning gravels.

The Stats Natural Diversity Data Ease Maps identified the following:

The Tidewater goiby, a fish the State lists as "of special concern" was present in the stream from the creek mouth to one mile upstream . (Coll, 1939-1942). "Highwinter flowseliminated the species in the winter of 1972-73, has not been seen here since."

Robert Briggs, Landowner in the Waddell drainage identified the following:

"Most of the siltation in the stream is the result of the earthquake of 1989 followed hj the deluge of Feb. 12, 1992. Also, there was a major landslide into the creek just below the forks on the West side in the winter of 1982 that put considerable amounts of sediment into the stream and still dogs."

Western pond turtles are resident in the marsh areas at the mouth of the Waddell.

4. Are there any known current stream channel conditions outside the assessment area that are contributing to a reduction in the beneficial uses of water?

YES \_\_\_\_\_ NO X \_\_\_\_\_

If yes, briefly describe the channel conditions, their location and the affected beneficial uses.

D. Past Projects

Past projects within the assessment area include timber harvesting, agricultural use and residential/recreational development.

Based on knowledge of the watershed conditions on and off the project area, have any past projects within the assessment area resulted in any of the following impacts?

1. Increased sediment inputs that embedded gravels, filled pools, or caused channel aggradation within any portion of the stream system?

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YES  . NO \_\_\_\_\_

2. Increased channel down cutting or bank erosion as a result of increased flows, sediment transport, or other channel modifications?

YES  . NO \_\_\_\_\_

3. Increased water temperatures resulting from canopy removal along stream channels?

YES \_\_\_\_\_ NO  .

4. Increased inputs of unstable organic debris to a stream or lake?

YES  . NO \_\_\_\_\_

5. Removal of large organic debris leading to loss of pool habitat?

YES \_\_\_\_\_ NO  .

6. Chemical inputs to a stream or lake?

YES  . NO \_\_\_\_\_

#### E. Potential On-site Affects

Based on current conditions and knowledge of the impacts of similar past projects, what is the potential for the project to cause the following affects? Use High, Medium or Low

1. Channel or bank erosion LOW
2. Streamside or inner gorge mass wasting that could directly enter a stream channel. LOW
3. Debris flows or torrents that could move directly into the stream system from sideslopes, swales, small channels, roads landings or skid trails. LOW
4. Debris flows or torrents caused by debris jams. LOW
5. Sideslope mass wasting that directs surface runoff into gullies, swales, or small channels connected to the stream system. LOW
6. Sheet, rill, or gully erosion that could be discharged into the stream system from roads, landings, or skid trails (including all disturbed areas from the top of the cut to the bottom of the fill). LOW
7. Sheet, rill or gully erosion from harvesting or site preparation that could enter the stream system. LOW
8. Openings created by the project along streams that could result in substantially increased stream temperatures. LOW
4. Increased amounts of small organic debris in streams or lakes as a result of the project. LOW
10. Movement of roadway chemicals, machinery fuels, pesticides, nutrients released by burning or other chemicals into streams or lakes as a result of the project. LOW

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11. Increased peak flows as a result of vegetation removal snow accumulation in new openings or more efficient runoff routing created by the project. LCW
12. Inputs of large organic debris in streams or lakes as a result of this project. LCW
13. Extraction of large organic debris from streams or lakes as a result of this project. LCW
14. Loss of future organic debris as a result of streamside timber harvesting.

If all of the Part E factors have been rated LCW, project impacts are non-existent or so slight that they cannot significantly contribute to downstream cumulative effects. In that case, go to Part H and check the line labeled "No (after mitigation)" or "No (no reasonable potential significant effects)" as appropriate.

#### F. Future Projects

Future projects within the assessment area include park operations, timber harvesting, agricultural operations and minimal rural residential development. The following is a compilation of timber harvest plan acreages for the past ten years. Of these, not one has had any significant negative impact on water quality in the assessment area. It is expected that harvesting will be reduced during the next ten year period following completion of this proposed operation.

The following is a list of THP's in the assessment area for the last ten years:

5-83-11 SCR	137 acres (CDF notices of inspections indicated that multiple violations occurred, all of which were corrected) NOTE: Tier operator and landowner not associated with this plan.
5-84-50 SCR	107 acres (completed and a part of this plan not to be reentered until 1995 at the earliest)
1-89-468 SCR	170 acres completed
Total	414 acres

Based on knowledge of current watershed conditions, the effects of past projects and accounting for currently proposed mitigation measures, are the identified future projects likely to result in:

1. Increased sediment inputs that will fill pools, embed stream gravels or cause channel aggradation in some portion of the stream system?

ES \_\_\_\_\_ NO X \_\_\_\_\_

2. Increased channel down cutting or bank erosion from increased flows, sediment transport or other stream modifications?

. YES \_\_\_\_\_ NO X \_\_\_\_\_

3. Additional openings along stream channels that could result in unacceptable increases in water temperatures?

YES \_\_\_\_\_ NO X \_\_\_\_\_

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4. New inputs of organic debris to streams or lakes?

YES \_\_\_\_\_ NO X

5. Extraction of large organic debris from streams or lakes?

YES \_\_\_\_\_ NO X

6. Chemical inputs to streams or lakes?

YES \_\_\_\_\_ NO X

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G. Interactions

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Any increase in erosion and sedimentation following harvesting would contribute to the cumulative effect. The rules of the Board of Forestry coupled with Big Creek's practice of covering exposed ground with slash and debris to the extent feasible, will hold erosion rates to no greater than natural background rates. This has been verified by studies in the Santa Cruz Mountains following selective harvesting as proposed here. If the proposed erosion rate is no greater than natural, it cannot be considered as contributing to a significant cumulative effect. In fact, the erosion rate could very well be lowered following harvesting as old skid roads left without any erosion control in the 1950's will be waterbarred and covered with slash and debris in a manner that will reduce current erosion and in areas proposed for yarding, only a thin organic layer exists. The slash from logging will increase the organic layer and reduce erosion. Improvements to the road along the creek will reduce the discharge into the creek thus resulting in net negative contribution to the cumulative effects.

Considering the combined impacts of the beneficial uses of water described in Part A, current stream channel conditions from Part C, effects of past projects listed in part D, and expected onsite effects of the proposed project from Part E, what is the potential for developing adverse cumulative watershed effects in the assessment area described in Part B as a result of: (use High, Medium or Low)

1. The proposed project combined with the ongoing effects of past projects, but with the expected impacts of future projects. LOW

2. The proposed project combined with the effect of past projects and the expected impacts of future projects listed in Part F. LOW

If the answer to both questions is LCW, go to part H and check the line labeled "No (after mitigation)" or "No (no reasonable potential significant effects)" as appropriate.

H. Impacts Evaluation

Will the proposed project, as presented, in combination with the impacts of past and future projects, as identified in Parts C through F and with the interactions rated in Part G above, have a reasonable potential to cause or add to significant cumulative impacts to watershed resources?

YES (after mitigation) \_\_\_\_\_

NO (after mitigation) X

NO (no reasonable potential significant effects) \_\_\_\_\_

If the answer above is "no", and either or both of the questions in Part G are rated as "medium", describe the reasons for reaching this conclusion. This section also may be used to describe situations in which the proposed project, as

described and mitigated, will result in positive effects on watershed conditions and existing cumulative watershed impacts. 0742

## II. CUMULATIVE SOIL PRODUCTIVITY IMPACTS ASSESSMENT

Cumulative soil productivity impacts occur when combined impacts of a sequence of management activities produce a significant reduction in soil productivity. Those impacts may occur as part of separate activities on the same project, as residual effects of past projects, and as the likely impacts of future projects.

Impact significance must also be considered relative to the soil productivity potential of the area in question. Losses that can be considered acceptable on highly productive lands may be unacceptable, or even exceed the productive potential, of lower site lands. For example, productivity reductions from loss of growing space associated with the development of roads and skid trails necessary for timber management on high site lands may be greater than the total unit-area productivity of a poor site.

### A. Soil Productivity Impacts Assessment Area

The soil productivity assessment area is the THP harvest area as well as any appertinent harvest roads.

### B. Soil Productivity Resources Assessment

Site factors to be assessed for cumulative soil productivity impacts include organic matter loss, surface soil loss, soil compaction and growing space loss. The potential impact of successive management activities must be assessed for each of those factors individually and in combination, and the overall impact classed as significant when:

1. The area disturbed by proposed timber operations will exceed that required by the silvicultural and harvest system approved for use under the proposed THP, including unnecessary duplication of existing skid trails, roads, landings, yarding disturbance and mechanical site preparation.

2. The amount of organic matter loss and soil displacement with use of the proposed silvicultural and harvesting systems will substantially exceed that of other feasible systems.

3. The amount of compaction and puddling with use of the proposed silvicultural and harvesting systems will substantially exceed that of other feasible systems under the soil moisture conditions expected at the time of the proposed operations.

4. The combined loss of soil productivity from loss of growing space, organic matter loss, soil displacement and soil compaction from proposed operations will substantially exceed that of other feasible combinations of silvicultural and harvesting systems.

### C. Impacts Evaluation

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Will the proposed project, as presented, alone or in combination with impacts of past and future projects have a reasonable potential to cause or add to significant cumulative soil productivity impacts as a result of:

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	yes after mitigation (a)	no after mitigation (b)	NO reasonably potential significant effects (c)
1. Organic matter loss	_____	_____	___X___
2. Surface soil loss	_____	___X___	_____
3. Soil compaction	_____	_____	___X___
4. Growing space loss	_____	_____	___X___
5. Combination of above	_____	_____	___X___

III. CUMULATIVE TERRESTRIAL BIOLOGICAL IMPACTS ASSESSMENT

The following assessment relates to the terrestrial biological resources. Aquatic biological resources are assessed in the Cumulative Watershed Impacts Assessment, Section I.

