

<p>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</p>

APPLICANT: Brian Gusman

REPORT BY: Colleen O’Sullivan

OWNER: Brian Gusman

APN: 018-290-01

PROJECT DESCRIPTION: Use permit to locate and construct a single family dwelling on a 151 acre property zoned TPZ (Timberland Production Zone). See Figures 1, 2, 3 and 4.

LOCATION: near Forest Glen on Highway 36 (Figure 1)

PROJECT INFORMATION:

- A) Planning Area: South Fork
- B) Existing General Plan Designation: Resource
- C) Existing Zoning: TPZ
- D) Existing Land Use: Timber Production

Adjacent Land Use Information:

	<u>Land Use</u>	<u>Zoning</u>	<u>General Plan Des.</u>
North:	USFS – Shasta-T NF	Unclassified	Resource
South:	USFS – Shasta-T NF	Unclassified	Resource
East:	USFS – Shasta-T NF	Unclassified	Resource
West:	USFS – Shasta-T NF	Unclassified	Resource

BACKGROUND INFORMATION:

The applicant has been managing this parcel for timber production for many years (see attachment 1). According to the applicant's Timber Management Plan, he has conducted one logging operation on the parcel, in 1997, and a second one in 2015, in response to the Pickett Fire. The parcel supports old growth and second growth stands of merchantable timber.

PROJECT EVALUATION:

The applicant is requesting the necessary entitlements to develop a single family dwelling on property zoned Timberland Production Zone. Staff's concerns with the project center on access and if the residence location will affect the ability of the parcel to be managed for timber production.

Access

The two agencies commenting on this project are the USFS Shasta-Trinity NF and Caltrans, District 2. The Forest Service commented that both access roads (Attachment 2) appear to cross National Forest lands from the southern encroachment on State Highway 36. There is not presently a Forest Service Use Permit to cross federal lands to access the southerly portion of the parcel, which is where the applicant would like to locate his residence (Figure 4).

Staff was in contact with Lisa Wrenn of the Forest Service in regards to the applicant's two existing roads and their location on federal land. Staff was trying to determine more precise road access with Lisa and to determine how the applicant could address their concerns. The Helena Fire broke out, and staff has had no contact with Ms. Wrenn since then. In order not to further delay this project, staff has added use permit conditions to allow the applicant to resolve access issues.

The applicant has an encroachment permit with Caltrans for the south-easterly access (Figure 4). For future access from state Highway 3 to the northern portion of the property (north of the highway), a separate encroachment permit will be needed. No further entitlements from Caltrans are necessary at this time.

AGENCY CONSULTATION:

No other agencies commented on this project.

ENVIRONMENTAL EVALUATION:

The project is exempt from CEQA review under Section 15305(a) Class 5 [minor alteration of land use limitations].

STAFF RECOMMENDATION:

Staff recommends the following:

A. Approve the Use Permit for a single family dwelling on property zoned Timberland Production Zone, based upon the following finds of fact and use permit conditions:

