



0439

# County of Santa Cruz

---

---

## 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

**Agenda Date: February 15, 2000**

January 26, 2000

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

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

APPLICATION NUMBER: 98-0461

APN: 095-271-01

APPLICANT: William Moores

OWNER: William and Tona Moores

LOCATION: The property is located on the east side of Highway 17 approximately 2,000 feet north of Jarvis Road.

Members of the Board:

### BACKGROUND

This application was heard by your Board on May 25, 1999. Your Board raised issues regarding the potential visual impacts which could result from timber harvesting on this property which is within the view shed of Highway 17 - a designated scenic road, Members of the Board expressed additional concerns related to the water supply watershed and groundwater recharge resource designations on the subject parcel and noticing of nearby water companies. Consequently, your Board continued this application requesting that additional analysis be provided to determine if the proposal is consistent with County General Plan policies concerning the protection of visual resources (Exhibits E and F of Attachment 7). On June 8, 1999, your Board referred this application back to the Planning Commission for consideration (Exhibit G, Attachment 7). On August 25, 1999, the Planning Commission reheard this application at a noticed public hearing. The Planning Commission adopted Resolution 14-99 (Attachment 5) recommending approval of the conditional rezoning of the subject parcel to your Board, based on revised conditions and findings, Minutes of the Planning Commission meeting can be seen as Attachment 8.

The project site is located in the Summit planning area with access off of Highway 17 just north of the intersection of Highway 17 and Jarvis Road. The subject parcel is roughly 25 gross acres and is currently vacant. The topography of the property is predominantly steep with a narrow, north-south trending ridge. The nose of the ridge is located to the north, The flanks of the ridge are steeply sloped - generally 50% to greater than 75 % slopes. The nose of the ridge is less steeply sloped with 15 to 45 % slopes. An ephemeral drainage is located to the east of the ridge. This watercourse eventually drains into the West Branch of Soquel Creek.

### Visual Issues

Portions of this property are visible from Highway 17, which is a designated Scenic Road in the County's 1994 General Plan. The County's General Plan policy 5.10.3 on Visual Resources states that significant public vistas shall be protected "by minimizing disruption of **landform** and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design". Moreover, policy 5.10.10 Designation of Scenic Roads states "the following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection". In the original March 24, 1999 report to the Planning Commission, staff did not specifically evaluate the proposed rezoning in the context of the County's visual protection policies. Due to the proximity of the subject property to Highway 17, as well as its steepness, only the lower elevations of this property are visible to travelers along Highway 17. The timber harvested areas at the northern end of the property are not visible from Highway 17, due to the steeper topography and the dense redwood groves within the Caltrans right-of-way (which extends about 60 feet from the pavement in this area). Nevertheless, timber harvesting on this property can, and to some extent already has had a detrimental affect on the visual aesthetics of portions of the property when viewed from Highway 17. To a large degree this visual impact has resulted from the tree removal on the subject property and within the Caltrans right-of-way during the construction of the access road.

At the time of the Planning Commission hearing, parcels zoned SU, with a timber resource designation could be harvested. As the majority of the subject property within the Highway 17 view shed is zoned SU with a timber resource overlay, it can and already has been harvested (see Exhibit H, Attachment 7). Thus, at the time of the Planning Commission hearing, a split zoning of the subject property would not have afforded a greater level of protection of the view shed. Thus, staff proposed rezoning the subject parcel to the Timber Production zone district with a condition requiring a "No Cut" zone within 165 feet of the property line adjacent to Highway 17 on the southern 850 feet along the Highway 17 frontage (Exhibit I, Attachment 7), in order to provide the highest level of protection, while still allowing a timber use. The provisions within the conditions allow for continued use and maintenance of the logging roads and timber landing L10 in the Timber Management Plan, that lie within this buffer zone. Since the August 25, 1999 Planning Commission hearing, your Board has since adopted more restrictive zoning regulations which no longer allow harvesting in the SU zone district. Staff does not recommend a split zoning as it would create an isolated, fragmented zoning.

The applicant objected to the location of the "No Cut Zone" at and subsequent to the Planning Commission hearing, stating that the zone was unnecessarily large and prevented the harvesting of substantial timber which was not viewable from Highway 17. At the applicant's request, staff met with the applicant at the subject parcel on November 3, 1999 to review the "No Cut Zone". During this site visit, staff concurred that this restricted zone included trees which were not within the public view shed at the southern end of the property. These trees are screened from view by a substantial grove of trees closer to Highway 17 and/or the steeply sloping topography at the southernmost end of the parcel. The goal of the "No Cut Zone" is to protect the remaining scenic value of the property, allow the vegetation which was removed to become reestablished, and ensure that future timber harvests will not adversely impact the Highway 17 scenic corridor. In addition, the "No Cut Zone" must be definable and readily identifiable to insure future compliance. As a result of the on site review in November, staff recommends a modification to the configuration of the "No Cut Zone" which was presented to the Planning Commission. This amendment will allow timber harvesting within 350 feet of the southern property line. The revised dimensions of the "No Cut" zone would read as follows: timber harvesting will be prohibited within 165 feet of the property line adjacent to Highway 17 beginning at 350 feet from the southern property line for a distance of 525 feet northward along the Highway 17 frontage (See map provided as Attachment 4).

This condition will limit tree cutting to areas which are not visible to the public traveling along Highway 17, and will allow the trees already removed in the 1998 timber harvest to regrow and be preserved in the future. The proposed revised condition will prohibit timber harvesting on about 2 acres of the parcel, but will allow timber harvest on a little over one additional acre than would have been allowed under the originally proposed configuration. Correspondence has been received from Mr. Webster and Mr. Moores regarding various issues, which are included in either Exhibit L of Attachment 7 or Attachment 9.

#### Water Resources Issues

The subject parcel drains into an unnamed, intermittent stream. This stream is roughly 750 feet from the subject property at its closest point. The confluence of this intermittent stream with the West Branch of Soquel Creek is approximately 3/4 miles away (Exhibit J, Attachment 7). Roughly the eastern half of the property lies within the Soquel Creek watershed, which is also a designated water supply watershed (Exhibit J, Attachment 7). The most significant impact of timber operations to water quality is erosion and sedimentation. The primary source of erosion and sediment problems are the construction of timber roads and improperly or m-maintained existing roads. Except for a small portion at the ridge top, all new or proposed timber roads on this property lie outside of the boundaries of Soquel Creek watershed. As clear cutting is not allowed in Santa Cruz County, sufficient tree canopy and root systems shall remain in place to slow runoff and allow percolation into the soils (see Exhibit K, Attachment 7). In addition, slash treatment of the forest floor further inhibits runoff and erosion following a timber harvest (Exhibit K, Attachment 7). As part of the public hearing notification process, all potentially affected water agencies have received notification of this proposed rezoning to Timber Production. No comments have been received.

Conclusion

The six criteria have been met which qualify this parcel for rezoning to the Timber Production zoning designation. The revised conditions (Attachment 2) proposed for this approval will ensure that any future development of the subject parcel will be compatible with a long-term timber use for which this rezoning is being proposed, and with the County's General Plan policies regarding the protection of scenic resources. The conditions specify the uses for the access road and any other logging roads, which are allowed under and consistent with the County's ordinances and General Plan policies. Condition II.A. regarding the allowed uses for logging roads has been revised after the August 25, 1999 Planning Commission hearing, utilizing the language recommended by County Counsel and approved by your Board for the Redtree Timber Rezoning (98-0569). Based on the revised conditions, the required findings can be made that the proposed rezoning is consistent with the General Plan policies, and consistent specifically with the policies for protection of visual resources from public vistas and designated scenic roads. The revised findings are included as Attachment 1.

RECOMMENDATION

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

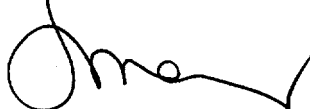
1. Approve the determination that the project is statutorily exempt from the California Environmental Quality Act (Attachment 3); and
2. Adopt the attached Ordinance amending Chapter 13.10 of the Santa Cruz County Code that Conditionally Rezones Assessor's Parcel Number 095-271-01 from the Special Use (SU) zone district to the Timber Production (TP) zone district (Attachment 6).
3. Direct the Planning Department to update the General Plan Timber Resources Map to include the area within the boundaries of Assessor's Parcel Number 095-271-01 as Timber Resources.

Sincerely,



Alvin D. James  
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer

cc: William and Tona Moores 3880 Sleepy Hollow Santa Rosa, CA 95404  
Matt Bissell, Webster and Assoc. 512 Capitola Ave. Suite 201 Capitola, CA 95010

- Attachments :
1. Findings
  2. Revised Conditions of Approval
  3. CEQA Exemption
  4. Proposed "No Cut Zone" Map
  5. Planning Commission Resolution No. 14-99
  6. Ordinance Amending Chapter 13.10 of the County Code changing properties from one zone district to another
  7. Planning Commission Staff Report of August 25, 1999
  8. Planning Commission Minutes of August 25, 1999
  9. Correspondence

SAMIADJCLC Moores Remand bdreport-TPZ.wpd

Application Number: 98-046 1  
 Apn: 095-271-01  
 Applicant: William Moores

0444

**REZONING FINDINGS:**

1. THE PROPOSED ZONE DISTRICT WILL ALLOW A DENSITY OF DEVELOPMENT AND TYPES OF USES WHICH ARE CONSISTENT WITH THE OBJECTIVES AND LAND-USE DESIGNATIONS OF THE ADOPTED GENERAL PLAN; AND,

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

The access road required over 2,000 cubic yards of fill to improve for use for the timber harvest under the California Department of Forestry permit 1-97-321 SCR. In addition, the logging road to landing L12 shown in the Timber Management Plan (Exhibit I) crosses unstable slopes steeper than 30 % . These roads are new roads as defined in Section 16.22.030 of the County Code. Condition II.A. limits the use of these roads to those compatible with the County's General Plan policies for timber harvest road, and requires that all County permits must be obtained prior to using these roads for any other purpose.

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

General Plan Policy 5.10.1 defines visual resources as areas having regional public importance for their natural beauty or rural agricultural character, including vistas from designated scenic roads, Coastal Special Scenic Areas, and other unique features. In addition, General Plan Policy 5.10.2 recognizes that the visual resources of Santa Cruz County possess diverse characteristics and that the resources worthy of protection include wooded forests and mountain hillside views. Moreover, General Plan Policy

Application Number: 98-0461  
 Apn: 095-271-01  
 Applicant: William Moores

0445

5.10.3 states that public vistas as described in policy 5.10.2 shall be protected by minimizing disruption of **landform** and aesthetic character caused by timber harvests. The lower elevations of this parcel which are adjacent to Highway 17 are visible to travelers on Highway 17, which the County’s General Plan designates as a scenic road. Designated scenic roads are valued for their vistas, and General Plan Policy 5.10.10 requires that the public vistas from a designated scenic road be afforded the highest level of protection. Under the parcel’s current zoning (SU) and the locations designated as timber resources in the General Plan Resources maps, the majority of the property within the Highway 17 viewshed can and already has been harvested. Moreover, this timber harvest has had an adverse impact on the visual aesthetics of this parcel. In order to provide the highest level of protection, staff proposes rezoning the subject parcel to the Timber Production zone district with a condition requiring a “No Cut” zone within 165 feet of the property line adjacent to Highway 17 beginning at 350 feet from the southern property line and commencing 525 feet north. Provisions within these conditions will allow for continued use and maintenance of the logging roads and timber landing L10 in the Timber Management Plan, that lie within this buffer zone. This condition will limit tree cutting to areas which are not visible to the public traveling along Highway 17, and will allow the trees already removed in the 1998 timber harvest to regrow and be preserved in the future.

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

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

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

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

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

Application Number: 98-0461  
Apn: 095-271-01  
Applicant: William Moores

0446

harvesting and timberland management. Timber harvesting was permitted in the SU zone district in the past in certain circumstances under the jurisdiction of the County and later under the sole authority of the California Department of Forestry. Interim Zoning Ordinances 4476 and 4469 adopted in August 1997 no longer allow timber related uses within the Special Use zone district except where the area within a designated Timber Resource area. The subject parcel is located partially within a Timber Resources area and contains timber stands meeting the timber stocking standards outside of the designated Timber Resource area. Two northern contiguous parcels are SU with a Timber Resource designation and TP and were harvested in conjunction **with** portions of the subject parcel. According to the Timber Management Plan, this parcel was lightly harvested in the 1970's. The proposed rezoning will allow for the continuation of the timber use on this parcel.



0447

**CONDITIONS OF APPROVAL**

Approval No. 98-046 1

Applicant and Property Owner: William and Tona Moores

Assessor's Parcel No.095-271-01

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

Summit Planning Area

---

Exhibit I (3/24/99 Planning Commission Report) of Exhibit M (8/25/99 Planning Commission Report Report):

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

---

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

Zoning Approval No. 98-0461  
 Assessor's Parcel No.095-271-01  
 Applicant: William Moores

0448

by Section 13.10.700-D of the County Code, is strictly prohibited unless all County permits are obtained.

- B. Any single family dwelling and/or other structures shall be designed and sited to be physically compatible with the growing and harvesting of a sustained yield tree crop, as well as be consistent with the purposes of the Forest Taxation Reform Act of 1976 and sections 13.10.371 to 13.10.375 of the County Code.
1. Single family dwelling(s) shall not be located on or within 300 feet of any timber landing.
  2. Any proposed single family dwelling or other non-timber growing and harvesting use shall be consistent with any future timber harvesting or timber production use on the subject parcel.
- C. Timber stands meeting minimum stocking standards shall be maintained as required by Section 13.10.375(c)3.
- D. Timber harvesting and/or tree removal is prohibited within 165 feet of the property line adjacent to Highway 17 beginning at 350 feet from the southern property line for a distance of 525 feet northward along the Highway 17 frontage, with the following exceptions:
1. Maintenance of the timber landing designated L10 in the Timber Harvest Plan (Exhibit I within Exhibit M).
  2. Removal of trees for the construction and maintenance of the roadbed and cut slopes of the proposed logging road to Landing L12 as shown in the Timber Harvest Plan (Exhibit I within Exhibit M), or along the main access road from Highway 17.
- E. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the Zoning Approval Holder shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- III. As a condition of this rezoning approval, the holder of this rezoning approval ("Zoning Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside,

Zoning Approval No. 98-0461  
Assessor's Parcel No.095271-01  
Applicant: William Moores

0449

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.

---

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

NOTICE OF EXEMPTION FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT

ATTACHMENT

3

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. <sup>0450</sup>

Application No. 98-046 1

Assessor Parcel No. 095-27 1-0 1

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

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

Person or Agency Proposing Project: William and Tona Moores

Phone Number: (707) 526-3759

- A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines, Sections 1928 and 501.
- B. \_\_\_\_\_ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgement.
- C. XXXX Statutory Exemption other than a Ministerial Project.  
Specify type: Article 17, Section 1703. Timberland Preserves
- D. Categorical Exemption
- |   |  |
|---|--|
| 1. Existing Facility  | 17. Open Space Contracts or Easements                                  |
| 2. Replacement or Reconstruction                                    | 18. Designation of Wilderness Areas                                    |
| 3. New Construction of Small Structure                              | 19. Annexation of Existing Facilities/Lots for Exempt Facilities       |
| 4. Minor Alterations to Land  | 20. Changes in Organization of Local Agencies                          |
| 5. Alterations in Land Use Limitations                              | 21. Enforcement Actions by Regulatory Agencies                         |
| 6. Information Collection   | 22. Educational Programs   |
| 7. Actions by Regulatory Agencies for Protection of the Environment | 23. Normal Operations of Facilities for Public Gatherings              |
| 8. Actions by Regulatory Agencies for Protection of Nat. Resources  | 24. Regulation of Working Conditions                                   |
| 9. Inspection   | 25. Transfers of Ownership of Interests in Land to Preserve Open Space |
| 10. Loans   | 26. Acquisition of Housing for Housing Assistance Programs             |
| 11. Accessory Structures  | 27. Leasing New Facilities   |
| 12. Surplus Govt. Property Sales                                    | 28. Small Hydroelectric Projects at Existing Facilities                |
| 13. Acquisition of Land for Wild-Life Conservation Purposes         | 29. Cogeneration Projects at Existing Facilities                       |
| 14. Minor Additions to Schools                                      |  |
| 15. Minor Land Divisions  |  |
| 16. Transfer of Ownership of Land to Create Parks                   |  |

E. \_\_\_\_\_ Lead Agency Other Than County:



Cathleen Carr  
Project Planner

Date: 1-28-00

REQUEST ID: 98-0461

ALE (FT/INCH) = Not to Scale  
DTH IN FEET = 2,252.91  
PTH IN FEET = 2,358.25

0451

Subject Parcel

165'

↔ NO CUT ZONE

350'

83 ASSESSOR PARCELS



PROPOSED NO CUT ZONE TO PROTECT VISUAL RESOURCES

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

0452

RESOLUTION NO. 14-99

On the motion of Commissioner : **HUMMEL**  
duly seconded by Commissioner : **MESSER**  
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION  
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS  
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 98-0461, involving property located on the east side of Highway 17 approximately 2,000 feet north of Jarvis Road, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

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

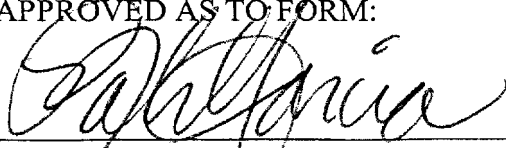
BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning as contained in the Report to the Planning Commission.