A. Terrestrial Biological Impacts Assessment Area

The assessment area is the THP harvest boundary and adjacent properties. The assessment area boundary was chosen to encompass the entire terrestrial habitat area that would be affected by the project.

B. Terrestrial Biological Resource Inventory

1. Identify any of the following categories of species known or suspected to occur in the terrestrial biological assessment area for each: rare, threaten or endangered; species of special concern established by the ECF; sensitive species.

The Natural Diversity data base maps identified the following species:

1. Western Snowy Plover (09120) - a species of special concern as listed by the Calif. Dept. of Fish and Game. Two broods were observed at the mouth of Waddell Creek in the 1970's.
2. The San Francisco Garter Snake (09131) - Federally listed as endangered. A dead snake was found along a portion of a dirt road in the Rancho del Oso ownership. 9/21/87. In an area that was adjacent to "wet lowland area, containing mud and some standing water, even in the late summer season. Surrounding vegetation is thick blackberry, salix, equisetum, juncus and other marsh/ wetland vegetation". According to the landowners subsequent to the road kill find, a live garter snake was captured near the mailboxes of the landowners (near the junc. of the haul road and Hwy 1) as well as a few unconfirmed sightings by Park personnel. However, a summerlong survey by a professional herpetologist in 1991 did not yield any sightings. This would suggest that while the habitat exists (miles from the harvest area) there are no established colonies of the snakes only occasional strays.
3. The Monarch Butterfly (09132) not listed as a species of concern but the Database Maps identified it. The habitat is native Monterey Pine forest. "No clusters were observed, but a number of individuals were observed and habitat is good enough to suspect the existence of roost sites."

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4. Schreiber's Manzanita (09189) not listed as a species of concern but identified in the database maps. A small population was located off Last Chance Rd.

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The Natural Diversity data base maps identified the following habitats:

1. Coastal Brackish Marsh (09117) This is located at the mouth of Waddell Creek. "A Guide to Wildlife Habitats of California" labels this habitat as "Saline Emergent Wetland". Wildlife considerations include the following-"Saline Emergent Wetlands provide food, cover and nesting and roosting for a variety of birds, mammals, reptiles and amphibians." Possible endangered species or species of concern which may inhabit this area are listed as "California and light-footed clapper rails, the salt marsh harvest mouse." It lists the influencing factors as "sedimentation and occasional submergence or emergence rates" as well as "diking -ditching, dredging, filling, hydraulic mining and diversion or impoundment of upstream water, trampling and pollution.
2. Monterey Pine (09078) no listing but identified on the maps. "Extends just N. of Ano Nuevo Creek to north of Waddell Creek"

The RPF and landowner identified the following:

1. The Marbled Murrelet- Over the years it *had* been reported sightings of the Marbled Murrelet in the Waddell basin. Because of this, the California Dept. of Fish and Game was notified prior to the preparation of this plan. See the attached Wildlife Addendum.

2. Identify any other wildlife or fisheries resource concerns known or suspected to occur within the terrestrial biological assessment area.

- a. Feral Pigs- represent a concern because of the negative impacts they create.

3. Describe the pre-project condition of the biological resources inventoried within the terrestrial biological assessment area. Describe the anticipated post-project condition of those biological resources after completion of the proposed project.

- a. while the redwood forest can provide suitable habitat for many endangered or sensitive species, and some have been located within the biological assessment area. It should be noted that none occur within the area proposed for harvest. The THP contains mitigation needed to prevent significant adverse impacts to such species should they be encountered.

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#### B. Habitat Condition

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Describe the pre-project condition of the following terrestrial habitat components within the terrestrial biological assessment area, and in the immediate vicinity outside the assessment area. Rate each: 0-none, 1-well below

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average, 2 -below average, 3 -average, 4-above average, 5-well above average. Consider "average" to be the typical forest in the Santa Cruz Mountains.

Habitat components	Pre-project on-site	off-site	Post-project on-site
Snags	2	4	2
Nest trees	2	3	2
Down woody debris	3	3	3
Multistoried canopy	4	2	4
Road density	3	3	3
Hardwoods	4	4	3
Late seral stage	3	4	3
Continuity of the late seral stage	3	4	3

C. Significant Special Habitat Elements

1. Are any of the following significant wildlife areas located within the terrestrial biological assessment area or in the immediate vicinity outside the assessment area?

	On-site	Off-site
Deer fawning areas	YES	YES
Deer migrating corridors	YES	YES
Deer winter range	YES	YES
Deer summer range	YES	YES
Wetlands	NO	YES
Riparian areas	NO	YES

2. Will the project significantly affect the use of those areas by wildlife?  
 YES \_\_\_\_\_ NO X \_\_\_\_\_

EXPLAIN: Deer habitat will not be degraded. Forage is likely to improve in the years immediately following harvest. There may be some displacement of animals during harvest operations but this will not be permanent and insignificant within the first year following harvesting. Wetlands at the mouth of Waddell Creek will not be impacted as harvesting will not increase sedimentation inputs into the stream.

D. Other Projects

Identify and discuss the effects of the following projects within the terrestrial biological assessment area that might interact with the effects of the proposed project:

I. Past and future projects in the terrestrial biological assessment area under the control of the timber owner or timberland owner that did or could cause a significant impact on terrestrial biological resources.

a. Selective timber harvesting- past/present/future- The original clear-cut

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logging before and after the turn of the century had the most significant impact on the terrestrial biological resources. Current laws prohibit and the rules are designed to prevent significant adverse impacts to current terrestrial biological resources. It is then anticipated that any future projects would have no significant impacts.

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2. Past and future projects planned or expected within the terrestrial biological assessment area not under control of the timber owner or timberland owner that did or could cause a significant impact to terrestrial biological resources.

b. Any and all impacts from human interaction caused by the public's use of Rancho del Oso and Big Basin Park could have significant impacts on the terrestrial biological resources. (man-caused wildfires, chemical polluting of the stream from campsites). To date, nothing of significance has occurred and measures are in place in the event something might occur to minimize the effects. (CDF fire protection, Dept. of Parks and Recreation)

E. Interactions

Considering the interactions between terrestrial biological resources within the assessment area (Parts A and C), the current habitat condition on-site and off-site (Part B), the ongoing effects of past projects (Part D), and the effects of future projects (Part D), is the potential High, Medium or Low for developing significant cumulative effects to the terrestrial biological resources within the assessment area as a result of:

LCW- 1. The proposed project combined with the effects of past projects without the impacts of future projects?

LCW- 2. The proposed project combined with the effects of past projects and the expected impacts from future projects listed in Part D?

If the answer to both questions is "LCW", go to Part F and mark it "NO".

F. Impacts Evaluation

Based on the information gathered by the RPF, the contents of the THP, the forest practice rules, information from the review of other plans, the magnitude of impacts identified in Parts A through D, and the interactions rated in Part E, is the proposed project likely to produce significant adverse cumulative effects to the terrestrial biological resources within the terrestrial biological resources assessment area?

YES \_\_\_\_\_ NO X \_\_\_\_\_

Will the proposed project, as present, in combination with the impacts of past and future projects as identified in Parts A through D, and the interactions rated in Part E, and considering feasible alternatives and mitigation actions, have a reasonable potential to cause or add to significant cumulative impacts to terrestrial biological resources within the terrestrial biological resources assessment area?

1. Yes (after mitigation) \_\_\_\_\_

2. No (after mitigation) \_\_\_\_\_

3. No (no reasonable potential significant effects) X \_\_\_\_\_

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## IV. CUMULATIVE RECREATION IMPACTS ASSESSMENT

## A. Recreational Impacts Assessment Area

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The assessment area is the Rancho del Oso property and the adjoining Park properties including those portions of the haul road used by Park visitors.

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## B. Recreational Resources Inventory

Identify the recreational activities involving significant numbers of people within the recreational assessment area.

People use the shared Park/private road proposed for hauling for hiking, biking and horse back riding year round, more so in the summer months. The road is used by the Park Dept. for official Park Dept. vehicles only. This consists of rangers on patrol an average of two round trips per day total. Public vehicle traffic, including park users, is excluded by locked gates. Park visitor foot traffic is legally prohibited from using a large stretch of the proposed haul road. Recently, this prohibition has not been effectively enforced but the Park Dept. is responsible to do so. There are also walk in campsites along Waddeil Creek and adjacent to the harvest boundary that are primarily used during the summer.

Identify any recreational Special Treatment Areas as defined by the Board of Forestry rules within the recreational assessment area.

A Special Treatment Area extends along the Western and Northern boundary of the Lands of Rancho del Oso where the proposed harvest area extends to the property line. This Treatment Area extends 200' into the lands of Rancho del Oso.

## C. Change in Recreational Resources

Discuss whether the project will significantly alter the recreational opportunities within the recreational assessment area.

