

### 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

### TOM BURNS, PLANNING DIRECTOR

September 10, 2007

Planning Commission County of Santa Cruz 701 Ocean Street Santa Cruz, CA 95060 Agenda Date: March 12, 2008

APN: 110-271-05 Application: 07-0321

Item #: 8

Time: After 9 AM

Subject: A public hearing to consider a proposal to rezone a single lot of record from the Commercial Agriculture Use (CA) zone district to the Timber Production (TP) zone district.

Members of the Commission:

On June 26, 2007, the County Planning Department accepted this application for a rezoning to Timber Production (TP). This is a proposal to rezone a 555 acre parcel from the Commercial Agraculture (CA) zone district to the Timber Production (TP) designation. The uses on the property consist of vacant rural acreage.

#### **Background**

This project qualifies for a rezoning under California Government Code Section 51113. This section allows a property owner to petition the County to rezone land to the TP zone. The requirements for this type of rezoning are listed in Government Code section 51113(c)1. The County may not place any additional requirements on this petition to rezone the property to TP. County Code Section 13.10.375(c) – "Zoning to the TP District" implements Government Code section 51113 and specifies the six criteria which must be met in order to rezone to TP.

<sup>1</sup> c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland production under this section.

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

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

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

<sup>(3) (</sup>A) The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the forest practice rules adopted by the State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.

<sup>(</sup>B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed.

Notwithstanding the provisions of Article 4 (commencing with Section

<sup>51130),</sup> if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the county general plan and whose primary use is other than timberland.

<sup>(4)</sup> The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

<sup>(5)</sup> The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

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

<sup>(1)</sup> The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.

<sup>(2)</sup> The land shall be a certain site quality class or higher under

Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.

In accordance with County Code Section 13.10.375(c), 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.
- 2. A Timber Management Plan, undated, prepared by a registered professional forester has been submitted for the property (Exhibit E).
- 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 (see Exhibit E).
- 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 is almost entirely 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.

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

#### Conclusion

All of the criteria have been met for rezoning this parcel to the Timber Production zoning designation. All required findings can be made to approve this application and the rezoning is consistent with the General Plan policies and land use designations.

#### Recommendation

Staff recommends that your Commission adopt the attached Resolution (Exhibit A), sending a recommendation to the Board of Supervisors for approval of Application No. 07-0321 based on the attached findings (Exhibit B).

#### **EXHIBITS**

- A. Planning Commission Resolution, with Ordinance/ Findings
- B. APN Map
- C. Location, Current Zoning and General Plan Designation Maps
- D. Notice of Exemption from CEQA
- E. Timber Management Plan by Cassady Bill Vaughan, dated June 18, 2007

Maria Porcila Perez Project Planner Development Review

Reviewed By:

Assistant Planning Director

- 2 -

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

<b>RESOLUTION N</b>	1O.
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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. 07-0321, involving property located 3 miles northeast of Aromas, approximately 1.5 miles north of Hwy 129 (across the river from Granite Rock Quarry), 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 Commercial Agriculture (CA) zone distruct to the Timber Production (TP) 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.

		ning Commission of the County of Santa Cruz, State, 2007, by the following vote:
AYES:	COMMISSIONERS	
NOES:	COMMISSIONERS	
ABSENT:	COMMISSIONERS	
ABSTAIN:	COMMISSIONERS	
		Chairperson
ATTEST:		
M	IARK DEMING, Secretary	
APPROVED	AS TO FORM:	

COUNTY COUNSEL

ORDINANCE N	

# 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 timber resource property located 3 miles northeast of Aromas, approximately 1.5 miles north of Highway 129 (across river from Granite Rock Quarry; finds that the zoning to be established herein is consistent with all elements of the Santa Cruz County General Plan and the Santa Cruz County Code, as modified by the *Big Creek* decision; and finds and certifies that the project is subject to a statutory exemption under the California Environmental Quality Act.