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 25th day of August, 1999, by the following vote:

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

  
RENEE SHEPHERD, Chairperson

ATTEST:   
MARTIN J. JACOBSON, Secretary

APPROVED AS TO FORM:  
  
COUNTY COUNSEL

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

0453

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

---

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

**SECTION I**

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan and Local Coastal Program Land Use Plan regarding the property located at the east side of Highway 17 approximately 2,000 feet north of Jarvis Road; finds that the zoning established herein is consistent with all elements of the Santa Cruz County General Plan; and finds and certifies that all environmental regulations specified in the California Environmental Quality Act, the State and County Environmental Guidelines, and Chapter 16.0 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 the following properties from the existing zone district<sup>0454</sup> to the new zone district as follows:

<u>Assessor's Parcel Number</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
095-271-01	"SU"	"TP"

#### SECTION IV

The rezoning which results from this ordinance shall not become operative until and unless: (1) a Declaration of Restrictions for the property, reviewed and approved by the County Planning Director, has been duly executed and recorded; and (2) the recording of said Declaration of Restrictions takes place within 90 days following the date that the Board of Supervisors adopts this ordinance. This ordinance shall be null and void if said Declaration of Restrictions is not recorded in the manner, and by the time required by this section. 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. The access road constructed under Timber Harvest Permit 1-97-321 SCR and the future logging road as shown in Exhibit H meet the definition of "new roads". 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 County permits are obtained.
- B. Any single family dwelling and/or other structures shall be designed and sited to be physically compatible with the growing and harvesting of a sustained yield tree crop, as well as be consistent with the purposes of the Forest Taxation Reform Act of 1976 and sections 13.10.371 to 13.10.375 of the County Code.
  - 1. Single family dwelling(s) shall not be located on or within 300 feet of any timber landing.
  - 2. Any proposed single family dwelling or other non-timber growing and harvesting use shall be consistent with any future timber harvesting or timber production use on the subject parcel.
- C. Timber stands meeting minimum stocking standards shall be maintained as required by Section 13.10.375(c)3.
- D. Timber harvesting and/or tree removal is prohibited within 165 feet of the property line adjacent to Highway 17 beginning at 350 feet from the southern property line for a distance of 525 feet northward along the Highway 17 frontage, with the following exceptions:





1. Maintenance of the timber landing designated L10 in the Timber Harvest Plan (Exhibit I within Exhibit M).<sup>0455</sup>
  2. Removal of trees for the construction and maintenance of the roadbed and cut slopes of the proposed logging road to Landing L12 as shown in the Timber Harvest Plan (Exhibit I within Exhibit M), or along the main access road from Highway 17.
- E. 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.

**SECTION V**

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

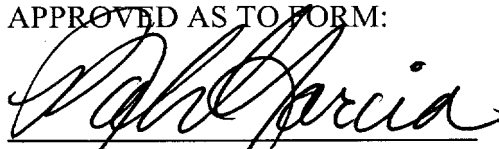
PASSED AND ADOPTED this 15th day of February, 2000, by the Board of Supervisors of the County of Santa Cruz by the following vote:

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

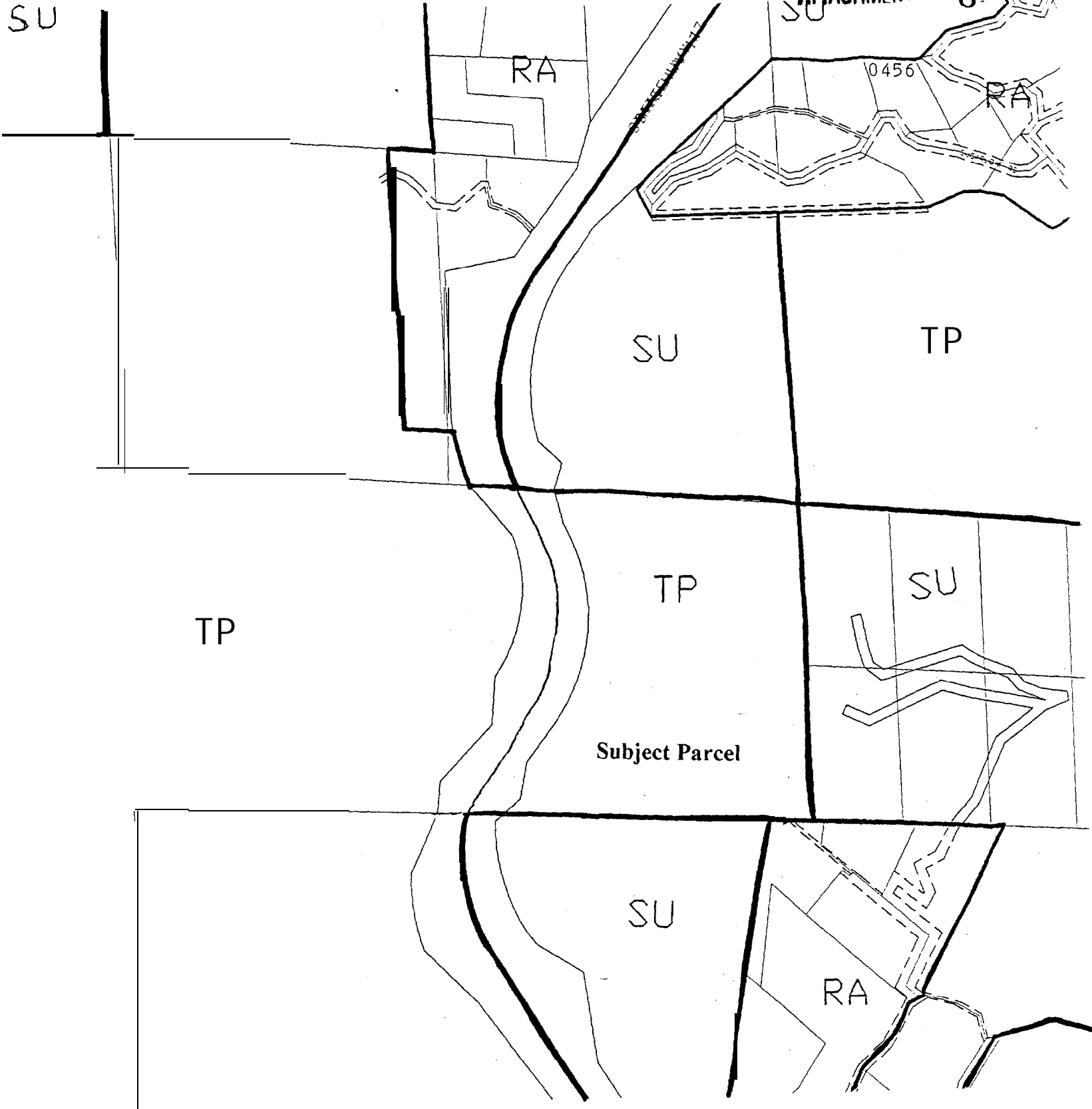
---

MARDI WORMHOUDT  
 Chairperson of the Board of Supervisors

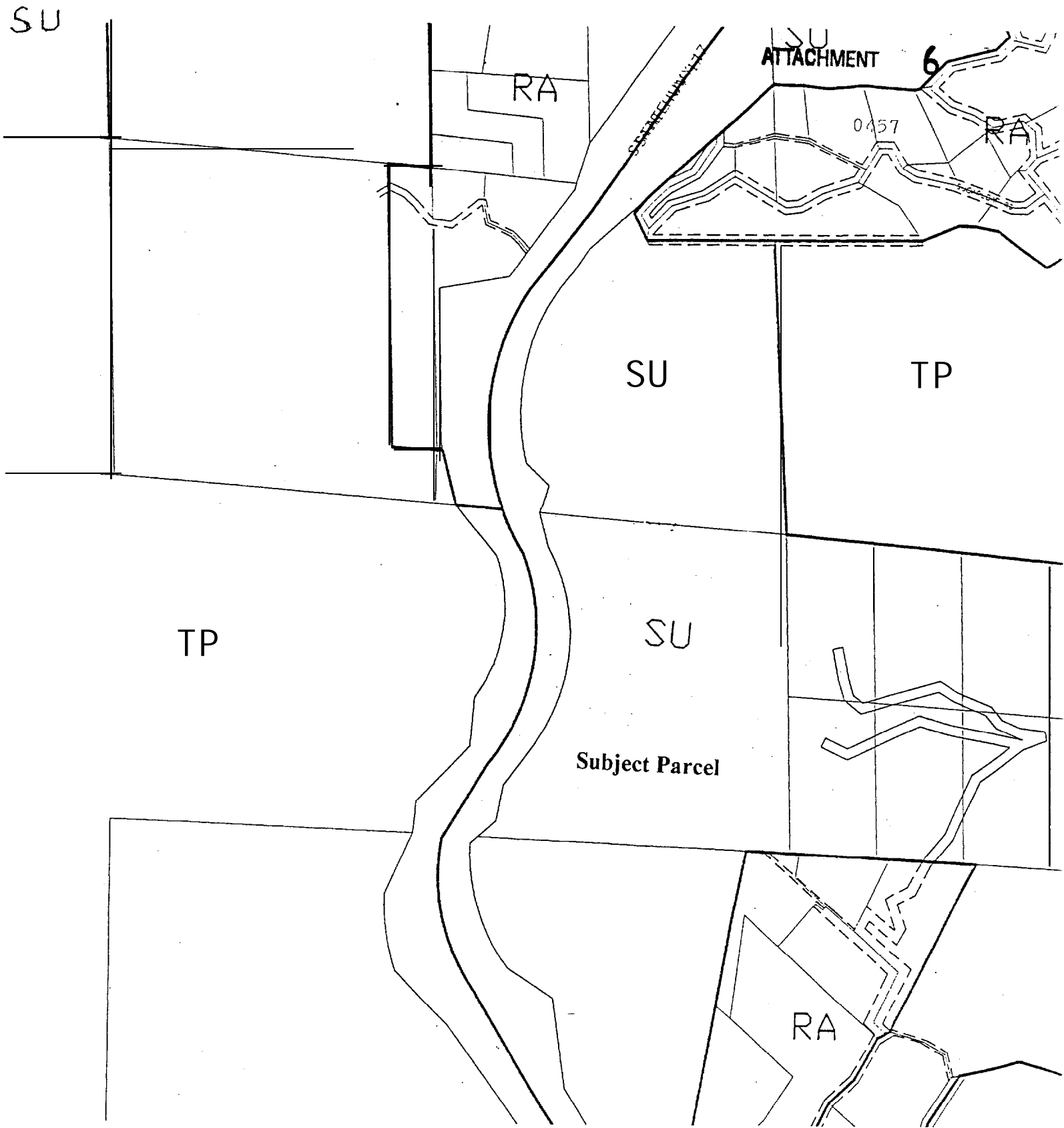
ATTEST: \_\_\_\_\_  
 Clerk of the Board

APPROVED AS TO FORM:  
  
 Assistant County Counsel

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



**PROPOSED ZONING**



**EXISTING ZONING**



# County of Santa Cruz 0458

---

## 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

**Agenda Date: August 25, 1999 - Item 1**

July 30, 1999

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

Subject: Remanded Item, Application 98-0461 from June 8, 1999 Board of Supervisor's  
 Agenda  
 Proposal to rezone APN: 095-271-01 from SU to TP.

APPLICATION NUMBER: 98-0461  
 APN: 095-271-01  
 APPLICANT: William Moores  
 OWNER: William and Tona Moores

Dear Members of the Planning Commission:

### BACKGROUND

Application No. 98-0461 was heard by your Commission on March 24, 1999 as Item G-2. After the close of the public hearing, your Commission recommended this application to the Board of Supervisors for approval based on conditions addressing the timber harvest roads and building locations. This application was heard by the Board of Supervisors at their May 25, 1999 meeting. The Board raised issues regarding the potential visual impacts which could result from timber harvesting on this property which is within the view shed of Highway 17 - a designated scenic road. Additional issues were raised by the Supervisors related to the water supply watershed and groundwater recharge resource designations on the subject parcel and noticing of nearby water companies. The Board continued this application requesting that additional analysis be provided to determine if the proposal is consistent with County General Plan policies concerning the protection of visual resources (Exhibits E and F). On June 8, 1999, the Board of Supervisors referred this application back to your Commission for consideration (Exhibit G).

Application Number: 98-0461  
Apn: 095-271-01  
Applicant: William Moores

0459

## ANALYSIS & DISCUSSION

The project site is located in the Summit planning area with access off of Highway 17 just north of the intersection of Highway 17 and Jarvis Road. The subject parcel is roughly 25 gross acres and is currently vacant. The topography of the property is predominantly steep with a narrow, north-south trending ridge. The nose of the ridge is located to the north. The flanks of the ridge are steeply sloped - generally 50 % to greater than 75 % slopes. The nose of the ridge is less steeply sloped with 15 to 45% slopes. An ephemeral drainage is located to the east of the ridge. This watercourse eventually drains into the West Branch of Soquel Creek.

### Visual Issues

Portions of this property are visible from Highway 17, which is a designated Scenic Road in the County's 1994 General Plan. The County's General Plan policy 5.10.3 on Visual Resources states that significant public vistas shall be protected "by minimizing disruption of landform and aesthetic character caused by grading operations, timber harvests, utility wires and poles, signs, inappropriate landscaping and structure design". Moreover, policy 5.10.10 Designation of Scenic Roads states "the following roads and highways are valued for their vistas. The public vistas from these roads shall be afforded the highest level of protection". In the original March 24<sup>th</sup> report to your Commission, staff did not specifically evaluate the proposed rezoning in the context of the County's visual protection policies. Due to the proximity of the subject property to Highway 17, as well as its steepness, only the lower elevations of this property are visible to travelers along Highway 17. The timber harvested areas at the northern end of the property are not visible from Highway 17, due to the steeper topography and the dense redwood groves within the Caltrans right-of-way (which extends about 60 feet from the pavement in this area). Nevertheless, timber harvesting on this property can, and to some extent already has had a detrimental affect on the visual aesthetics of portions of the property when viewed from Highway 17. To a large degree this visual impact has resulted from the tree removal on the subject property and within the Caltrans right-of-way during the construction of the access road.

Under the parcel's current zoning (SU) and the locations designated as timber resources in the General Plan Resources maps, the majority of the property within the Highway 17 viewshed can and already has been harvested (see Exhibit H). Thus, a split zoning will not afford a greater level of protection of the viewshed. In order to provide the highest level of protection, staff proposes rezoning the subject parcel to the Timber Production zone district with a condition requiring a "No Cut" zone within 165 feet of the property line adjacent to Highway 17 on the southern 850 feet along the Highway 17 frontage (Exhibit I). Provisions within these conditions will allow for continued use and maintenance of the logging roads and timber

Application Number: 98-0461  
Apn: 095-271-01  
Applicant: William Moores

0460

landing L10 in the Timber Management Plan, that lie within this buffer zone. This condition will limit tree cutting to areas which are not visible to the public traveling along Highway 17, and will allow the trees already removed in the 1998 timber harvest to regrow and be preserved in the future. This proposed condition will prohibit timber harvesting on roughly 3.2 acres of the parcel. Correspondence has been received from Mr. Webster and Mr. Moores regarding issues raised by the Board of Supervisors and discussion with staff, which is attached as Exhibit L.

#### Water Resources Issues

The subject parcel drains into an unnamed, intermittent stream. This stream is roughly 750 feet from the subject property at its closest point. The confluence of this intermittent stream with the West Branch of Soquel Creek is approximately 3/4 miles away (Exhibit J). Roughly the eastern half of the property lies within the Soquel Creek watershed, which is also a designated water supply watershed (Exhibit J). The most significant impact of timber operations to water quality is erosion and sedimentation. The primary source of erosion and sediment problems are the construction of timber roads and improperly or unmaintained existing roads. Except for a small portion at the ridge top, all new or proposed timber roads on this property lie outside of the boundaries of Soquel Creek watershed. As clear cutting is not allowed in Santa Cruz County, sufficient tree canopy and root systems shall remain in place to slow runoff and allow percolation into the soils (see Exhibit K). In addition, slash treatment of the forest floor further inhibits runoff and erosion following a timber harvest (Exhibit K). As part of the public hearing notification process, all potentially affected water agencies have received notification of this proposed rezoning to Timber Production.

#### Conclusion

The six criteria have been met which qualify this parcel for rezoning to the Timber Production zoning designation. The revised conditions (Exhibit B) proposed for this approval will ensure that any future development of the subject parcel will be compatible with a long-term timber use for which this rezoning is being proposed, and with the County's General Plan policies regarding the protection of scenic resources. The conditions specify the uses for the access road and any other logging roads, which are allowed under and consistent with the County's ordinances and General Plan policies. Based on the revised conditions, the required findings can be made that the proposed rezoning is consistent with the General Plan policies, and consistent specifically with the policies for protection of visual resources from public vistas and designated scenic roads. The revised findings are included as Exhibit A.

Application Number: 98-0461  
Apn: 095-271-01  
Applicant: William Moores

0461

## RECOMMENDATION

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

- Exhibits:
- A. Findings
  - B. Conditions
  - C. CEQA Exemption
  - D. Planning Commission Resolution
  - E. Board Letter dated June 2, 1999
  - F. Memorandum from Supervisor Beautz dated June 1, 1999
  - G. Minute Order from May 25, 1999 Board Hearing
  - H. Timber Resources and Zoning Map
  - I. Proposed No Cut Zone
  - J. Water Resources Maps
  - K. Memorandum from Bruce Laclergue dated August 6, 1999
  - L. Correspondence
  - M. Planning Commission Staff Report from March 24, 1999 (on file with the Planning Department)

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

Application Number: 98-0461  
 Apn: 095-271-01  
 Applicant: William Moores

0462

**REZONING FINDINGS:**

1. THE PROPOSED ZONE DISTRICT WILL ALLOW A DENSITY OF DEVELOPMENT AND TYPES OF USES WHICH ARE CONSISTENT WITH THE OBJECTIVES AND LAND-USE DESIGNATIONS OF THE ADOPTED GENERAL PLAN; AND,

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

The access road required over 2,000 cubic yards of fill to improve for use for the timber harvest under the California Department of Forestry permit 1-97-321 SCR. In addition, the logging road to landing L12 shown in the Timber Management Plan (Exhibit I) crosses unstable slopes steeper than 30 % . These roads are new roads as defined in Section 16.22.030 of the County Code. Condition II.A. limits the use of these roads to those compatible with the County's General Plan policies for timber harvest road, and requires that all County permits must be obtained prior to using these roads for any other purpose.

