

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** January 13, 2016

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Supplemental information regarding the consideration of (1) a General Plan Map Amendment changing the land use designation of one parcel from Open Space to Timber Production and (2) a Zoning Map Amendment to rezone same parcel from Resource Management (RM) to Timberland Preserve Zone (TPZ).

County File Number: PLN 2014-00459 (Stoddard Trust)

**PROPOSAL**

During the County's Williamson Act Program Uniform Rules and Procedures (Program) update, the Board of Supervisors (Board), at its March 25, 2014 public hearing, considered the inclusion of timber harvesting as a qualifying Williamson Act agricultural use. After considering public testimony and staff's analysis, including two affected contracted parcels actively used for timber harvesting, a decision was reached to exclude timber harvesting from the Program as an agricultural use, though it remains a compatible use.

As a result of this action, the two affected parcels are now ineligible to remain under Williamson Act contracts since no other qualifying agricultural use is present on the properties. In recognition that this would necessitate non-renewal of the contracts and a subsequent increase in property taxes, it was observed that the landowners have the option of applying to rezone the parcels from Resource Management to Timberland Preserve, and if approved, would result in the a property tax formula that is similar to the method used to for Williamson Act contracted land.

To date, the applicant is the only landowner that has requested to rezone a parcel from "Resource Management District" to "Timberland Preserve Zone," and re-designate the land use from "Open Space" to "Timber Production" as a result of the updates to the County's Williamson Act Program.

**RECOMMENDATION**

Recommend to the Board of Supervisors that it:

1. Adopt a resolution to amend the San Mateo County General Plan Land Use Map to change the land use of one parcel to "Timber Production," in the unincorporated South Skyline Area.

2. Adopt an ordinance amending Chapter 2 of Division VI of the San Mateo County Ordinance Code (Zoning Annex) to revise the Zoning Maps, Appendix A, to change the zoning of one parcel to Timberland Preserve Zone (TPZ), in the unincorporated South Skyline Area.

## **SUMMARY**

On May 13, 2015, the Planning Commission considered the rezone, continued the item to a date uncertain, and requested that staff and the applicant address four items:

1. Cancellation of the Williamson Act contract as an alternative to the County initiating contract non-renewal.
2. Submittal and review of a Timber Management Plan meeting the requirements of the Zoning Regulations Section 6770.
3. Additional analysis of the four criteria for entering into the Timberland Preserve Zone as outlined in Section 6721 of the Zoning Regulations.
4. Information about possible options to rezoning.

Each item has been addressed and is discussed in the staff report. In summary, cancellation of Williamson Act contracts may only occur at the request of the landowner; the landowner does not desire to cancel the contract due to the costs associated with cancellation. The applicant has submitted a Timber Management Plan compliant with Sections 6770 and 6721 of the Zoning Regulations; criteria are listed and addressed in the staff report. Staff has provided information regarding options to rezoning; no other options are available to the landowner other than a no project option.

## **California Environmental Quality Act (CEQA)**

Rezoning: Statutory exemption pursuant to Section 15264 Timberland Preserves.

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**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** January 13, 2016

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** STAFF REPORT ADDENDUM: Supplemental information regarding the consideration of (1) a General Plan Map Amendment changing the land use designation of one parcel from Open Space to Timber Production and (2) a Zoning Map Amendment to rezone same parcel from Resource Management (RM) to Timberland Preserve Zone (TPZ).

County File Number: PLN 2014-00459 (Stoddard Trust)

**PROPOSAL**

During the County's Williamson Act Program Uniform Rules and Procedures (Program) update, the Board of Supervisors (Board), at its March 25, 2014 public hearing, considered the inclusion of timber harvesting as a qualifying Williamson Act agricultural use. After considering public testimony and staff's analysis, including two affected contracted parcels actively used for timber harvesting, a decision was reached to exclude timber harvesting from the Program as an agricultural use, though it remains a compatible use.

As a result of this action, the two affected parcels are now ineligible to remain under Williamson Act contracts since no other qualifying agricultural use is present on the properties. In recognition that this would necessitate non-renewal of the contracts and a subsequent increase in property taxes, it was observed that the landowners have the option of applying to rezone the parcels from Resource Management to Timberland Preserve, and if approved, would result in the a property tax formula that is similar to the method used to for Williamson Act contracted land.

To date, the applicant is the only landowner that has requested to rezone a parcel from "Resource Management District" to "Timberland Preserve Zone," and re-designate the land use from "Open Space" to "Timber Production" as a result of the updates to the County's Williamson Act Program.

Staff's research of the land use activities on the Stoddard property have identified a 1972 timber harvesting permit (SM-4-72) and 2010 Non-Industrial Timber Management

Plan<sup>1</sup> (1-10NTMP-006SMO (permit withdrawn)) and also notes harvesting prior to the 1930s. The landowner has indicated a continued interest in timber harvesting and has signed a contract for future timber harvesting with a local timber operator in anticipation of a future timber harvest plan submittal.

If approved, the project will rezone one parcel from “Resource Management District” to “Timberland Preserve Zone” and re-designate the land use from “Open Space” to “Timber Production.”

The economic effect of exiting the Williamson Act Program and rezoning to Timberland Preserve Zone, as assessed by the Assessor’s Office, is comparable to the current property tax benefit of the Williamson Act contracted Resource Management designated parcel.

The California Land Conservation Act requires that the County file a Notice of Non-renewal for the Williamson Act contract upon approval of the rezone.

## **RECOMMENDATION**

Recommend to the Board of Supervisors that it:

1. Adopt a resolution to amend the San Mateo County General Plan Land Use Map to change the land use of one parcel to “Timber Production,” in the unincorporated South Skyline Area.
2. Adopt an ordinance amending Chapter 2 of Division VI of the San Mateo County Ordinance Code (Zoning Annex) to revise the Zoning Maps, Appendix A, to change the zoning of one parcel to Timberland Preserve Zone (TPZ), in the unincorporated South Skyline Area.

## **DISCUSSION**

### **A. PROCEEDINGS OF THE PLANNING COMMISSION PUBLIC HEARING HELD ON MAY 13, 2015**

On May 13, 2015, the Planning Commission considered the project and continued the item to a date uncertain to allow additional time for:

1. *The applicant and staff to discuss the option of cancelling the Williamson Act contract instead of the County initiating the non-renewal.*

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<sup>1</sup> Non-Industrial Timber Management Plan (NTMP) is defined as a timberland owner with less than 2,500 acres and who is not primarily engaged in the manufacture of forest products (Public Resources Code Section 4593.2(b)). NTMPs are long term multiple harvest forest management plans compared with Timber Harvest Plans (THP) which are single harvest permits.

2. *The applicant to submit a Timber Management Plan meeting the requirements of the Zoning Regulations Section 6770 prepared or approved as to content by a registered professional forester (RPF).*
3. *Staff to provide additional analysis on the four criteria for entering into the Timberland Preserve Zone as outlined in Section 6721 of the Zoning Regulations.*
4. *Staff to provide information about possible options to rezoning.*

B. RESEARCH AND RESPONSE TO QUESTIONS RAISED BY THE PLANNING COMMISSION

Staff provides the following response to the Planning Commission's inquiries.

1. *Cancellation of the Williamson Act contract as an alternative to the County initiating contract non-renewal.*

Contract cancellation may only occur at the request of the landowner, pursuant to the Government Code (California Land Conservation Act (Act) of 1965) Section 51281, which states "A contract may not be canceled except pursuant to a request by the landowner and as provided in this article."

However, either a landowner or county may non-renew a contract pursuant to Government Code Section 51245, which states "If either the landowner or the city or county desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract upon the other party..."

Further, Section 51246(b) prohibits a county from renewing an existing contract with respect to timberland zoning and requires the county to serve a notice of its intent to not renew the contract:

"No city or county shall enter into a new contract or shall renew an existing contract on or after February 28, 1977, with respect to timberland zoned as timberland production. The city or county shall serve notice of its intent not to renew the contract as provided in this section."

Staff has discussed the option of cancellation with the landowner and has been informed that the landowner does not intend to request cancellation because the cost associated with cancellation is 12.5% of the current fair market value of the land absent the contract.

It should be noted that the Act makes a distinction between contract cancellations on lands not zoned timberland production and lands which have been zoned for timberland production. Lands zoned timberland production resulting from a petition to the Board to rezone, such as this proposal, and where that rezoning has been recorded may petition the Board for cancellation (Government Code Section 51282.5). In this instance, no cancellation fee is imposed. By contrast, contract cancellation prior to a recorded timberland production rezone requires the Assessor's Office to certify the fair market value of the land before the Board and that a fee equal to 12.5% of fair market value shall be paid by the landowner to the County Treasurer.