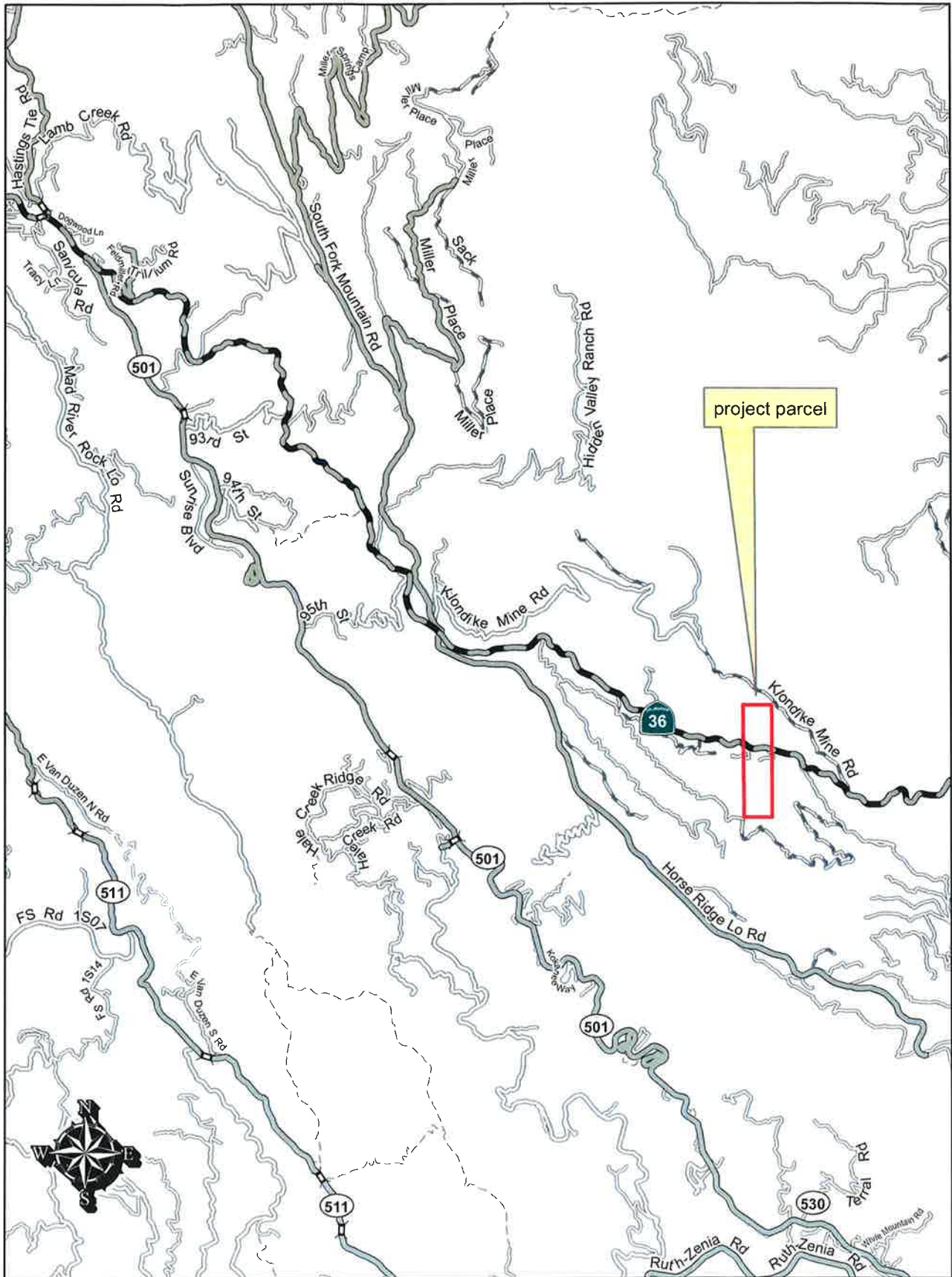
Findings of Fact for the Use Permit

1. The use permit, as conditioned, is based on sound principles of land use in that conditions have been included to ensure that the development of the dwelling will not create a nuisance or danger to the public, nor be detrimental to the public health, welfare and safety to the public.
2. The use permit is consistent with Section 14.1 (C) of the Trinity County Zoning Ordinance, which allows development of a single family dwelling and accessory structures in the Timberland Production Zone, after securing a Planning Commission Use Permit, “provided that the development of the dwelling and accessory structures will not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber.” Staff has evaluated the proposed location of the residence and has determined that it will not adversely affect the use of the land for timber production and management.