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

General Plan Policy 5.10.1 defines visual resources as areas having regional public importance for their natural beauty or rural agricultural character, including vistas from designated scenic roads, Coastal Special Scenic Areas, and other unique features. In addition, General Plan Policy 5.10.2 recognizes that the visual resources of Santa Cruz County possess diverse characteristics and that the resources worthy of protection include wooded forests and mountain hillside views. Moreover, General Plan Policy



Application Number: 98-046 1  
 Apn: 095-27 1-01  
 Applicant: William Moores

0463

5.10.3 states that public vistas as described in policy 5.10.2 shall be protected by minimizing disruption of **landform** and aesthetic character caused by timber harvests. The lower elevations of this parcel which are adjacent to Highway 17 are visible to travelers on Highway 17, which the County's General Plan designates as a scenic road. Designated scenic roads are valued for their vistas, and General Plan Policy 5.10.10 requires that the public vistas from a designated scenic road be afforded the highest level of protection. Under the parcel's current zoning (SU) and the locations designated as timber resources in the General Plan Resources maps, the majority of the property within the Highway 17 **viewshed** can and already has been harvested. Moreover, this timber harvest has had an adverse impact on the visual aesthetics of this parcel. In order to provide the highest level of protection, staff proposes rezoning the subject parcel to the Timber Production zone district with a condition requiring a "No Cut" zone within 165 feet of the property line adjacent to Highway 17 along the southern portion of the property. Provisions within these conditions will allow for continued use and maintenance of the logging roads and timber landing L10 in the Timber Management Plan, that lie within this buffer zone. This condition will limit tree cutting to areas which are not visible to the public traveling along Highway 17, and will allow the trees already removed in the 1998 timber harvest to regrow and be preserved in the future,

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

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

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

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

The proposed rezoning is necessary to provide for a community related use - timber harvesting and timberland management. Timber harvesting was permitted in the SU

**66**

**EXHIBIT A**

Application Number: 98-0461  
Apn: 095-271-01  
Applicant: William Moores

0464

zone district in the past in certain circumstances under the jurisdiction of the County and later under the sole authority of the California Department of Forestry. Interim Zoning Ordinances 4476 and 4469 adopted in August 1997 no longer allow timber related uses within the Special Use zone district except where the area within a designated Timber Resource area. The subject parcel is located partially within a Timber Resources area and contains timber stands meeting the timber stocking standards outside of the designated Timber Resource area. Two northern contiguous parcels are SU with a Timber Resource designation and TP and were harvested in conjunction with portions of the subject parcel. According to the Timber Management Plan, this parcel was lightly harvested in the 1970's. The proposed rezoning will allow for the continuation of the timber use on this parcel.

Permit No. 98-0461  
 Assessor's Parcel No. 095-271-01  
 Applicant: William Moores

0465

## CONDITIONS OF APPROVAL

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

Exhibit I (3/24/99 PC Report) in Exhibit **M** (8/25/99 PC Report):

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

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

Permit No. 98-0461  
 Assessor's Parcel No. 095-271-01  
 Applicant: William Moores

0466

logging road for any purpose other than timber harvesting, timber management as defined in Public Resources Code 4527, non-vehicular recreation and fire suppression is strictly prohibited unless all required County permits are obtained.

- B. Any single family dwelling and/or other structures shall be designed and sited to be physically compatible with the growing and harvesting of a sustained yield tree crop, as well as be consistent with the purposes of the Forest Taxation Reform Act of 1976 and sections 13.10.371 to 13.10.375 of the County Code.
1. Single family dwelling(s) shall not be located on or within 300 feet of any timber landing.
  2. Any proposed single family dwelling or other non-timber growing and harvesting use shall be consistent with any future timber harvesting or timber production use on the subject parcel.
- C. Timber stands meeting minimum stocking standards shall be maintained as required by Section 13.10.375(c)3.
- D. Timber harvesting and/or tree removal is prohibited within 165 feet of the property line adjacent to Highway 17 along the first 850 feet of frontage beginning at the southern property corner, with the following exceptions:
1. Maintenance of the timber landing designated L10 in the Timber Harvest Plan (Exhibit I within Exhibit M).
  2. Removal of trees for the construction and maintenance of the roadbed and cut slopes of the proposed logging road to Landing L12 as shown in the Timber Harvest Plan (Exhibit I within Exhibit M), or along the main access road from Highway 17.
- E. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the Zoning Approval Holder shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- III. As a condition of this rezoning approval, the holder of this rezoning approval ("Zoning Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys'



Permit No. 98-0461

Assessor's Parcel No. 095-271-01

Applicant: William Moores

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.

---

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. 98-046 1

Assessor Parcel No. 095-271-01

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

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

Person or Agency Proposing Project: William and Tona Moores

Phone Number: (707) 526-3759

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

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

C. \_XXXX\_ Statutory Exemption other than a Ministerial Project. Specify type: Article 17, Section 1703. Timberland Preserves

D. Categorical Exemption

- 1. Existing Facility
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:

Date: \_\_\_\_\_

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

0469

RESOLUTION NO. \_\_\_\_\_

On the motion of Commissioner  
duly seconded by Commissioner  
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION  
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS  
ON PROPOSED AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 98-0461, involving property located on the east side of Highway 17 approximately 2,000 feet north of Jarvis Road, and the Planning Commission has considered the proposed rezoning, all testimony and evidence received at the public hearing, and the attached staff report.

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

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

PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this 25th day of August, 1999, by the following vote:

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

\_\_\_\_\_  
RENEE SHEPHERD, Chairperson

ATTEST: \_\_\_\_\_  
MARTIN J. JACOBSON, Secretary

APPROVED AS TO FORM:

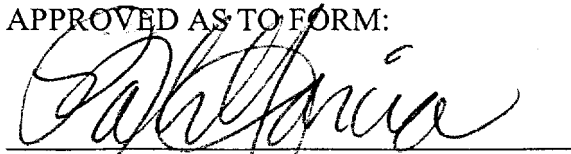
  
\_\_\_\_\_  
COUNTY COUNSEL

EXHIBIT 66



# County of Santa Cruz <sup>0470</sup>

## 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

June 2, 1999

BOARD OF SUPERVISORS  
 County of Santa Cruz  
 701 Ocean Street  
 Santa Cruz CA 95060

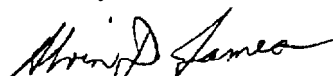
Subject: Proposal to rezone Assessor's Parcel Number 095-271-01 from the Special Use zone district to the Timber Production zone district. Located on the east side of Highway 17, approximately 2,000-feet north of Jarvis Road. Application No. 98-046 1; Applicants and Owners: William and Tona Moores.

Members of the Board:


At a public hearing on May 25, 1999, your Board considered this application to rezone property to the Timber Production zone district. Your Board requested that additional analysis be provided to determine if the proposal is consistent with County General Plan policies concerning the protection of visual resources. To provide the complete analysis and attention this issue merits, this application should be referred back to the County Planning Commission for consideration.

It is therefore, RECOMMENDED, that your Board refer this application to the Planning Commission to determine the project's consistency with the County's visual resource protection policies.

Sincerely,

  
 Alvin D. James  
 Planning Director

R - M E N D E D : ,

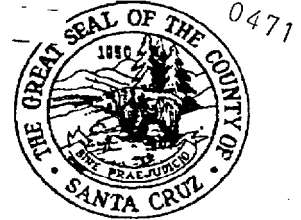
  
 \_\_\_\_\_  
 SUSAN A. MAURIELLO  
 County Administrative Officer

ADJ\SAM\MJJ\C:\Core\WP\Letters\Board of Supervisors\Moores's Referral to PC.wpd



COUNTY OF SANTA CRUZ  
STATE OF CALIFORNIA

ATTACHMENT 7



AT THE BOARD OF SUPERVISORS MEETING

On the Date of May 25, 1999

REGULAR AGENDA Item No. 060

(Public hearing held to consider a proposal to rezone (APN: 095-271-01 from the Special Use (SU) zone (district to the Timber Production (TP) zone district. (Requires a rezoning. The property is located on the (east side of Highway 17 approximately 2,000 feet north (of Jarvis Road. Application No. 98-0461; APN: 095-271-02; Applicant: William Moores; (closed public hearing; continued matter to June 8, (1999; and directed staff to return with further (information regarding view shed and general plan (policies...

Public hearing held to consider a proposal to rezone APN: 095-271-01 from the Special Use (SU) zone district to the Timber Production (TP) zone district. Requires a rezoning. The property is located on the east side of Highway 17 approximately 2,000 feet north of Jarvis Road. Application No. 98-0461; APN: 095-271-02; Applicant: William Moores;

Closed public hearing;

Upon the motion of Supervisor Beautz, duly seconded by Supervisor Wormhoudt, the Board, by unanimous vote! continued matter to June 8, 1999; and directed staff to return with further information regarding view shed and general plan policies

cc:

CAO

Planning Department'  
Cathleen Carr, Planner  
Martin Jacobson, Planning  
Roy Webster, of Webster and Assoc.

---

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, h-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

Page 1 of 1

by Alicia Mauriello, Deputy Clerk, on May 28, 1999.

66  
EXHIBIT E



# County of Santa Cruz

0472

## 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

Agenda Date: May 25, 1999

April 22, 1999

Board of Supervisors  
 County of Santa Cruz  
 70 1 Ocean Street  
 Santa Cruz, California 95060

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

APPLICATION NUMBER NO. 98-046 1

APN: 095-271-01

APPLICANT AND OWNER: William and Tona Moores

Dear Members of the Board:

### BACKGROUND

The County's General Plan Policy on Timber Resources is to "encourage timberland owners to apply for Timber Production Zoning where appropriate," Your Board adopted a resolution on April 14, 199 8 establishing a flat fee of \$750 to process a rezoning to the Timber Production zone district, in order to facilitate appropriate rezoning of timberlands.

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

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

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

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

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

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

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

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

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

## DISCUSSION

### Project Setting

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

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

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

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

#### General Plan & Zoning Consistency

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

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

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

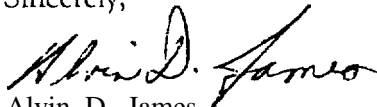
All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations, subject to the attached conditions of approval.

RECOMMENDATION

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

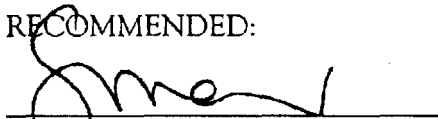
1. Approve the determination that the project is statutorily exempt from the California Environmental Quality Act (Attachment 3); and
2. Adopt the attached Ordinance amending Chapter 13.10 of the Santa Cruz County Code that Conditionally Rezones Assessor's Parcel Number 095-27 1-O 1 from the SU zone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

Sincerely,



Alvin D. James  
Planning Director

RECOMMENDED:



SUSAN A. MAURIELLO  
County Administrative Officer

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

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

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

COUNTY OF SANTA CRUZ  
Inter-Office Correspondence

0476

DATE: June 1, 1999

TO: ~~Alvin James~~, Planning Director  
✓ Cathleen Carr, Planner  
Bruce LaClergue, Resource Planner

FROM: Supervisor Jan Beautz JB

RE: CLARIFICATION OF WATERSHED ISSUES RAISED FOR APP. 98- .  
0461, APN 095-271-01, SU REZONING TO TP HEARING BEFORE  
THE BOARD OF SUPERVISORS

---

During the May 25, 1999, Board of Supervisors' discussion regarding this parcel's requested rezoning to TP, I raised a number of issues needing additional staff analysis prior to returning this continued item to the Board. One of the issues I raised may not have been clearly defined for staff to properly respond. Therefore, let me clarify the issue of impacts and mitigations to the watershed. This will be one of the issues that I will raise when this item comes back before our Board.

This parcel is within the **Soquel** Creek watershed. It is a mapped ground water resource area, as well as a designated water supply watershed. Simply providing the measured distance from the proposed logging areas to the creek bank is insufficient information to determine impacts to the watershed. Our General Plan requires a far more extensive analysis.

My understanding is that when mapped water resource areas and/or water supply watersheds function properly, they allow storm waters to gradually percolate through the soils to the underlying aquifer for recharge (this property has both designations). I believe that this type of situation also needs to dampen the speed at which surface water reaches the creek. The existing forest currently addresses these issues. Under these conditions the length of time is extended in which the creek has sufficient water levels to support the demands placed on it and to reduce erosion impacts. Removing trees in such an area could speed up surface runoff significantly and decrease the quantity of water percolating through the soil to recharge the underlying aquifer.

June 1, 1999  
Page 2

This specific parcel has mapped a significant portion of the property proposed for logging that has extremely high erosion potential. Further, the UDSA Soil Conservation Service indicates that the types of soil found at the site result in runoff that "is rapid to very rapid and the hazard of erosion is high to very high." This indicates to me that without the presence of the mitigating trees, storm runoff will significantly impact a number of areas: 1) There will be an increase in siltation of the creek affecting wildlife. 2) Storm water volume in the creek will increase significantly with such rapid erosion. This could seriously increase the scouring effect of the creek on properties downstream during the winter months. Many downstream properties are already experiencing significant erosion problems with current storm water levels. 3) As the water leaves the property in a very rapid manner, very little of the surface storm water will be held at the site and be able to percolate through the soil and recharge the aquifer within this watershed.

The above water resource issues are of great concern to me. The site conditions of this particular parcel raise issues as to the appropriateness of allowing this specific property to be rezoned for timber harvest. Our adopted General Plan, Section 5.5a, Watershed Protection, states: "To protect and manage the watersheds of existing and future surface water supplies to preserve the quality and quantity of water produced and stored in these areas to meet the needs of County residents, local industry, agriculture, and the natural environment." I would like an analysis by an hydrologist addressing the impacts discussed above so that the Board can make an informed decision as to the -advisability of allowing timber harvesting in such an environmentally fragile area.

Attached are two pages from the General Plan concerning notification of water purveyors. It would appear notification is required in this instance. If that is so, please notify as appropriate, and give some explanation as to why this was not done originally.

JKB:lg  
Attachments

1158M1

**Figure 5-1 (page 2 of 2)  
Water Supply Watersheds**

<u>Source</u>	<u>Purveyor</u>
<b>San Lorenzo (continued)</b>	
Spring (Tributary to Zayante Creek)	Quail Hollow Circle Mutual Water Company
Spring (Tributary to Zayante Creek)	Olympia Mutual Water Company
Spring (Tributary to Zayante Creek)	Zayante Acres Mutual Water Company
Spring (Tributary to Zayante Creek)	Moon Meadows Mutual Water Company
Bean Creek	Big Redwood Mutual Water Company
Spring (Tributary to Bean Creek)	Big Redwood Mutual Water Company
Redwood Springs (Tributary to Bean Creek)	Mount Hermon Association
Ferndell Springs (Tributary to Bean Creek)	Mount Hermon Association
Arcadia Spring (Tributary to Zayante Creek)	Mount Hermon Association
Weasel Gulch (Tributary to Gold Gulch)	Forest Lakes Mutual Water Company
Spring Gulch (Tributary to Gold Gulch)	Forest Lakes Mutual Water Company
McClellan Gulch (Tributary to Gold Gulch)	Forest Lakes Mutual Water Company
Gold Gulch	Forest Lakes Mutual Water Company
Tunnell Gulch (Tributary to Gold Gulch)	Forest Lake Mutual Water Company River Grove Mutual Water Company
Powder Mill Creek	Paradise Park
<b>Soquel-Aptos</b>	
Laurel Creek	Villa del Monte Mutual Water Company
Nest Branch Soquel Creek	Summit Mutual Water Company
Spring (Tributary to West Branch Soquel Creek)	Redwood Lodge Mutual Water Company
Spring (Tributary to West Branch Soquel Creek)	Cathedral Woods Mutual Water Company
Spring (Tributary to West Branch Soquel Creek)	Olive Springs Mutual Water Company
<b>Sajaro</b>	



**5.5.15 Septic Constraint Area Designation**

Designate those areas having high groundwater conditions, poor soil conditions, known septic system problems or are primary groundwater recharge areas as shown on maps on file with the Director of Environmental Health as Septic Constraint Areas. <sup>0479</sup>

**5.5.16 Minimum Lot Size In Septic Constraint Areas**

**(LCP)** Require a 15,000 net square foot minimum lot size for existing lots of record in Septic Constraint Areas unless constraint area designation is removed in accordance with the provisions of the Sewage Disposal ordinance.

**5.5.17 Sewage Disposal Ordinance**

**(LCP)** Continue to enforce the standards of the County's Sewage Disposal ordinance based on the following:

- (a) Do not allow variances to sewage disposal regulations that would permit lots of less than 15,000 net square feet to obtain septic permits when a public water supply is not available.
- (b) Permit installation of individual sewage disposal systems within an easement on another lot only to allow repairs of existing systems.

**Programs**

a. Implement the San Lorenzo River Watershed Management Plan to protect and restore the water resources of the San Lorenzo River Watershed. (Responsibility: Planning Department, Board of Supervisors)

**(LCP)** b. Continue to monitor surface water quantity and quality to locate and identify water quality problems arising from point and nonpoint sources of pollution affecting public health and the environment. (Responsibility: Flood Control Zone 4, Public Works, Water Purveyors, Environmental Health)

c. Continue to implement a wastewater management program for septic system inspection and maintenance for the San Lorenzo Watershed. Consider expanding this program to other Water Supply Watersheds and areas adjacent to rivers, lakes and lagoons and other areas where there are known septic problems. (Responsibility: Environmental Health, Board of Supervisors)

d. Continue to notify affected waterpurveyors and provide opportunity to comment on any development project or Timber Harvest Permit proposed to be located in a Water Supply Watershed. (Responsibility: Planning Department)

e. Periodically review, in connection with review of the General Plan, designated reservoir sites-to eliminate sites not currently proposed for actual reservoir use in the future. Periodically review the list of Water Supply Watersheds for proposed additions and deletions. (Responsibility: Planning Department, Planning Commission, Water Purveyors, Board of Supervisors)

**(LCP)** f. Encourage, support, and seek funding for the preparation of watershed management plans for other watersheds. (Responsibility: Planning Department, Flood Control Zone 4, Water Management Agencies)

COLITY OF SANTA CRUZ  
STATE OF CALIFORNIA



AT THE BOARD OF SUPERVISORS MEETING

On the Date of May 25, 1999

REGULAR AGENDA Item No. 060

0480

(Public hearing held to consider a proposal to rezone (APN: 095-271-01 from the Special Use (SU) zone (district to the Timber Production (TP) zone district. (Requires a rezoning. The property is located on the (east side of Highway 17 approximately 2,000 feet north (of Jarvis Road. Application No. 98-0461; APN: 095- (271-02; Applicant: William Moores; (closed public hearing; continued matter to June 8, (1999; and directed staff to return with further (information regarding view shed and general plan (policies...