2. *Submittal and review of a Timber Management Plan meeting the requirements of the Zoning Regulations Section 6770.*

Criteria set forth in Section 6770 is discussed below.

**Criteria 1:** *The Plan shall be sufficiently detailed and specific to achieve the intent and purpose of this ordinance and to coordinate and integrate the uses, and shall be prepared and/or approved by a licensed forester.*

The required Timber Management Plan, dated September 15, 2015, was prepared by Joseph Culver, Registered Professional Forester (RPF), and is included as Attachment C. It identifies the existing uses (single-family residence, watershed and wildlife habitat) and outlines existing conditions (species composition, net volume), stocking and recommended harvesting intervals. The Plan concludes that this property is well suited for timber management and the existing uses on the property (single-family residence) are compatible to timber harvesting and do not pose a conflict with timber operations and management.

**Criteria 2:** *The Plan shall indicate volume, rotation and cutting cycle, vegetation types, other resources and resource development and utilization.*

The current stand conditions include 35% second growth redwood, 30% residual redwood and 35% Douglas fir as volume per acre for the 40-acre parcel. Harvest rotation (timing) is recommended at 12- to 20-year intervals; it is recommended that the harvesting rotation (operations) be managed as one unit (40-acre parcel). No other development or use of the parcel is proposed.

**Criteria 3:** *The Plan shall show existing and planned road and major skid road locations, and permanent stream crossings; sequence of harvesting, timing of harvesting (if relevant) and method of avoiding conflicts with timber uses. The Community Development Director must be notified and may, for reasons, approve minor changes in the Plan. Substantial changes in the*

*rotation, cutting cycle, and uses shall require approval of the Planning Commission.*

Existing roads and skid trails are sufficient for future harvesting; two water crossings are existing and identified on the attached plan maps. No harvesting is proposed at this time. Future harvesting, sequencing, timing and potential conflicts (e.g., presence of protected wildlife) will be reviewed by the California Department of Forestry and Fire Protection (Cal-Fire) and the Planning Department, as a reviewing agency, when plan submittal is accepted for filing by Cal-Fire. It is expected that the entire 40 acres will be harvested using selective harvesting methods occurring at 12- to 20-year intervals.

**Criteria 4:** *The Plan shall include a topographic map with scale of at least one inch equals 1,000 feet (1:12,000), which includes the significant information from the Plan.*

Plan maps submitted meet this criteria. Refer to Attachment C.

**Criteria 5:** *The Plan shall define a reasonable harvest time. This may require growth and cost estimates and financial maturity calculations or estimates, as well as other estimates or other calculations showing that the timing and amount of cutting would be feasible.*

The recommended harvest time is every 12 to 20 years due to permit costs and relatively small parcel size. For every 10 years of harvesting, it is anticipated that sustainable harvesting would result in the removal of approximately 92,000 board feet of second growth redwood and 93,000 board feet of Douglas fir over the entire parcel.

3. *Analysis of the four criteria for entering into the Timberland Preserve Zone as outlined in Section 6721 of the Zoning Regulations.*

**Criteria 1:** *A map shall be prepared with scale not less than 1 inch equals 1,000 feet (scale 1:12,000) showing the legal description or the Assessor's Parcel Number of the property desired to be zoned. The map shall show all permanent roads, improvements, and developments. The map shall show approximate location of vegetation type boundaries if vegetation other than timberland is present.*

Plan maps submitted meet this criteria. Refer to Attachment C.

**Criteria 2:** *A Timber Management Plan meeting the requirements of Section 6770 must be prepared or approved as to content for the property by a registered professional forester.*

See, Section B.2, above for discussion and Attachment C for the Plan.

**Criteria 3:** *The timberland area shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the southern area of the Coast Redwood District, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and Forest Practice Rules by the fifth anniversary of the signing of such agreement. Failure to meet such stocking standards and Forest Practices Rules within this time period shall be grounds for rezoning of the parcel.*

Both Public Resources Code Section 4561 and adopted Forest Practice Rules Section 912.7 *Resource Conservation Standards for Minimum Stocking* provide two stocking standard measurement options for minimum acceptable stocking. The Forest Practice Rules utilize the non-district specific standards of the Public Resources Code Section to apply to the southern Coast Redwood District. Of the two options available, the following option has been chosen by the RPF:

The average residual basal area<sup>2</sup> measured in stem 1-inch or larger in diameter, is at least 85 sq. ft. per acre on Site I, and 50 sq. ft. per acre on lands of Site II classification or lower. Site classification shall be determined by the RPF who prepared the plan.

The RPF has classified the site as Site II<sup>3</sup> which requires a minimum stocking of 50 sq. ft. per acre. The property is overstocked at 287 sq. ft. per acre. Because the stocking standard is met, no separate agreement between the landowner and Board of Supervisors is required.

**Criteria 4:** *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 consisting of at least 30 acres.*

The 40-acre single parcel is currently under one owner as recorded with the Assessor's Office: Jeffrey Hunt Stoddard Trust.

4. *Staff to provide information about possible options to rezoning.*

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<sup>2</sup> Basal area per acre is defined as the sum of the cross-sectional areas at breast height of the tree stems of commercial species per acre. 2013 California Forest Practice Rules Section 4528(a) *Additional Definitions*.

<sup>3</sup> Site classification is defined as the classification of productive potential of timberland into one of five classes by board [California Department of Forest and Fire Protection] regulation, consistent with normally accepted forestry practices. Site I shall denote sites of highest productivity, Site II and Site III shall denote sites of intermediate productivity potential, and Site IV and Site V shall denote sites of lowest productivity potential. 2013 California Forest Practice Rules Section 4528(d) *Additional Definitions*.



No alternatives are available as options to rezoning aside from a no project option. Without the rezone, the landowner retains timber harvesting as an allowed use under the current Resource Management District. The effect of a no project option is the increase in the tax assessment when the property undergoes a Williamson Act contract non-renewal in the coming year and the tax benefit granted under the contract expires. The option to rezone this land from RM to TPZ was offered by the Board of Supervisors during its consideration of the 2011 Williamson Act Program update to this landowner in exchange for removing the provision of timber harvesting as a qualifying agricultural use from the County's previous Williamson Act Program.

Pursuant to Government Code Section 51113(a)(1): any owner who petitions the Board to zone his or her land as timberland production, after advice of the Planning Commission, shall have zoned as timberland production all parcels submitted to it by petition provided all adopted criteria discussed above are met. Staff interprets this to mean that the Planning Commission may advise against rezoning on the basis that the adopted criteria have not been met, but if the adopted criteria are met, rezoning is not discretionary with the Board of Supervisors.

## 5. Findings

- a. That the General Plan Land Use Map Amendment is compatible with adjacent land uses and will not be in conflict with the policies of the General Plan.

Surrounding land use designations are a mix of heavily forested developed and undeveloped Open Space and Timber Production designated lands with both types abutting the Stoddard's parcel. Continued timber harvesting is consistent with applicable General Plan policies that encourage existing timber production in a manner that protects natural resources while managing extraction of timber resources. Existing development and uses also remain consistent with applicable General Plan policies including *Rural Land Uses*.

- b. That the proposed rezoning of the subject parcel meets the public necessity, convenience, and the general welfare of the community.

Forest resources and timberlands are a valuable natural renewable resource and proper forest management can enhance the quality of the forests in the County while respecting the landowner's right to develop his/her property with compatible uses. Rezoning the Stoddard's property further encourages the continual use of the land as timberland.

## C. ENVIRONMENTAL REVIEW

Rezoning: California Environmental Quality Act statutory exemption Section 15264 *Timberland Preserves*. Local agencies are exempt from the requirement to prepare an Environmental Impact Report (EIR) or Negative Declaration on the adoption of timberland preserve zones under Government Code Sections 51110 et seq., (Gov. Code, Sec. 51119). Section 51110 declares forest resources, timberlands and industry to substantially contribute to the health and stability of the state's economy and environment.

Government Code Section 51119 exempts any action of the Board undertaken to zone a parcel as timberland production pursuant to Section 51113 from the requirements of Public Resources Code Section 21151 (environmental impact report on any project the local agency intends to carry out or approve which may have a significant effect on the environment).