The project will impact the recreational opportunities within the assessment area while harvesting operations are ongoing. The significance of the impacts can be reduced with mitigation measures. Prior to the preparation of this plan, the RPF and landowner's agent, Robert Eriggs, met with Victor Roth, State Park Land Agent and George Cook, District Superintendent to discuss possible impacts and mitigations, the following are conclusions of that meeting:

1. Dog trucks using the same road as Park users will be an impact.  
Proposed mitigation: Loaded trucks will be limited to 5MPH on those stretches of road used in common with the park. When horseback riders are encountered, if possible, trucks will stop and allow horses to pass by. Park officials have indicated that their rangers will enforce the legal requirement that Park hikers use the bypass trail and thereby reduce the encounters of Park users with log trucks over most of the proposed haul route.
2. Logging operations will be heard by people using the walk in campsites.  
Proposed mitigation: Landings and harvest areas closest to the campsites will have restricted operating hours - no earlier than 8AM and no weekend work except road watering, equipment maintenance, fueling and log trucking on the designated haul route.
3. Dust will be a problem.  
Proposed mitigation: Extraordinary road watering may have to be done to keep the road in a relatively dust free condition. During the harvest that occurred in

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1985, this was not a problem but did require multiple daily waterings at times. Generally, the road during times of past harvesting has been less dusty than the usual summer mad condition.

4. The public will direct questions and comments about the harvest to the Parks Dept. thus requiring extra time spent by Park employees to answer questions.

Proposed mitigation: Prior to the onset of operations, the timber operator will post signs at the entrances to the area which will describe the project and have the name and telephone number of the RFF with directions to call with questions.

5. The truck will damage the mad

Proposed mitigation: Prior to the onset of operations, the RFF, in consultation with the Park's maintenance personnel, will create an erosion control and road maintenance plan which when implemented will insure no damage to the mad will occur.

D. Other Projects

Identify and discuss other projects within the recreational assessment area that might interact with the effects of the proposed project.

None known

1. Any past or future projects in the recreational assessment area that are under the control of the timber owner or timberland owner that will impact recreational opportunities identified in Part A.

Any future timber harvesting by the timberland owner can be expected to impact the recreational opportunities as discussed above.

2. Any known future projects in the recreational assessment area that are not under control of the timber owner or timberland owner that will impact recreational opportunities identified in Part A.

Any alteration of Park policy or improvements may have an impact on the recreational opportunities. Most likely these would be positive impacts.

E. Impact Evaluation

Will the proposed project, as presented, in combination with the impacts of past and future projects identified in Part A through C, have a reasonable potential to cause or add to significant cumulative impacts to recreational resources?

YES (after mitigation) \_\_\_\_\_

NO (after mitigation)   x   \_\_\_\_\_

NO (no reasonable potential significant effects) \_\_\_\_\_

V. CUMULATIVE VISUAL IMPACTS ASSESSMENT

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## A. Visual Impacts Assessment Area

The visual assessment area is the harvest area as viewed from the road along Waddell Creek and adjacent to the harvest area and the harvest area as viewed from a few rural residences served by Last Chance Road.

## B. Visual Resources Inventory

1. Identify any Special Treatment Areas designated by the Board of Forestry rules for their visual value within the visual assessment area.

The western and northern portion of the THP boundary for a width of 200'

2. Describe how far the proposed project is from the nearest point that significant numbers of people can view the project.

The proposed project immediately borders a road used by visitors to the park.

3. Identify the manner in which the public identified in Part A and E will view the proposed project.

A small portion of the project will be visible to the public. The RPF and landowners met with Park Officials and discussed this issue. Following these discussions, the following were agreed upon.

1. Areas on hillsides facing the road will not be harvested where the RPF feels that there is insufficient screening of operations from the public.
2. The landowner has agreed to forgo harvesting in some highly visible and aesthetically superior settings adjacent to the road.
3. The RPF will mark all the timber within the STA prior to the onset of operations for review by agents of the Parks Dept.
4. The RPF will mark to screen as feasible the bulk of the operation from the road. It is expected that some of the operation will be visible but attempts will be made by the RPF to minimize those visual impacts.
5. Two short access roads off the main road will be temporarily built for harvesting and recntoured and revegetated following harvesting.

## C. Changes in Visual Resources

Discuss the probability of the project changing the visual setting viewed by the public as a result of vegetation removal, creation of slash and debris or soil exposure.

In the area most visible to the public, there may be a temporary (2-6 month) disruption of a very small amount of area along the road however, the methods discussed above will minimize disruption to a point of insignificance.

## D. Other projects

Identify and discuss other projects in the visual assessment area that might interact with the effects of the proposed project.

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1. Any past and future projects in the visual assessment area that are under the control of the timber owner or timberland owner that could interact to cause a significant change in any identified visual resource.

Additional selective harvest operations similar to past operations and the project proposed here.

2. Known future projects in the visual assessment area that are not under the control of the timber owner or timberland owner that could interact to cause a significant change in any identified visual resource.

NONE KNOWN

E. Impacts Evaluation

Will the proposed project, as presented, in combination with the impacts of past and future projects identified in Parts A through C have a reasonable potential to cause or add to significant cumulative impacts to visual resources?

- 1. YES (after mitigation) \_\_\_\_\_
- 2. NO (after mitigation)  X
- 3. NO (no reasonable potential significant effects) \_\_\_\_\_

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VI. CUMULATIVE TRAFFIC IMPACTS ASSESSMENT

A. Traffic Resource Assessment Area

The traffic assessment area includes all public and private roads over which logs will be trucked.

B. Traffic Resource Inventory

1. Identify any public roads to be used for transporting logs.

A State Park and private shared Right of Way, West to Hwy 1. South on Hwy 1 to Big Creek sawmill.

2. Identify any public roads that have not been recently used for the transport of logs.

NONE, all used within the past year.

3. Identify any public roads to be used to transport logs that have existing traffic or maintenance problems.

NONE

C. Activity Levels

Discuss how the log trucks used on the project will change the amount of traffic on public roads, especially during heavy traffic conditions.

An average of 6-10 loads of logs will be hauled from the project each weekday. There will be no log hauling on weekends and holidays. Traffic is never heavy over the route. There will be a short term slowing of south bound traffic

on Highway 1 as the trucks leave the private road and climb the grade to the sawmill but this will be for a very short distance.

#### D. Other Projects

Identify and discuss other projects in the traffic assessment area that might interact with the effects of the proposed project.

1. Other past or future projects on lands under the control of the timber owner or timberland owner that will add significantly to traffic on public roads during the period the roads are to be used for trucking logs from the project.

There are none

2. Any known future projects not under the control of the timber owner or timberland owner that will impact public road traffic during the period that the roads are to be used for trucking logs from the project.

NONE

#### E. Impact Evaluation

With care taken using the proposed haul route, past operations have demonstrated that log trucks cause only a minor inconvenience if any to motorists using the proposed haul routes.

Will the proposed project, as present, in combination with the impacts of past and future projects identified in Parts A through C have a reasonable potential to cause or add to significant cumulative impacts to traffic on public roads?

1. YES (after mitigation) \_\_\_\_\_
2. NO (after mitigation)  \_\_\_\_\_
3. NC (no reasonable potential significant effects) \_\_\_\_\_

#### VII. APPENDIX

##### Resources Used in Making This Assessment

1. Natural Diversity Data Base
2. A Guide to Wildlife Habitats of California, Oct. 1988
3. RPF communication, Marvin Dodge, Ph.D. regarding CDF soil erosion studies, 1976
4. California Regional Water Quality Control Board Waste Discharge Report Number 74-60, 1975
5. RPF communication with Dave Hope, Santa Cruz County Planning Dept. and Review Team member.
6. RPF communication with Victor Roth and George Cock, Calif. Dept. of Parks and Recreation.
7. Over 100 years of forestry experience.
8. California's Wildlife, Vols. I-III, NOV. 1990
9. RPF communication with Andy Schiffren, aid to Gary Patton, Santa Cruz County Board of Supervisors.
10. \*A Brief History of Events Impacting the Forest of the Lower Waddell Valley"

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by Robert Briggs, 1992

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Resource	PURCH.	NAME:	NAMED	STREET	PLACE
1	057-071-030	STATE OF CALIFORNIA	DEPT OF PARKS & RECREATION	1416 NINTH STREET	SACRAMENTO, CA 95814
2	057-071-100	STATE OF CALIFORNIA	DEPT OF PARKS & RECREATION	1416 NINTH STREET	SACRAMENTO, CA 95814
3	057-071-140	STATE OF CALIFORNIA	DEPT OF PARKS & RECREATION	1416 NINTH STREET	SACRAMENTO, CA 95814
4	057-091-040	STANFORD UNIVERSITY	BOARD OF TRUSTEES	STANFORD UNIVERSITY	STANFORD, CA 94305
5	057-091-160	BIG CREEK TIMBER COMPANY		3864 HIGHWAY 1	DAVENPORT, CA 95017
6	057-161-070	JAMES E. HALEY		P. O. BOX 192	DAVENPORT, CA 95017
7	057-091-490	STATE OF CALIFORNIA	DEPT OF PARKS & RECREATION	1416 NINTH STREET	SACRAMENTO, CA 95814
8	057-161-550	ANNE W. BRISBE		RANCHO DEL ORO	DAVENPORT, CA 95017
9	057-091-590	THEODORE H. WILLIS		924 E. GREEN STREET #200	PASADENA, CA 91106
10	057-091-600	RANCHO DEL ORO OPERATING CO.		924 E. GREEN STREET #200	PASADENA, CA 91106
11	057-091-600	HULDA HOOVER MCLAN	ROBERTSON B. MCLAN	510 WALNUT AVENUE	SANTA CRUZ, CA 95060
12	057-091-600	RANCHO DEL ORO OPERATING CO		924 E. GREEN STREET #200	PASADENA, CA 91106
13	057-091-600	HULDA HOOVER MCLAN	ROBERTSON B. MCLAN	510 WALNUT AVENUE	SANTA CRUZ, CA 95060
14	057-161-100	TIMOTHY S. DUNNINGHAM		17701 BEAR CREEK ROAD	BOULDER CREEK, CA 95117
15	057-161-140	THOMAS S. WIGGINTON	ROY S. WIGGINTON	608 SWANTON ROAD	DAVENPORT, CA 95017
16	057-161-190	STATE OF CALIFORNIA	DEPT OF PARKS & RECREATION	1416 NINTH STREET	SACRAMENTO, CA 95814
17	057-161-010	DAWN P. & CARL S. STEVENS		667 SWANTON ROAD	DAVENPORT, CA 95017
18	057-161-030	HANNE W. HOLLANDER		P. O. BOX 100	REDMOND, OR 97768
19	057-161-040	STEPHEN PLOTZ	KARIN HINSEN	670 SWANTON ROAD	DAVENPORT, CA 95017
20	057-161-050	RUTH KATZ		454 SWANTON ROAD	DAVENPORT, CA 95017
21	057-161-070	JOHN K. CARPENTER		660 SWANTON ROAD	DAVENPORT, CA 95017
22	057-161-090	ROSE F. HOLLAND		P. O. BOX 401	MORGAN HILL, CA 95036
23	057-011-400	STATE OF CALIFORNIA	DEPT OF PARKS & RECREATION	1416 NINTH STREET	SACRAMENTO, CA 95814
24		SUPERVISOR GARY RATTON	COUNTY OF SANTA CRUZ	GOVERNMENT CENTER	SANTA CRUZ, CA 95060
25		CITY OF SANTA CRUZ	WATER DEPARTMENT	800 CENTER STREET	SANTA CRUZ, CA 95060
26		SANTA CRUZ CITY SCHOOLS		100 MISSION STREET	SANTA CRUZ, CA 95060
27		DAVENPORT ELEMENTARY SCHOOL			DAVENPORT, CA 95017

