

Coastal Commission Modifications - July 14, 1999

Proposed General Plan Amendments:

Revise 1994 General Plan and Local Coastal Program for the County of Santa Cruz Policy 5.12.9 by adding the underlined wording:

5.12.8 Timber Resource Land Not Zoned Timber Production

Evaluate proposed land divisions and residential development permit applications on parcels larger than 20 gross acres designated Timber Resources on the General Plan and LCP resources and Constraints Maps, but not zoned TP, for timber resource potential. Apply the TP land division and residential density requirement policies for any parcel found to have timber resources equivalent to TP parcels. Require, as a condition of any land division, rezoning to TP for parcels which have equivalent timber resources and that meet the criteria of policy 5. 12.9.

Revise 1994 General Plan and Local Coastal Program for the County of Santa Cruz policy 5.12.9 by adding the underlined wording:

5.12.9 Rezoning Land to Timber Production

Encourage timberland owners to apply for Timber Production zoning where appropriate. In the coastal zone it is not appropriate to zone timberland for timber production if the land is recreational, environmentally sensitive, or visible from rural scenic roads (pursuant to policy 5. IO. 3) and if logging will harm these resource values. For purposes of this policy, harmful activities shall be considered as those including any significant disruption of environmentally sensitive habitat, any loss of landmark old growth trees, any degradation of scenic public views, any significant loss of timberland soils or siltation of spawning gravels. Also, it is not appropriate to zone timberland for timber production if the land is susceptible to a geologic hazard that may be exacerbated by logging and not responsive to mitigation. Such rezonings must be in accordance with the procedures set forth in the TP ordinance.

Add Policy 5.12.14, as follows:

5.12.14 Zone Districts Where Timber Harvesting is Allowed

Allow timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, only in the Timber Production (TP), Parks, Recreation and Open Space (PR) (except in the coastal zone), and Mineral Extraction Industrial (M-3) zone districts.

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Added - underlined italics

Deleted - ~~overstrike italics~~

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ORDINANCE _____

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.170(d) - CONSISTENT ZONE DISTRICTS, 13.10.3 12(b) - ALLOWED USES IN THE AGRICULTURAL ZONES, 13.10.322(b) - ALLOWED USES IN THE RESIDENTIAL ZONES, 13.10.332(b) - ALLOWED USES IN THE COMMERCIAL ZONES, 13.10.342(b) - ALLOWED USES IN THE INDUSTRIAL ZONES, 13.10.342(b) - INDUSTRIAL ZONE DISTRICT USES CHART, 13.10.352(b) - PARKS, RECREATION AND OPEN SPACE USES CHART, 13.10.362(b) - ALLOWED USES IN THE PUBLIC AND COMMUNITY FACILITY ZONE, 13.10.372(b) - TIMBER PRODUCTION ZONE USES CHART, 13.10.375(c) - REZONING TO THE TIMBER PRODUCTION ZONE DISTRICT, 13.10.3 82 - ALLOWED USES IN THE SPECIAL USE "SU" DISTRICT, 16.20.180 - PRIVATE ROAD STANDARDS AND 16.30.050 - RIPARIAN CORRIDOR EXEMPTIONS, AND ~~ADDING COUNTY CODE SECTION 13.10.378 - TIMBER HARVESTING RELATED HELICOPTER REGULATIONS AND~~ SECTION 13.10.695- LOCATIONAL CRITERIA FOR TIMBER HARVESTING

SECTION I

Subsection (d) of Section 13.10.170 - Consistent Zone Districts of the County Code, including the Open Space Uses and General Plan/Local Coastal Program Resources Sections, is hereby amended to read as follows:

(d) Consistent Zone Districts. The following table denotes the basic and combining districts which implement and are consistent with the various General Plan land use, resource and constraint designations. Rezoning of a property to a zone district which is shown in the following Zone Implementation Table as implementing the designation applicable to the property, shall not constitute an amendment of the Local Coastal Program, unless it involves rezoning to "TP" or "M-3" in the coastal zone.

General Plan/Local Coastal Program Land Use Designation

Zone District pursuant to Section 13.10.300 et sea. and Section 13.10.400 et sea.

Open Space Uses:

-0-R Parks, Recreation and Open space

PR - Parks, Recreation and Open Space
PF - Public Facility
TP - Timber Production, outside of the coastal zone only.

-0-C Resource Conservation

PR - Parks, Recreation and Open Space
PF - Public Facility

TP - Timber Production, outside of the coastal zone only.