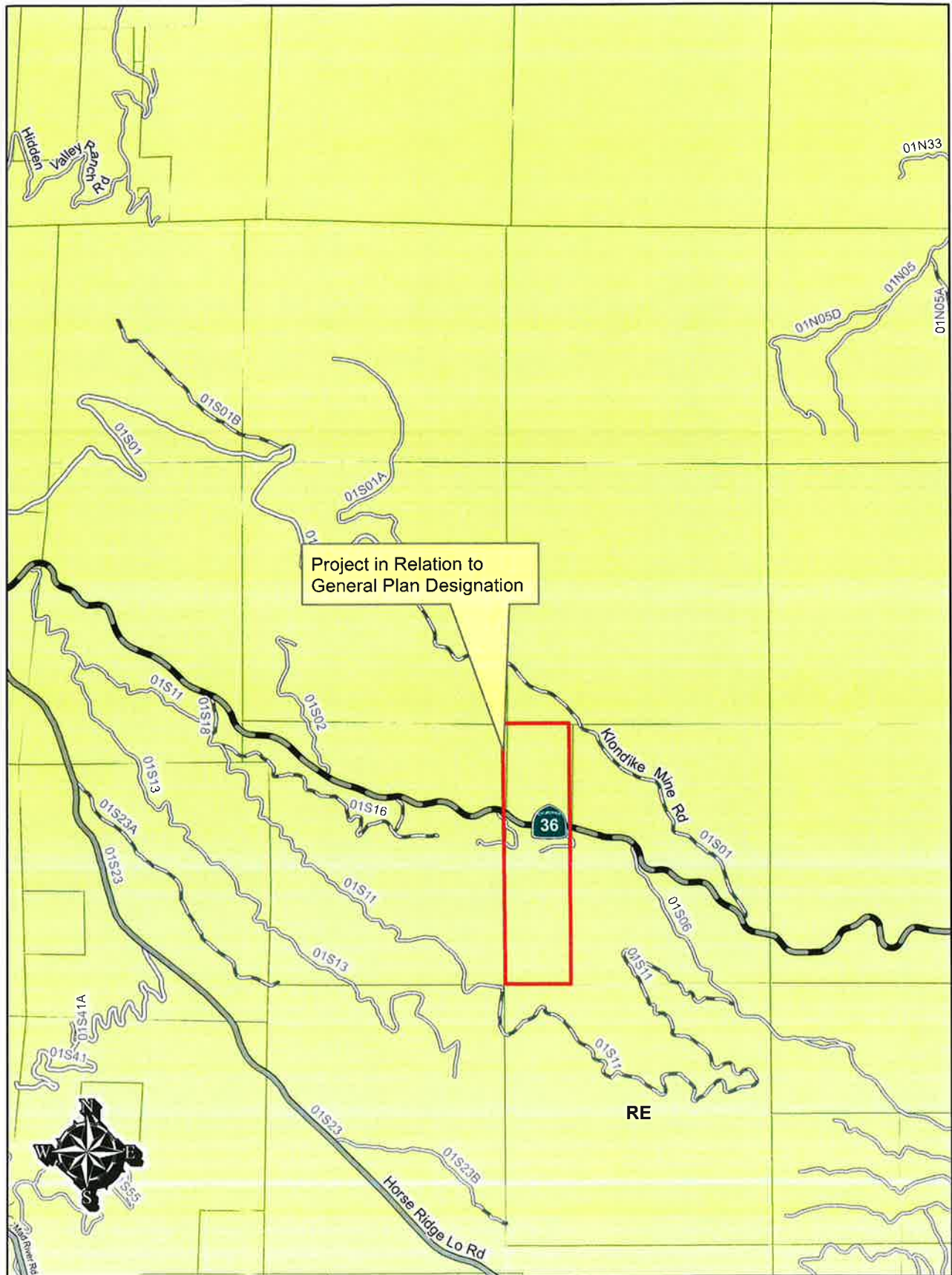
Use Permit Conditions

1. *Proof of legal access across US Forest Service lands shall be obtained prior to issuance of a Building Permit.*
2. *Building and Environmental Health Department permits shall