I hereby certify that, with one exception, a Notice of Intent was mailed to each of the above prior to submission of the THP. Big Creek Timber Company's notice was hand delivered.

*Michael E. Jani*  
 MICHAEL E. JANI, REF 1856

Received CDF  
 REGION 1

JUL 09 1993

RESOURCE MANAGEMENT

EXHIBIT 29



NOTICE OF INTENT TO HARVEST TIMBER

0754

A Timber Harvesting Plan Or an amendment to an existing plan that may be of interest to You has been submitted to the California Department Of Forestry and Fire Protection (CDF) for a determination as to whether the timber operation described in the plan or amendment complies with state laws and regulations. The following briefly describes the timber operation, how to obtain more details, and where and when to submit documents regarding the proposed timber operation. If you would like to review the plan or would like more information about the plan or amendment, or about the laws and regulations governing timber harvesting in California, please contact:

California Department of Forestry and Fire Protection
San Mateo/Santa Cruz Ranger Unit
6059 Highway 9
P. O. Drawer F-Z
Felton, California 95018
(408) 335-5355 (415) 592-2726

California Department of Forestry and Fire Protection
Region I Headquarters
135 Ridgeway Avenue
P. O. Box 670
Santa Rosa, California 95402
(707) 576-2275

Questions or concerns regarding the specific THP should be directed to the Santa Rosa office for public input incorporation into an Official Response Document.

The THP or amendment is available for public review at the Department's Felton office. The cost to obtain a copy is \$2.50 for the first twenty (20) pages and \$0.125 for each additional page. The following is a summary of the information contained in the plan or amendment:

- 1. Plan Submitter: Big Creek Lumber Co., Michael E. Jani, Forester
2. Timberland Owner: Rancho del Oso Operating Co.
3. Location of the plan area (county, section, township and range, and approximate direction and distance to the plan area from the nearest community or well-known landmark): Santa Cruz Co. Ptns. Sec. 25 and Sec. 35, T9S, R4W, just West of Last Chance Rd.
4. Name of and distance from the nearest perennial stream and major watercourse flowing through or downstream from the plan area: the plan area is adjacent to Waddell Creek. Tributaries to Waddell Creek run through the plan area.
5. Acres in plan: 280
6. Proposed harvesting method or treatment: tractor and cable logging/ individual tree selection method of silviculture

The end of the public comment period and the earliest date for the Director's determination on the plan is 45 days from the date of receipt of the plan by the Department. The estimated end of the public comment period and the earliest date for the Director's determination is 8/23/93

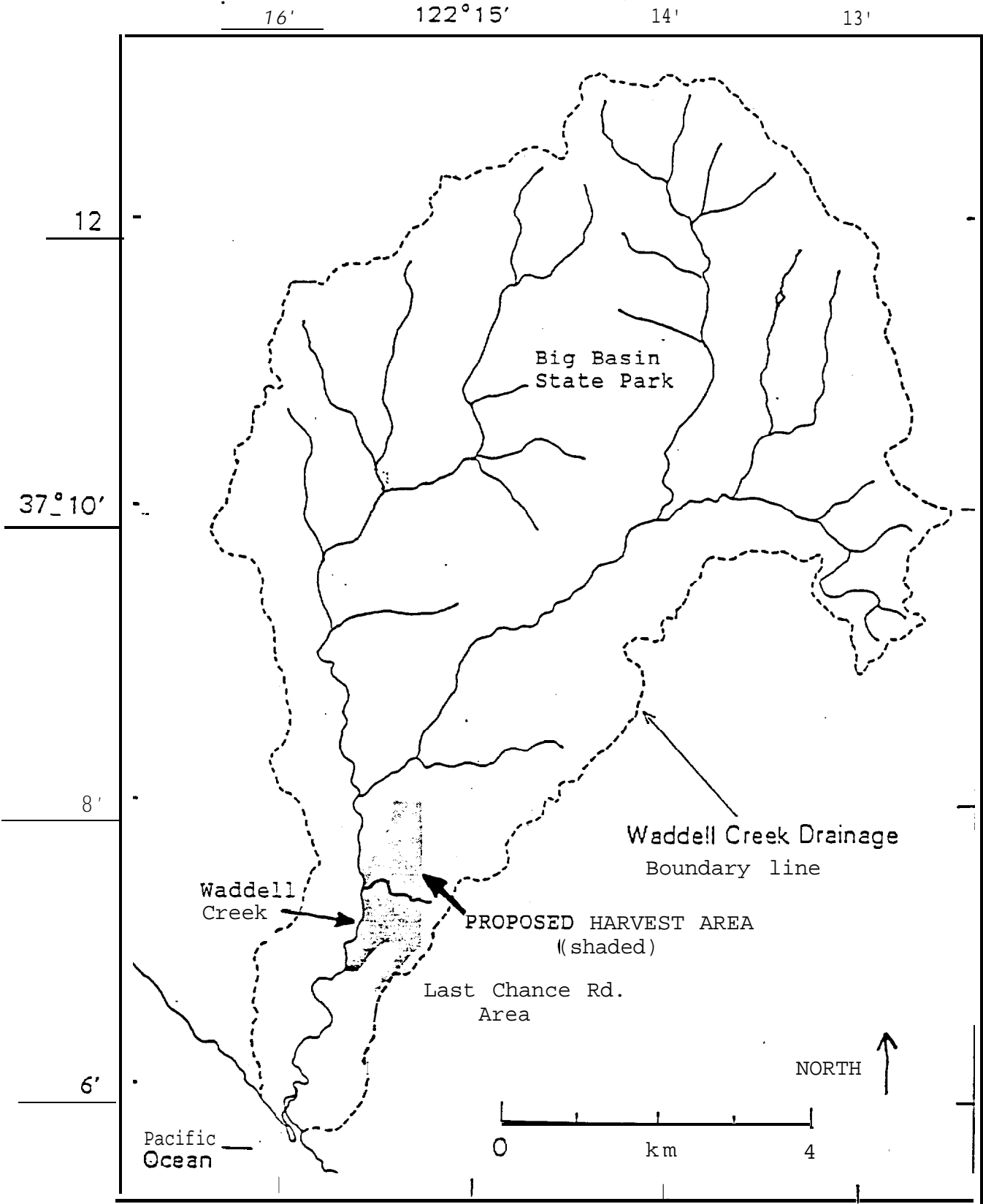
If you originally received this notice by mail, you can expect the Department to give you the following by mail: the number of the THP or amendment, the date of its receipt by the Department, its filing date, and the date of any public hearing. You should check with the Department for dates of the Review Team meetings.

If you would like to talk to the Registered Professional Forester who prepared the plan or amendment, please call:

Michael E. Jani 1856 (408) 476-1015
Name License Number Phone Number

FOR DEPARTMENT USE

TIMBER HARVESTING PLAN OR AMENDMENT NUMBER 1-93-272 SCR DATE OF RECEIPT Received CDF REGION 1



Received CDF  
REGION 1

JUL 09 1993

EXHIBIT 1  
RESOURCE MANAGEMENT 79

0756

NOTE

Information concerning archeological sites has been removed from this THP, I - 93- 272 SCR , in accordance with the policy of The Office of Historic Preservation as adopted by the State Historical Resources Commission under the authority of Public Resources Code 5020.4.

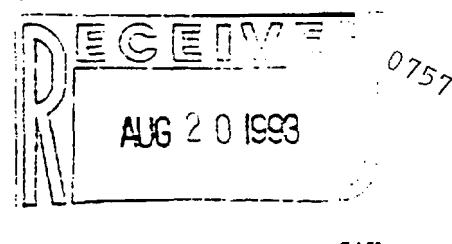
Copies of the information have been sent to the following locations to facilitate review of the project:

1. CDF field unit - Felton
2. Native American Heritage Commission
3. Local Tribal Governments -  
Patrick Orozco  
Irene Zwierlein
4. Northwest Information Center @ Sonoma State University  
N/A - sent by RPF

The original copy of this material is maintained in a confidential file at CDF Region I Headquarters, 135 Ridgeway Avenue, Santa Rosa, CA 95401.



