



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building



Date: November 30, 2015
Board Meeting Date: December 15, 2015
Special Notice / Hearing: 10 days
Vote Required: Majority

To: Honorable Board of Supervisors

From: Steve Monowitz, Community Development Director

Subject: Public hearing to consider (1) General Plan Map Amendment changing the land use designation of four parcels from Open Space to Timber Production, and (2) Zoning Map Amendment to rezone same parcels from Resource Management (RM) to Timberland Preserve Zone (TPZ).

RECOMMENDATION:

1. Adopt a resolution amending the San Mateo County General Plan Land Use Map to change the land use of four parcels to "Timber Production," in the unincorporated North 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 four parcels to "TPZ," in the unincorporated North Skyline Area.

BACKGROUND:

The applicant, Martin and Carolyn Eberhard, proposes to rezone 104.17 acres in four parcels (APNs 072-343-010, 072-343-020, 075-330-100, and 075-340-130) from "Resource Management District" to "Timberland Preserve Zone" and re-designate the land use from "Open Space" to "Timber Production."

Staff's research of the land use activities on the property has identified a 1990 timber harvesting permit (THP #1-89-382 SMO) issued by Cal-Fire, and evidence of prior timber harvesting during the 1880s to 1910s. There was also an exemption from a timber harvesting permit issued by Cal-Fire in 2012 (1-12EX-308 SMO). The landowner has indicated a continued interest in timber harvesting. The proposal from the property owners is to continue to manage the tree stand on these properties using selective harvesting in an effort to maintain a sufficient number of trees. To this end, the applicant will be submitting a California Cooperative Forest Management Plan for review and approval by Cal-Fire.

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

Planning Commission Action: On October 28, 2015, the Planning Commission voted to recommend that the Board of Supervisors approve the proposed General Plan Land Use Map and Zoning Map Amendments.

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Applicant/Owner: Martin and Carolyn Eberhard Trust

Location: Skyline Boulevard/Allen Road, Woodside (North Skyline Area)

APNs: 072-343-010, 072-343-020, 075-330-100 and 075-340-130

Size: Total for four parcels – 104.17 acres:

APN	Acres
072-343-010	5.40
072-343-020	38.30
075-330-100	39.37
075-340-130	21.10

Existing Zoning: Resource Management

General Plan Designation: Open Space

Existing Land Use: Vacant, undeveloped, timber harvesting

Williamson Act: Not contracted

Water Supply: Well (Located on APN 072-340-010)

Sewage Disposal: None

Parcel Legality: Legal parcels. APNs 072-343-020, 075-330-100 and 075-340-130 were legally created in 1979 (SM78-20). APN 072-343-010 was confirmed as a legal lot through a Certificate of Compliance (CoC) Type A that was recorded on June 22, 2015.

Flood Zone: Zone X (areas of minimal flooding). FEMA Community Panel 06081C0295E; effective October 12, 2012.

Environmental Review: Rezoning – California Environmental Quality Act (CEQA) statutory exemption pursuant to 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. (Government Code, Section 51119).

Setting: The four parcels total 104.17 acres. The parcels are located between Highway 35 (Skyline Boulevard) and Allen Road in the North Skyline Area of San Mateo County. The parcels are approximately 1.25 miles northwest of intersection of Highway 35 and Highway 84 (Woodside Road). Two parcels, APNs 072-343-010 and 072-343-020, are located in the Skyline State Scenic Corridor. All four parcels are undeveloped. La Honda Creek runs through APNs 072-343-020 and 075-330-100, and there are four other watercourses on the properties. Access to the property is achieved either by an access road off of Highway 35 or off of Allen Road. Tree species on the parcels include a mix of redwood, live oak, tan oak, madrone, Douglas fir, and other conifers and hardwoods. The average slope across all four parcels is in the 40%-60% range, with slopes near Allen Road and La Honda Creek around 0%-20%, while other areas have 100% slope.

Chronology:

Date	Action
June 24, 2015	- Application for rezoning received.
October 28, 2015	- Planning Commission public hearing. The Commission recommends approval.
December 15, 2015	- Board of Supervisors public hearing.

DISCUSSION:

A. KEY ISSUES

1. Conformance with the General Plan

Rural Land Use Policies

Policy 9.4 (*Land Use Objectives for the Rural Lands*) aims 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 parcels 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, 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 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 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. This 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 (Board) adopted the TPZ District and rezoned certain RM District parcels having identified timberlands for the protection of timber and forest resources. Though the 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 timber¹ and timberland.²

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: Resource Management District	Proposed Zoning District: Timberland Preserve Zone
Uses Allowed in Both Districts	
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

¹ 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.

² 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.³/acre/year.

Uses Allowed in Resource Management District	Uses Allowed in Timberland Preserve Zone
Home occupations	Outdoor education activities*
Hotels, motels and restaurants	Energy resource development*
Churches	On-premises 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. Several parcels abut the Eberhards' properties, including one parcel that is owned by the Eberhards and is already zoned as TPZ; five of these adjacent properties are developed with single-family dwelling units.

Chapter 34A (*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 2015 timber plan submittal prepared by Registered Professional Forester, Bill Vaughan, included multiple detailed maps of the 104-acre parcels and identified the parcels meeting stocking standards. According to the Assessor's Office, the four parcels are 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 is 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 effect ten years from the date of rezone approval. In some instances, immediate rezoning may be approved by the Board.

3. 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 Eberhards' parcels. 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 property further encourages the continual use of the land as timberland.

B. ENVIRONMENTAL REVIEW

Rezoning: California Environmental Quality Act statutory exemption pursuant to 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. (Government Code Section 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 A.2 of this staff report.

C. REVIEWING AGENCIES

County Counsel

County Counsel has reviewed the report, ordinance and resolution as to form.

Approval of this project contributes to the Shared Vision 2025 of a Livable Community by designating appropriately suited land for timber harvesting and natural resource preservation.

FISCAL IMPACT:

There will be a slight decrease in property tax revenue to the County due to the properties being rezoned to TPZ. The State Board of Equalization sets harvest value schedules and collects a tax when the timber is harvested; revenue from this program is allocated to the counties where the harvesting occurred.

ATTACHMENTS:

- A. Recommended Findings
- B. Location Map
- C. Timber Management Plan