

# FINDINGS

## **Rezone Z17-0002/Siller Brothers Planning Commission/September 14, 2017**

### **1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15264 of the CEQA Guidelines, which says that local agencies are exempt from the requirement to prepare an EIR or negative declaration on the adoption of timberland preserve zones.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

- 1.2 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Planning and Building Department at 2850 Fairlane Court, Placerville, CA, 95667.

### **2.0 GENERAL PLAN FINDINGS**

- 2.1 **The project is consistent with General Plan Policy 2.2.1.2.**

Policy 2.2.1.2 identifies Natural Resource (NR) designation as “areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources including water resources development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values ... Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and support single-family dwellings ... Any modifications of the land use designation shall require one of the following findings: (1) No important natural resource exists on the property; or (2) If a project is proposed, it will significantly enhance the long-term production and preservation of the on-site resources through the application of development strategies such as fuels management plans, timber management plans, self-imposed setbacks buffers, and open space.”

Rationale: The project proposes to rezone four parcels from Forest Resource 160-Acres (FR-160) and Rural Lands 40-Acres (RL-40) to Timber Production Zone (TPZ) so as “to enhance the long-term production and preservation of the on-site resources” through the prepared Forest Management Plan. The parcels range in size from six to 590 acres. The six acre parcel and 40 acre parcel are currently zoned FR-160 and are located within the 590 acre

sized parcel, which will be managed as one parcel. The proposed project is compatible with the land use designation.

**2.2 The project is consistent with General Plan Policy 2.2.5.2.**

“All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and conditional use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.”

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. The proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

**2.3 The project is consistent with General Plan Policy 8.3.1.3.**

“The County Agricultural Commission shall assess lands to determine their suitability for timber production. Lands considered suitable for timber production shall be based on the following criteria:”

- A. “Lands designated Natural Resource (NR) on the General Plan land use map or lands zoned Timber Production Zone (TPZ)”;

Rationale: All four parcels are designated as being within the Natural Resource land use designation.

- B. “Soils identified as El Dorado County “choice “ timber production soils which shall consist of soils found on Timber Site Classifications I, II, or III as defined in the California Forest Handbook and the Soil Survey of El Dorado Area issued April 1974 by the USDA Soil Conservation Service and the U.S. Forest Service”;

Rationale: The *Soil Survey of El Dorado County* classifies the parcels as being primarily comprised of Josephine silt loam, 15 to 30 percent slopes, Mariposa very rocky silt loam, three to 50 percent slopes, and Mariposa-Josephine very rocky loams, 15 to 50 percent slopes. Josephine Silt loam, 15 to 30 percent slopes is classified as being in Woodland Suitability Group 2, with Mariposa very rocky silt loam, three to 50 percent slopes and Mariposa-Josephine very rocky loams, 15 to 50 percent slopes classified as being in Woodland Suitability Group 5. Soils within these groups are capable of supporting intensive to moderate timber management.

C. “Lands used for commercial forestry/timber production”;

Rationale: The parcels have been used for commercial timber harvest since acquisition by Siller Bros Inc. in the 1960’s and 1970’s. The last timber harvest occurred in the early 2000’s.

D. “Lands that possess topographical and other features that make them suitable for timber production”;

Rationale: The parcels have predominantly moderate to steep slopes and topography and are capable of supporting managed timber growth. The parcels have direct access from Buckeye Lake Road and Wentworth Springs Road, as well.

E. “Low development densities in vicinity”.

Rationale: Three parcels are surrounded by land designated NR, which has the lowest development density within El Dorado County. The remaining parcel is surrounded to the east and south by lands designated as NR, with lands to the north and west designated Low Density Residential (LDR). There is one 10.26 acre parcel designated as High Density Residential (HDR) to the north. This HDR designated parcel is currently being utilized as a mobile home park. The closest mobile home is located approximately 200 feet north of the parcel.

**2.4 The project is consistent with General Plan Policy 8.3.2.1 and 8.3.2.2.**

“Lands zoned Timber Production Zone (TPZ) shall not be subdivided into parcels containing less than 160 acres” and “timber production lands within areas designated Natural Resources and generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where small parcels already exists.”

Rationale: The cumulative size of the four parcels is 1,056 acres. Two of the parcels are less than 160 acres, however these parcels are to be managed as one site which would have a size greater than 160 acres. The project consists of existing parcels currently designated Natural Resource. No subdivision or General Plan Amendment is proposed as part of this project.

**2.5 The project is consistent with General Plan Policy 8.4.1.2.**

Policy 8.4.1.2 identifies “permanent setbacks of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet ... Projects located within a Community Region or Rural Center shall maintain a minimum setback

of 50 feet. The 50-foot setback shall only apply to incompatible uses including residential structures.”

Rationale: The zoning ordinance implements this policy to include parcels zoned TPZ and FR. Three of the parcels are currently zoned FR-160 and already imposes 200 foot setbacks on neighboring parcels. The RL-40 parcel is within the Georgetown Rural Center and would impose a 50 foot setback on neighboring parcels with the approval of the rezone to TPZ.