Government Code Section 51113 provides the mechanism for a landowner to petition the Board to zone his/her land to timberland production provided adopted procedures and criteria are met. Adopted procedures include the initiating, filing and processing of such requests, and the criteria include submittal of a map, forest management plan, timber stocking standards and land under one ownership. These adopted procedures and criteria are found in Chapters 34, 34A and 34B of the Zoning Regulations and compliance is discussed in Section B of the staff report.

## ATTACHMENTS

- A. Recommended Findings
- B. Location Map
- C. Timber Management Plan
- D. Resolution amending the land use designation
- E. Ordinance amending the parcel zoning
- F. Resolution authorizing Notice of Non-Renewal
- G. Notice of Non-Renewal of California Land Conservation Act Contract
- H. Staff Report dated May 13, 2015

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2014-00459      Hearing Date: January 13, 2016

Prepared By: Melissa Ross, Senior Planner      For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That the General Plan amendment and rezoning is statutorily exempt pursuant to Section 15264; local agencies are exempt from the requirement to prepare an Environmental Impact Report (EIR) or Negative Declaration on the adoption of timberland preserve zones.

Regarding the General Plan Map Amendment, Find:

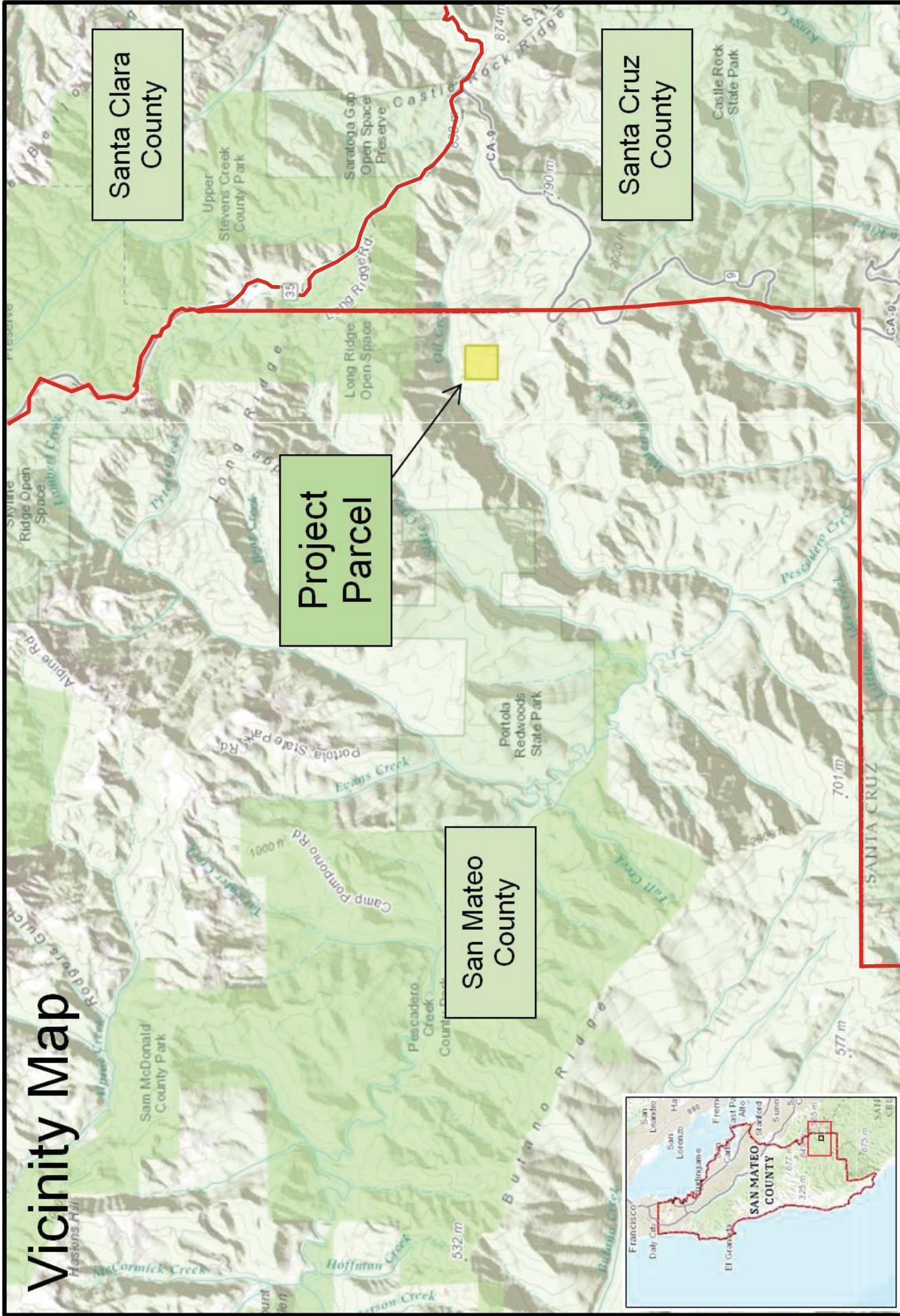
2. That the General Plan Land Use Map Amendment is compatible with adjacent land uses and will not be in conflict with the policies of the General Plan in that surrounding land uses and designations are similar and the existing use and development is consistent with the General Plan.
3. That the Planning Commission recommends to the Board of Supervisors to adopt a resolution to amend the San Mateo County General Plan Land Use Map to change the land use of one parcel to "Timber Production," in the unincorporated South Skyline area.

Regarding the Zoning Map Amendment, Find:

4. That the proposed rezoning of the subject parcel meets the public necessity, convenience, and the general welfare of the community in that forest resources and timberlands are a valuable natural renewable resource and the County desires to encourage proper management of such uses.
5. That the Planning Commission recommends to the Board of Supervisors to adopt an ordinance amending Chapter 2 of Division VI of the San Mateo County Ordinance Code (Zoning Annex) to revise the Zoning Maps, Appendix A, to change the zoning of one parcel to Timberland Preserve Zone (TPZ), in the unincorporated South Skyline area.

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# Vicinity Map



## San Mateo County Planning Commission Meeting

Owner/Applicant: Jeffrey Hunt Stoddard Trust

File Numbers: PLN2014-00459

Attachment: B

**Timber Management Plan**

**Lands of  
Jeffery Hunt Stoddard Trust  
Shingle Mill Road  
San Mateo County**

**APN# 085-170-010  
Portion of Section 11  
Township 8 South  
Range 3 West  
Mount Diablo Base & Meridian**

**Report Prepared By  
Joseph Culver, Consulting Forester  
September 15, 2015**

## **PREFACE**

In August 2015, Joseph Culver, Consulting Forester, was commissioned by the owners of parcel 085-170-010 in San Mateo County to prepare a Timber Management Plan (TMP). The county assessor lists the parcel as 40 acres in size. The parcel owners would like to rezone the property to Timber Production and the TMP is a required component to rezone the parcel in San Mateo County. The management plan incorporates field-work and currently available resource data.

## **GENERAL PROPERTY DESCRIPTION**

The property is located in Southeastern San Mateo County approximately two miles east of Saratoga Gap and nine miles north of the community of Boulder Creek. The property is accessed from Shingle Mill Road off of Highway 9. The property drains into Oil Creek, which in turn flows into Pescadero Creek before reaching the Pacific Ocean. The property generally slopes to the northwest. Two small perennial watercourses flow northwesterly through the center of the property, meeting near the northern boundary of the property.

Elevation ranges from 1,750 feet along a ridge on the eastern property boundary down to 1,180 feet where the perennial watercourse leaves the property to the north. The legal description of the property is section 11, Township 8 South, Range 3 West. Timber site classification along the perennial watercourses is site II, with the remainder of the property having site III growing conditions.

Vegetative cover throughout the property is dominated by mature coniferous forest. The two conifer tree species consist of coastal redwood and Douglas-fir. The majority of redwood trees growing on the property come from stump sprouting that occurred from the original logging. However, residual growth trees are still found on the property, particularly in the more difficult to access slopes near the watercourses. As is typical with the redwood species, the second growth trees tend to grow in groves throughout the property while individual Douglas-fir trees grow from seed and have no set pattern in spacing. Douglas-fir comprises a higher percentage of the forest on the upper slopes in the eastern and southern portions of the property.