Public hearing held to consider a proposal to rezone APN: 095-271-01 from the Special Use (SU) zone district to the Timber Production (TP) zone district. Requires a rezoning. The property is located on the east side of Highway 17 approximately 2,000 feet north of Jarvis Road. Application No. 98-0461; APN: 095-271-02; Applicant: William Moores;

Closed public hearing;

Upon the motion of Supervisor Beautz, duly seconded by Supervisor Wormhoudt, the Board, by unanimous vote, continued matter to June 8, 1999; and directed staff to return with further information regarding view shed and general plan policies

cc:

CAO  
Planning Department  
Cathleen Carr, Planner  
Martin Jacobson, Planning  
Roy Webster, of Webster and Assoc.

State of California, County of Santa Cruz-ss.

I, Susan A. Mauriello, Ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California, do hereby certify that the foregoing is a true and correct copy of the order made and entered in the Minutes of said Board of Supervisors. In witness thereof I have hereunto set my hand and affixed the seal of said Board of Supervisors.

Page 1 of 1

66

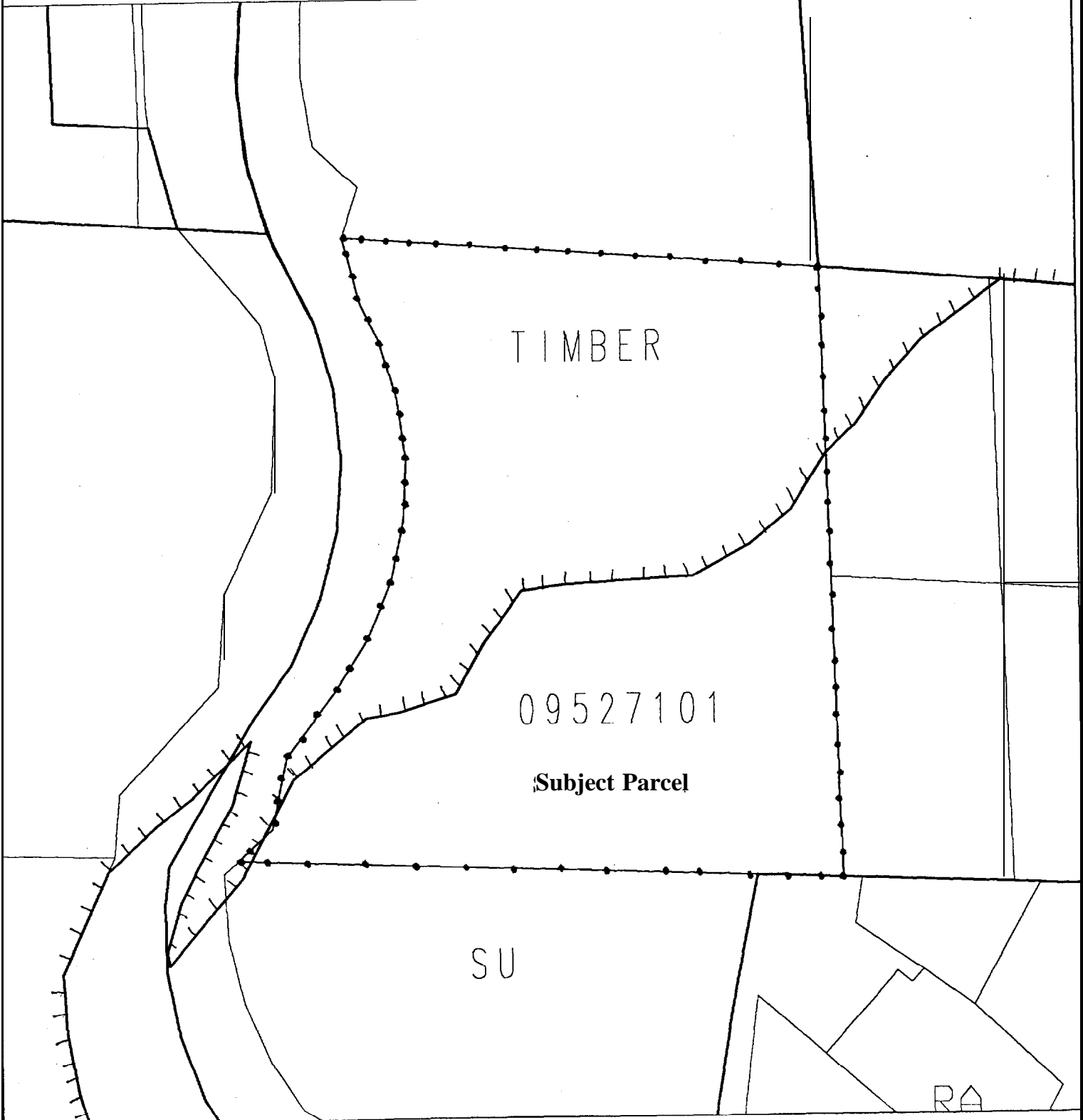
by Alicia Mauriello, Deputy Clerk, on May 28, 1999.

EXHIBIT G

REQUEST ID: 98-0461

0481

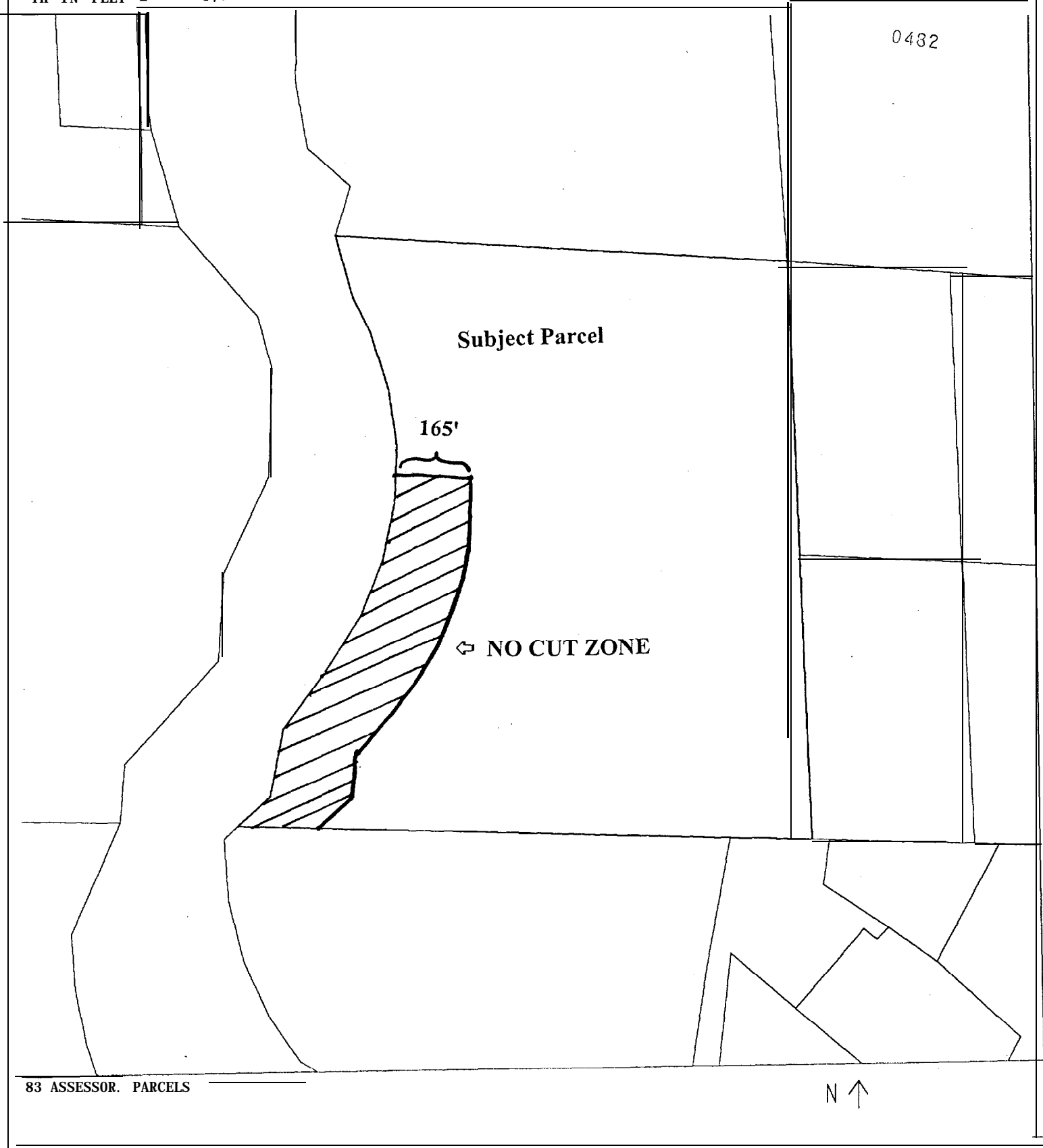
ALE (FT/INCH) = 285  
DTH IN FEET = 2,262.91  
PTH IN FEET = 2,358.25



83 ASSESSOR PARCELS   
 83 PLANNING ZONES   
 83 R&C TIMBER RESOU 

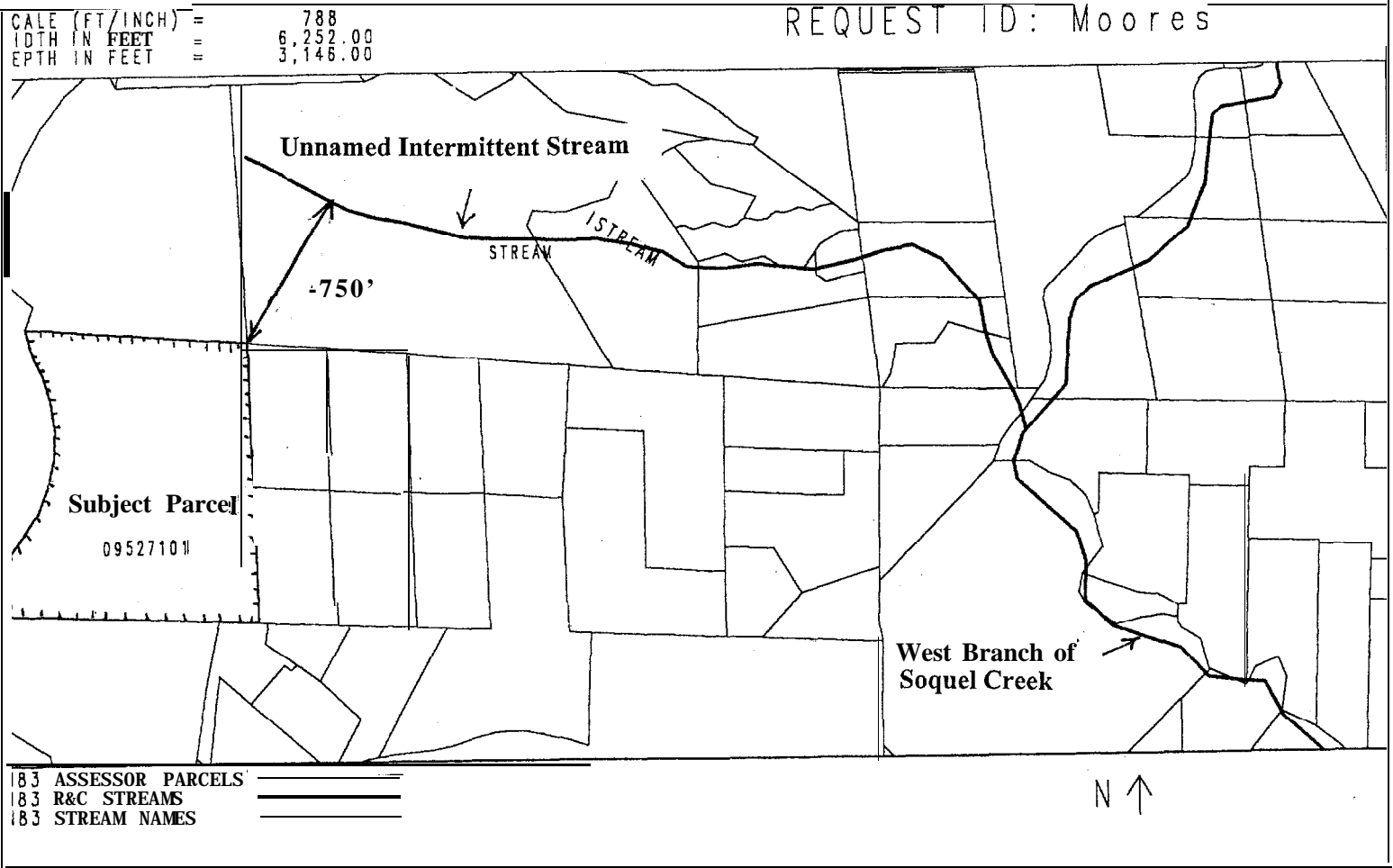
N ↑

SCALE (FT/INCH) = 285  
WIDTH IN FEET = 2,262.91  
LENGTH IN FEET = 2,358.25



PROPOSED NO CUT ZONE TO PROTECT VISUAL RESOURCES

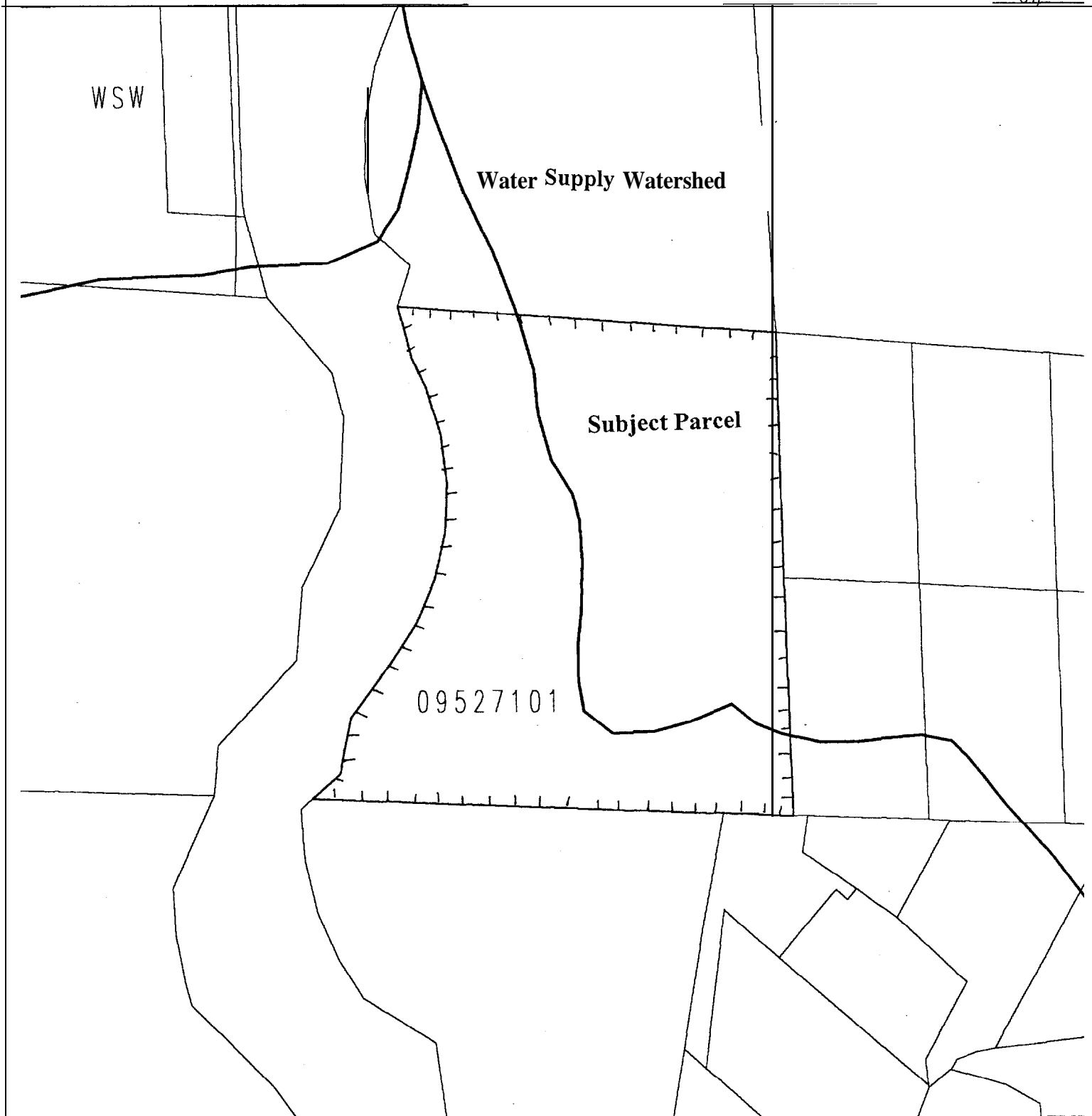
0483



ALE (FT/INCH) = 361  
DTH IN FEET = 2,862.91  
PTH IN FEET = 2,958.25

REQUEST ID: Moores

0484



83 ASSESSOR PARCELS  
83 R&C WTR SPLY WTR



REQUEST ID: moores

SCALE (FT/INCH) = 361  
WIDTH IN FEET = 2,862.91  
DEPTH IN FEET = 2,958.25

0485

09527101

Subject Parcel

Groundwater Recharge

(Groundwater Recharge

N83 ASSESSOR PARCELS  
N83 R&C GRNDWTR RESR



GROUNDWATER RECHARGE MAP

66

EXHIBIT J

# interoffice

## MEMORANDUM

0486

**To:** Cathleen Carr, Planner *Bud*  
**From:** Bruce Laclergue, Water Resources Manager  
**Subject:** Clarification of Watershed Issues Raised for App. 98-0461, APN 095-271-o 1, SU Rezoning To TP Hearing  
**Date:** August 6, 1999

I have been asked to respond to comments posed by Supervisor Beautz regarding the above rezoning. Supervisor Beautz is correct in her assessment of the implication of mapped soil erosion and runoff diagnostic criteria. Such concern as she expresses would be amplified if the forest litter material, organic material, and soil humus is removed exposing bare mineral soil.