### **SECTION II**

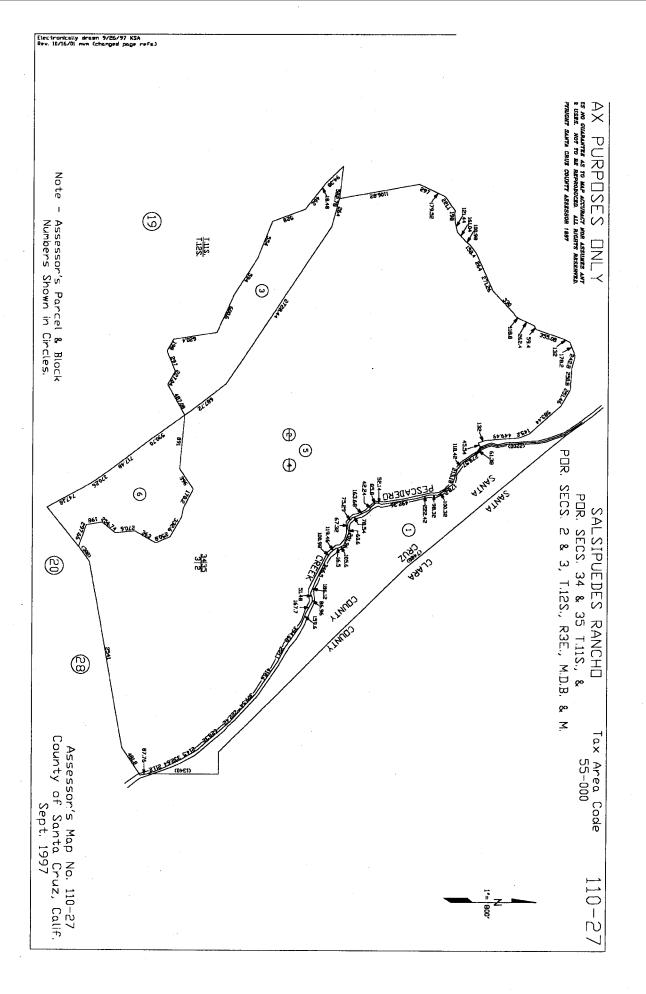
The Board of Supervisors hereby adopts the Zoning Plan Amendment as described in Section III, and adopts the findings in support thereof without modification as set forth below:

- 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 for the level of utilities and community services available to the land; and
- 3. 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; and
- 4. The property meets the requirements of Government Code section 51113 or 51113.5 and County Code Section 13.10.375(c).

### **SECTION III**

Chapter 13.10 - Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.210 - Zoning Plan to change the following properties from the existing zone district to the new zone district as follows:

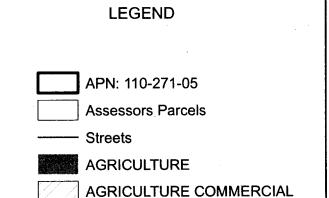
Assessor's P	arcel Number	Existing Zone District	New Zone District
110-2	271-05 Co	ommercial Agriculture (C.	A) TP
		SECTION IV	
This ordinance	shall take effect on t	he 31 <sup>st</sup> day after the date of	of final passage.
	O ADOPTED THIS _ of Santa Cruz by the		_ 2007, by the Board of Supervisors
NOES: ABSENT:	SUPERVISORS SUPERVISORS SUPERVISORS SUPERVISORS		
		Chairman of the	Board of Supervisors
ATTEST:Cler	k of the Board	<u> </u>	
APPROVED A  Assistant Cour	Mad		
Exhibit: Rezon	ing Map		
DISTRIBUTIO	ON: County Coun Planning Assessor County	sel	GIS