Hardwood species of tanoak, madrone and bay are interspersed through the coniferous stand, primarily as an intermediate and forest floor species. Tanoak is the most common hardwood, found in small amounts throughout the property. Bay and madrone tend to grow in the upper, drier elevations only, away from more suitable conifer growing conditions. Understory vegetation is typical for redwood forests in the Santa Cruz Mountains and includes tanoak seedlings, huckleberry, bracken fern, sword fern, California blackberry, poison oak, bunch grasses and clover.

Soils underlying the parcels consist of the Butano Loam (symbol BuF). According to the Natural Resource Conservation Service the Butano series consists of well drained, moderately permeable soils developed from weathered siliceous shales of the Monterey formation. They occur on sloping to steep topography under coniferous forests. The soil is extensive in the mountains of southern San Mateo and northern Santa Cruz Counties. The Butano soils occur in the Coast Range Mountains of central eastern California and are used for timber production. Mean annual rainfall is 30 to 50 inches and mean annual temperature is about 52 degrees Fahrenheit. Native cover consists of Douglas fir and redwood forest, with some madrone, oak, ceanothus, poison oak and scattered perennial grasses. Soils are used almost exclusively for forestry, recreation and water supply.

## **TIMBER HARVEST HISTORY**

The old-growth redwood logging in the Santa Cruz Mountains, including this property, occurred around the turn of the 20<sup>th</sup> century. This property was not clearcut, as was typical on larger logging operations with established transportation. Instead, the forest workers selected the most desirable trees for harvest and manufactured the fallen boles into split products such as grape stakes, rails, and shingles. Redwood products would have been carried off of the property on either mules or in small horse-drawn wagons. Shingle Mill Road, accessing the property off of Highway 9, refers to this historical use.

Logging next occurred on the property in 1973. Jim Greig, an early proponent of selective second growth timber harvesting, oversaw a light cutting of the property that focused on thinning second growth redwood, Douglas-fir, and the occasional residual redwood tree left from the earlier logging. The internal road system (seen on the attached Operations Map) may have been developed during the 1970's logging operation. Commercial harvesting has not occurred on the property since 1976.

## **MANAGEMENT OBJECTIVES AND GOALS**

The property owners intend to continue to manage the property for high quality forest products, while enhancing the related values of aesthetics and wildlife. As the property was last harvested approximately 40 years ago, the next harvest could occur anytime in the near future. Although State law allows for a harvest every 10 years, due to permit costs, and the relatively small size of the timbered area, it is recommended that future harvesting be spaced at a 12-20 year interval to maximize the volume removed in each harvest, and to minimize costs. Future harvests should focus on the following objectives:

1. Prescribe and implement a forest improvement program to improve stocking, increase tree vigor and maximize growth of second growth trees. Future harvesting will have to balance between improving growing stock by removing less thrifty trees and producing income from harvested logs. Generating income from Douglas-fir will be particularly difficult due to the high defect rate and the soft Douglas-fir market over the last 10-15 years.
2. Maintain a healthy and vigorous forest of well-spaced trees growing at the highest rates feasible considering the other values of the forest. Considering other values includes retaining residual redwood trees with valuable wildlife structure such as large limbs, broken or flattened tops, and large basal cavities.
3. Maintain a high degree of aesthetic consideration during all aspects of forest management.
4. Maintain wildlife habitat as part of continuing forest management.

## **RECOMMENDED LOGGING SYSTEM**

The recommended logging system for this property is to use ground based logging equipment such as tractors and log skidders. Much of the road and trail system is already in place from the previous harvest (see attached operations map with logging infrastructure). The central portion of the property near and in between the perennial watercourses may require the use of a skyline yarder for logging.

## **PRESENT AND FUTURE STAND CONDITIONS**

In September 2015, a 5% timber inventory was conducted on the property to determine conifer volume per acre, species composition, basal area, stocking levels and stand growth. For the inventory, 10, 1/5 acre fixed circular plots were randomly placed in a grid-like pattern across the property. All conifers greater than 12 inches in diameter at breast height (DBH) were measured for diameter, height, and % sound wood. The stand data gathered from this inventory, combined with on-site observations made by the professional forester preparing this report, show that the 40 acres of coniferous forest have the following approximate stand conditions:\*

Species Composition (Number of stems greater than 12 inches DBH per acre)

- 2<sup>nd</sup> growth redwood: 51%
- Residual redwood: 8%
- Douglas-fir: 41%

Species Composition (% of net volume per acre)

- 2<sup>nd</sup> growth redwood: 35%
- Residual redwood: 30%
- Douglas-fir: 35%



Basal area per acre (all conifer 12 inches DBH and greater)  
287 square feet

Net Volume/acre

2<sup>nd</sup> growth redwood: 17,667 board Feet  
Residual redwood: 15,200 board feet  
Douglas-fir: 17,869 board feet  
All conifer: 50,736

Net Volume/property

2<sup>nd</sup> growth redwood: 706,672 board Feet  
Residual redwood: 608,000 board feet  
Douglas-fir: 714,600 board feet  
All conifer: 2,029,432 board feet

The overall percent of defect on the property is high for a managed property in the Santa Cruz Mountains. Both the Douglas-fir and residual redwoods have a 30-40% defect rate. This high rate is due to fungal conks and curved stems in the Douglas-fir, and rot, fire scar, large knots and missing wood in the residual redwood. The second growth redwood has a more typical defect rate of around 12%.

Increment boring data was gathered from coring 28 trees during the timber inventory. The growth data was then inserted into a stand table projection table to determine the growth of the forest over the last ten years. Due to a long interval between the last harvest, a closed-in canopy, large trees, and senescence in many of the Douglas-fir and residual redwoods, the stand has a low growth rate of 1.4% of the board foot volume per year. Although the growth percentage is low, the overall volume per acre on the property is high, resulting in a moderate increase in volume of 660 board feet per acre per year. This equates to an annual increase in the conifer resource of 26,400 board feet over the entire property. Converting this figure to cubic feet gives a current annual growth rate of 2,200 cubic feet over the entire property, or 55 cubic feet per acre per year. This exceeds the required average of 15 cubic feet per acre per year to classify a property as timberland.

Sustainable harvesting will allow for the removal of approximately 92 thousand board feet (MBF) of second growth redwood and 93 MBF of Douglas-fir every 10 years. At current growth rates, the amount of wood that can be sustainably harvested will increase at an annual rate of 9.2 MBF for second growth redwood and 9.3 MBF for Douglas-fir. These harvest volumes are based on forest growth over the last ten years. As the property has not been harvested in almost 40 years, the next harvest could remove a higher amount of volume to open up the forest, improve growing conditions, and increase the growth rate in the remaining trees. The harvest area is most feasibly logged as one management unit.

*\*Limitation: Data expressed in the "Present and Future Stand Conditions" section of the Management Plan is based on a field sample and an extrapolated growth rate for the previous ten years. This data should only be used as a guide for management purposes, and should not be extended or taken out of context for other purposes, such as an appraisal.*

## **OTHER PROPERTY USES**

The property is currently used as the primary residence for the property owners, watershed and wildlife habitat.

## **CONCLUSION**

The property is well suited for timber management into the future. The forest resource is currently healthy but growth rates have begun to decline due to overstocked stand conditions and a closed in canopy. The property owners have indicated they would like to manage the timber resource and stand conditions warrant a harvest in the near future.

**TIMBER STOCKING:** To rezone a property to the "Timber Production" zoning a property must meet the timber stocking standards set forth in Section 4561 of the Public Resources Code. Section 4561 states in part that "The average residual basal area, measured in stems one inch or larger in diameter.....in areas which the registered professional forester has determined are site II classification or lower, the minimum average residual basal area shall be 50 square feet per acre. Rock outcroppings and other areas not normally bearing timber shall not be considered as requiring stocking." The average residual conifer basal area in the timbered portions of the property is 287 square feet and therefore meets the stocking standards.

**TIMBERLAND:** To rezone a property to the "Timber Production" zoning a property must meet the definition of timberland. Section 51104 of the California Code states that "Timberland means privately owned land.....capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre." The property proposed for rezoning is capable of growing an annual average volume of coniferous wood fiber of 55 cubic feet per acre and therefore meets the definition of timberland.