Mr. L.I. Keefer, Region Chief  
135 Ridgeway Ave.  
Santa Rosa, Ca.  
95402



Received CDF  
REGION 1

AUG 23 1993

Dear Mr. Keefer:

RESOURCE MANAGEMENT

The following are my responses to questions which came up at the Review Team meeting in Santa Rosa for THP# 1-93-272 SCR that were addressed prior to the PHI:

1. A new watercourse classification map was provided.
2. The temporary roads are not located on slopes over 65%. In fact they are located on near-flat ground. The plan describes the abandonment of the roads but the landings were excluded in the discussion. The landings will be recontoured as necessary, covered with landing debris and seeded with grass seed following completion of use.
3. A "45" was calculated, which is indicative of the conditions on the site but waterbarring is desirable at "moderate" intervals for the plan area excluding the road along Waddell Creek. A separate erosion control plan was submitted for that section of the proposed haul route.
4. Less than ten trees will be felled across Class II watercourses. Somewhere between 20-30 trees may be felled across Class III watercourses, most of which are marginal Class IIIs. Regardless of the numbers of trees, as is stated in the plan, this practice will only be employed when it adds protection to the resources to be protected; water and the residual tree stand.
5. As is clearly stated in the plan, if the possibility exists that debris may enter a stream during the winter period that would require equipment for removal, that tree shall not be felled. Any other debris accidentally deposited in a watercourse will be immediately removed by hand.
6. As is clearly indicated on the "Watercourse Classification" map and labeled as "treatment" the slash deposited in all watercourses will be treated as indicated and as reviewed in the field.
7. The Waddell Creek **watershed** is approximately 10,000 acres.

The following are the RPF responses to the recommendations resulting from the pre-harvest inspection:

1. The RPF and CDF Forest Practice Inspector reviewed in the field a portion of the area classified as Site IV timberlands. It was agreed that the classification would be changed to Site III. A new site classification map is attached.
2. The attached erosion control plan has been reviewed in the field and agreed to by all parties involved: landowner, county, OF and Parks.

EXHIBIT L  
79

AUG 20 1993 758

- 3. The abandonment of landings has been described above.
- 4. Please be advised that item # 50 which indicates that timber within the Class II WLPZ will be marked prior to the preharvest inspection was a typo error. This is hereby changed to read that timber will be marked prior to the onset of operations.
- 5. As is required by CCR 926.14, the list of unique plants and animals identified in the Santa Cruz County General Plan was consulted during plan preparation. All associated with the plan area were identified and discussed in the plan.

The following I wish to add to the plan to clarify the conditions which winter operations may occur. The intent of the following winter operations addendum is to allow operations which began in the summer and fall to continue past Oct. 15th if dry conditions continue. Once a rainy pattern of weather has begun, operations will be suspended until April 15th."

Sincerely:

*Michael E. Jani*  
 MICHAEL E. JANI  
 RPF# 1856

PART OF PLAN

Received CDF  
 REGION 1  
 AUG 23 1993  
 RESOURCE MANAGEMENT

STATE OF CALIFORNIA  
DEPARTMENT OF FORESTRY AND FIRE PROTECTION

REVIEW TEAM CHAIRPERSON'S RECOMMENDATIONS FOR THP OR AMENDMENT  
NUMBER 1-93-272 SCR, Lands of RANCHO DEL OSO

0759

- 1. ( ). The Chairperson recommends that the plan or amendment be found in conformance with the rules of the Board of Forestry.
- 2. ( ). The Chairperson recommends that the plan or amendment be found not in conformance with the rules of the Board of Forestry. The reasons for denial are attached.
- 3. (X). The Chairperson recommends that this plan or amendment be found in conformance with the rules of the Board of Forestry if the concerns and suggestions of the Chairperson, or the intent of them, are addressed by the plan submitter before the date of determination of the Director on the plan or amendment. A report of the concerns and suggestions is attached.
- 4. ( ). The Chairperson recommends that a determination on the plan or amendment be delayed by the Director since the Board's rules do not appear to provide for the situation presented. A report describing the problem not covered by the rules is attached.

DATE: August 20, 1993 Nancy Drinkard RPF #1979  
Signature of Chairperson

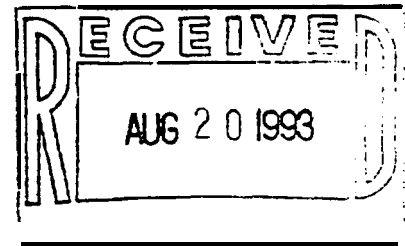
INFORMATION CONCERNING REVIEW OF PLAN OR AMENDMENT

- 1. The date-for final comment on this THP is:  
August 23, 1993
- 2. Review Team Members present: B. Briggs, A. Briggs (Landowners); N. Drinkard, G. Holmes (CDF); M. Jani (RPF)
- 3. (X)Yes ( )No A non-concurrence has been filed by a member of the review team on an alternative practice. Agency that filed comments:
- 4. (X)Yes ( ) No Written comments have been filed by a member of the review team on an alternative practice. Agency that filed comments:
- 5. The potential cumulative effects of this plan or amendment have been considered during its review and:  
 (X) No significant unmitigated cumulative effects are likely to occur.  
 ( ) Certain significant effects are likely to occur but have been mitigated as described on an attachment.  
 ( ) Significant effects are likely to occur but cannot be mitigated.  
 The effects and the reasons they cannot be mitigated are described in an attachment.
- 6. Date of Review Team meeting: August 19, 1993

**REVIEW TEAM RECOMMENDATIONS**

THP 1-93-272 SCR, LANDS OF RANCHO DEL OSO 0760

1. The RPF has responded to all concerns addressed in the PHI report and at the Review Team Meeting in his addendum of August 20, 1993, copy appended.



0761



Mr. L.I. Keefer, Region Chief  
 135 Ridgeway Ave.  
 Santa Rosa, Ca.  
 95402

Dear Mr. Keefer:

The following are my responses to questions which came up at the Review Team meeting in Santa Rosa for TRP# 1-93-272 SCR that were addressed prior to the PHI:

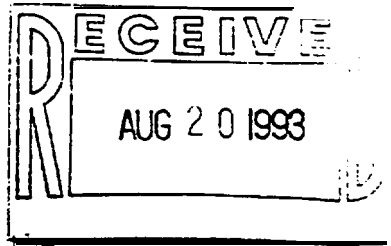
1. A new watercourse classification map was provided.
2. The temporary roads are not located on slopes over 65%. In fact they are located on near-flat ground. The plan describes the abandonment of the roads but the landings were excluded in the discussion. The landings will be recontoured as necessary, covered with landing debris and seeded with grass seed following completion of use.
3. A "45" was calculated, which is indicative of the conditions on the site but waterbarring is desirable at "moderate" intervals for the plan area excluding the road along Waddell Creek. A separate erosion control plan was submitted for that section of the proposed haul route.
4. Less than ten trees will be felled across Class II watercourses. Somewhere between 20-30 trees may be felled across Class III watercourses, most of which are marginal Class 111s. Regardless of the numbers of trees, as is stated in the plan, this practice will only be employed when it adds protection to the resources to be protected: water and the residual tree stand.
5. As is clearly stated in the plan, if the possibility exists that debris may enter a stream during the winter period that would require equipment for removal, that tree shall not be felled. Any other debris accidentally deposited in a watercourse will be immediately removed by hand.
6. As is clearly indicated on the "Watercourse Classification" map and labeled as "treatment" the slash deposited in all watercourses will be treated as indicated and as reviewed in the field.
7. The Waddell Creek watershed is approximately 10,000 acres.

The following are the RPF responses to the recommendations resulting from the pre-harvest inspection:

1. The RPF and CDF Forest Practice Inspector reviewed in the field a portion of the area classified as Site IV timberlands. It was agreed that the classification would be changed to Site III. A new site classification map is attached.
2. The attached erosion control plan has been reviewed in the field and agreed to by all parties involved: landowner, county, CDF and Parks.

EXHIBIT L





- 3. The abandonment of landings has been described above.
- 4. Please be advised that item # 50 which indicates that timber within the Class II WLPZ will be marked prior to the preharvest inspection was a typo error. This is hereby changed to read that timber will be marked prior to the onset of operations.
- 5. As is required by CCR 926 .14, the list of unique plants and animals identified in the Santa Cruz County General Plan was consulted during plan preparation. All associated with the plan area were identified and discussed in the plan.

ATTACHMENT 6

0762

The following I wish to add to the plan to clarify the conditions which winter operations may occur. The intent of the following winter operations addendum is to allow operations which began in the summer and fall to continue past Oct. 15th if dry conditions continue. Once a rainy pattern of weather has begun, operations will be suspended until April 15th."