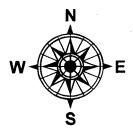




## **Location Map**







Map created by
County of Santa Cruz
Planning Department
August 200
EXHIBIT

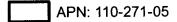
C



# Zoning Map





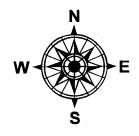


**Assessors Parcels** 

**Streets** 

**AGRICULTURE** 

AGRICULTURE COMMERCIAL

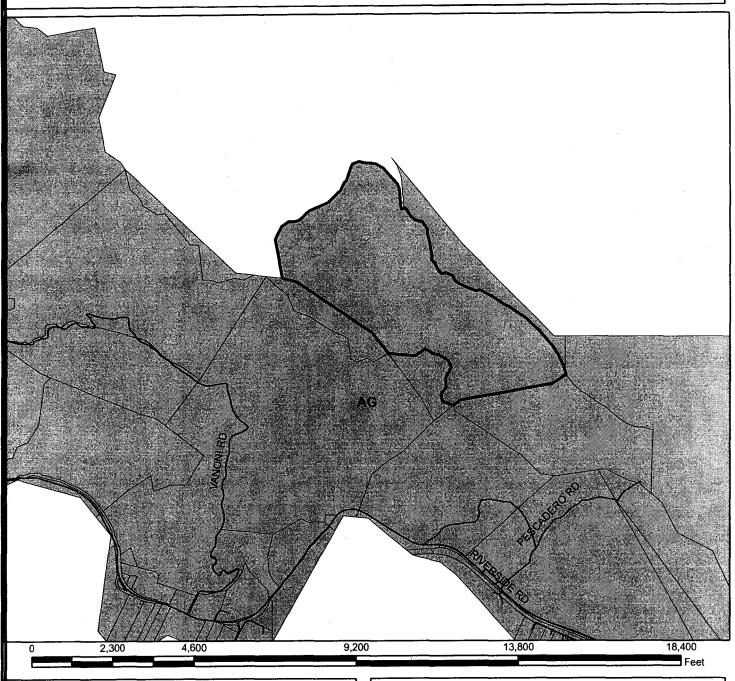


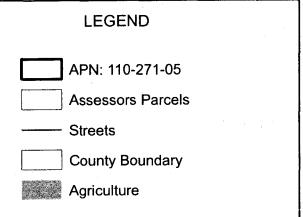
Map created by County of Santa Cruz Planning Department
August 2007

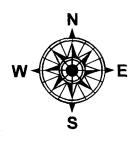
EXHIBIT



### General Plan Designation Map







Map created by County of Santa Cruz August 2007

EXHIBIT Planning Department

# CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Assessor Pa Project Loc	Number: 07-0321 arcel Number: 110-271-05 cation: Property located 3 miles northeast of Aromas, approximately 1.5 miles north 29 (across the river from Granite Rock Quarry).
Project De	scription: Rezone a single parcel from Commercial Agriculture (CA) zone district to Timber Production (TPZ) zone district.
Person or	Agency Proposing Project: Peter E. Pulis, Trustee etal
Contact Pl	none Number: (650) 593-8010
A B	The proposed activity is not a project under CEQA Guidelines Section 15378. The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D. <u>X</u>	<u>Statutory Exemption</u> other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).
In addition	, none of the conditions described in Section 15300.2 apply to this project.
	Date:
Maria Pere	z, Project Planner

### FOREST MANAGEMENT PLAN FOR LANDS OF THE SURVIVOR'S TRUST c/o: PETER PULIS APN# 110-271-05

PREPARED FOR: SANTA CRUZ COUNTY PLANNING

PREPARED BY:
CASSADY BILL VAUGHAN
REGISTERED PROFESSIONAL FORESTER #2685

County of Santa Cruz Planning Department Attn: Maria Perez June 18, 2007

Attn: Maria Perez 701 Ocean Street, 4th Floor Santa Cruz, CA 95060

Re: TPZ Rezoning of Assessor's Parcel #s 110-271-05

Maria,

This letter requests a rezone of Santa Cruz County Assessor's Parcel # 110-271-05 (555 acres) from its current Agriculture (A) zoning to Timber Production (TP) zoning. The property is held by the Survivors Trust c/o Peter Pulis, and meets the following criteria:

- 1) The parcel meets the TPZ timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the Southern Subdistrict of the Coast Forest District (See attached Stocking Analysis).
- 2) The parcel meets the definition of "Timberland" per Section 51104 (f) of the Government Code (See attached Wood Fiber Analysis).
- 3) The parcel meets the permitted use requirements per County Code Section 23.20.372 (See attached Compatible Use Analysis).
- 4) Timber production has been the predominant land use on the property for the last century, and was logged most recently under Timber Harvest Plans filed in 1978 and 1993 (See attached THP Pages).
- 5) At 555 acres, the parcel meets the current minimum 5-acre size requirement for TP zoning and even complies with the most recent decision by the Board of Supervisors (5/22/07 Meeting) which increased the acreage minimum to 40.

Also attached:

- 1) Assessor's Parcel Map.
- 2) Timber Harvest Plan # 5-78-33 SC Work Completion Report and Map and Timber Harvest Plan #1-93-038 SCR/SCL Work Completion Report and Map.
- 3) A check payable to the County of Santa Cruz in the amount of \$1,691.

Sincerely,

Cassady Bill Vaughan, RPF #2685

### STOCKING ANALYSIS

Background: Government Code Section 51113(c)(3)(A) requires that a parcel meet the timber stocking standards set forth in Section 4561 of the Public Resources Code and Section 913.8(a)(1) of the California Code of Regulations (CCR). The timber stocking standards pertaining to CCR Section 913.8(a) are met if the timberland contains an average, minimum post-harvest basal area of at least 75 square feet/acre for Site III land and 50 square feet/acre for Site IV land. The requirements of PRC 4561 are less stringent.