**COMPATIBLE USE:** Existing infrastructure on the properties does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

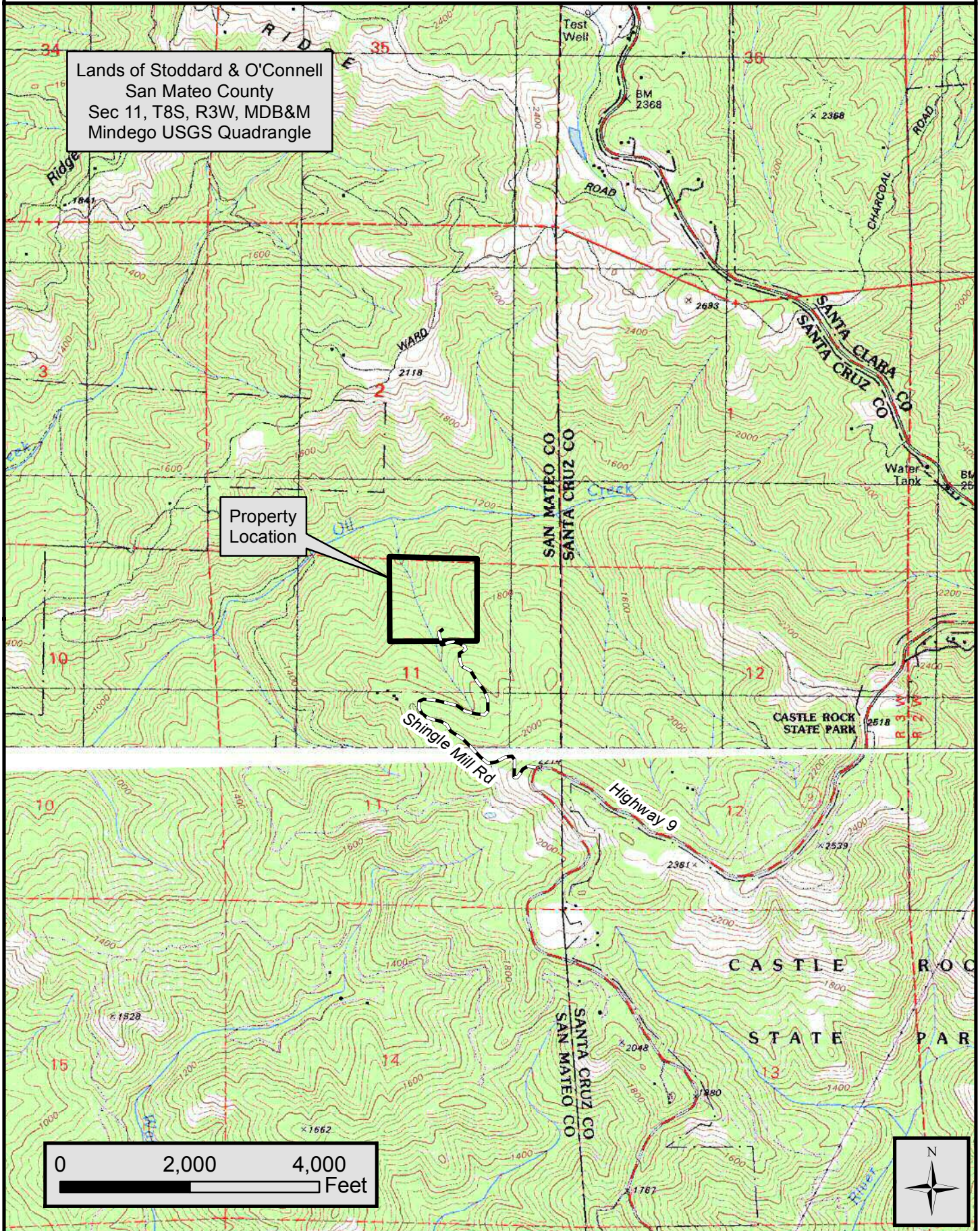
Timber Management Plan Prepared By:



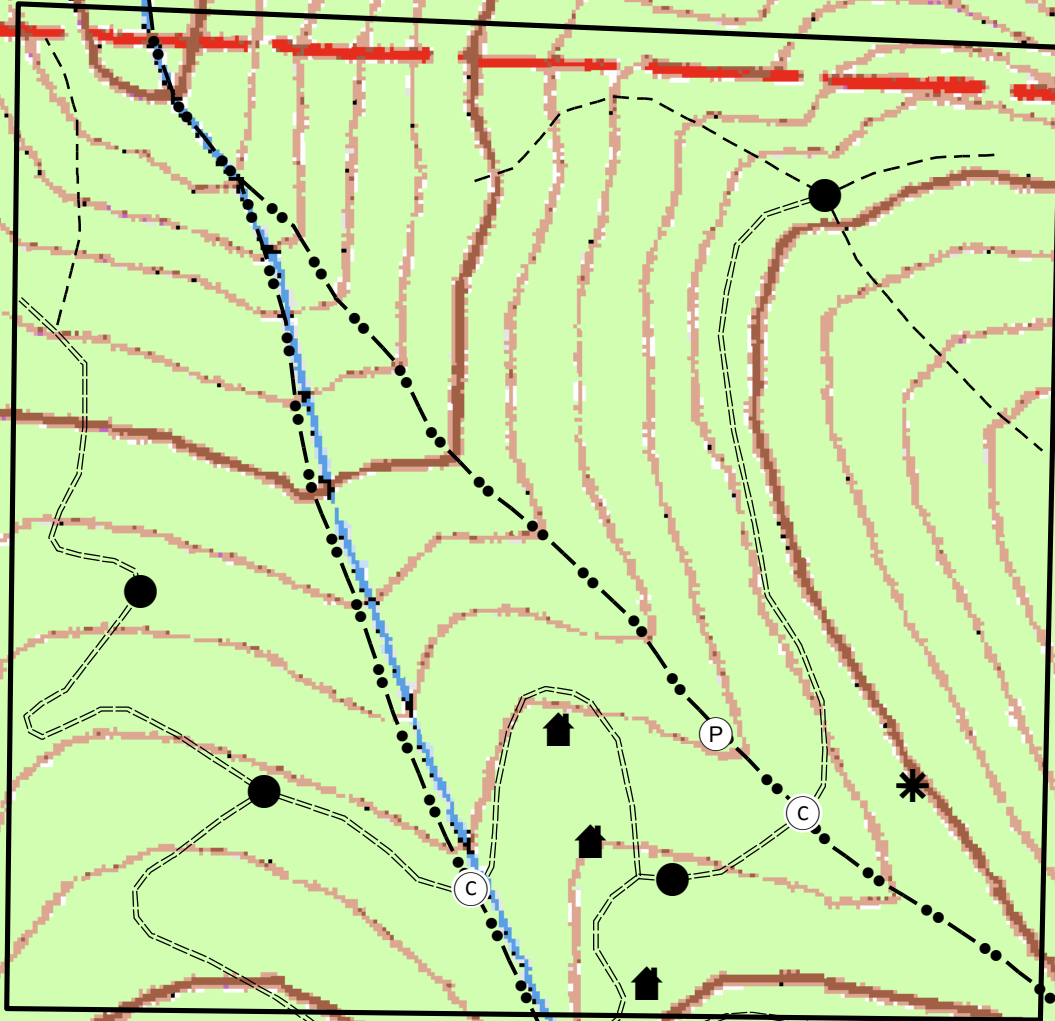
Joseph Culver  
Registered Professional Forester #2674

September 15, 2015  
Date

# Timber Management Plan: Location Map



# Parcel 085-170-010 SMO Operations Map



### Legend

- Property Line
- Road
- Skid Trail
- Class II Watercourse
- Class III Watercourse
- Watercourse Crossing
- Pond
- Spring
- Landing
- Structure

1 inch = 250 feet

Portion of Section 11, T8S R3W MDB&M

The vegetation type within the property boundary is all timberland consisting of coast redwood and Douglas-fir forest.



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

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION AMENDING THE SAN MATEO COUNTY GENERAL PLAN LAND USE MAP TO CHANGE THE LAND USE OF ONE PARCEL TO “TIMBER PRODUCTION,” IN THE UNINCORPORATED SOUTH SKYLINE AREA**

---

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, on March 25, 2014, the Board of Supervisors at its public hearing considered whether or not timber harvesting is an agricultural use under the County’s Williamson Act Uniform Rules and Procedures (Program); and

**WHEREAS**, the Board of Supervisors determined that timber harvesting is not an agricultural use under the Program and, where this affected two landowners, provided the option to said landowners of rezoning their respective Williamson Act contracted parcels used for timber harvesting; and

**WHEREAS**, on December 2, 2014, one landowner, Jeffrey Hunt Stoddard Trust, of one parcel located at 24707 Highway 9 (APN 085-170-010), in the unincorporated South Skyline area of San Mateo County, submitted an application to rezone the subject parcel from “Resource Management District” to “Timberland Preserve Zone” and to change the County General Plan Land Use Designation from “Open Space” to “Timber Production”; and

**WHEREAS**, on May 13, 2015 and January 13, 2016, the County Planning Commission at its public hearing considered the amendment described above and recommended that the Board adopt the amendment; and

**WHEREAS**, on {DATE}, the Board at its public hearing considered the amendment described above and finds that re-designating the parcel is consistent with the applicable General Plan Policies.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** by the Board of Supervisors that the San Mateo County General Plan Land Use Map is amended to change the land use designation of the parcel located at 24707 Highway 9 (APN 085-170-010) in the unincorporated South Skyline area from “Open Space” to “Timber Production.”