The presence of organic and humic layers on the forest floor dampens the energy of falling rain and regulates infiltration and percolation of the rain into the mineral soil and aquifers below. The presence of these layers also dampens the speed (velocity) at which surface runoff reaches the creek. Removal of this organic matter and debris increases the likelihood of accelerated erosion and the "quick flow response" of surface storm runoff from the altered forest floor environment.

The forces of erosion are generally rain, and flowing water and to a lesser extent wind, Erosion is a two step process. The first of these is detachment of particles or small aggregates at the soil surface. The second is transportation. Once detached, the particles become sediment. More energy is required for detachment than transport of sediment so if initial detachment of soil particles is avoided, control over all phases of water erosion and sedimentation is accomplished. Equally, there is a direct relationship between the quantity of runoff and its velocity. Any measure which reduces the quantity of runoff will usually reduce erosion,

The factors of disturbing the forest floor from timber harvesting can be mitigated by chipping and mulching the slash or by chopping and spreading the slash over the disturbed area. This treatment of slash also reduces potential fire hazards.

Two points can be made with reference to this parcel and the relation of mapped diagnostic soil criteria to the proposed rezoning; 1) The project planner indicates that any timber harvest would be a selective cut and not a clear-cut and that there will be no road building (significantly exposed disturbed surfaces) on the subject parcel or inside the boundaries of the Soquel Creek watershed. Project staff have indicated that concerns with the rezoning have been met; and 2) From a hydrologic perspective, this land is mapped as groundwater recharge and as a water supply watershed.

This mapping information allows planning so that the land can be used according to its capability to support efficiently a particular use or tolerate a disturbance without damaging or destroying the resource. Specific hydrologic and stability characteristics of a watershed compiled from soil surveys and soil vegetation maps can be used to predict watershed behavior under various proposed



Cathleen Carr, Planner  
Page 2  
August 6, 1999

0487

management applications. Soil is the basic resource. Its interaction with geology, vegetation, and climate in the forest area results in complex, natural systems that require careful evaluation before making land use decisions. The objective in managing groundwater recharge and water supply watersheds is to produce an abundant source of clean, high quality; water for human consumption, riparian and in-stream habitat, and other beneficial uses, including flood prevention.

Any managed effort which protects the organic material on the forest floor or mitigates timber harvest activity through slash treatment on exposed mineral soils accomplishes the objectives of groundwater recharge and water supply concerns.



# County of Santa Cruz

## OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 950604068  
(831) 454-2040 FAX: (831) 454-2115

DWIGHT L. HERR, COUNTY COUNSEL  
CHIEF ASSISTANTS  
Deborah Steen  
Samuel Torres, Jr.

Assistants	
Harry A. Oberhelman III	Pamela Fyfe
Marie Costa	Ellen Aldridge
Jane M. Scott	Kim Baskett
Rahn Garcia	Lee Gulliver
Tamyra Rice	Dana McRae

June 22, 1999

Michael E. Stone, Esq.  
3425 South Bascom Avenue, Suite I  
Campbell, California 95008

**Re: Application No. 98-0461 to Rezone Property to Timber  
Production Zone Use**

Dear Mr. Stone:

When we met this morning you requested information concerning the status of the above-cited rezoning application. I have attached a copy of the letter from the Planning Direct dated June 2, 1999, acted on by the Board of Supervisors on June 8, 1999. The Board accepted the staffs recommendation and returned the matter to the Planning Commission for the purpose of evaluating the project's consistency with the County's visual resource protection policies (see attached Minute Order dated June 8, 1999.) The Board also directed that the Planning Commission address the watershed issues raised by County Supervisor Jan Beautz in her memorandum dated June 1, 1999, concerning a different application, which is also attached.

I hope that this information is responsive to your request. Please contact me if you have any further questions.

Very truly yours,

DWIGHT L. HERR, COUNTY COUNSEL

By

RAHN GARCIA

Assistant County Counsel

Enclosure  
cc: Cathleen Carr

stone

**Webster and Associates** PROFESSIONAL FORESTERS

512 Capitola Avenue, Suite 201 • Capitola, CA 95010 • Phone 831-462-6237 • Fax 831-462-6233

0489

July 1, 1999

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

Re: Application No. 98-0461 Moores Rezoning.

Dear Cathleen,

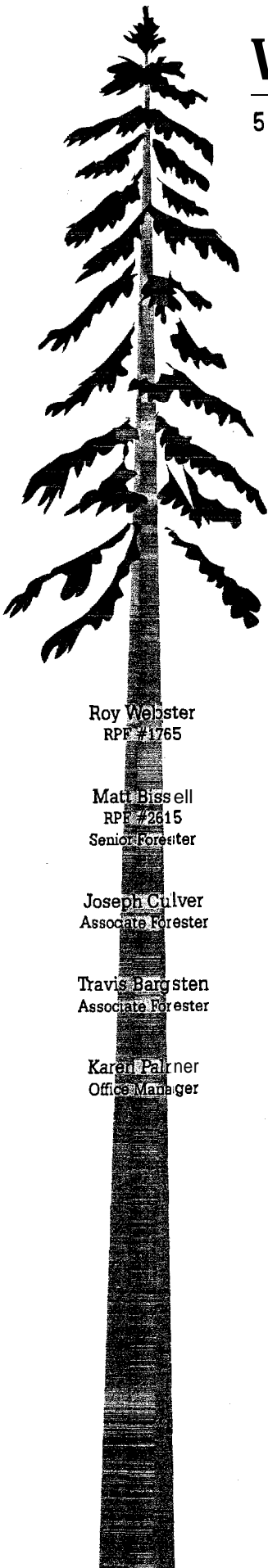
I would like to address a few issues that have come up during the Board of Supervisors review of the above referenced re-zoning.

Upon reading the staff report to the Planning Commission, I feel that issues regarding proposed roads were misrepresented. Even though staff supports the re-zoning, the impression is left that the staff is not happy with the proposed roads. During the preharvest inspection (PHI) that was attended by Dave Hope, this item was thoroughly reviewed in the field. In fact, Dave had proposed an alternative route for accessing the top of the property but all parties at the inspection agreed that the alternative was not feasible due to the fact that the alternative would cross slopes steeper than what would be crossed under the original route proposed in the THP. At the end of the PHI, we had all agreed that the proposed route was the most feasible route to access the ridgetop. At that point Dave stated that he would help to expedite the rezoning process.

I have also read the Inter-office Correspondence from Jan Beautz to Alvin James, yourself and Bruce La Clergue. I would like to first remind the Supervisors that this property was thoroughly reviewed under THP 1-97-321 SCR and that a Timber Harvesting Plan is a functional equivalent of an EIR. The County of Santa Cruz Planning Staff (Dave Hope) was a member of the Review Team. At no point were the issues that Ms. Beautz brings up raised under this process.

Also, although about half of the parcel in question does drain into the Soquel Creek watershed, the other half drains into a culvert surrounded by trash in the Cal Trans right-of way that goes under Hwy 17. Most of the existing and proposed roads on this parcel are located in the area that will drain into this culvert. It appears to me that the main threat to water quality in this drainage would be the litter dumped in the past by trespassers and thrown from passing cars on the highway.

The portion of this parcel that drains to Soquel Creek will be mostly cable yarded. Studies done in the Caspar Creek drainage of the Jackson State Demonstration Forest over many years (which Dave Hope and Bruce La Clergue should be familiar with) have shown that even when clear cutting is used, lands that are cable logged have very little impact on erosion and water quality/quantity. The current proposal under the THP is to remove less than 60% of the conifers in this area and incidental removal of hardwoods.



Roy Webster  
 RPF #1765

Matt Bissell  
 RPF #2615  
 Senior Forester

Joseph Culver  
 Associate Forester

Travis Bergsten  
 Associate Forester

Karen Palmer  
 Office Manager


0490

Ms. Beutz also includes a list of municipal water providers in this drainage. One is directly downstream and was involved throughout the THP process (see included letters). Under my review of the THP area I found that the greatest threat to the water supply was the lack of erosion control structures on a portion of the dirt road within the THP area. This road was paved prior to last winter, so erosion on this stretch of road is no longer an issue. I also found that trash dumped over the edge of Sugarloaf Rd. was allowed to enter the watercourse upstream of the THP area, and I suggested that Cathedral Woods might keep a lookout for illegal dumping.

Regarding Ms. Beutz's last statement about notifying the water purveyors, this was done under the CEQA document, the Timber Harvesting Plan.

If you have any questions please contact me at (831) 462-6237.

Sincerely,



Matt Bissell  
RPF# 2615

0491

July 14, 1998

Cathedral Wood Municipal Water Company  
Gary Peters, Chief Operating Officer  
P.O. Box 858  
Los Gatos, CA 95031-0858

Re: THP# 1-97-321 SCR Lands of Moores, Webber & Smith.

Dear Mr. Peters:

I would like to thank you for attending the Pre Harvest Inspection yesterday for the above referenced timber harvest plan. I wanted to take this opportunity to let you know what occurred after you departed from the group yesterday.

Nancy Drinkard(CDF), Dave Hope(County of Santa Cruz), Reed Addis (Assemblyman Fred Keeley's Office), and myself followed a trail of sediment from Old Vine Hill Rd., which showed evidence of being transported by this winters storms, down into the stream system which eventually leads to the CWMWC water uptake on Wally Smith's property.

On a previous trip to the property (to allow myself to get to know the property since taking over the plan from Gene Hartzell) I walked up from thesediment pond near the Smith's shop in a westerly direction up the stream system. I found that the stream had an inordinate amount of sediment in the channel. In order to find the sediment source I walked up the stream system. About 700 feet upstream there is a large landslide which appears to have been a result of the '82/83 winter storms. The toe of this slide entered the stream channel and appears to have been a source of sediment entering your water system. However it appears that the stream has incised itself through the slide material and is now back down to its original channel. It appears to be contributing only small amounts of sediment to the system as the slide is well vegetated by low growing shrubs and vines common to the area.

My walk continued up the channel and I was still finding sediment in the stream channel above the slide. I continued up until I reached a point where I could see where Old Vine Hill Rd. was cut into the hillside above. The channel was full of sand at this point. I tied an orange flag around a redwood tree near the channel at this point. Later when I was on Old Vine Hill Rd. I peered over the side and could see the orange flag below. On the road where I was standing there was a deposit of sandy material that appeared to have been flowing down the road at a previous time. I followed this trail back to a road which leads into Old Vine Hill Rd. This road leads up the hill and has very steep pitches of up to 28% and the road has no erosion control structures in it. The road was continually traveled during the winter and from the evidence still present, was a contributor of sediment into the stream system which eventually enters your water system This road has been addressed in the THP and the ultimate goal is to have drainage structures installed and the road surface paved by October 15 of this year. This along with other mitigations to control sediment during and after the timber harvest should greatly reduce the amount of sediment that has historically been produced within this relatively small watershed.

One other item you may want to be aware of is the garbage located along Sugarloaf Rd. A portion of the water which enters your water system ends up coming from Sugarloaf Rd. at the hairpin turn of the map enclosed. We walked out of the property this way yesterday and this seems to be a favorite place for people to dump their garbage. All of the garbage is located where it will eventually go downstream to the sediment pond.

I would like to make a suggestion here if I may do so. I would think that the users of the CWMWC benefit greatly from occasionally policing the area of the hairpin turn and removing any garbage which may be dumped there. Also the people may benefit from keeping an eye out for individuals who dump garbage in this area and reporting them to the local authorities.

Sincerely,

Matt Bissell

cc: Nancy Drinkard, CDF  
Dave Hope, County of Santa Cruz Planning

*for domestic drinking water by the Cathedral Wood Mutual Water Co. Due to the extreme geologic instability of the region, any fogging activity, to any degree, could ruin the quality of the water drawn from this area in the short term, and possibly forever. The area has had three significant natural earth movements in just the last twenty-two years,*

**RESPONSE:** The Department shares the concern about the geologic character of the Santa Cruz mountains as it relates to potential significant environmental effects from timber harvesting. To that end, the Department requested that a Certified Engineering Geologist from the California Division of Mines and Geology review the plan. In addition, the Plan Submitter retained a consulting Certified Engineering Geologist who specializes in geology and hydrology to assess the plan. And finally, a certified Geotechnical Engineer has been retained to inspect the geotechnical aspects of the construction work on the encroachment to highway 17.

In general, this operation consists primarily of use of existing roads, very little construction or reconstruction of roads and one existing skid trail. The harvest areas will be yarded by cable, or tractor yarded from the roads or one skid trail. There is very little opportunity for additional soil disturbance.

As expected, the preliminary research of the DMG Engineer indicates a moderately large possible landslide exists on the northeast-trending drainage on the east side of the THP, and that a massive dormant translational/rotational landslide underlies the northernmost part of the plan she. Photo interpretation on available air photos could not verify the smaller landslide in general due to the tree canopy. Several small landslides are situated along this canyon. The possible landslide within the canyon was not investigated during the PHI because ground equipment will not operate in the canyon. Although the massive translational/rotational landslide shown by Cooper-Clark and Associates (1975) was confirmed in general using the available aerial photographs, the proposed cable logging of the northernmost portion of the timberland should not significantly decrease slope stability of the ancient landslide.

The THP is in the watershed for West Branch Soquel Creek. The channels of this creek and its Class II and III tributaries have been severely impacted by natural processes (stream bank erosion and landsliding), road building, agricultural conversion and by logging conducted prior to implementation of the Forest Practice Act. In addition, residential construction in the off-site floodplains along the lower reaches of Soquel Creek below the junction of the East and West Branches have severely reduced the extent of riparian habitat, contributing to large-scale flooding and its resultant high economic losses. Logging conducted prior to implementation of the Forest Practice Act has resulted in erosion and sediment yield to the on-site water courses. The on-site damage resulted from either natural or logging-related processes. These include fill failure debris flows triggered by substantial rainfall in past years. All slopes within the drainage are naturally unstable because of the youthful geomorphology of the area. Most of the failures are natural. Although the channels are starting to recover, they would be very sensitive to increases in sediment yield from the watershed slopes. The erosion of the naturally occurring landslides and debris flow deposits result in a relatively high background level of sediment yield. Land-use-caused soil erosion problems (such as the road fill failures described above) result in sediment yields above background levels on the THP. The proposed avoidance of these problem sites should help reduce the potential for increased sediment yield to the West Branch Soquel Creek.

The Engineer indicates that if all proposed mitigations are completed, the proposed timber harvest operations will probably result in a minor short-term increase in soil erosion from roads and the skid trail, but most of the sediment is likely to be deposited in the desired location resulting in a reduction of sediment yield. Therefore, if the Forest Practice Rules, the specific measures defined in the THP, and the recommendations in this and other preharvest inspection reports are followed, the proposed activities on THP 1-97-321 SCR probably will not result in a significant increase in immediate or long-term negative cumulative impacts to the Soquel Creek drainage."

STATE OF CALIFORNIA

THE RESOURCES AGENCY

0494

Telephone: (408)335-6740  
(408) 335-5353

# Memorandum

To: Glen J. Newman, Chief  
Coast - Cascade Region

Date: July 17, 1998

From: Department of Forestry and Fire Protection  
San Mateo / Santa Cruz Ranger Unit

Subject: **5400 FOREST PRACTICE REGULATION AND TIMBER TAXATION**  
5410 Forest Practice Act  
Preharvest Inspection #2  
THP 1-97-321 SCR, Lands of Moores, Webber and Smith

Inspection Date: 13 July 1998

Final Comment Date: 23 July 1998

Inspection Hours: Field: 3  
Office: 8

TOTAL: 11

Present: M. Bissell (RPF Assistant), C. Benbow (Plan Submitter), D. Hope (County Planning),  
G. Peters (Cathedral Woods Municipal Water Co.), N. Drinkard (CDF)

On 13 July 1998, a second Preharvest Inspection was made on the site of the proposed harvest area. Provisions of the proposed THP have been evaluated, and the following is a summary of the observations, evaluations, and recommendations made during this inspection tour for each of the items below.

**THIS PHI FOCUSED ON THE 24 RECOMMENDATIONS IDENTIFIED IN THE FIRST PHI REPORT (DATED 0511 1/98) AND THE ADEQUACY OF THE CURRENT RPF'S RESPONSE TO THESE RECOMMENDATIONS (REVISED THP PAGES, DATED 07/06/98).**

RECOMMENDATIONS IN PHI REPORT OF 11 May 1998:

1. **Done.** Revised page 2 (THP Items 13 and 13c).
2. **Encroachment permit has been obtained.** Applicable restrictions on construction and/or use of this road should be highlighted for ease of reference (e.g., haul hour restrictions should be incorporated into the discussion of hauling on page 11, THP Item 38).
3. **Partially done.** Revised pages 4-5 (THP Item 14ej).  
Needed: "RPF will submit a map to CCF upon the completion of redwood planting which delineates where this activity occurred." *NEW P. 4 VERY BOTTOM OF PAGE.*



6124199

0495

FROM: WILLIAM MOORES  
3880 SLEEPY HOLLOW  
SANTA ROSA, CA. 95404

TO: CATHLEEN CARR  
SANTA CRUZ CO. PLAN DEPT  
701 OCEAN AVE.  
SANTA CRUZ, CA. 95060

RE: APPLICATION NUMBER 98-0461

DEAR MRS. CARR:

YOU HAVE INFORMED ME THAT THE BOARD OF SUPERVISORS HAS REFERRED OUR REZONE APPLICATION BACK TO THE PLANNING COMMISSION AND STAFF TO ADDRESS THE SUPERVISOR'S CONCERN THAT SOME PROVISION BE MADE IN THE APPLICATION FOR IMPLEMENTING THE GENERAL PLAN DESIGNATION OF HIGHWAY #17 AS A SCENIC HIGHWAY CORRIDOR. I BELIEVE THAT YOU AND COUNTY COUNSEL INFORMED THE BOARD THAT THE CALIFORNIA DEPARTMENT OF FORESTRY HAS SOLE JURISDICTION OVER THE CONTENT OF TIMBER HARVEST PLAN PERMITS. CONSEQUENTLY THE BOARD ASKED THAT THE APPLICATION BE SENT TO THE PLANNING COMMISSION FOR THEIR RECOMMENDATION AND THOSE OF STAFF AS TO WHAT MIGHT BE DONE TO ADDRESS THEIR CONCERNS. YOU SUGGESTED THAT THE ONLY POSSIBLE METHOD OF ADDRESSING THE BOARD'S CONCERNS WOULD BE TO ONLY REZONE A PORTION OF THE PARCEL TO TPZ LEAVING A SCREEN AREA OUTSIDE TPZ ALONG THE HIGHWAY. THIS LETTER IS INTENDED TO ADDRESS YOUR SUGGESTION.