Analysis: Field review suggests that the average dominant redwood trees on the property exhibit Site III and Site IV characteristics. Site III characteristics are defined under CCR 1060 as lands capable of growing redwood trees of 130-154 feet in 100 years, and Site IV lands as capable of growing redwood trees measuring 105-129 feet in height. The parcel was selectively harvested in twice in the last 30 years, and has demonstrated its value as a timber production property capable of sustaining periodic harvests while maintaining the minimum basal area requirements cited above.

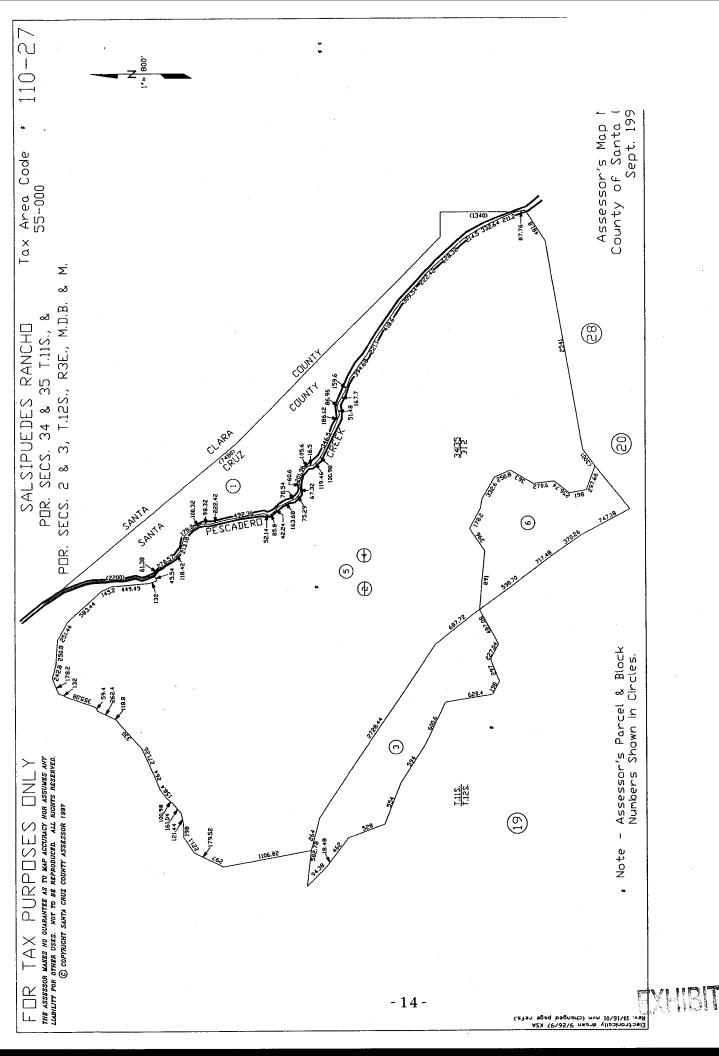
### WOOD FIBER ANALYSIS

<u>Background</u>: Government Code Section 51113(c)(4) requires that parcels zoned timber production must meet the definition of "Timberland" which is defined in Government Code Section 51104(f) as: "Privately owned land, or land acquired for state purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre".

Analysis: Field review suggests that the parcel is capable of producing wood fiber in excess of 15 cubic feet/acre/year. Soil productivity analysis confirms this observation. While the two soil types on the property (Santa Lucia shaly loam and Maymen rocky fine sandy loam) are generally considered rangeland soils, the combination of favorable aspect and ample water provide great habitat for redwoods. Mapping and soil characteristics were taken directly from Soils the 1980 USDA Soil Survey of Santa Cruz County.

### **COMPATIBLE USE ANALYSIS**

As discussed above, predominant historic land use on the subject parcel has been timber production, which has proven to be compatible with a variety of past and current land uses ranging from recreation and nature study to grazing and habitat restoration. The parcel is bordered on the north by a parcel of the same ownership, on the east by the Castro Valley Ranch which is managed for grazing and timber production, and on the south and west by a ranch that is managed for grazing but that also has a fair mount of timber of its own. To my knowledge, there have not been any significant conflicts associated with timber harvest operations in the past.