be obtained prior to construction. All buildings shall be located in the area identified on the site map, as shown in Figure 4.*

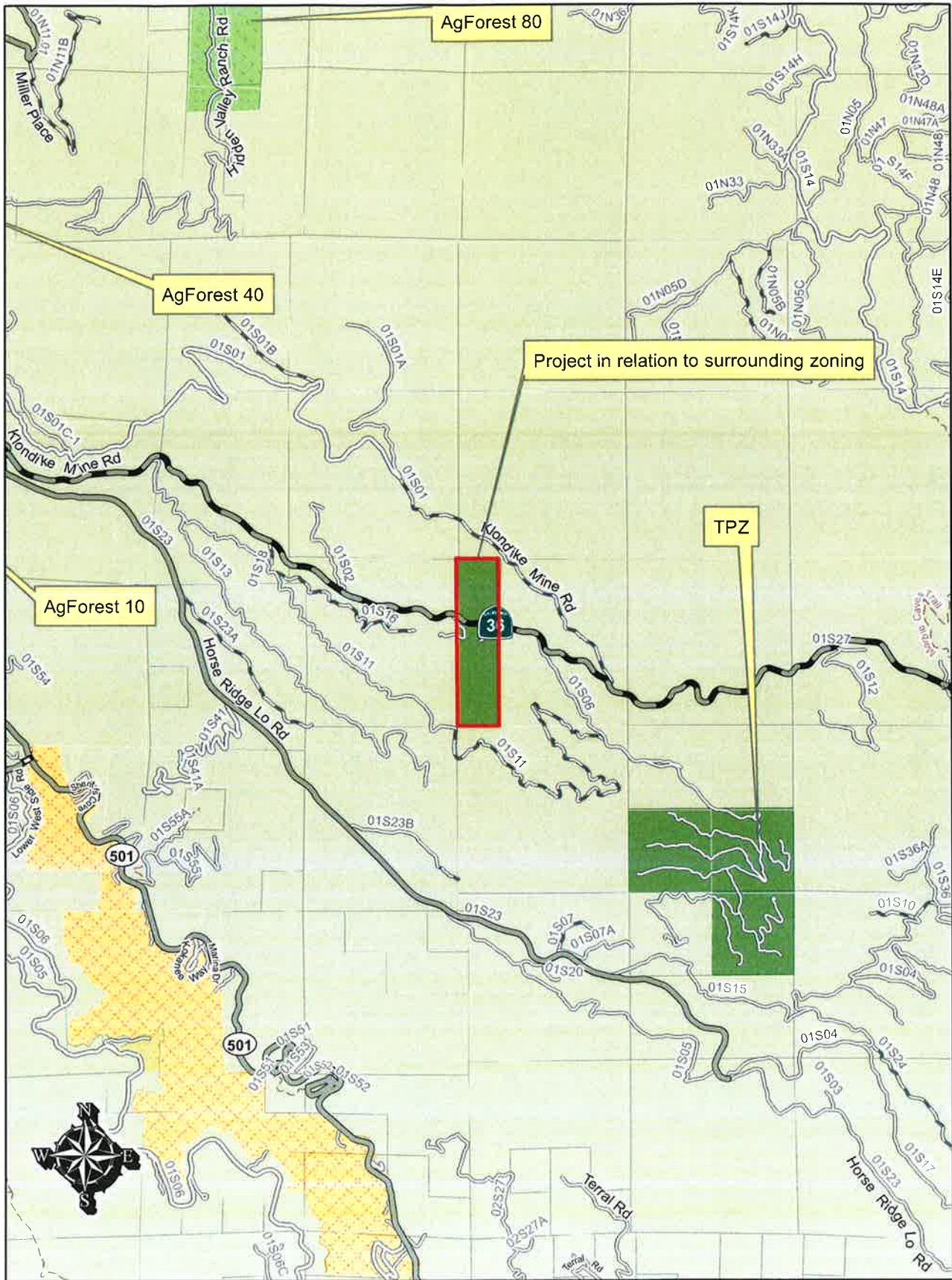
**P-17-39 Gusman CUP - Figure 1
project location and general vicinity**