AS YOU KNOW WE HAVE ALREADY INDICATED TO YOU THAT WE PLAN TO ACCEPT THE STAFF AND PLANNING COMMISSION RECOMMENDATIONS REFLECTED IN THE CURRENT APPLICATION AND HEARING FILE. IN AN EFFORT TO FURTHER ACCOMMODATE AND IMPLEMENT THE BOARD'S OBJECTIVE OF MAKING SOME PROVISION TO PROVIDE A SCENIC HIGHWAY SCREEN FOR THE FUTURE I HAVE ATTACHED AN EXHIBIT A MAP SHOWING THE AREA THAT WE WOULD ACCEPT AS NOT BEING INCLUDED IN THE PART OF THE PARCEL TO BE REZONED TPZ. GENERALLY THE TPZ REZONE EXCLUSION AREA ENCOMPASSES TWO SCREEN LOCATIONS. THE NORTHERLY PORTION IS ENCOMPASSED BY A LINE FROM THE NORTH EDGE OF THE PAVEMENT ON THE ACCESS ROAD WHERE IT JOINS THE EAST EDGE OF THE PAVEMENT ON HIGHWAY #17, THEN NORTHERLY ALONG THE EAST LINE OF THE PAVEMENT ON HIGHWAY #17 TO OUR NORTH LINE, THEN EAST ALONG OUR NORTH LINE TO THE CENTER OF THE RIDGE LINE, THEN SOUTH DOWN THE CENTER OF THE RIDGE LINE TO THE INTERSECTION WITH THE WEST SHOULDER OF OLD VINE HILL ROAD, THEN SOUTH ALONG THE WEST SHOULDER OF OLD VINE HILL ROAD TO THE NORTH EDGE OF PAVEMENT ON OUR ACCESS ROAD AND THEN EASTERLY ALONG THE NORTH EDGE OF THE ACCESS ROAD PAVEMENT TO THE POINT OF BEGINNING. THE SECOND SOUTHERLY EXCLUSION AREA EXTENDS FROM THE SOUTH EDGE OF THE PAVEMENT ON THE ACCESS ROAD WHERE IT JOINS THE EASTERLY EDGE OF THE PAVEMENT ON HIGHWAY #17, THEN SOUTHERLY ALONG THE EAST EDGE OF THE PAVEMENT OF HIGHWAY #17 TO OUR SOUTH LINE, THEN EAST ALONG OUR SOUTH LINE 150 FT. FROM THE EDGE OF THE PAVEMENT ON HIGHWAY #17, THEN NORTHERLY ALONG A LINE A UNIFORM DISTANCE OF 150 FT. EASTERLY OF THE EDGE OF THE PAVEMENT ON HIGHWAY #17 TO THE SOUTH EDGE OF PAVEMENT ON OUR ACCESS ROAD, THEN WESTERLY ALONG THE SOUTH EDGE OF OUR ACCESS ROAD PAVEMENT TO THE POINT OF BEGINNING.

0496

IT IS IMPORTANT TO RECOGNIZE THAT WE CAN'T HAVE OUR ACCESS ROAD OR OLD VINE HILL ROAD INCLUDED IN THE EXCLUSION AREA AS THESE ARE OUR MAY OPERATIONAL AREA HAUL ROADS.

I WOULD LIKE TO CORRECT ONE MINOR ASPECT OF YOUR STAFF REPORT. THE REPORT AS WRITTEN LEAVES THE READER WITH THE IMPRESSION THAT THE COUNTY STAFF IS OPPOSED TO SOME OF THE TIMBER MANAGEMENT PLAN AND TIMBER HARVEST PLAN CONTENT. WHILE IT IS TRUE THAT COUNTY STAFF INITIALLY (BEFORE THE MATTER WAS THOROUGHLY REVIEWED IN THE FIELD IN A JOINT MEETING BY COUNTY STAFF, CDF, THE LTO, AND REPRESENTATIVES OF FORESTER ROY WEBSTER'S OFFICE) HAD SOME RESERVATIONS ABOUT SOME PLAN CONTENT, AT THE CONCLUSION OF THE MEETING Mr. HOPE TOLD NANCY DRINKARD OF CDF, THE LTO AND MATT BISSELL OF WEBSTER'S OFFICE THAT COUNTY STAFF WOULD AGREE TO THE PROPOSED TIMBER HARVEST PLAN. YOUR REPORT DOES NOT LEAVE ONE WITH THE IMPRESSION THAT AGREEMENT WAS REACHED. PLEASE BE AWARE THAT THIS COMMENT IS NOT INTENDED TO BE CRITICAL OF YOUR WORK AS WE RECOGNIZE THAT YOU SIMPLY REPORTED INCOMPLETE INFORMATION AS IT WAS REPORTED TO YOU.

THIS APPLICATION WAS SUBMITTED PURSUANT TO THE BOARD OF SUPERVISOR'S RECENT INVITATION TO FOREST LAND OWNERS IN THE COUNTY THAT THE BOARD WOULD REDUCE FEES AND ENCOURAGE FOREST LAND OWNERS WHOSE LAND WAS NOT ZONED TPZ TO SUBMIT APPLICATIONS TO REZONE TPZ TO ALLOW CONTINUED FOREST LAND USES SINCE THE BOARD APPARENTLY INTENDS TO PROHIBIT FORESTRY USES OUTSIDE THE ZONE IN THE NEAR FUTURE. WE ARE MERELY TAKING UP THE BOARD'S INVITATION AND SUGGESTION. WE WOULD APPRECIATE YOUR SCHEDULING THIS MATTER AT THE EARLIEST POSSIBLE PLANNING COMMISSION HEARING. PLEASE LET ME KNOW IF THIS PROPOSED TPZ EXCLUSION AREA MEETS WITH YOUR APPROVAL AND KEEP ME INFORMED OF THE RESULTS OF YOUR STAFF DISCUSSIONS ON THIS MATTER.

SINCERELY,

  
WILLIAM MOORES

049

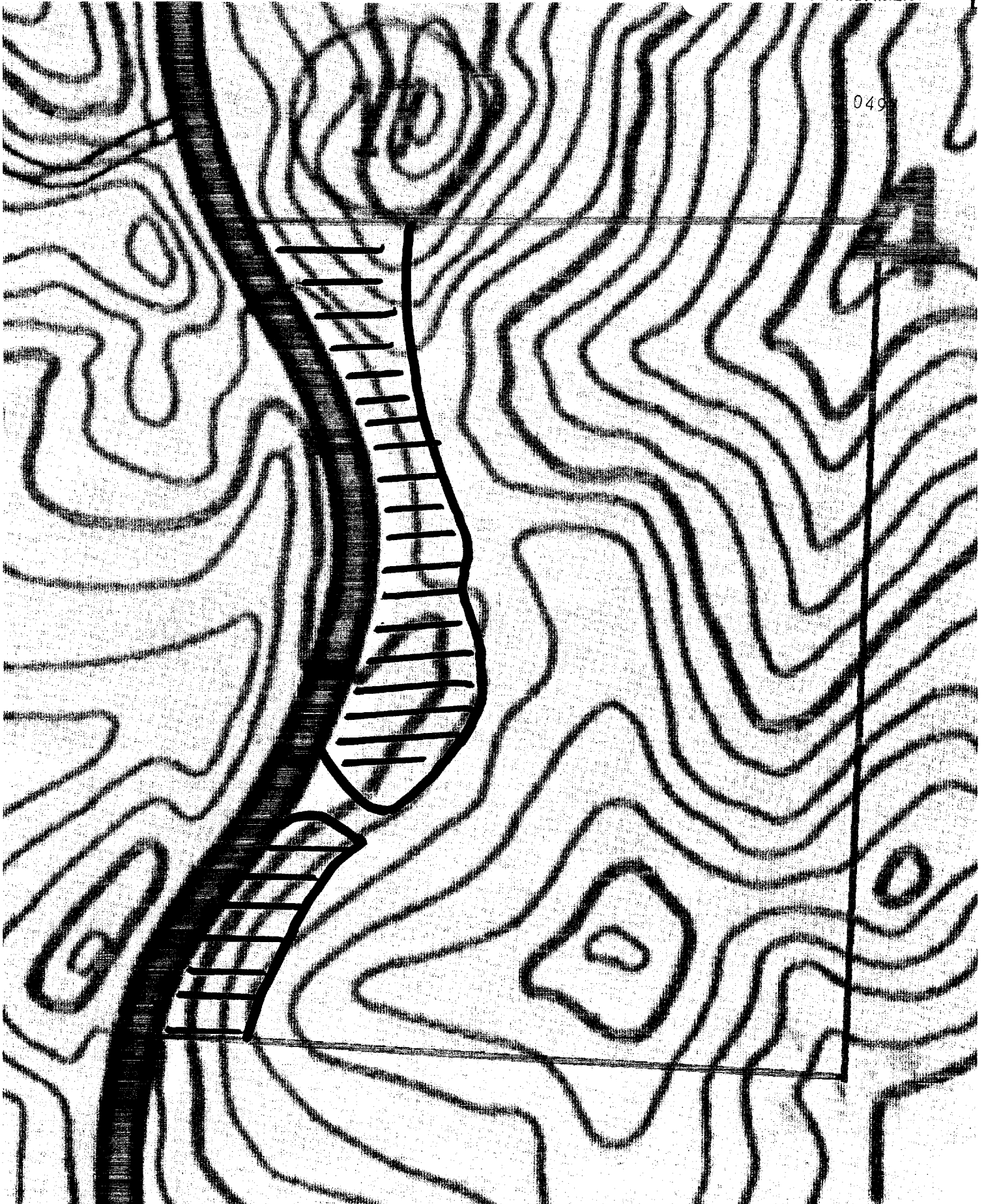


EXHIBIT A

66

EXHIBIT L

ATTACHMENT 7

8/4/99

0498

TO: CATHLEEN CARR  
SANTA CRUZ COUNTY PLAN DEPT.  
701 OCEAN ST.  
SANTA CRUZ, CA

FROM: WILLIAM MOORES  
3880 SLEEPY HOLLOW  
SANTA ROSA, CA 95404

RE: RESPONSE TO "DRAFT STAFF REPORT" OF 8/2/99 ON AP# 095-271-01

DEAR CATHLEEN CARR:

FOLLOWING THE MAY 25, 1999 BOARD OF SUPERVISOR'S HEARING ON THE REZONE APPLICATION I REQUESTED A MEETING WITH YOU IN YOUR OFFICE TO DISCUSS HOW THE BOARD'S CONCERNS MIGHT BE MET. YOU WILL RECALL THAT YOUR RESPONSE TO THAT REQUEST WAS TO INFORM ME THAT THE STAFF PLANNED TO HAVE A POLICY MAKING MEETING ON HOW TO HANDLE THE APPLICATION AND YOU INFORMED ME THAT I WOULD NOT BE WELCOME AT SUCH A MEETING. YOU WOULD SEND ME THE STAFF'S RECOMMENDATIONS BUT YOU DID NOT ENCOURAGE A MEETING WITH THE APPLICANT. YOU HAVE NOW SUBMITTED A DRAFT STAFF REPORT TO THE PLANNING COMMISSION FOR IT'S 8/25/99 HEARING AND ASKED FOR MY REVIEW OF IT.

MY COMMENTS ARE:

- 1) I CONTINUE TO OBJECT TO CONDITION B1 BUT NOT B2. I DO NOT OBJECT TO LANGUAGE TO THE EFFECT NO HOUSE SHALL BE PLACED IN A LOCATION WHICH INTERFERES WITH CONTINUED SAFE FUTURE USE OF LANDINGS NECESSARY TO CONDUCT FUTURE HARVESTS. I HAVE SUGGESTED THAT IF A DIMENSIONAL SET BACK IS NECESSARY NO EQUIPMENT OR LOG REQUIRES MORE THAN 100 FT. SAFE OPERATING DISTANCE AND MY FORESTER CONCURRED AT THE PRIOR PLANNING COMMISSION HEARING. ANOTHER FORESTER IN THE AUDIENCE OBJECTED TO THE 300 FT. DIMENSION SUGGESTED AT THAT HEARING. WE SPECIFICALLY REQUESTED THAT STAFF PROVIDE THE LOGICAL BASIS THAT JUSTIFIES THAT DIMENSION TO DEMONSTRATE THAT THE DIMENSION WAS NOT ARBITRARILY ARRIVED AT. THE STAFF DID NOT RESPOND TO OUR REQUEST FOR EXPLAINING THE BASIS FOR THE DIMENSION. STAFF DID STATE THAT IT INTENDS TO REQUIRE A RECORDED DEED RESTRICTION OF THE SAME 300 FT. LANDING SET BACK FOR ALL TPZ ZONE APPLICATIONS. THE PLANNING COMMISSION STATED THAT, HEARING THAT THERE WAS NO JUSTIFICATION EXPLANATION FOR THE 300 FT. DIMENSION, IT WOULD SUPPORT THE ARBITRARY 300 FT. STAFF RECOMMENDATION;
- 2) I OBJECT TO NEW CONDITION D1-3 AS WORDED AND I AM HEREBY SUGGESTING TWO ALTERNATIVES, THE LATTER OF WHICH I BOTH MUCH PREFER AND THINK WILL BETTER SERVE THE COUNTY'S OBJECTIVES:
  - A. REWORD THE FIRST SENTENCE TO READ "TIMBER HARVESTING AND/OR TREE REMOVAL IS PROHIBITED WITHIN 150 FT. OF THE EDGE OF THE PAVEMENT OF HIGHWAY #17 WITH THE FOLLOWING EXCEPTIONS."
  - B. AS A NEW ALTERNATIVE THAT YOU HAVEN'T CONSIDERED I WILL AGREE TO PLANT REDWOOD SEEDLINGS, THREE ROWS DEEP ON 20 FT. CENTERS EAST OF THE EAST LANE OF HIGHWAY #17 IN A LOCATION AGREED UPON BETWEEN MYSELF AND CALTRANS FOR THE FRONTAGE LENGTH OF MY PARCEL DURING THE NOVEMBER-FEBRUARY PERIOD FOLLOWING OUR HARVEST AS A

0499

PERMANENT VISUAL SCREEN. IF THE TREES ARE PLANTED ON CALTRANS LAND NO RESTRICTION ON MY LAND WOULD APPLY, BUT TO THE EXTENT THAT THE SEEDLINGS ARE ON MY LAND I WILL RECORD A NO CUT EASEMENT COVERING THE PORTION OF PLANTED AREA ON MY LAND.

YOUR STAFF REPORT RECOGNIZES THAT 2/3RDS TO 3/4 MY ROAD FRONTAGE ON HIGHWAY #17 HAS ALREADY BEEN HARVESTED WITH A VISUAL RESULT THAT YOU WOULD LIKE IMPROVED. MOST OF THE REMOVED REDWOOD TREES HAD TO BE REMOVED BECAUSE THEY WERE WITHIN THE ENGINEERED FILL OF THE NEW ROAD APPROACH OFF OF #17. THE REDWOOD TREES CUT ON MY LAND HAVE ALREADY BEGUN TO SPROUT NEW SHOTS ON THEIR OWN-BUT THIS IS NOT THE CASE IN THE FILL AREA. YOUR STAFF REPORT ALSO RECOGNIZES THAT MY LAND HAS A RAPID ELEVATION INCREASE AND THAT THE PRIMARY FOCUS OF VISUAL CONCERN WILL BE AT OR NEAR THE #17 ELEVATIONS YET YOUR 250 FT. ZONE STRETCHES TO THE TOP OF OUR MOUNTAIN-SOME 300 FT. ABOVE THE HIGHWAY AND OUT OF THE AREA OF CONCERN-UNNECESSARILY RESTRICTING MY USE OF MY PROPERTY. A PERMANENT VISUAL SCREEN OF THREE ROWS OF NEW PLANTINGS WILL BOTH PROVIDE MORE OF A POSITIVE VISUAL SCREEN SOUGHT BY THE COUNTY AND DO LESS TO DEPRIVE ME OF USE OF MY LAND. YOUR CURRENT PROPOSAL DEPRIVES ME OF USE OF 250 FT. X 1,250FT=9 ACRES OF MY 25 ACRE PARCEL-AN UNNECESSARY RESULT. THE NEW PLANTING WILL ESTABLISH NEW REDWOOD TREES THAT DON'T YET EXIST. THERE WOULD BE NO DISPUTE THAT THREE ROWS DEEP OF REDWOOD TREES ON 20 FT. CENTERS WOULD ESTABLISH A SCREEN THAT NO ONE CAN SEE THROUGH. THE ALTERNATIVE OF REQUIRING ME TO DONATE THE USE OF MY TREES TO THE PUBLIC IS BOTH UNNECESSARY AND, I THINK, ILLEGAL. WHY IMPOSE AN EXACTION CONDITION THAT I HAVE LEGAL ISSUES INVOLVED IF THERE IS A GOOD ALTERNATIVE THAT I AM WILLING TO ACCEPT AND BETTER SERVES YOUR SCENIC HIGHWAY GOALS?

LOOKING FORWARD TO YOUR REPLY AND COMMENTS IN ADVANCE OF THE HEARING.