E

### RECEIVED

State of California Department of Forestry RM-71(3/86) AUG 2 9 1996

ADMINISTRATIVE USE ONLY - Area

COAST	REA	OFFICE	
OASIF	7 4 4 8	ACEMEN	T

( THP/EMERGY No. | AUG 2.9 1996

ORIGINAL + C.C. TO UNIT

TIMBER OPERATIONS WORK COMPLETION AND/OR STOCKING REPORT

(As per Div. 4) Chap. 8, Section 4585 and 4587 PRC; and Sections 1070-1075 Title 14, CAC)

DATE 9-24-96 INITIALS LA

### CERTIFICATION BY TIMBER OWNER OR AGENT

I certify that the declarations herein are true and correct to the best of my knowledge and belief. I am notifying the Department of Forestry of the status of compliance with the completion and stocking requirements of the Forest Practice

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Act and forest practice rules for Timber Harvesting Plan/E	mergency Notice number: 1-93-038 SCR/SCL
Check the appropriate boxes:	100 cm
COMPLETION REPORT	11 10 01
Final completion report. All work on the plan was	completed on (date): 7-75-76
and no further harvesting shall be conducted.	
[] Annual completion report. On (date)	
on an attached map was completed. Additional harv	esting is anticipated on the remaining area of the plan.
	eport or previously approved completion report meets all the nd rules. The stocking status after completion of timber
	ner or his agent after completion of timber operations and a
waiver of sampling is requested.	
This is a stocking report for the: 💆 entire operation	g areas[ ] part of the operating area.
	submitted with this report. Additional information can be
found on the back of this form.	
Lay Welstey 8-2 Signature Date	7-96 Roy Webster
Signature / Date	Print Name
132 Roucho Del Mar	132 Rancho Del Mar Aprios, CA95
Address	City, State, Zip Code
(408) 688-8787	RPF #1765
Telephone Mumber (Area Code)	Registered Professional Forester Lic. No., if appropriate
DIRECTOR'S	CERTIFICATION
The area described by this report has been found to and forest practice rules including stocking.	rements of the Forest Practice Act and the forest practice area described in this report.  to meet all of the requirements of the Forest Practice Act  OT to be in compliance with the Forest Practice Act and

- [ ] The area described by this report has been found NOT to be in compliance with the Forest Practice Act and forest practice rules. See attached documents for further information.
- [] The Director has determined that the stocking requirements of the Forest Practice Act and forest practice rules

  HAVE NOT been met. See attached documents for further information.

  DIRECTOR, DEPARTMENT OF FORESTRY

3. Stew Hollit		Geven Hollett	
Signature	Print	Name	
For I	2425	10-25-91	· · · · · · · · · · · · · · · · · · ·
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CDF STOCK NO. 7540-130-0618

Tractor/Helicopter Tractor Scaricarough The Мар #5

THP FILE COVER SHEET

1-93-038 SCR/SCL

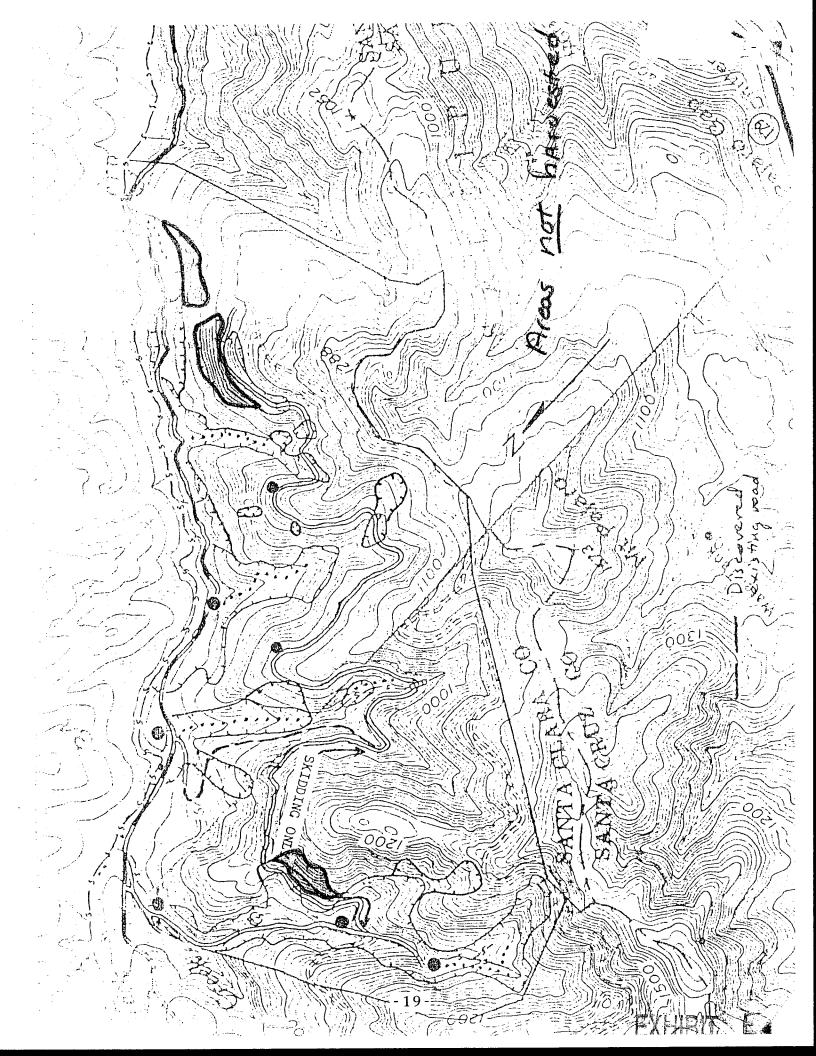
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Timberland Owner SAME							
Mailing Address		City		State		_Zip	
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Mailing Add ass PO Box 2	707-484-1364 2154	A-8061; Jim City For	Little, Re t Bragg	s. Mgr. State	CA	_Zip	954
Forester R. Web	ster .		·		License	e #	1765
Mailing Address 136 Ranch	ho Del Mar	City_Apt	cos	State	CA	Zip	95003
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Foi	Administrative Use Se	17	
тня	P No. 27 / 1		
Em.	No		