\* \* \* \* \*

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**ORDINANCE NO. \_\_\_\_\_**  
**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,**  
**STATE OF CALIFORNIA**

\* \* \* \* \*

**AN ORDINANCE AMENDING CHAPTER 2 OF DIVISION VI OF THE SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) TO REVISE THE ZONING MAPS, APPENDIX A, TO CHANGE THE ZONING OF ONE PARCEL TO TIMBERLAND PRESERVE ZONE (TPZ), IN THE UNINCORPORATED SOUTH SKYLINE AREA**

The Board of Supervisors of the County of San Mateo, State of California,  
**ORDAINS** as follows

**SECTION 1.** Section 6115 of Chapter 2 of Part One of Division VI of the San Mateo County Ordinance Code (Zoning Maps), Appendix A, shall be amended to change the zoning designation of the parcel located at 24707 Highway 9 (Assessor's Parcel Number 085-170-010) from Resource Management (RM) to Timberland Preserve Zone (TPZ).

**SECTION 2.** This ordinance shall be effective thirty (30) days from the passage date thereof.

\* \* \* \* \*

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

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

\* \* \* \* \*

**RESOLUTION AUTHORIZING THE PLANNING AND BUILDING DEPARTMENT TO  
FILE A NOTICE OF NON-RENEWAL OF CALIFORNIA LAND CONSERVATION  
CONTRACT PURSUANT TO THE CALIFORNIA LAND CONSERVATION ACT  
OF 1965 (WILLIAMSON ACT) FOR THE IDENTIFIED PARCEL**

---

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, in 1965 the State Legislature enacted the California Land Conservation Act (Williamson Act) authorizing local governments to enter into contracts with private landowners for the purposes of restricting development to agricultural and agriculturally-related uses on specific parcels in exchange for reduced property tax assessments; and

**WHEREAS**, one private landowner and the County have entered into such a contract on December 19, 1972 (File Number AP72-13); and

**WHEREAS**, the current landowner of this parcel (APN 085-170-010), Jeffrey Hunt Stoddard Trust, submitted an application to rezone said parcel under same contract to a zoning district that is ineligible for contract renewal pursuant to the California Land Conservation Act (Williamson Act) of 1965 (Section 51246(b)); and

**WHEREAS**, on May 13, 2015 and January 13, 2016, the County Planning Commission at its public hearing considered the rezoning; and



**WHEREAS**, on {DATE}, the Board at its public hearing considered the rezoning and Williamson Act Contract Notice of Non-Renewal and desires to non-renew the identified contract pursuant to the California Land Conservation Act of 1965 and the San Mateo County Williamson Act Uniform Rules and Procedures.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:** That the President of the Board is hereby authorized and directed to execute the Notice of Non-Renewal of California Land Conservation Contract for the identified parcel, and the Clerk of the Board shall attest to his signature thereto.

**IT IS FURTHER DETERMINED AND ORDERED** that County staff shall take all appropriate action to ensure recordation of the Notice of Non-Renewal.

\* \* \* \* \*

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|   |                           |
|---|---------------------------|
| <p>Recorded at the Request of,<br/>and When Recorded Return to:<br/>Melissa Ross, Project Planner<br/>Planning and Building Department<br/>455 County Center, 2nd Floor<br/>Mail Drop PLN122<br/>Redwood City, CA 94063</p> <p><b>County File No.: PLN 2014-00459</b></p> <p>Exempt from Fees Pursuant to Government<br/>Code Section 27383</p> | <p>For Clerk Use Only</p> |
|---|---------------------------|

County of San Mateo  
Planning and Building Department

**NOTICE OF NON-RENEWAL OF  
CALIFORNIA LAND CONSERVATION CONTRACT**

On \_\_\_\_\_, the County of San Mateo Board of Supervisors authorized by Resolution No. \_\_\_\_\_ on \_\_\_\_\_, the Planning and Building Department to record a County Initiated Notice of Non-Renewal for the contracted APN 085-170-010 approved by the Board of Supervisors by Resolution No. 31120 and recorded in the San Mateo County Records as Document No. 88584AF on December 21, 1972 (Planning File No. AP72-13).

**Property Description**

APN: 085-170-010

Owner: Jeffrey Hunt Stoddard Trust

Property Description: 40 AC NW 1/4 OF NE 1/4 OF SEC 11 T8SR3W MDB&M LA HONDA PESCADERO UNIFIED SCH DIST

In compliance with Section 51245 of the Government Code, the County has served the Notice of Non-Renewal at least 60 days prior to the contract renewal date of January 1, 2017.

The aforementioned contract will fully expire on December 31, 2025.

\_\_\_\_\_  
Steve Monowitz  
Community Development Director  
County of San Mateo

\_\_\_\_\_  
Date

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FRM00399.DOCX (10/29/14)

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** May 13, 2015

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of (1) General Plan Map Amendment changing the land use designation of one parcel from Open Space to Timber Production and (2) Zoning Map Amendment to rezone same parcel from Resource Management (RM) to Timberland Preserve Zone (TPZ).

County File Number: PLN 2014-00459 (Stoddard Trust)

**PROPOSAL**

During the County's Williamson Act Program Uniform Rules and Procedures (Program) update, the Board of Supervisors, at its March 25, 2014 public hearing, considered the inclusion of timber harvesting as a qualifying Williamson Act agricultural use. After considering public testimony and staff's analysis, including two affected contracted parcels actively used for timber harvesting, a decision was reached to exclude timber harvesting from the Program as an agricultural use, though it remains a compatible use.

As a result of this action, the affected parcels are now ineligible to remain under contract since no other qualifying agricultural use is present on the properties. In exchange, the Board has presented the landowners the option of rezoning the parcels to Timberland Preserve Zone given the history of timber harvesting and has directed the Planning and Building Department to absorb the processing costs.

To date, the applicant is the only landowner that has requested to rezone.

If approved, the project will rezone one parcel from "Resource Management District" to "Timberland Preserve Zone" and re-designate the land use from "Open Space" to "Timber Production."

**RECOMMENDATION**

Recommend to the Board of Supervisors that it:

1. Adopt a resolution to amend the San Mateo County General Plan Land Use Map to change the land use of one parcel to "Timber Production," in the unincorporated South Skyline Area.

2. Adopt an ordinance amending Chapter 2 of Division VI of the San Mateo County Ordinance Code (Zoning Annex) to revise the Zoning Maps, Appendix A, to change the zoning of one parcel to “TPZ,” in the unincorporated South Skyline Area.

## **SUMMARY**

Prior to the adoption of the 2013 County Williamson Act Program Uniform Rules and Procedures (Program), timber harvesting was a qualifying agricultural use for a Williamson Act contract. Under the current Program, timber harvesting is no longer an agricultural use, though it remains a compatible use.

Initially under Williamson Act contract in 1972 for timber harvesting, the Stoddard parcel has historically been harvested prior to the 1930s and again in 1972. A recent 2010 Non-Industrial Timber Management Plan, was submitted to the California Department of Forestry and Fire Protection indicating the landowner’s continued interest in timber harvesting and forest management though the submittal was later withdrawn.

Given the history of the timber harvesting land use, the County’s desire to protect and encourage timber and timberlands as outlined in the General Plan, and the Board’s presented option to rezone at its March 25, 2014 public hearing, the landowner has requested the 40-acre heavily forested parcel to be rezoned.

If approved, lands zoned for timber production under contract are prohibited from contract renewal, thus, a California Land Conservation Act Notice of Non-Renewal must be filed by the Board of Supervisors.

The economic effect of exiting the Williamson Act Program and rezoning to Timberland Preserve Zone, as assessed by the Assessor’s Office, is comparable to the current property tax benefit of the contracted Resource Management designated parcel.