Sincerely:

*Michael E. Jani*  
MICHAEL E. JANI  
RPF# 1856

Scale: 1" = 1000'

ATTACHMENT

6

0763

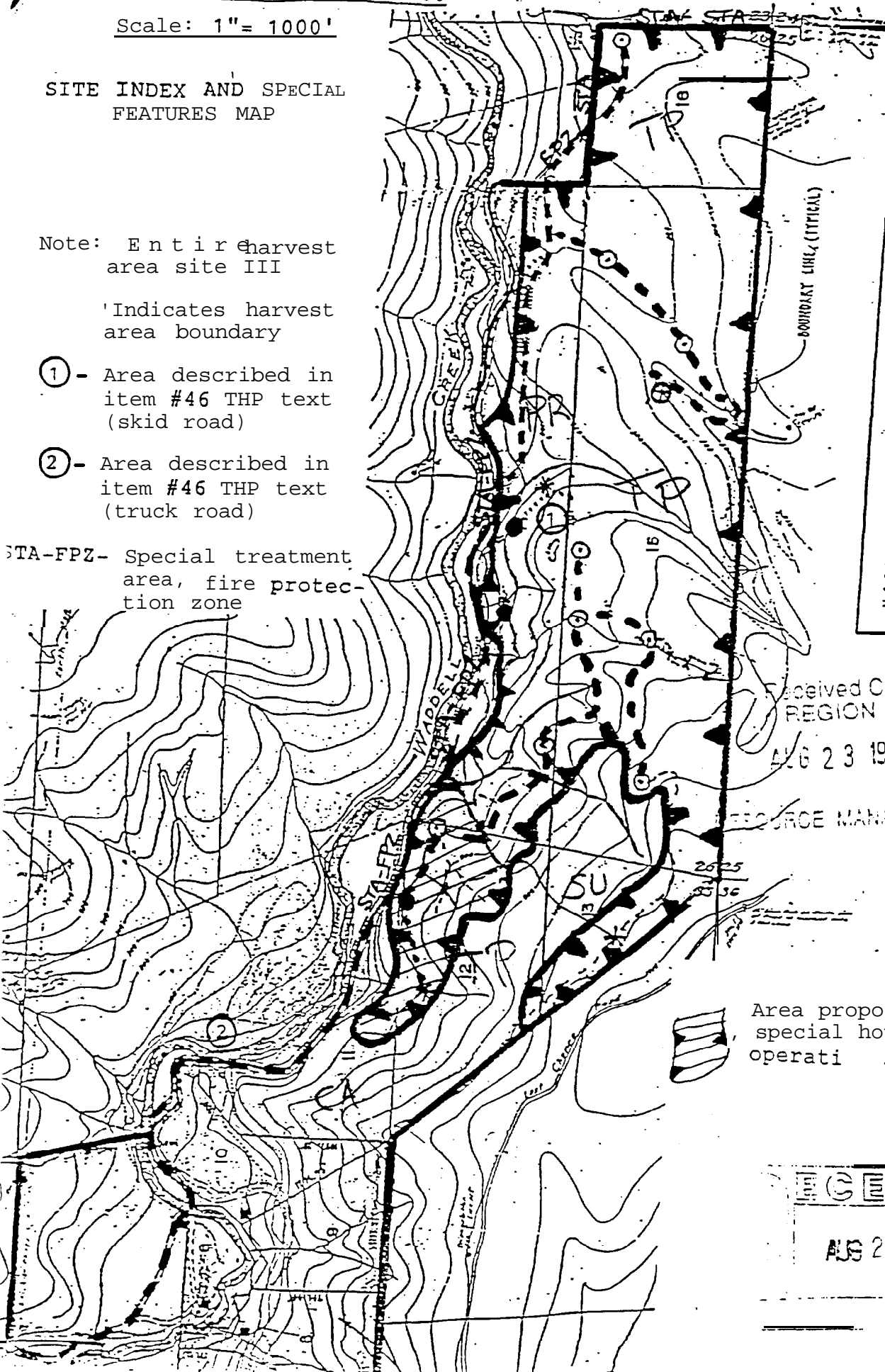
SITE INDEX AND SPECIAL FEATURES MAP

Note: Entire harvest area site III

'Indicates harvest area boundary

- ① - Area described in item #46 THP text (skid road)
- ② - Area described in item #46 THP text (truck road)

STA-FPZ- Special treatment area, fire protection zone



NOTE 1  
 THE TOPOGRAPHY SHOWN ON THIS MAP WAS PHOTO-COPIED FROM A TOPOGRAPHIC MAP OF THE LANDS OF INDIANOS, J. HOOVELK SURVEYED BY E.P. ROBERTS DATED 1915.

Received CDF  
 REGION 1  
 AUG 23 1993

RESOURCE MANAGEMENT

Area proposed for special hours of operation

AUG 23 1993

Scale: 1" = 1000'

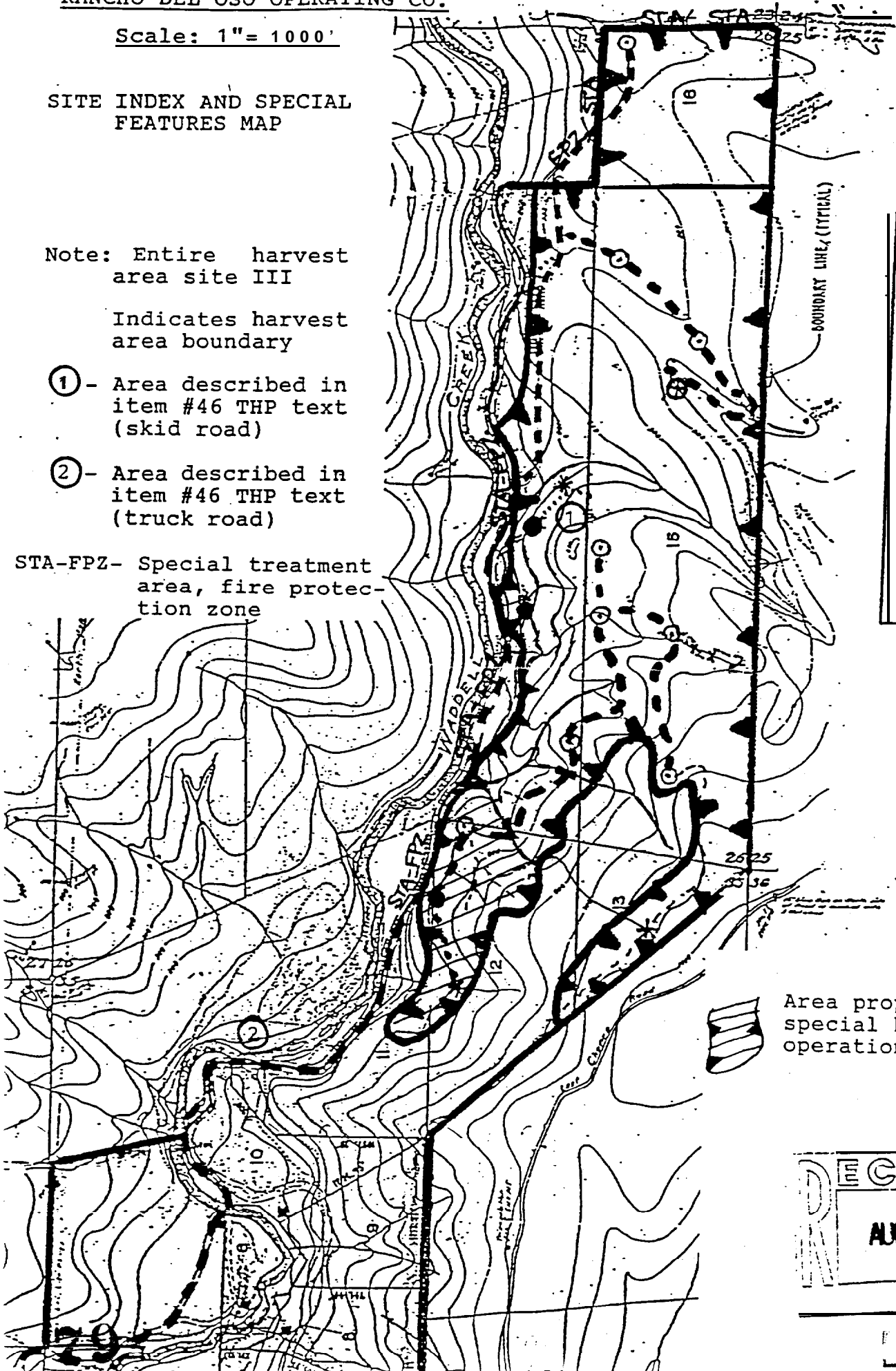
SITE INDEX AND SPECIAL FEATURES MAP

Note: Entire harvest area site III

Indicates harvest area boundary

- ① - Area described in item #46 THP text (skid road)
- ② - Area described in item #46 THP text (truck road)

STA-FPZ- Special treatment area, fire protection zone



07

BOUNDARY LINE, (TYPICAL)

NOTE 1  
 THE TOPOGRAPHY SHOWN ON THIS MAP WAS PHOTO-COPIED FROM A TOPOGRAPHIC MAP OF THE LANDS OF THROCKLE, JR. DRAWN SURVEYED BY E.P. ROGERS PAID 1915.

Area proposed for special hours of operations.