### TIMBER OPERATIONS WORK COMPLETION REPORT (Div. 4, Chap. 8, Section 4585, Public Resources Code)

PLEASE READ INSTRUCTIONS BELOW BEFORE COMPLETING.

TIMBER OWNER	Bushne	11. Pescadero
Please Print)		
Gene Forsburg		
lame	,	
8407 Edgewater Drive		
\ddress		Phone (Area Code)
Oakland, Calif.		415 638-6122
lity, State & Zip Code	Forester's Reg. No. (If	applicable)
94621	1873	
rsuant to Section 4585 of the Public Resources Code, you are here	by notified that all work as des	scribed in:
Timber Harvest Plan No5-78-33SC	was completed on	August 7, 1981
		(Date)
Emergency Notice No.	Acres Logged	124
ATTACHED IS A MAP WITH THE LOGGED AREA DELINE	EATED AND NUMBER OF ACE	RES LOGGED INDICATED.
T. Eugene Forgher (Signature)		. 10 1001
(Signature)	Augu	ust 10, 1981 (Date)
INFORMATION AND		
Within one month after completion of the work described in the timber harvesting plar with the Department of Forestry that all work except stocking has been completed." S		shall be filed by the timber owner or his agent
f the minimum stocking standards have been met, a Report of Stocking (Form FM-67	7) should be filed along with this form.	
The report must be completely filled out and all items answered. It must be referenced ogged.	with a Timber Harvesting Plan or Emerg	ency Notice map designating the actual area.
Partial work completion reports will not be accepted.	•	•
Within six months of the receipt of the work completion report specified in Section 4585 sarvesting plan, excluding stocking, has been properly completed in conformity with the Director shall issue a report of satisfactory completion of all items except stocking. If not necoordance with the provisions of Article 8 (commencing with Section 4601) of this	he rules of the board and standards of t , the Department of Forestry shall take su	this chapter. If it has been so completed, the inch corrective action as he deems appropriate.
As the defined state will be returned to the timber owner or his agent when the Direct near the observencies are noted, you will be contacted following such a determination of one of the contacted states are noted.	for datermines that all timber operation ion and this form will not be signed and	wight self-et attackers, to a fine- returned with library as a con-
this region to the late of duplicate with the Regional Chief where the Timber Ham	vesting Plan was filed.	
REPORT OF SATISFACT OF TIMBER OPERATIONS		
You are hereby notified that all items except stocking are complete on the Board of Forestry and the Forest Practice Act.		mance with the applicable rules of
	DIRECTOR DEPARTME	ENT OF FORESTRY
•	By: /	M-in
	Title:	Date /
LIST OF FILING LOCATIONS ON REVERSE SIT	18-	CDE 7540-130-0064
1–66 (12//8)		



### THP FILE COVER SHEET

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