The proposed project is in conformance with General Plan policies relating to Rural Land Uses and existing uses and development remain compliant under the Timberland Preserve Zone.

## **California Environmental Quality Act (CEQA)**

Rezoning: Statutory exemption pursuant to Section 15264 *Timberland Preserves*.

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**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** May 13, 2015

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of (1) General Plan Map Amendment changing the land use designation of one parcel from Open Space to Timber Production and (2) Zoning Map Amendment to rezone same parcel from Resource Management (RM) to Timberland Preserve Zone (TPZ).

County File Number: PLN 2014-00459 (Stoddard Trust)

**PROPOSAL**

During the County's Williamson Act Program Uniform Rules and Procedures (Program) update, the Board of Supervisors, at its March 25, 2014 public hearing, considered the inclusion of timber harvesting as a qualifying Williamson Act agricultural use. After considering public testimony and staff's analysis, including two affected contracted parcels actively used for timber harvesting, a decision was reached to exclude timber harvesting from the Program as an agricultural use, though it remains a compatible use.

As a result of this action, the affected parcels are now ineligible to remain under contract since no other qualifying agricultural use is present on the properties. In exchange, the Board has presented the landowners the option of rezoning the parcels to Timberland Preserve Zone given the history of timber harvesting and has directed the Planning and Building Department to absorb the processing costs.

To date, the applicant is the only landowner that has requested to rezone.

Staff's research of the land use activities on the Stoddard's property have identified a 1972 timber harvesting permit (SM-4-72) and 2010 Non-Industrial Timber Management Plan<sup>1</sup> (1-10NTMP-006SMO (permit withdrawn)) and also notes harvesting prior to the 1930s. The landowner has indicated a continued interest in timber harvesting and has signed a contract for future timber harvesting with a local timber operator in anticipation of a future timber harvest plan submittal.

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<sup>1</sup> Non-Industrial Timber Management Plan (NTMP) is defined as a timberland owner with less than 2,500 acres and who is not primarily engaged in the manufacture of forest products (Public Resources Code Section 4593.2(b)). NTMPs are long term multiple harvest forest management plans compared with Timber Harvest Plans (THP) which are single harvest permits.

If approved, the project will rezone one parcel from “Resource Management District” to “Timberland Preserve Zone” and re-designate the land use from “Open Space” to “Timber Production.”

The economic effect of exiting the Williamson Act Program and rezoning to Timberland Preserve Zone, as assessed by the Assessor’s Office, is comparable to the current property tax benefit of the contracted Resource Management designated parcel.

Approval of this rezone requires the recording of a California Land Conservation Act Notice of Non-renewal for the Williamson Act Contract upon approval of the rezone.

### **RECOMMENDATION**

Recommend to the Board of Supervisors that it:

1. Adopt a resolution to amend the San Mateo County General Plan Land Use Map to change the land use of one parcel to “Timber Production,” in the unincorporated South Skyline Area.
2. Adopt an ordinance amending Chapter 2 of Division VI of the San Mateo County Ordinance Code (Zoning Annex) to revise the Zoning Maps, Appendix A, to change the zoning of one parcel to “TPZ,” in the unincorporated South Skyline Area.

### **BACKGROUND**

Report Prepared By: Melissa Ross, Senior Planner, Telephone 650/599-1559

Applicant/Owner: Jeffrey Hunt Stoddard Trust

Location: 24707 Highway 9, La Honda (South Skyline Area)

APN: 085-170-010

Size: 40 acres

Existing Zoning: Resource Management

General Plan Designation: Open Space

Existing Land Use: Single-family residence, barn, outbuildings and timber harvesting.

Williamson Act: Contracted (AP72-13)

Water Supply: Existing well.

Sewage Disposal: Existing septic.

Parcel legality: Legal parcel. Residence constructed in 1935 prior to the County's jurisdiction over building permits.

Flood Zone: Zone X (areas of minimal flooding). FEMA Community Panel 06081C0384E; effective October 12, 2012.

Environmental Review: Rezoning – California Environmental Quality Act (CEQA) statutory exemption Section 15264 (Timberland Preserves); local agencies are exempt from the requirement to prepare an Environmental Impact Report (EIR) or Negative Declaration on the adoption of timberland preserve zones under Government Code Sections 51110 et seq. (Gov. Code, Sec. 51119).

Setting: The 40-acre parcel is densely forested and improved with a single-family residence and barn and located 0.25-mile from the Santa Clara County border and 2.69 miles from the Santa Cruz County border. Two unnamed tributaries flow through the property northward to Oil Creek. Access to the property is via an easement from Highway 9. Tree species on the parcel include a mix of redwood, Douglas fir, tan oak and other conifers and hardwoods; the parcel has an average 31% slope.

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Conformance with the General Plan**

##### **Rural Land Use Policies**

Policy 9.4 (*Land Use Objectives for the Rural Lands*) aim to protect and conserve vegetation, water, fish and wildlife resources, and resources for forestry while carefully managing and enhancing the use, production or extraction of such resources.

Though now superseded by State law, prior to 1982 the County retained regulatory authority over timber harvesting permits. Such permits were processed by the County in the 1970s on the parcel in compliance with the natural resources protections of the General Plan and Timber Harvest Ordinance.

Since that time, regulatory authority has shifted to the California Department of Forestry and Fire Protection (Cal-Fire) subject to the natural resources protections within the California Forest Practice Rules (Rules). Silvicultural practices, watercourse protections, as well as timber regeneration methods and endangered/threatened species protections are plan requirements consistent with applicable County General Plan policies and the Timber

Harvest Ordinance. Regulatory review of such timber harvesting plans includes the Department of Fish and Wildlife and the Regional Water Quality Control Board. As a reviewing agency, the San Mateo County Planning and Building Department is provided a copy of the initial timber harvest plan for conformance review with the County's Forest Practice Special Rules and zoning regulations. Furthermore, timber harvest plans submitted to Cal-Fire have served as the functional equivalent of a California Environmental Quality Act Environmental Impact Report since 1976, therefore requiring mitigation of potential significant environmental impacts and alternative project analysis. The landowner has completed timber harvesting under permit and intends to continue harvesting for the foreseeable future.

Aside from timber harvesting, development on this land must conform to policies of the General Plan including *Vegetative, Water, Fish and Wildlife Resources, Soil Resources, Visual Quality, General Land Use, and Rural Land Use* among others, irrespective of the land use designation. Such review would occur at the time a development proposal is submitted to the Planning and Building Department.

Land use re-designation and the continued use of the land for timber harvesting and residence are consistent with Policy 9.4.

Policy 9.32(e) (*Encourage Existing and Potential Timber Production Land Uses*) focuses on evaluating timber production designation for lands containing valuable timber resources that are presently designated General Open Space during future review of area plans.

Though no area plan is proposed, re-designation of the Stoddard's property to Timber Production from Open Space is appropriate given the historical use and intent of the policy to encourage existing timber production uses on lands containing productive timber resources. And, is further supported by Table 9.1P (*Appropriate Land Use Designations, Densities and Locational Criteria in Rural Areas*), which utilizes the Timber Production designation for lands within timber production zoning districts and those used for harvesting under California Department of Forestry and Fire Protection permits.

Re-designation of this property will not diminish the natural resources protections required by the General Plan for existing or proposed uses and development.

## 2. Zoning Regulations Compliance

During the late 1970s, the Board of Supervisors adopted the TPZ District and rezoned certain RM District parcels having identified timberlands for the protection of timber and forest resources. Though the Stoddard's property was not rezoned during this process, rezoning at this time is consistent with



the intent of the Timberland Preserve Zone in that the land meets the definition of timber<sup>2</sup> and timberland.<sup>3</sup>

Permitted uses for the current and proposed zoning district share some similarities; however, certain uses will no longer be available to the landowner upon approval of the rezone. Below is a list of the development and uses for each district (subject to applicable permits).

| Existing Zoning District:<br>Resource Management District         | Proposed Zoning District:<br>Timberland Preserve Zone          |
|---|--|
| <b>Similar Uses List</b>  |  |
| Commercial timber harvesting                                      | Commercial timber harvesting                                   |
| Agricultural uses/accessory structures/on-site agricultural sales | Agricultural and recreational animal uses/accessory structures |
| Single-family/Multi-family residence                              | Residential housing*   |
| Second dwelling units   | Second dwelling units*   |
| Keeping of pets   | Keeping of pets*   |
| Animal fanciers   | Animal fanciers*   |
| Kennels/catteries   | Kennels/catteries*   |
| Confined animals  | Confined animals*  |
| Scientific/Technical research and test facilities                 | Scientific/technical research and test facilities*             |
| Livestock raising and grazing                                     | Grazing*   |
| Large residential child day care                                  | Large residential child day care*                              |
| Temporary trailer parks/farm labor housing                        | Limited trailer housing for laborer                            |
| Oil and gas exploration, production and storage                   | Mineral hydrocarbon production*                                |
| Public and commercial recreation                                  | Campgrounds/overnight recreation                               |

<sup>2</sup> Timber as defined in Zoning Regulations Section 6710.11, means trees of any species maintained for eventual harvest for forest products purposes excluding nursery stock.