General Plan Designation Map P-17-39 - Figure 2



Zoning Map P-17-39 - Figure 3



**P-17-39 Gusman CUP - Figure 4
residence and access in TPZ zone**

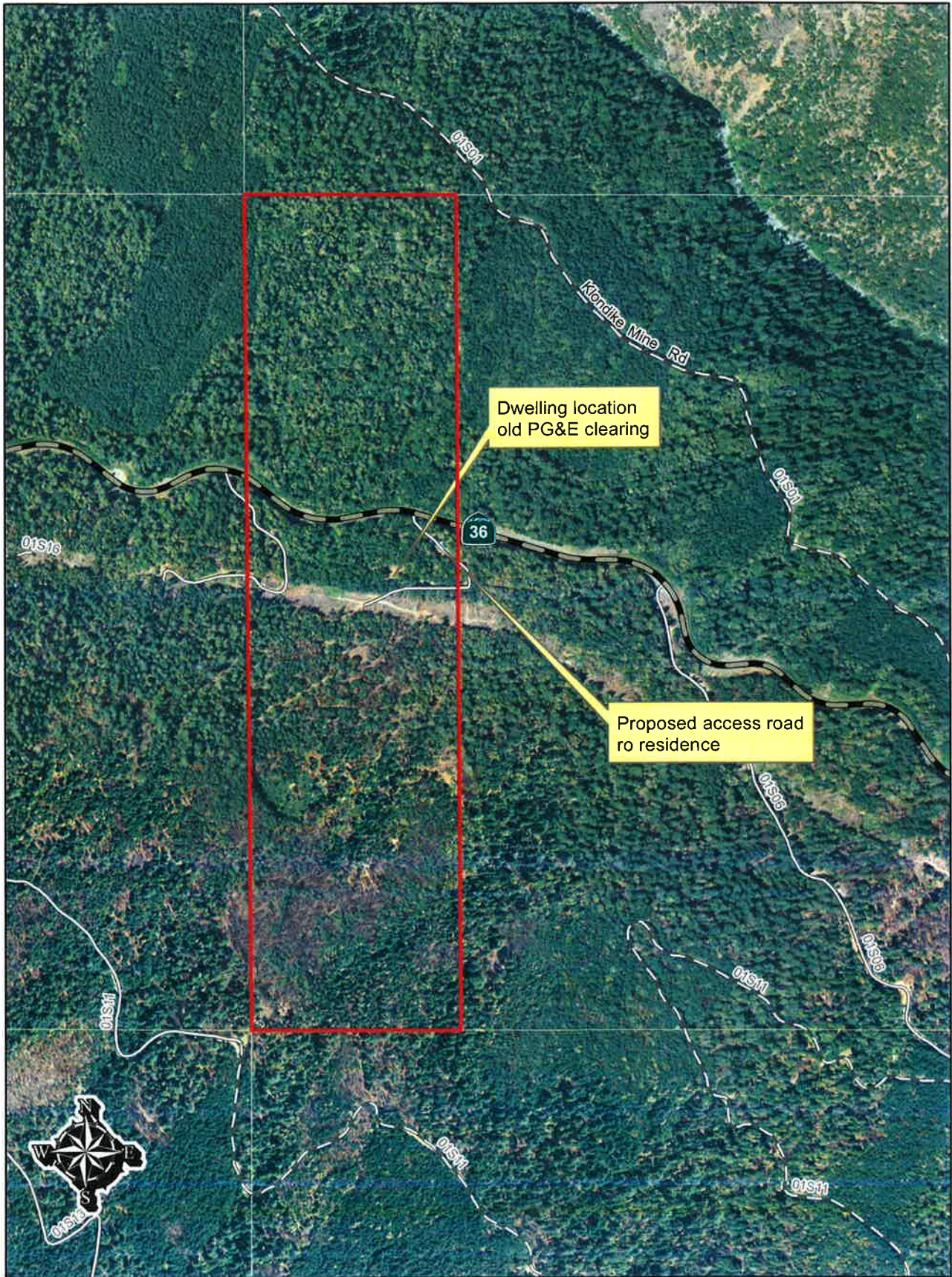
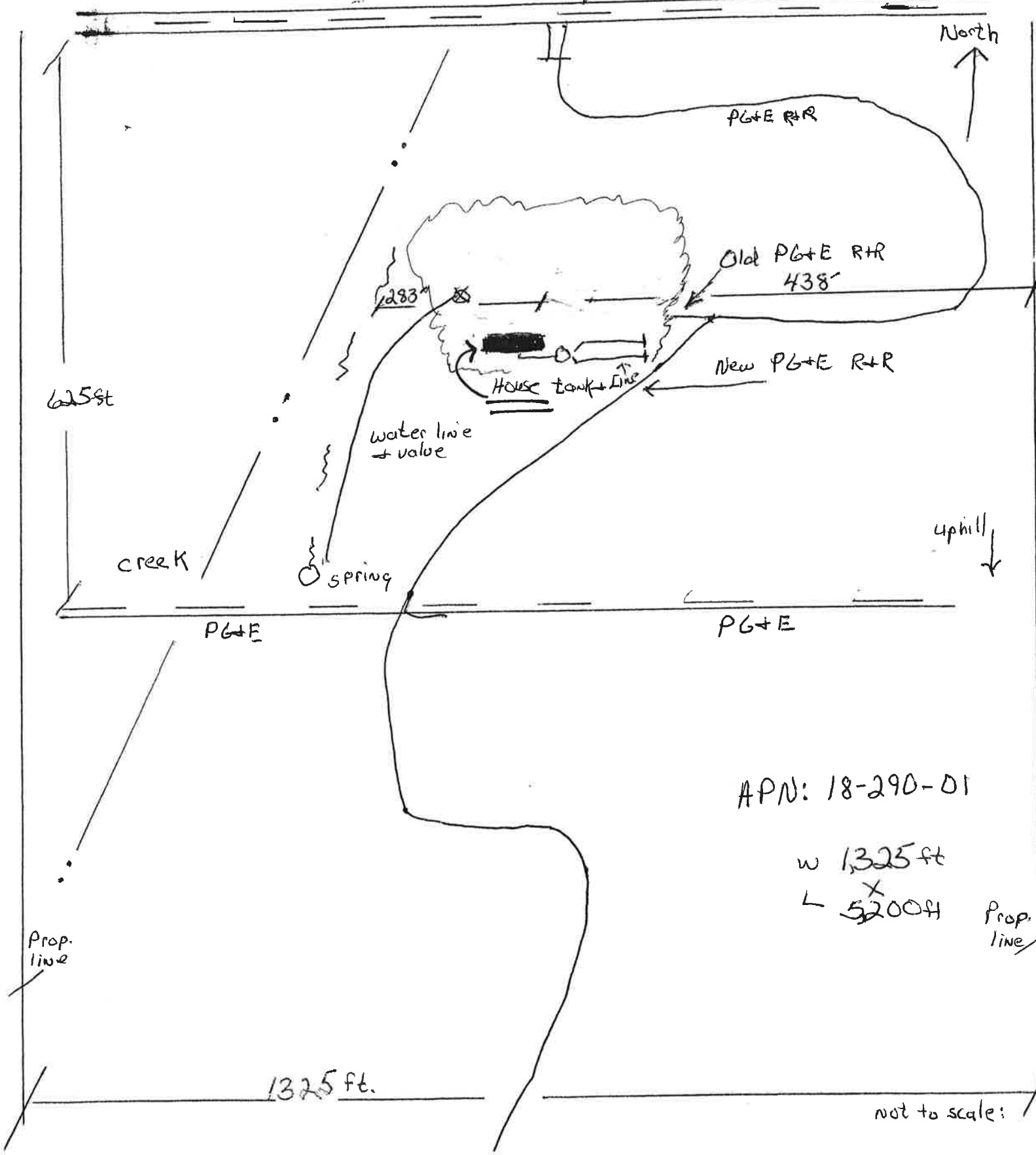