SINCERELY,  
*William Moore*  
WILLIAM MOORES  
707-526-3759

8/11/99

P1 of 3 ATTACHMENT 7

0500

From:

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

TO: Kathleen Carr

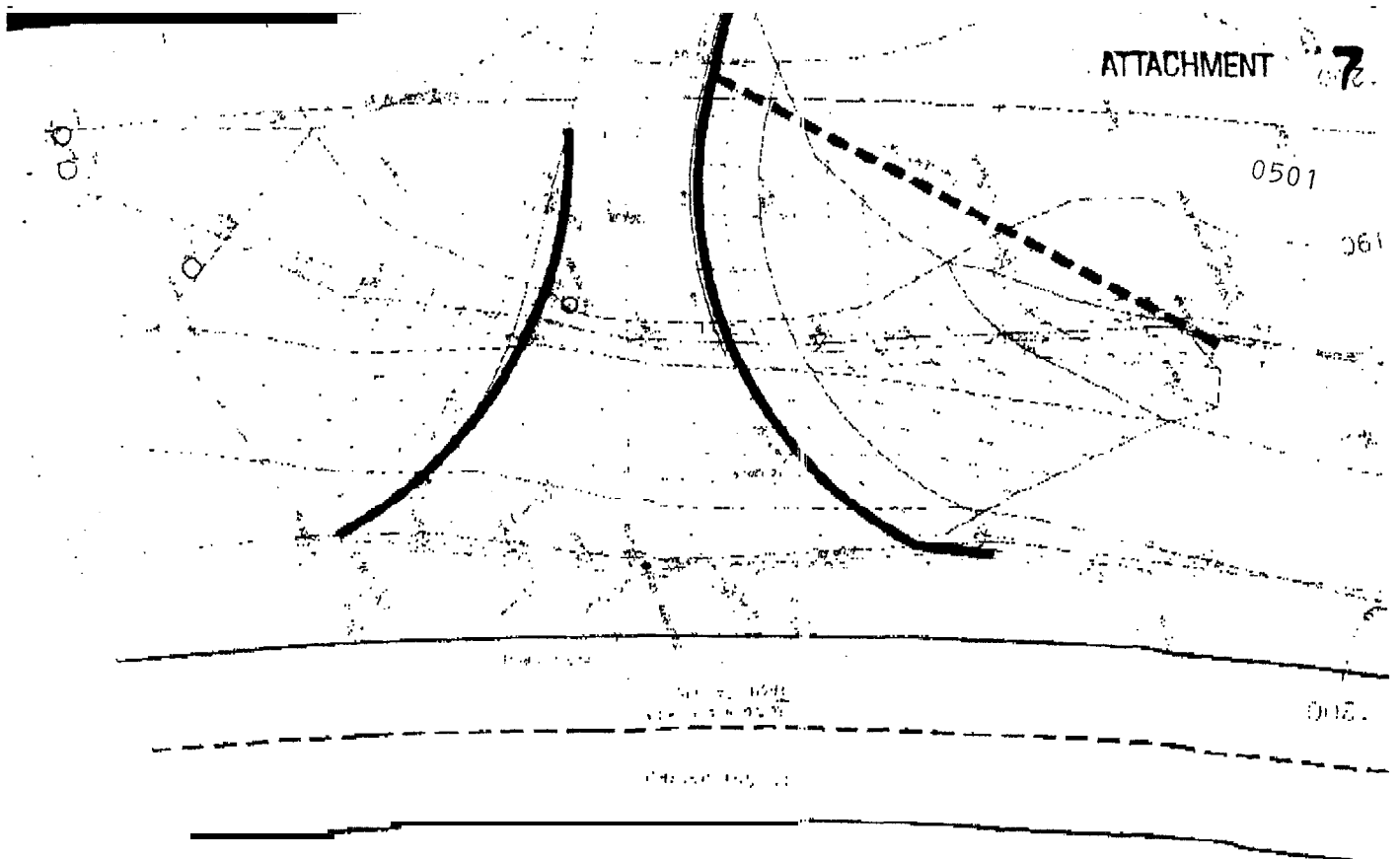
Q-e- Kathleen:

It looks like 66 ft from edge of pavement to property line. This would accommodate 3 rows of redwood trees on 20 ft centers without encroaching onto my land. I called Steve Seneet of Caltrans to get the enclosed fax of the scaled drawing. He is the Caltrans permit engineer, and he indicated Caltrans would probably issue me a permit to plant 3 rows. Since the rows could fit on Caltrans land & if they agree to the rows there it appears that I could avoid an easement encumbrance on my land which I'd like to do. If plantings can't all go on Caltrans land I'll issue an easement for the overflow portion on my land—

Bill Moore

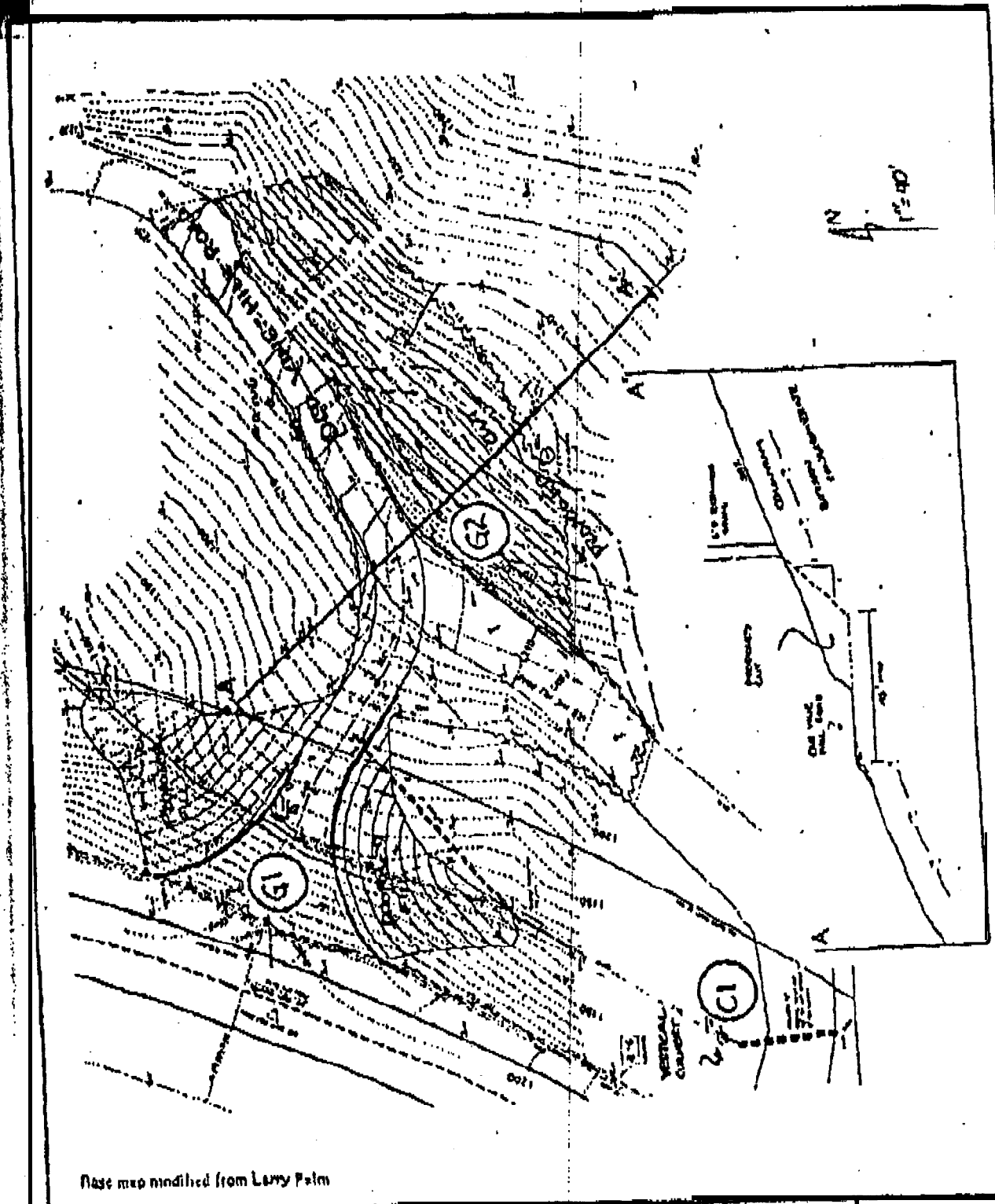
ATTACHMENT

7



Scale 1" = 20'

502



Base map modified from Levy Palm



**TIMOTHY C. BEST, CEG**  
 ENGINEERING, GEOLOGY AND HYDROLOGY  
 1940 Madison Street, Suite 405, Tampa, FL 33605  
 (813) 434-1617 (408) 462-6233 FAX

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

**FIGURE**  
**3**

Job # UM-HY17-154  
 Scale: 1" = 40'

MAP 4



**COUNTY OF SANTA CRUZ PLANNING COMMISSION  
MINUTES**

0503

**DATE:** August 25, 1999

**PLACE:** Board of Supervisors Chambers, Room 525  
County Government Center, 701 Ocean Street, Santa Cruz, CA

**COMMISSIONERS PRESENT:** TEALL MESSER, MARILYN HUMMEL, LEO RUTH, DALE SKILLICORN, RENEE SHEPHERD(CHAIRPERSON).

**STAFF MEMBERS PRESENT:** JACKIE YOUNG, CATHY GRAVES, JOHN PRESLEIGH (DPW), CATHLEEN CARR, JOAN CARPENTER (DPW), PAIA LEVINE.

**COUNTY COUNSEL PRESENT:** DEBORAH STEEN

All legal requirements for items set for public hearing on the Santa Cruz County Planning Commission agenda for this meeting have been fulfilled before the hearing including publication, mailing and posting as applicable.

- A. ROLL CALL:**  
Commissioners Messer, Hummel, Ruth, Shepherd and Skillicorn present at 9:00 a.m.
- B. PLANNING DIRECTOR'S REPORT:** None.
- C. COUNTY COUNSEL'S REPORT:** None.
- D. ADDITIONS AND CORRECTIONS TO THE AGENDA:** None.
- E. ORAL COMMUNICATIONS:** None.
- F. CONSENT ITEMS:**

**ITEM F-1**

**APPROVAL OF MINUTES**

~~TO APPROVE THE MINUTES OF THE JUNE 9, 1999 PLANNING COMMISSION MEETING AS SUBMITTED BY THE PLANNING DEPARTMENT. MOVED TO FUTURE AGENDA.~~

0504

COMMISSIONER SKILLICORN MOVED APPROVAL BASED ON PREVIOUS FINDINGS AND CONDITIONS. SECONDED BY COMMISSIONER RUTH.

2-2 WITH COMMISSIONERS SHEPHERD AND HUMMEL VOTING “NO” AND COMMISSIONER MESSER ABSTAINING.

**MOTION**

COMMISSIONER SKILLICORN MOVED TO CONTINUE TO SEPTEMBER 22, 1999; FIRST ON THE CONSENT AGENDA. SECONDED BY COMMISSIONER RUTH.

VOICE VOTE 5-0

MOTION CARRIED AND SO ORDERED.

**BREAK 12:00 1:30**

**H. SCHEDULED ITEMS:**

**ITEM H-1**

PUBLIC HEARING TO CONSIDER PROPOSAL TO REZONE A 25-ACRE PARCEL OF LAND FROM “SU” SPECIAL USE ZONE DISTRICT TO THE “TP” TIMBER PRODUCTION ZONE DISTRICT. REQUIRES A REZONING. REMANDED BACK TO THE PLANNING COMMISSION FROM THE BOARD OF SUPERVISORS TO DETERMINE IF THE PROJECT IS CONSISTENT WITH GENERAL PLAN POLICIES. LOCATED ON THE EAST SIDE OF HIGHWAY 17, APPROXIMATELY 2,000-FEET NORTH OF JARVIS ROAD.

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

**CATHLEEN CARR:** Gave staff presentation describing topography, view-shed issues relating to General Plan policies, visual characteristics of the property, previous harvests of the property, noted recommended rezoning conditions, described location of future harvests, showed slides of project site, and gave recommendation for action.

**OPEN PUBLIC HEARING**

**BILL MOORES (OWNER AND APPLICANT):** Presented letter to Commissioners; project has been approved by the Commission before. Discussed proposed condition and requested a

revision to the condition which may allow additional tree harvesting in the buffer area. Still addresses the visual impact on Highway 17. The condition is more reasonable and respectful of my rights. Asked his forester to review and comment on the condition proposed by staff. Mr. Moores read his letter and a letter from his forester.

**COMMISSIONER SHEPHERD:** I don't think we can accommodate this request. It's in the area of how the harvest can occur.

**BILL MOORES:** In the future the condition would be appropriate. Growth of trees further buffers the visual impact.

**COMMISSIONER HUMMEL:** I don't think this is legal for us to do.

**BILL MOORES:** The front trees won't be removed; CDF would go along with this condition.

**COMMISSIONER SHEPHERD:** Can't predict what the State will do. This is a suggestion to move forward.

**BILL MOORES:** Prefer that you make the buffer 125 feet. His forester's recommendation is appropriate.

**DEBORAH STEEN:** The question is whether this regulates the location and not the method of the harvest.

**COMMISSIONER SHEPHERD:** We're not going to deviate from our counsel.

**BILL MOORE:** Will take the matter to the board

#### **CLOSED HEARING**

**COMMISSIONER RUTH:** Wants to explore the request by Mr. Moores.

#### **MOTION**

COMMISSIONER HUMMEL MOVED TO APPROVE STAFF RECOMMENDATION.  
SECONDED BY COMMISSIONER MESSER.

VOICE VOTE

MOTION CARRIED AND SO ORDERED. PASSED 5-0.

#### **ITEM H-2**

PROPOSAL TO CREATE FOUR SINGLE-FAMILY RESIDENTIAL PARCELS, BUILD FOUR

11/3/99

FROM: WILLIAM MOORES  
3880 SLEEPY HOLLOW  
SANTA ROSA, CA. 95404

0506

TO: CATHLEEN CARR  
— SANTA CRUZ COUNTY PLAN DEPT.

RE: IMPLEMENTATION OF THE TWO CONDITION CHANGES TO APPLICATION  
98-0461 (TPZ REZONE OF AP#095-271-01) AS DISCUSSED WITH YOUR DEPT. HEAD

DEAR CATHLEEN:

- 1) YOUR DEPT. HEAD AGREED WITH ME THAT THIS TPZ APPROVAL SHOULD HAVE A NEW ADDED CONDITION WHICH AUTOMATICALLY ELIMINATES CONDITION II D 1 & 2 IN THE EVENT THAT A COURT RULES ON THIS CASE OR ANOTHER CASE WITH SIMILAR ISSUES THAT THE COUNTY CAN NOT REQUIRE THIS TYPE OF EXACTION FOR THE PUBLIC BENEFIT CONTAINED IN THIS CONDITION WITHOUT EITHER COMPENSATION OR SHOWING OF A NEXUS NOT PRESENT OR DOCUMENTED IN MY CASE. THIS CONDITION WILL SAVE BOTH MYSELF AND THE COUNTY THE EXPENSE OF A SECOND SUIT ON THE SAME ISSUES ALREADY DECIDED. WITH THIS CONDITION INCLUDED WE EXPECT TO SIGN THE PERMIT CONDITIONS WITH THE UNDERSTANDING THAT WE ARE AGREED WITH THE COUNTY THAT OUR SIGNING DOES NOT CONSTITUTE AGREEMENT TO WAIVE OUR RIGHT TO CHALLENGE THE CONDITION OURSELVES OR TO BENEFIT FROM A RULING OBTAINED BY OTHERS ON THE SAME ISSUES IN ANOTHER CASE AND THE SIGNING DOES NOT OPERATE TO BAR TO A LEGAL CHALLENGE TO THE COUNTY'S AUTHORITY TO IMPOSE THE CONDITION. WE PROPOSE THE FOLLOWING WORDING TO IMPLEMENT THIS OBJECTIVE AS A NEW

CONDITION IV:

IN THE VENT THAT ANY COURT JUDGMENT IS ENTERED IN THE ALPS CASE, THE BIG CREEK CASE OR ANY OTHER CASE LITIGATING WHETHER SANTA CRUZ COUNTY HAS THE LEGAL AUTHORITY TO IMPOSE A CONDITION SIMILAR IN NATURE TO CONDITION II D 1 & 2 ON THIS PERMIT 98-0461, WHICH JUDGMENT CONCLUDES THAT SUCH A CONDITION CAN NOT BE IMPOSED WITHOUT COMPENSATION OR A NEXUS NOT FOUND IN THE RECORD ON CASE 98-0461, THEN CONDITION II D 1&2 SHALL AUTOMATICALLY BE VOIDED FROM THE AGREEMENT AND OF NO FURTHER EFFECT AND THE RESTRICTION ON LAND USE OF THE PARCEL IMPOSED BY THIS CONDITION SHALL BE ELIMINATED WITHOUT FURTHER ACTION BY THE COUNTY OR THE OWNER.

- 2) YOUR DEPARTMENT HEAD AGREED WITH US THAT STAFF SHOULD HAVE MET WITH US ON THE SITE REGARDING THE PROPOSED SETBACK SO THAT WE COULD SHOW YOU THAT REMOVAL OF TIMBER UP TO WITHIN 165 FT OF THE EDGE OF THE PAVEMENT WILL NOT BE SIGNIFICANTLY VISIBLE FROM HWY#17. WE ARE CONDUCTING A SITE VISIT TODAY SO THAT YOU CAN VERIFY THAT THIS IS SO. ASSUMING THAT YOU AGREE THAT THIS IS SO THE ONLY CHANGE NEEDED TO IMPLEMENT THIS FACT IS TO PROVIDE THAT "TREE REMOVAL IS PROHIBITED WITHIN 165 FEET OF THE EDGE OF THE EAST LANE OF HWY #17 ALONG".