<sup>3</sup> Timberland as defined in Zoning Regulations Section 6710.12, means privately owned land which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. It must also be capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre. The 2010 Timber Management Plan indicated a rate of 70-110 ft.<sup>3</sup>/acre/year.

| Existing Zoning District:<br>Resource Management District   | Proposed Zoning District:<br>Timberland Preserve Zone   |
|---|---|
| Dissimilar Uses List  |   |
| Home occupations  | Outdoor education activities*   |
| Hotels, motels and restaurants  | Energy resource development*  |
| Churches  | On-premise signs  |
| Schools   | Stables   |
| Fire stations   | Watershed management*   |
| Public and private clubs  | Wildlife habitat land management*   |
| Wineries  | Recreation management (e.g., fishing)*  |
| Dairies   | Use integrally related to the growing, harvesting and processing forest products*             |
| Exotic animals  | Gas, electric, water, communications, transmission facilities*                                |
| Veterinary hospitals for small/large animals  | On-site manufacture/sale of minor quantities manufactured products (e.g., 100,000 board feet) |
| Quarries and waste disposal   |   |
| * Defined as a timber harvesting "compatible use" (Zoning Regulations Chapter 34 Section 6710.1); all other TPZ listed uses are defined as "minor development" (Zoning Regulations Chapter 34B Section 6754). |   |

In addition, commercial timber operations in the RM District carry one requirement not found in the TPZ in the form of a 1,000-foot buffer provision that prohibits timber harvesting operations within 1,000 feet of an existing dwelling without prior written consent of the affected landowner. Two parcels under common ownership abut the Stoddard's property; one vacant parcel to the east and one developed (1922 cabin) parcel to the west. In 2010, the Stoddard's submitted a Non-Industrial Timber Management Plan to harvest the entire 40 acres. Though withdrawn, the plan did not identify any dwelling units within the 1,000 buffer zone; therefore, removal of this requirement by way of rezoning is not expected to affect adjacent landowners.

Chapter 34.A (*Zoning, Rezoning, Land Division in the Timberland Preserve Zone*) provides a mechanism by which a landowner can rezone land to TPZ provided four requirements can be met: (1) detailed map of the property, (2)

timber management plan prepared by a registered professional forester, (3) timberland area to meet timber stocking standards, and (4) land under one ownership and consisting of at least 30 acres.

The 2010 timber plan submittal prepared by Registered Professional Forester Gary Paul, included multiple detailed maps of the 40-acre parcel and identified the parcel as overstocked. According to the Assessor's Office, the 40-acre parcel of land is under one ownership.

The proposed rezone is compliant with the Timber Preserve Zone District.

### Terms of the Timberland Preserve Zone

It should be noted that once land is zoned TPZ, the zoning effect is similar to that of a Williamson Act contract. In that, lands zoned TPZ are zoned for a term that is extended each anniversary date of the initial zoning unless the Board of Supervisors or landowner gives written notice of its intent not to extend the term of zoning, though no zoning term is defined in the regulations other than the annual renewal. Should the Board or landowner desire not to extend the zoning term, a rezone to a zoning district and land use designation consistent with the General Plan must be approved by a majority vote by the full Board to take affect 10 years from the date of rezone approval. In some instances, immediate rezoning may be approved by the Board.

### 3. County Williamson Act Program Uniform Rules and Procedures

Under the current Program, timber harvesting is excluded from the list of agricultural uses (Uniform Rule 2 (*Types of Contracts*)), thereby disqualifying the land from the Williamson Act. Since no other agricultural uses are present on the Stoddard's property that would otherwise qualify for a contract under the current zoning, and the landowner has no intention of introducing other agricultural uses that would allow entry into a new contract, the contract must be non-renewed.

Pursuant to California Land Conservation Act of 1965 (Section 51246(b)) and the County's Program, lands zoned for timber production are ineligible for new contracts and existing contracts shall not be renewed. A Notice of Non-Renewal has been prepared (Attachment F) to this effect and will be considered by the Board of Supervisors in conjunction with the recommended rezoning. If approved, filing of the Notice of Non-Renewal will begin the 9-year non-renewal contract phase out until contract expiration on December 31, 2024.

Should the rezone be disapproved, the parcel will be reviewed during this year's contract compliance review and recommended for non-renewal.

#### 4. Findings

- a. That the General Plan Land Use Map Amendment is compatible with adjacent land uses and will not be in conflict with the policies of the General Plan.

Surrounding land use designations are a mix of heavily forested developed and undeveloped Open Space and Timber Production designated lands with both types abutting the Stoddard's parcel. Continued timber harvesting is consistent with applicable General Plan policies that encourage existing timber production in a manner that protects natural resources while managing extraction of timber resources. Existing development and uses also remain consistent with applicable General Plan policies including *Rural Land Uses*.

- b. That the proposed rezoning of the subject parcel meets the public necessity, convenience, and the general welfare of the community.

Forest resources and timberlands are a valuable natural renewable resource and proper forest management can enhance the quality of the forests in the County while respecting the landowner's right to develop his/her property with compatible uses. Rezoning the Stoddard's property further encourages the continual use of the land as timberland.

#### B. ENVIRONMENTAL REVIEW

Rezoning: California Environmental Quality Act statutory exemption Section 15264 *Timberland Preserves*. Local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones under Government Code Sections 51110 et seq., (Gov. Code, Sec. 51119). Section 51110 declares forest resources, timberlands and industry to substantially contribute to the health and stability of the state's economy and environment.

Government Code Section 51119 exempts any action of the Board undertaken to zone a parcel as timberland production pursuant to Section 51113 from the requirements of Public Resources Code Section 21151 (environmental impact report on any project the local agency intends to carry out or approve which may have a significant effect on the environment).

Government Code Section 51113 provides the mechanism for a landowner to petition the Board to zone his/her land to timberland production provided adopted procedures and criteria are met. Adopted procedures include the initiating, filing and processing of such requests, and the criteria include submittal of a map, forest management plan, timber stocking standards and land under one owner-

ship. These adopted procedures and criteria are found in Chapters 34, 34A and 34B of the Zoning Regulations and compliance is discussed in Section A.2 of this staff report.

### **ATTACHMENTS**

- A. Recommended Findings
- B. Location Map
- C. Resolution amending the land use designation
- D. Ordinance amending the parcel zoning
- E. Resolution authorizing Notice of Non-Renewal
- F. Notice of Non-Renewal of California Land Conservation Act Contract

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2014-00459

Hearing Date: May 13, 2015

Prepared By: Melissa Ross, Senior Planner

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Environmental Review, Find:

1. That the rezoning is statutorily exempt pursuant to Section 15264; local agencies are exempt from the requirement to prepare an Environmental Impact Report (EIR) or Negative Declaration on the adoption of timberland preserve zones.

Regarding the General Plan Map Amendment, Find:

2. That the General Plan Land Use Map Amendment is compatible with adjacent land uses and will not be in conflict with the policies of the General Plan in that surrounding land uses and designations are similar and the existing use and development is consistent with the General Plan.
3. That the Planning Commission recommends to the Board of Supervisors to adopt a resolution to amend the San Mateo County General Plan Land Use Map to change the land use of one parcel to "Timber Production," in the unincorporated South Skyline area.

Regarding the Zoning Map Amendment, Find:

4. That the proposed rezoning of the subject parcel meets the public necessity, convenience, and the general welfare of the community in that forest resources and timberlands are a valuable natural renewable resource and the County desires to encourage proper management of such uses.
5. That the Planning Commission recommends to the Board of Supervisors to adopt an ordinance amending Chapter 2 of Division VI of the San Mateo County Ordinance Code (Zoning Annex) to revise the Zoning Maps, Appendix A, to change the zoning of one parcel to Timberland Preserve Zone (TPZ), in the unincorporated South Skyline area.

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