FIGURE 3 P-17-37

RESIDENCE LOCATION PLOT PLAN / St. Hwy 36

east 3 1/2 miles to Forest Glen →



APN: 18-290-01

w 1325 ft

L 5200ft Prop. line

1325 ft.

not to scale!

Timber Management Plan

APN: 018-290-01

The Timberlands are located on the east side of South Fork Mt. Range, close to Forest Glen, Trinity County. A quarter section of Section 15

From the highest point (3970ft) in the southwest corner to the lowest point (2430ft) in the northeast corner, the lands flow with a Conifer/Hardwood forest. There is several creeks and springs on this mountainous - steep to slope terrain.

State Hwy 36 divides the lands in an east to west direction. 100 acres south of Hwy 36 and 51 acres north of Hwy 36. NF rd. 01501 borders the north property line; NF rd. 01511 borders the south property line, both flowing onto St. Hwy 36.

An inter-network of roads and skid trails connect 8 landings/storage areas.

There has been two logging operations. The first about 80yrs ago, logging just old growth timber.

The second was in 1997 by Eel River Sawmills, logging old growth and young growth.

(THP's 2-97-413 + 2-97-414)

A Timber Cruise was done at this time having
1,347.56 MBF (Short log scale) Softwood Volume
751.38 MBF (Short log scale) Hardwood Volume

or
4,350.65 Green Tons

Softwood (Conifer) Growth (Expressed as an annual or per year basis)

43.15 MBF (Thousands)	Douglas Fir
1.48 MBF (Thousands)	Sugar Pine
5.24 MBF (Thousands)	White Fir

49.87 MBF (Thousands) Total
(good soils)

April of 2015, two independant forest consultants estimated one million board ft. of marketible timber.

August of 2015, 80 acres burned in a national forest fire know as "The Pickett Fire". It burned on the southside of St. Hwy 36, being a low flame/no wind fire. It was surpressed just north of P&E power lines.

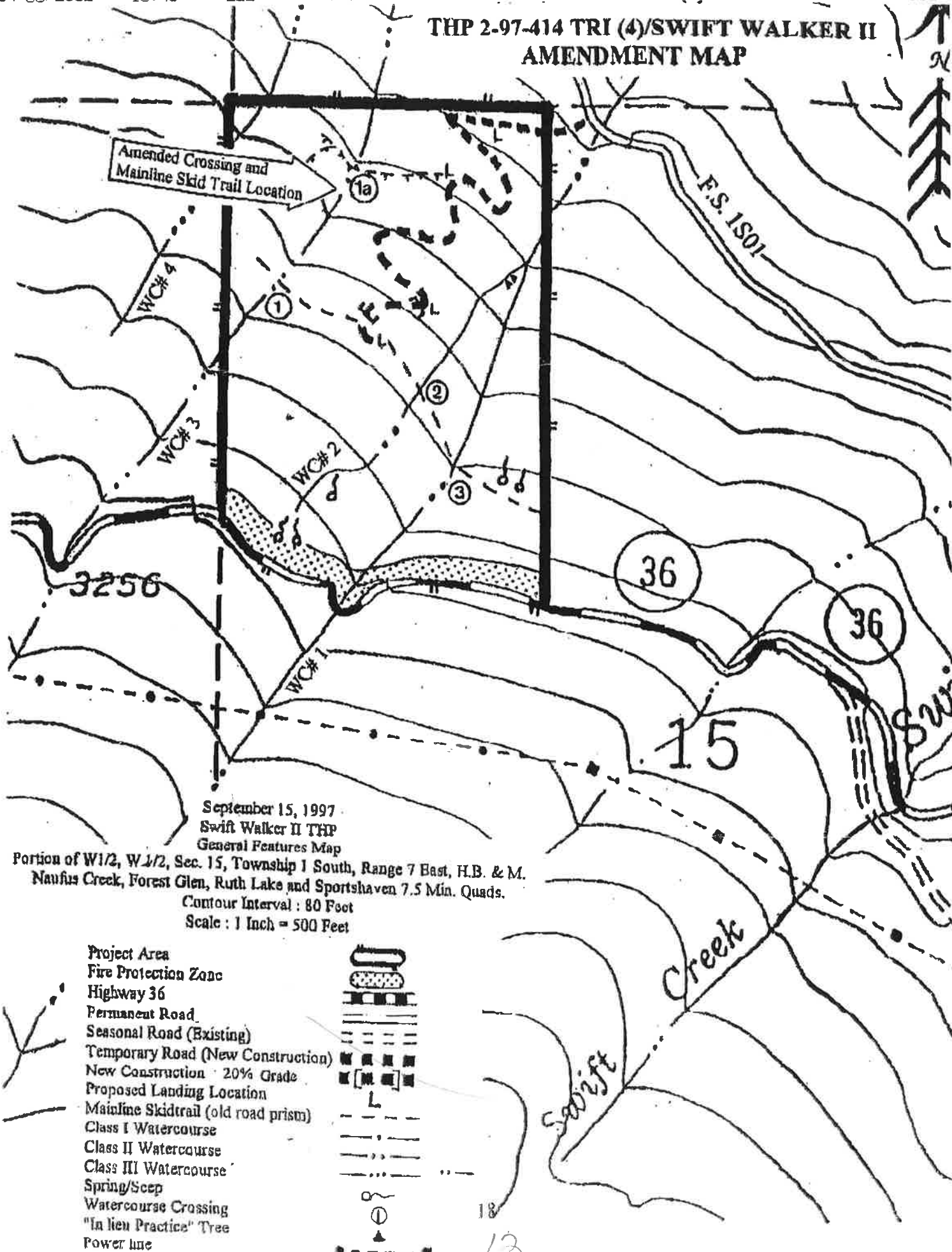
In 2016 50mbf of timber was logged in and around P&E power lines and towers. The winter rains were abundant. New growth is observed on 90% of conifers burned and new growth on 60% of hardwoods.