RECEIVED  
 AUG 20 1993

EXHIBIT L

0765

STA	DESCRIPTION	owner	inside ditch	outside ditch	berm	drain	silt basin	silt fence	remove berm	crow road
		OWN	I D	OD	BD	SB	SF	FB	CR	
0	Center of first bridge	P/R								
213	Drain towards creek	P			x					
460	Tip road grade towards creek	P				x				
614	Crown of hill	P				x				
714	Fine tune berm removal	P						x		
1140		P								
1306	install 12" culvert	P					x			x
1336	"Swing Hill": Tip road to inside	P	x							
1591	Snag Trees: Rip roots from road surface	P	x							
1650	begin crowned road	P								x
1900	tip road to inside	R	x							x
2000	Existing culvert	R	x							
2710	Place excavated ID material over fence	R	x	x						x
2855	Center of second bridge	R								
3043	Reconstruct berm drain	R		x	x					
3365	Large fir. good filter capacity	R			x					
3368	Begin road tip away from creek	P/R				x				
3487	Tip road to creek	P/R		x		x				
3565	Reconstruct berm drain	P/R		x	x					
3724	Reconstruct berm drain	P/R		x	x					
3841	Complete berm drain"	P/R	x	x						
4115	Minimize vegetation disruption, use back-hoe Stabilize excess materials from above constructions	P/R		x	x					
4255	Existing berm drain. tip road to creek	P/R		x	x	x	x			
4417	Existing berm drain, tip road to creek	P/R		x	x	x	x			
4559	Complete berm drain, install 18" culvert	P/R	x	x	x	x		x	x	
4656	Remove berm when feasible. revegetate	P/R	x					x	x	
4927	Tip road towards bank	P/R	x							
5080	Construct sump, tip road to sump	P/R	x							
5193	"Eagle tree"	P/R		end						
5264	"Beach trail": tip road towards creek	P/R						x		
5450	Reconstruct outside berm	P/R								
5460	Large nutmeg. good filter capacity	P/R	x							
5539	Rock road surface to 5450	P/R								
5639	Reconstruct ID	P/R	x					x	x	
5835	Replace culvert, reconstruct outflow begin road surface rockign	P/R	x					x	x	
5840	"Alder Camp": Reconstruct outside berm Tip road to inside ditch. Revegetate bare soil Option: If rip-rap available: armor creek bank	P/R	x							x
6264	Tip road towards creek end road rockign	P/R		x		x		x	x	
6447	"Hulda's Camp gate: Twin Redwoods sign":	P/R		end	x	x				

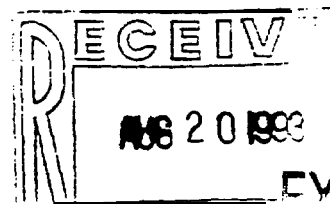
EXHIBIT L

AUG 20 1993 79

0766

	tip road towards outside								
6850	construct u-shaped relief drain, revegetate	P/R	x	end	x				
	tip road to inside								
7152	existing 24" culvert, straw filter dam	P/R	x			x	x	x	x
7413	"Tramway springs": use backhoe, open ID	P/R		x		x	x	x	
	to existing culvert straw filter dam								
7730	Install 12' culvert	P/R	x					x	x
8098	install 12" culvert	P/R	x					x	x
	Reconstruct filled inside ditch								
8193	Temporary spur road location	P/R		x				x	
8393	install 18" culvert at Class III crossing	P/R	x					x	x
	Install trash rack at culvert head								
8495	Install 12" culvert, construct outflow channel	P/R		x					
8576	Revegetate constructed sump	P/R	x					x	x
8701	Leaning small fir tree	P/R		x					
8774	Daylight ID of large vegetated depression	P/R	end			x		x	x
	on bank side of road, minimize disruption								
	to vegetabon; tip road to inside								
8874	Daylight ID into area above	P/R		x					
9200	Temporary spur road location	P/R	x						
	tip road towards bank								
9365	Existing culvert, tip road towards creek	P/R	end			x	x		
	install berm drain near redwood grove								
9443	Large Doug-fir, roots exposed on road surface, use soil from outside ditch	P/R				x			
	construction to cover roots								
9523		P/R						x	x
9695	"Steven's Camp gate": end of project area		x						

79



ENVIRONMENTAL



-February 15, 1999

0767

Mr. Mark Deming  
Senior Planner  
Santa Cruz County Planning Department  
701 Ocean St.  
Santa Cruz, CA.  
95060

Dear Mr. Deming:

I am forwarding this request on behalf of the Rancho del Oso Operating Company and its principals. These entities are the co-owners of various contiguous parcels in Santa Cruz County located within the Waddell Creek watershed. Parcels 057-07 1-05 and 057-081-54 are zoned TPZ. Parcels 057-07 1-12, 057-081-45, 057-081-46 and 057-071-15 are zoned either SU or PR. I hereby certify that these parcels are all contiguous and qualify as timberlands pursuant to the definitions provided in California Timber Production Act.

As per the provisions for the rezoning of contiguous parcels under the Act, please accept this petition to rezone these parcels to TPZ.

Sincerely,

MICHAEL E. JANI  
RPF# 1856

Coastal Commission Modifications - July 14, 1999

Added - underlined italics

Deleted - ~~overstrike italics~~

0768

ORDINANCE \_\_\_\_\_

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.170(d) - CONSISTENT ZONE DISTRICTS, 13.10.3 12(b) - ALLOWED USES IN THE AGRICULTURAL ZONES, 13.10.322(b) - ALLOWED USES IN THE RESIDENTIAL ZONES, 13.10.332(b) - ALLOWED USES IN THE COMMERCIAL ZONES, 13.10.342(b) - ALLOWED USES IN THE INDUSTRIAL ZONES, 13.10.342(b) - INDUSTRIAL ZONE DISTRICT USES CHART, 13.10.352(b) - PARKS, RECREATION AND OPEN SPACE USES CHART, 13:10.362(b) - ALLOWED USES IN THE PUBLIC AND COMMUNITY FACILITY ZONE, 13.10.3 72(b) - TIMBER PRODUCTION ZONE USES CHART, 13.10.375(c) - REZONING TO THE TIMBER PRODUCTION ZONE DISTRICT, 13.10.382 - ALLOWED USES IN THE SPECIAL USE "SU" DISTRICT, 16.20.180 - PRIVATE ROAD STANDARDS AND 16.30.050 - RIPARIAN CORRIDOR EXEMPTIONS, AND ~~ADDING COUNTY CODE SECTION 13.10.378 - TIMBER HARVESTING RELATED HELICOPTER REGULATIONS AND~~ SECTION 13.10.695- LOCATIONAL CRITERIA FOR TIMBER HARVESTING

SECTION I

Subsection (d) of Section 13.10.170 - Consistent Zone Districts of the County Code, including the Open Space Uses and General Plan/Local Coastal Program Resources Sections, is hereby amended to read as follows:

(d) Consistent Zone Districts. The following table denotes the basic and combining districts which implement and are consistent with the various General Plan land use, resource and constraint designations. Rezoning of a property to a zone district which is shown in the following Zone Implementation Table as implementing the designation applicable to the property, shall not constitute an amendment of the Local Coastal Program unless it involves rezoning to "TP" or "M-3" in the coastal zone.

**General Plan/Local Coastal Program Land Use Designation**

**Zone District pursuant to Section 13.10.300 et sea. and Section 13.10.400 et sea.**

**Open Space Uses:**

-0-R Parks, Recreation and Open space

PR - Parks, Recreation and Open Space  
PF - Public Facility  
TP - Timber Production, outside of the coastal zone only.

-0-C Resource Conservation

PR - Parks, Recreation and Open Space  
PF - Public Facility

September 24, 1999

TP - Timber Production, *outside of the coastal zone only.*

A - Agriculture

CA - Commercial Agriculture

ATTACHMENT

6

0769

**General Plan/Local Coastal Program Resource**

-Agricultural Resource Lands

AP - Agricultural Preserve Zone District

A-P - Agriculture with Agricultural Preserve Zone District

CA - Commercial Agriculture

TP - Timber Production (*except for coastal zone lands designated Parks or Resource Conservation*)

-Timber Resource Lands

TP - Timber Production (*except for coastal zone lands designated Parks or Resource Conservation*)

**SECTION II**

Subsection (b) of Section 13.10.3 12 - Uses Allowed in Agricultural Districts of the County Code is hereby amended to read as follows:

**(b) Allowed Uses.**

1. The uses allowed in the agricultural districts shall be as provided in the Agricultural Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the agricultural zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123. All Level V or higher Approvals in the "CA" and "AP" zone districts are subject to the special findings required by Section 13.10.3 14(a) in addition to those required in Section 18.10.230.

2. Timber harvesting; and associated operations. reaurina approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Agricultural zone districts.

**SECTION III**

EXHIBIT 79



Subsection (b) of Section 13.10.322 - Residential Uses - of the County Code is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the residential districts shall be as provided in the Residential Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the residential zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.
2. Timber harvesting; and associated operations. requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Residential zone districts.

SECTION III IV

Subsection (b) of Section 13.10.322 of the County Code is hereby amended to delete the following use from the Residential Uses Chart:

	RA	RR	R-1	RB	RM
<del>Timber harvesting, small scale, subject to the Timber Harvest Ordinance (Chapter 16.52)</del>	<del>P</del>	<del>P</del>	--	--	--

SECTION IV V

Subsection (b) of Section 13.10.332 - Commercial Uses - of the County Code regarding commercial uses is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the commercial districts shall be as provided in the Commercial Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the commercial zone districts is indicated in the

chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.

0771

2. Timber harvesting; and associated operations. requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Commercial zone districts.

## SECTION VI

Subsection (b) of Section 13.10.342 - Uses in Industrial Districts - of the County Code is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the industrial districts shall be as provided in the following Industrial Uses chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the industrial zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123. For purposes of this Chapter, a Mining Approval is a Use Approval.
2. Timber harvesting; and associated operations. requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Industrial zone districts. except in the M-3 zone district Pursuant to the Uses Chart.

## SECTION VII

Subsection (b) of Section 13.10.342 - Mine Site Interim Uses - of the County Code is hereby amended by amending the Industrial Uses Chart to read as follows:

### INDUSTRIAL USES CHART

Mine site interim uses, such as:

1) Agricultural uses subject to the regulations of the "A" District;

Allowed at Approval Levels required by Section 13.10.312 or Chapter 16.52

0772

2) Timber harvesting, subject to ~~the regulations of Chapter 16.52 of the County Code~~ Section 13.10.695.