### **3.0 ZONING FINDINGS**

#### **3.1 The proposed use is consistent with Chapter 130.21.**

The subject parcels are currently zoned Forest Resource 160-Acres (FR-160) and Rural Lands 40-Acres (RL-40) and would be rezoned to Timber Production Zone (TPZ) with approval of the project. The project has been analyzed in accordance with Zoning Ordinance Section 130.21.030 (Development Standards) for minimum lot size, widths and building setbacks.

Rationale: Properties zoned TPZ have a minimum lot size of 160 acres, with a minimum lot frontage of 200 feet. The project sites range in size from six to 590 acres. The six acre parcel and 40 acre parcel are currently zoned FR-160 and are located within the 590 acre sized parcel. As such these parcels are being analyzed cumulatively. The project would conform to the development standards of the TPZ zoning designation.

#### **3.2 The proposed use is consistent with Chapter 130.30.030.E.2 and 130.30.030.E.4.**

Chapter 130.30.030.E.2 establishes setback standards and the on lots adjacent to Forest Resource or Timber Production Zone.

Rationale: The setbacks and Administrative Relief Process implements General Plan Policy 8.4.1.2 as discussed in Finding 2.5.

#### **3.3 The proposed use is consistent with Chapter 130.40.350.D.1.**

The Agricultural Commission shall assess the property to determine its suitability for timber production.

Rationale: The project application was reviewed by the El Dorado County Agricultural Commission on July 12, 2017 for compliance with the General Plan. The Agricultural Commission found that the current parcels were identified as a Site 1 timber class, the property is being used for commercial forestry/timber production, that physical terrain of the properties is suitable for timber production and that no conflicts exist with adjacent high density development.

3.4 **The proposed use is consistent with Chapter 130.40.350.D.2**

“A forest management plan for the property shall be submitted that has been prepared or approved by a Registered Professional Forester. Prior to the approval of the zone change application, the forest management plan shall be reviewed and approved by the Agricultural Commission. The forest management plan shall include, at a minimum, a discussion and recommendation on each of the following:”

1. “Commercial harvesting, a history of past operations, and recommendations for the future”;

Rationale: The subject parcels have been under the ownership of the Siller family for more than 40 years. The Siller family and Siller Brothers Inc. have been involved in the California timber industry since the 1940's. The current owners and managers are second and third generation family members. The forest management of these timberlands is intertwined with the overall management of their entire timberlands ownership which is approximately 20,000 acres. Most of the Company's timberlands are located in Butte, Yuba, and Plumas Counties.

Commercial harvesting of the Buckeye and Quintette properties occurred when they were first acquired in the 1960's and 1970's. A commercial harvest last occurred on the Quintette property in the late 1990's. The timberlands near Buckeye were last harvested in the early 2000's. Thus, these timberlands have a historic cutting cycle of about 20 to 25 years. This pattern should continue into the foreseeable future in order to secure adequate regeneration, prevent over stocking and encourage growth rates.

2. “Provisions for legal and physical access to the property so commercial operations can be carried out”;

Rationale: There is no identified legal or physical access issues associated with the subject properties. All properties are accessed via private roads owned by Siller Brothers Inc. Wentworth Springs Road, an El Dorado County-maintained road, traverses the southwest portion of the 590 acre Quintette parcel.

3. “A reasonable attempt to locate the boundaries of the property and attempts to protect the property against trespass”;

Rationale: The property lines have been identified in the past, at the time of prior timber harvests. The owner's Forestry Staff reviews the property lines periodically in attempt to discover and prevent trespass.

4. “Disease of insect control work”;  
  
Rationale: The owner’s Forestry Staff periodically performs a reconnaissance survey of the properties in order to detect potential insect and/or disease problems. If significant problems are detected, then a salvage harvesting operation and/or other silviculture treatment is implemented as necessary. Most insect and/or disease problems can be prevented by conducting periodic harvests which provide stocking control and improve overall forest health.
  
5. “Thinning slash disposal, pruning, and other appropriate silvicultural work”;  
  
Rationale: The owner’s Forestry Staff evaluates the properties for various silvicultural treatments during periodic field reconnaissance tips. If thinning, pruning or other treatments are needed, then a recommendation is developed and made to the owner. These recommendations typically shorten or lengthen the time between periodic commercial harvests and/or stand treatments. Slash treatments are normally evaluated and prescribed in conjunction with the preparation of timber harvest plans.
  
6. “A fire protection plan including a fuels management program”;  
  
Rationale: No formal fire protection plan has been developed for these properties. The need for forest fuels treatment is normally evaluated and prescribed in conjunction with preparation of timber harvest plans. Past fuels treatments have been in compliance with State regulations. Company employees and contractors participating in timber harvesting or other forest management activities are required to comply with all governmental regulations related to fire prevention.
  
7. “Erosion control on existing roads and skid trails along with maintenance of existing roads”; and  
  
Rationale: Erosion control on skid trails and logging roads is accomplished at the time of harvesting and is in compliance with standards established by the California Forest Practice Rules. The maintenance of the private gated main access roads is performed as necessary. These roads receive minimal vehicle traffic.
  
8. “Planting of significant portion of the understocked areas of the land”.  
  
Rationale: These timberlands currently meet the stocking standards established by the California Forest Practice Rules and California Public Resources Code 4561.