Presently, the thought is to have the tress come out of shock and continue growth for volume. The on-going pre-fire management will continue in thinning/cutting of dead, dying, disease ad hazard trees.

A proposed Single Family Dwelling can be located on the old PG&E right-of-way. It had a series of telephone poles run along on it. Stubs of poles and wooden cross-beams remain. The proposed area is off the roads and landings used to log. The Dwelling will enhance development of the lands in pre-fire management, security and an all-time on-site work program making for a healthier Forest.

Brian J Gasman owner
License Timber Operator
C 11041 -restricted
to 014-290-01

THP 2-97-414 TRI (4)/SWIFT WALKER II AMENDMENT MAP



Amended Crossing and
Mainline Skid Trail Location

September 15, 1997
Swift Walker II THP
General Features Map
Portion of W1/2, W1/2, Sec. 15, Township 1 South, Range 7 East, H.B. & M.
Naufus Creek, Forest Glen, Ruth Lake and Sportshaven 7.5 Min. Quads.
Contour Interval : 80 Feet
Scale : 1 Inch = 500 Feet

- Project Area
- Fire Protection Zone
- Highway 36
- Permanent Road
- Seasonal Road (Existing)
- Temporary Road (New Construction)
- New Construction - 20% Grade
- Proposed Landing Location
- Mainline Skidtrail (old road prism)
- Class I Watercourse
- Class II Watercourse
- Class III Watercourse
- Spring/Sleep
- Watercourse Crossing
- "In lieu Practice" Tree
- Power line