— — P

**SECTION VIII**

Subsection (b) of Section 13.10.3 52 - Timber Harvesting- of the Parks, Recreation and Open Space Uses Chart of the County Code is hereby amended to read as follows:

**"PR USES CHART"**

USE	PR
-----	----

Timber Harvesting, outside the coastal zone subject to Section 13.10.695.

P

**SECTION VIII IX**

Subsection (b) of Section 13.10.362 - Public and Community Facility Uses of the County Code is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the Public and Community Facilities district shall be as provided in the Public and Community Facilities Use Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in the zone district is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.

- 2. Timber harvesting; and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Public and Community Facility zone district.

SECTION IX

0773

Subsection (b) of Section 13.10.372 - of the County Code is hereby amended by amending the "Timber" use of the Timber Production Zone district to read as follows:

"TP" USES CHART

USE	TP
<p>Timber: Growing, harvesting: the cutting and removal of timber and other forest products, and work incidental thereto, <i>including helicopter yarding of timber pursuant to Section 13.10.378, (Subject to a Timber Harvest Permit pursuant to Ch. 16.52)</i> subject to Section 13.10.695 of the County Code.</p>	P

SECTION XI

Subsection (c) of Section 13.10.375 of the County Code is hereby amended by adding the following to the list of requirements for rezoning to the Timber Production Zone:

- (c) Zoning to the "TP" District. An owner may make application to rezone land to the Timber Production District. The Board of Supervisors may, by ordinance, upon the advice of the Planning Commission pursuant to Section 5 1110.2, Public Resource Code, and after public hearings, zone as Timber Production parcels submitted to it by petition pursuant to this section, and/or which meet all of the following criteria:
  1. A map shall be submitted with the legal description or assessor's parcel number of the property desired to be zoned.
  2. A Timber Management Plan for the property shall be submitted. This Plan shall have been prepared or approved as to content by a Registered Professional Forester. Such Plan shall provide for the eventual harvest of timber within a reasonable period of time. The Timber Management Plan shall be subject to approval as submitted, or as amended by the County. Prior to rezoning of the property to "TP", the property owner shall bind himself and his successors in interest to carry out the approved Timber Management Plan.

COMMISSIONER SHEPHERD MOVED TO APPROVE STAFF RECOMMENDATION.  
SECONDED BY COMMISSIONER SKILLICORN.

VOICE VOTE

0774

MOTION CARRIED AND SO ORDERED. PASSED 5-0

### **ITEM H-3**

**CATHLEEN CARR:** Gave staff recommendation including describing the existing zoning of the property, the historic use of the property, access to property, surrounding land uses and zoning, property characteristics such as topography and vegetation, nearby watercourses, Timber Management Plan, ownership of the property, consistency of the rezoning to the General Plan, CEQA exemption, no-cut zone near Big Basin State Park, various conditions of approval, showed slides of the property, and gave recommendation for action.

**COMMISSIONER HOLBERT:** Why no timber management plan?

**CATHLEEN CARR:** Because it's adjacent to timber production zoned property; not required by state law.

### **OPEN PUBLIC HEARING**

**ROBERT BRIGGS:** Invited members of the public to speak first. Discussed the history of the property including past logging and fires. Forest has recovered. Proud of the past management of this property. Suggested changes to the recommended conditions of the permit. Still concerned with condition II.G. and the required setback from riparian vegetation. This could remove from production a significant amount of timber and be counter-productive resulting in heavier timber harvests.

**COMMISSIONER HOLBERT:** Leave the condition in and leave it up to the Board of Supervisors to decide. The tight is more appropriate at the Board.

**ROBERT BIUGGS:** Will raise the issue with the Board. Ordinance is not applicable.

**RAHN GARCIA:** Is prepared to come up with alternative language for the Commission.

**COMMISSIONER HOLBERT:** Wants to hear the alternate language.

**RAHN GARCIA:** Suggested alternative condition language.

**CHARLES BURTON:** Admires owner's dedication to good harvesting. Timber farming is the reason for a healthy forest. It's a thinning of the crop; a pruning.

**PETER TWIGHT:** Previously worked in San Mateo County on TP rezonings. Discussed criteria for rezoning to TP zone district. Challenged the authority to condition the proposal; doesn't think the County can condition the rezoning. Asked for a citation from state law that allows for conditioning.

**COMMISSIONER HOLBERT:** You're not helping the applicant with this discussion.

**COMMISSIONER BREMNER:** If that's the opinion, we can continue the item and not take action today.

**BOB VERLAGE** (Big Creek Lumber): First hand knowledge of the stewardship of this property. Harvest may occur every 14 years. Never cut even close to the limit on this property. Alternative use may have a greater impact on the environment.

**DAVID SCHMELDT:** Support the project.

**LISA RUDNICK:** Support the project and what Mr. Briggs proposes for his property. Not appropriate to condition the rezoning.

**CLOSED HEARING**

**COMMISSIONER HOLBERT:** Can attest to Mr. Briggs stewardship of this land. Ready to move forward with a recommendation to the Board.

**MOTION**

COMMISSIONER HOLBERT MOVED TO APPROVE STAFF RECOMMENDATION WITH REVISED CONDITION OF APPROVAL.

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 5-0

PLEASE NOTE: THESE MINUTES HAVE NOT BEEN APPROVED BY THE PLANNING COMMISSION AS OF OCTOBER 25, 1999.

\_\_\_\_\_  
PATRICIA GAONA  
PLANNING DEPARTMENT

RANCHO DEL OSO OPERATING COMPANY

3610 PACIFIC COAST HIGHWAY  
DAVENPORT, CALIFORNIA 95017  
408/423-6958

ATTACHMENT

8

October 9, 1999

0776

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

**Subject: Agenda item II- 3, Blanning Commission hearing, October 13, 1999 regarding application # 99-0141 to rezone timber producing parcels 057-071-12, 057-071-15, 057-081-45 and 057-081-54 to TP zoning designation**

Dear Commissioners,

I submit for your consideration the following proposed changes to the Staff recommendations on the referenced rezoning application:

**1) Conditions of Approval, Item II-B** Since roads on parcels not included in the application are shown in the referenced maps, stating the affected parcel numbers in the text should clarify the intention. The following language is suggested as a substitute for the first sentence of Staff recommendation II-B:

***The access roads shown in Exhibit L on Assessor's parcel Numbers 057-071-12, 057-071-15, 057-081-45 and 057-081-54 are pre-existing roads. These roads...***

**2) Conditions of Approval, Item II-G** Condition of Approval II-G is an error. County Code Section 13.10.695 is not applicable to the parcels covered by this rezoning application since paragraph (b) of that section {Enclosure I} states that it shall only apply outside the Coastal Zone whereas, all four parcels covered by the application are inside the Coastal Zone. In addition, Exhibit G of "Staff Report to Planning Commission" , (State Government Code section GOV5 1113 subdivision (c)) states:

***"The Criteria shall not impose any requirements in addition to those listed in this subdivision und in subdivision (d)."***

This condition (II-G) is n&included in either subdivision (c) or (d).


Condition 11-G cannot be legally imposed. Otherwise, it would violate State law and the owners' federal and state constitutional right to due process and just compensation for taking or damaging of private property. Also, there is not reasonable, proportional connection to the rezoning to TP. Furthermore, State and County law thiquire zoning since the State criteria have been met.

The following text is suggested as a replacement for Conditions of Approval, item II-G of Staff recommendations:

***Future timber harvesting shall conform to County code sections, if applicable, that are legally , enforceable at the time of thejiling of a Timber Harvest Plan (THP) application on the subject parcels.***

**3) Conditions of Approval; Item III** I request that item III under Conditions of Approval be limited to third party claims by inserting *the* words "**third party**" between the words "any" and "claim" in line 3, **paragraph 1.**

Respectfully,

  
Robert O. Briggs, President  
Rancho del Oso Operating Company

Enclosures:  
cc: Cathleen Carr, Project Planner

ORDINANCE NO. 4529

0777

ORDINANCE ADDING SECTION 13.10.695  
TO THE SANTA CRUZ COUNTY CODE RELATING TO  
LOCATIONAL CRITERIA FOR TIMBER HARVESTING

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

SECTION I

Chapter 13.10 of the County Code is hereby amended by adding Section 13.10.695 to read as follows:

13.10695 LOCATIONAL CRITERIA FOR TIMBER HARVESTING.

(a) Within those zone districts in which timber harvesting is otherwise allowed by this Code, timber harvesting shall not occur within riparian corridors, defined as:

- ( 1 ) 50 feet from the bank full flow line of a perennial stream.
- (2) 30 feet from the bank full flow line of an intermittent or ephemeral stream.

(b) Notwithstanding the foregoing, the locational restriction of subsection (a) shall only apply outside of the Coastal Zone.

SECTION II

If any section, subsection, division, sentence, clause phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, division, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

ord/p2.wpd



RANCHO DEL OSO OPERATING COMPANY

3610 PACIFIC COAST HIGHWAY  
DAVENPORT, CALIFORNIA 95017  
408/423-6958

ATTACHMENT 8

October 12, 1999

0778


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

**Subject: Addendum to October 9, 1999 letter to planning Commission re: agenda item H- 3, Planning Commission hearing, October 13, 1999 regarding application # 99-0141 to rezone timber producing parcels 057-071-12, 057-071-15, 057-081-45 and 057-081-54 to TP zoning designation**

Dear Commissioners,

An erratum in the Staff Report on the subject rezoning application has come to my attention. Condition of Acceptance number I-C, page 23 that relates to a timber management plan is not relevant to this application and was included in this document in error. I therefore request the deletion of that item from the Conditions of Acceptance.

Respectfully,



Robert O. Briggs, President  
Rancho del Oso Operating Company

cc: Cathleen Carr, Project Planner