THANK YOU FOR YOUR CONSIDERATION OF THESE TWO ITEMS OF CONCERN.  
WILLIAM MOORES

**Webster and Associates** PROFESSIONAL FORESTERS

512 Capitola Avenue, Suite 201 . Capitola, CA 95010 . Phone 831-462-6237 • Fax 831-462-6233

0507

August 26, 1999

Cathleen Carr  
 County of Santa Cruz  
 701 Ocean St.  
 Santa Cruz, CA 95060

Dear Cathleen:

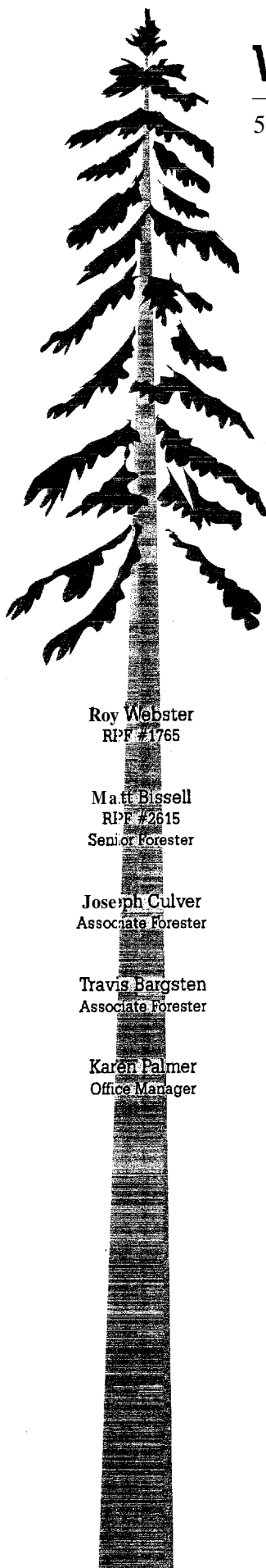
After being informed that the County Staff was recommending a 165 ft. wide no cut zone, I visited the site yesterday with several purposes in mind.

- To assess whether such a condition, as currently worded, was necessary to insure that operations planned within the next 12 months or in the long term would not significantly affect the scenic qualities that drivers on Highway 17 will experience.
- To take photos of the site in the proposed no cut zone which will allow the Commission and the Board to see the actual condition in the field.
- To remark the timber previously proposed to be taken in the newly proposed no cut zone with a specific view of insuring that any trees to be removed would not significantly alter the scenic qualities experienced on Highway 17.
- To comment to Mr. Moores on the economic exaction that the County would be asking him to donate to the public at relative no cut zone set back distances.

It is my opinion that the condition as presently worded is overkill and results to require leave trees, which if taken would not significantly alter the scenic qualities drivers experience on Highway 17. I further suspect that this opinion would also be shared by the CDF staff and the County representative reviewing THP's. In view of the fact that the staff proposed condition would affect not only the current operations but also future operations and tree growth will change over time, I would propose the following. To ensure that the scenic highway conditions are maintained, the professional forester applying for a harvesting plan, along with the CDF and County representative, in this and future harvest entries, within the zone, must agree that any tree removal within the zone will not significantly alter the viewshed. This condition would avoid the unnecessary losses to the landowner by leaving trees that may be removed with out affecting the driving public.

Photographs have been provided which I request be made available to the planning commission. In the photos you can see that there have been screen trees left on the edge of the highway that will prevent the public from seeing the area in question. I have remarked the stand to "minimize" the visual effects of the harvest as directed by the landowner Bill Moores. No timber was marked within 125 ft. of the highway. Approximately 12 trees were marked between 125 ft. and 165 ft. from the Cal Trans right-of-way. This timber could be removed with little to no effect on the scenic corridor along Highway 17.

I estimate that there are about 40 commercial-size conifers in this area and as presently marked, 12 trees would be removed. In addition to the 40 conifers in this area, I estimate that there are close to 100 hardwood trees. In my professional



Roy Webster  
 RPF #1765

Matt Bissell  
 RPF #2615  
 Senior Forester

Joseph Culver  
 Associate Forester

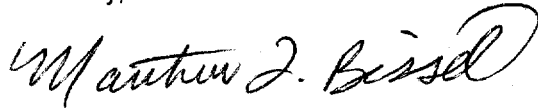
Travis Bargsten  
 Associate Forester

Karen Palmer  
 Office Manager

opinion, if cutting the 12 trees as marked by myself were allowed, the remaining trees in the area, along with the screen trees already left by myself and the timber operator along the highway, would prevent the motoring public from noticing any substantial difference in the scenic corridor along the roadway.

If Mr. Moores leaves a 125 ft. buffer zone he would be contributing thousands of dollars to preserve the view of the general public. The current staff proposal would effectively take 13% of the parcel area out of production. Reducing the size to 125 ft. would serve to screen the motoring public from the timber harvest effects and would reduce the burden on Mr. Moores at least to half of what is currently proposed.

Sincerely,



Matthew T. Bissell  
RPF #2615

8/25/99

TO: SANTA CRUZ COUNTY PLANNING COMMISSION  
SUBMITTED AT 8/25/99 HEARING ON AP# 095-271-01

0509

FROM: WILLIAM MOORES  
3880 SLEEPY HOLLOW  
SANTA ROSA, CA. 95404

RE: REQUESTED SPECIFIC CHANGES TO CONDITIONS OF APPROVAL

DEAR PLANNING COMMISSIONERS:

THE PURPOSE OF THIS LETTER IS TO DOCUMENT OUR OBJECTION TO THE CURRENT WORDING OF NEW CONDITION D AND TO SUGGEST COMPROMISE ALTERNATIVE LANGUAGE THAT WE THINK WILL SERVE THE COUNTY'S OBJECTIVES WITHOUT SO SWEEPINGLY DEPRIVING US OF ANY BENEFIT OF ECONOMIC USE OF OUR PROPERTY IN THE "NO CUT ZONE" CURRENTLY PROPOSED IN CONDITION #4.

IT SHOULD BE RECOGNIZED BY THE COMMISSION, AS IT HAS BEEN BY STAFF IN THEIR RECENT REPORT TO YOU, THAT THE TREE REMOVAL IN THE CENTER OF THE PROPERTY WHICH HAS ALREADY OCCURRED UNDER A VALID PERMIT AND WHICH SOME HAVE FOUND OBJECTIONABLE -WAS , IN THE MAIN, NOT THE RESULT OF TIMBER HARVESTING BUT WAS LARGELY THE RESULT OF CONSTRUCTING THE NECESSARY FILL FOR AN ENCROACHMENT ACCESS FROM HIGHWAY #17 ONTO THE PROPERTY. WHEN HIGHWAY #17 WAS CONSTRUCTED, NO ACCESS ONTO THIS SITE WHATEVER WAS PROVIDED.

HIGHWAY #17 IS DESIGNATED A SCENIC HIGHWAY IN THE GENERAL PLAN THE GENERAL PLAN SAYS VISTAS SHALL BE PROTECTED "BY MINIMIZING DISRUPTION OF LAND FORM AND AESTHETIC CHARACTER". IT IS EXTREME, UNNECESSARY AND LEGALLY CHALLENGABLE TO ESTABLISH A NO CUT ZONE (IE. NO USE AS OPPOSED TO "MINIMIZING USE") ON PRIVATE PROPERTY IN THE ZONE IN ORDER TO TRANSFER THE BENEFIT OF USE OF THOSE TREES IN THE ZONE FROM THE LAND OWNER TO THE DRIVING PUBLIC. WE WILL AGREE TO INSURING THAT THE SCENIC QUALITIES ARE NOT SIGNIFICANTLY DISRUPTED IN THE ZONE AND TO DENYING OURSELVES THE RIGHT TO FUTURE CUTTING OF THOSE TREES IN THE "PROPOSED NO CUT ZONE" WHICH, IF TAKEN, WOULD SIGNIFICANTLY DISRUPT THE CURRENT AESTHETIC QUALITIES AS SEEN BY DRIVERS ON HWY #17. ACCORDINGLY I INSTRUCTED OUR FORESTER, AFTER RECEIVING MY COPY OF THE CURRENT STAFF RECOMMENDATION, TO GO OUT TO THE SITE TO INSPECT AND DESIGNATE TREES AND TAKE PHOTOS OF THE ONLY PORTION OF THE PROPOSED NO CUT ZONE WHERE WE FEEL WE CAN REMOVE SOME DESIGNATED TREES UNDER OUR CURRENT HARVEST WITHOUT SIGNIFICANTLY DISRUPTING THE AESTHETIC QUALITIES AS SEEN BY THE DRIVING PUBLIC ON HIGHWAY #17.

HIS REPORT IS ATTACHED WITH PHOTOS TO SHOW THE COMMISSION THAT REMOVAL OF THE FEW TREES PLANNED TO BE REMOVED UNDER THE CURRENT PERMIT BETWEEN 125 FT AND 165 FEET IN THE "NO CUT ZONE" WILL NOT SIGNIFICANTLY DISRUPT AESTHETIC QUALITIES AS SEEN FROM HIGHWAY #17. ONLY ABOUT 30,000 SQ. FT. OF THE 140,250 SQ. FT. PROPOSED NO CUT ZONE IS PROPOSED TO HAVE ANY TREE REMOVAL AND, EVEN IN THIS AREA, LESS THAN 22 OF THE NUMEROUS EXISTING CONIFERS ARE PROPOSED TO BE REMOVED AND ALL OF THESE REMOVAL TREES ARE BEHIND A FRONT SCREEN OF TREES ON HIGHWAY #17. IT SHOULD BE NOTED THAT NONE OF THE TREES IN THIS SMALL AREA ARE VISIBLE TO PERSON DRIVING NORTH ON HIGHWAY #17 DUE TO THE BLUFF TOPOGRAPHY OF THE SOUTHERN PORTION OF THE SITE AND "THE POCKET" NATURE OF

THIS 30,000 SQ. FT. AREA. ALSO NONE OF THE REMOVAL TREES ARE SIGNIFICANTLY VISIBLE IN THE PHOTOS TAKEN FROM THE WEST LANES OF HIGHWAY #17 OF THE 30,000 SQ. FT. AREA TO PERSONS TRAVELING SOUTH ON #17 AS SHOWN BY THE PHOTOS.

0510

TO IMPLEMENT

OUR AGREEMENT TO NOT CUT IN THE FUTURE ANY TREES THAT SIGNIFICANTLY AFFECT AESTHETICS FROM HIGHWAY #17 IN THIS 165 FT. x 850 FT. ZONE WE PROPOSE THE FOLLOWING REVISED WORDING OF CONDITION D:

D. TIMBER HARVESTING AND/OR TREE REMOVAL WITHIN 165 FEET OF THE TRAVEL LANES OF HIGHWAY #17 ALONG THE FIRST 850 FEET OF FRONTAGE BEGINNING AT THE SOUTHERN PROPERTY CORNER UNDER EACH FUTURE THP PERMIT IS LIMITED TO ONLY THOSE TREES WHICH ARE NOT SIGNIFICANTLY VISIBLE TO DRIVERS OF VEHICLES ON HIGHWAY #17 AS DETERMINED BY JOINT MEETING BETWEEN THE COUNTY, THE FORESTER AND CDF DURING THE THP PERMITTING PROCESS FOR ANY THP PERMIT WITH THE FOLLOWING EXCEPTIONS:

1. MAINTENANCE OF THE TIMBER LANDING DESIGNATED L 10 IN THE TIMBER HARVEST PLAN (EXHIBIT 1 WITHIN EXHIBIT L);
2. REMOVAL OF TREES FOR CONSTRUCTION AND MAINTENANCE OF THE ROADBED AND CUT SLOPES OF THE PROPOSED LOGGING ROAD TO LANDING 12 AS SHOWN IN THE TIMBER HARVEST PLAN (EXHIBIT 1 WITHIN EXHIBIT L), OR ALONG THE MAIN ACCESS ROAD FROM HIGHWAY #17)

SINCERELY,

WILLIAM MOORES



**Webster and Associates** PROFESSIONAL FORESTERS

5112 Capitola Avenue, Suite 201 Capitola, CA 95010 Phone 831-462-6237 . Fax 831-462-6233

0511

August 24, 1999

Cathleen Carr  
 County of Santa Cruz  
 701 Ocean St.  
 Santa Cruz, CA 95060

Dear Cathleen:

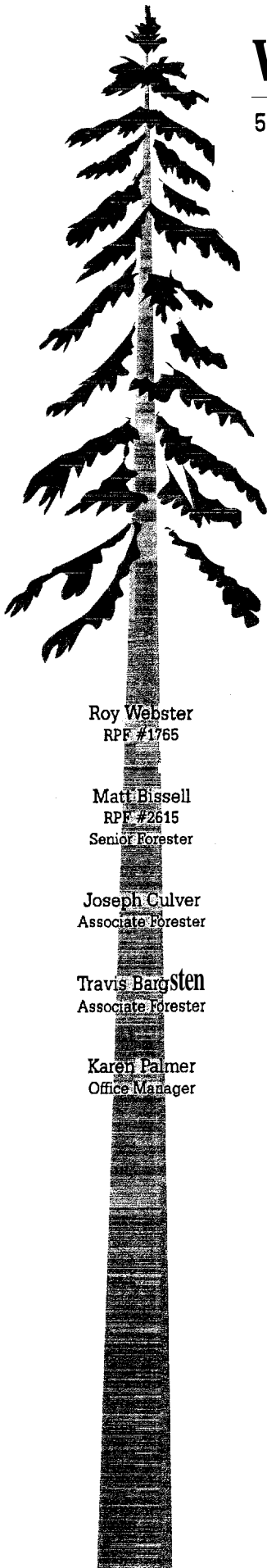
After being informed that the County Staff was recommending a 165 ft. wide no cut zone, I visited the site yesterday with several purposes in mind.

- To assess whether such a condition, as currently worded, was necessary to insure that operations planned within the next 12 months or in the long term would not significantly affect the scenic qualities that drivers on Highway 17 will experience.
- To take photos of the site in the proposed no cut zone which will allow the Commission and the Board to see the actual condition in the field.
- To remark the timber previously proposed to be taken in the newly proposed no cut zone with a specific view of insuring that any trees to be removed would not significantly alter the scenic qualities experienced on Highway 17.
- To comment to Mr. Moores on the economic exaction that the County would be asking him to donate to the public at relative no cut zone set back distances.

It is my opinion that the condition as presently worded is overkill and results to require leave trees, which if taken would not significantly alter the scenic qualities drivers experience on Highway 17. I further suspect that this opinion would also be shared by the CDF staff and the County representative reviewing THP's. In view of the fact that the staff proposed condition would affect not only the current operations but also future operations and tree growth will change over time, I would propose the following. To ensure that the scenic highway conditions are maintained, the professional forester applying for a harvesting plan, along with the CDF and County representative, in this and future harvest entries, within the zone, must agree that any tree removal within the zone will not significantly alter the viewshed. This condition would avoid the unnecessary losses to the landowner by leaving trees that may be removed with out affecting the driving public.

Photographs have been provided which I request be made available to the planning commission. In the photos you can see that there have been screen trees left on the edge of the highway that will prevent the public from seeing the area in question. I have remarked the stand to "minimize" the visual effects of the harvest as directed by the landowner Bill Moores. No timber was marked within 125 ft. of the highway. Approximately 12 trees were marked between 125 ft. and 165 ft. from the Cal Trans right-of-way. This timber could be removed with little to no effect on the scenic corridor along Highway 17.

I estimate that there are about 40 commercial-size conifers in this area and as presently marked, 12 trees would be removed. In addition to the 40 conifers in this area, I estimate that there are close to 100 hardwood trees. In my professional



Roy Webster  
 RPF #1765

Matt Bissell  
 RPF #2615  
 Senior Forester

Joseph Culver  
 Associate Forester

Travis Bargsten  
 Associate Forester

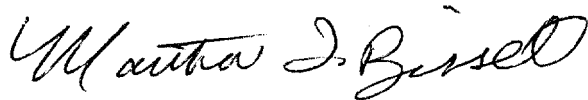
Karen Palmer  
 Office Manager

opinion, if cutting the 12 trees as marked by myself were allowed, the remaining trees in the area, along with the screen trees already left by myself and the timber operator along the highway, would prevent the motoring public from noticing any substantial difference in the scenic corridor along the roadway.

0512

If Mr. Moores leaves a 125 ft. buffer zone he would be contributing thousands of dollars to preserve the view of the general public. The current staff proposal would effectively take 13% of the parcel area out of production. Reducing the size to 125 ft. would serve to screen the motoring public from the timber harvest effects and would reduce the burden on Mr. Moores at least to half of what is currently proposed.

Sincerely,



Matthew T. Bissell  
RPF #2615

1/28/2000

0513

FROM: W. MOORES

TO: CATHLEEN CARR

RE: YOUR FAX TODAY OF REVISED **CONDITIONS FOR OUR TPZ REZONE APPLICATION**

**COMMENT: YOUR CONDITIONS AS WORDED ARE CONSISTENT WITH OUR** PRIOR CONVERSATIONS EXCEPT **THAT YOU LEFT OUT THE ADDED CONDITION WHICH YOUR BOSS AND I AGREED SHOULD BE INCLUDED TO ELIMINATE** THE EFFECT OF ANY **CONTRACT** CONDITION FOUND BY **A COURT IN** OUR CASE OR A SIMILAR CASE TO BE ILLEGAL TO **ELIMINATE** THE **NUMEROUS** COURT FILINGS FOR **INDIVIDUAL** CASES ON THE SAME **ISSUE. I SUGGEST** THE FOLLOWING LANGUAGE AS A **CONDITION:**

IN **THE** EVENT THAT A COURT **JUDGMENT** IS FILED IN THIS CASE OR **ANY** OTHER CASE INVOLVING **THE IMPOSITION** OF CONDITIONS **SIMILAR** THOSE IMPOSED **IN** THIS PERMIT WHICH CONCLUDES THAT THE IMPOSITION OF ANY **SUCH** CONDITION **IS** ILLEGAL, **REGARDLESS** OF WHETHER **AGREED** TO, THE **EFFECT** OF THAT CONDITION IN THIS **PERMIT SHALL AUTOMATICALLY BE ELIMINATED** WITHOUT **FURTHER** ACTION ON THE PART OF THE COUNTY OR **THE** APPLICANT.