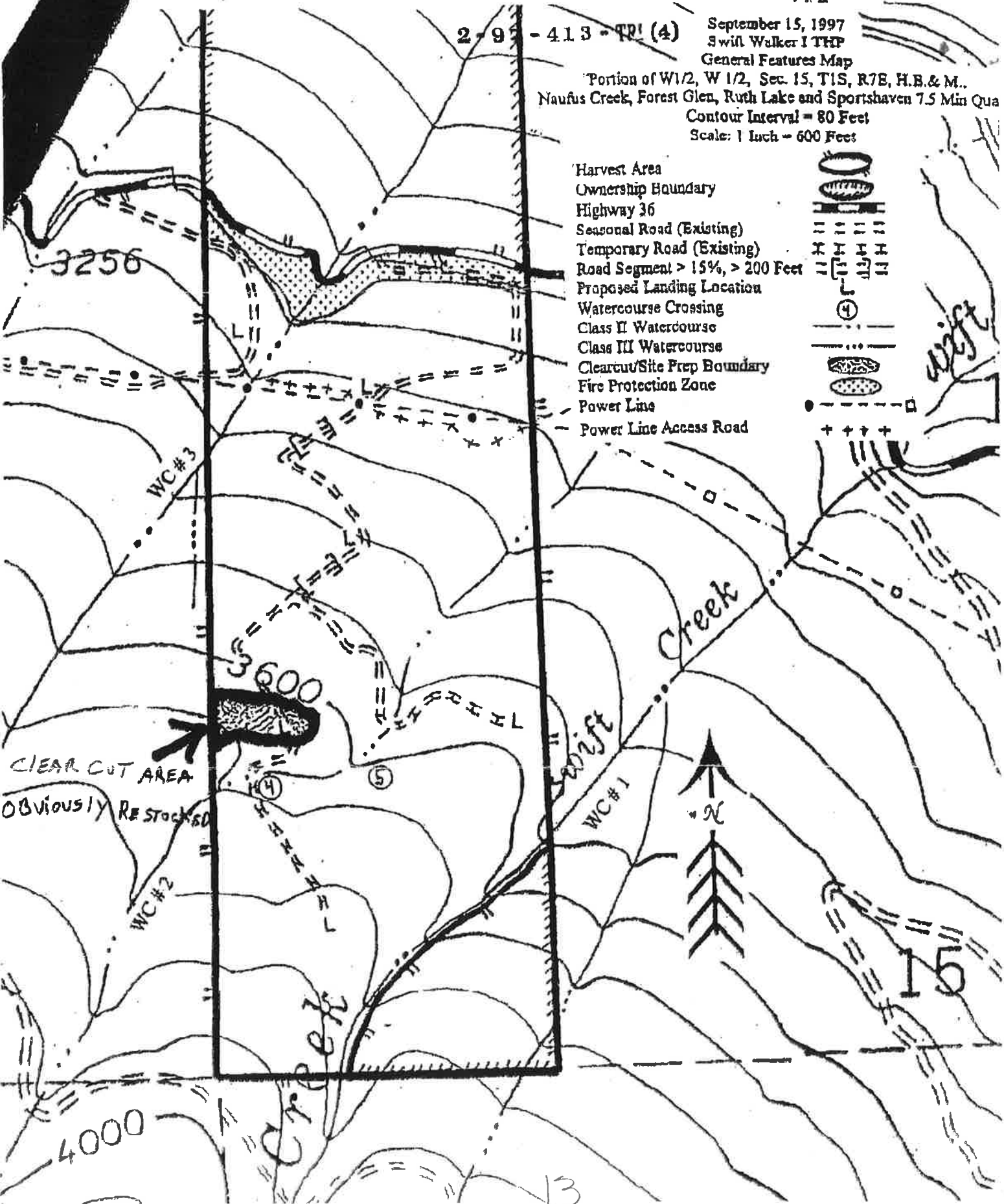
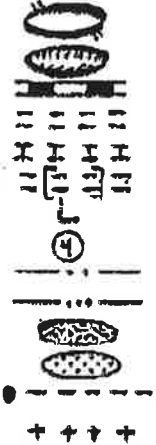
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2-92-413-TR (4)

September 15, 1997
Swift Walker I THP
General Features Map

Portion of W 1/2, W 1/2, Sec. 15, T1S, R7E, H.B. & M.,
Naufus Creek, Forest Glen, Ruth Lake and Sportshaven 7.5 Min Qua
Contour Interval = 80 Feet
Scale: 1 Inch = 600 Feet

- Harvest Area
- Ownership Boundary
- Highway 36
- Seasonal Road (Existing)
- Temporary Road (Existing)
- Road Segment > 15%, > 200 Feet
- Proposed Landing Location
- Watercourse Crossing
- Class II Watercourse
- Class III Watercourse
- Clearcut/Site Prep Boundary
- Fire Protection Zone
- Power Line
- Power Line Access Road



CLEAR CUT AREA
OBVIOUSLY RE STOCKED



Swift

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Colleen O'Sullivan

From: Wrenn, Lisa -FS <lwrenn@fs.fed.us>
Sent: Tuesday, August 29, 2017 4:18 PM
To: Colleen O'Sullivan
Cc: Hall, Thomas B -FS
Subject: Brian Guzman Request for Comments APN 018-290-01

Hi Colleen,

It appears from the maps provided, that these two access routes that go into Mr. Guzman's property from SR 36 has a portion of those roads that are on National Forest System lands. Although these two roads look like they access PG&E's Bridgeville-Cottonwood transmission line, Mr. Guzman does not of a special use permit with the Forest Service for access. It also appears from the Plot Plan Map that Mr. Guzman is wanting to extend the eastern access road through his private property. The Forest Service wants that extended road to be solely within his private land. The westerly boundary probably has monuments but we don't know if the easterly line has been surveyed. As you know, this could be problematic if a survey is conducted and improvements are found to not be where people thought they should be. If you have questions, you can contact me.



Lisa Wrenn
Lands and Special Uses Officer
Forest Service
Shasta-Trinity National Forest,
Weaverville Ranger District

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