A - Agriculture

CA - Commercial Agriculture

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General Plan/Local Coastal Program Resource

-Agricultural Resource Lands

AP - Agricultural Preserve Zone District

A-P - Agriculture with Agricultural Preserve Zone District

CA - Commercial Agriculture

TP - Timber Production (except for coastal zone lands designated Parks or Resource Conservation)

-Timber Resource Lands

TP - Timber Production (except for coastal zone lands designated Parks or Resource Conservation)

SECTION II

Subsection (b) of Section 13.10.3 12 - Uses Allowed in Agricultural Districts of the County Code is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the agricultural districts shall be as provided in the Agricultural Uses Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the agricultural zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123. All Level V or higher Approvals in the "CA" and "AP" zone districts are subject to the special findings required by Section 13.10.3 14(a) in addition to those required in Section 18.10.230.
2. Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Agricultural zone districts.

SECTION III

Subsection (b) of Section 13.10.322 - Residential Uses - of the County Code is hereby amended to read as follows:

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(b) Allowed Uses.

1. The uses allowed in the residential districts shall be as provided in the Residential Uses Chart below. A discretionary approval for an allowed use is known as a “Use Approval” and is given as part of a “Development Permit” for a particular use. The type of permit processing review, or “Approval Level”, required for each use in each of the residential zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.
2. Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Residential zone districts.

SECTION III IV

Subsection (b) of Section 13.10.322 of the County Code is hereby amended to delete the following use from the Residential Uses Chart:

	RA	RR	R-1	RB	RM
Timber harvesting, small scale, subject to the Timber Harvest Ordinance (Chapter 16.52)	P	P	--	--	--

SECTION IV V

Subsection (b) of Section 13.10.332 - Commercial Uses - of the County Code regarding commercial uses is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the commercial districts shall be as provided in the Commercial Uses Chart below. A discretionary approval for an allowed use is known as a “Use Approval” and is given as part of a “Development Permit” for a particular use. The type of permit processing review, or “Approval Level”, required for each use in each of the commercial zone districts is indicated in the

chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.

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2. Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Commercial zone districts.

SECTION VI

Subsection (b) of Section 13.10.342 - Uses in Industrial Districts - of the County Code is hereby amended to read as follows:

(b) Allowed Uses.

1. The uses allowed in the industrial districts shall be as provided in the following Industrial Uses chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the industrial zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123. For purposes of this Chapter, a Mining Approval is a Use Approval.
2. Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Industrial zone districts, except in the M-3 zone district pursuant to the Uses Chart.

SECTION VII

Subsection (b) of Section 13.10.342 - Mine Site Interim Uses - of the County Code is hereby amended by amending the Industrial Uses Chart to read as follows:

INDUSTRIAL USES CHART

USE	M-1	M-2	M-3
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Mine site interim uses, such as:

- | | | | |
|--|---|---|---|
| 1) Agricultural uses subject to the regulations of the "A" District; | Allowed at Approval Levels required by Section 13.10.3 12 or Chapter 16.52 | | |
| 2) Timber harvesting, subject to the regulations of Chapter 16.52 of the County Code Section 13.10.695. | — | — | P |

SECTION VIII

Subsection (b) of Section 13.10.352 - Timber Harvesting- of the Parks, Recreation and Open Space Uses Chart of the County Code is hereby amended to read as follows:

"PR USES CHART"

USE	PR
<u>Timber Harvesting, outside the coastal zone</u> subject to Section 13.10.695.	P

SECTION VIII IX

Subsection (b) of Section 13.10.362 - Public and Community Facility Uses of the County Code is hereby amended to read as follows:

(b) Allowed Uses.

- The uses allowed in the Public and Community Facilities district shall be as provided in the Public and Community Facilities Use Chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in the zone district is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.

2. Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Public and Community Facility zone district.

SECTION IX

Subsection (b) of Section 13.10.372 - of the County Code is hereby amended by amending the “Timber” use of the Timber Production Zone district to read as follows:

“TP” USES CHART

USE	TP
Timber: Growing, harvesting: the cutting and removal of timber and other forest products, and work incidental thereto, including helicopter yarding of timber pursuant to Section 13.10.378, (Subject to a Timber Harvest Permit pursuant to Ch. 16.52) subject to Section 13.10.695 of the County Code.	P

SECTION XI

Subsection (c) of Section 13.10.375 of the County Code is hereby amended by adding the following to the list of requirements for rezoning to the Timber Production Zone:

- (c) Zoning to the “TP” District. An owner may make application to rezone land to the Timber Production District. The Board of Supervisors may, by ordinance, upon the advice of the Planning Commission pursuant to Section 5 1110.2, Public Resource Code, and after public hearings, zone as Timber Production parcels submitted to it by petition pursuant to this section, and/or which meet all of the following criteria:
1. A map shall be submitted with the legal description or assessor’s parcel number of the property desired to be zoned.
 2. A Timber Management Plan for the property shall be submitted. This Plan shall have been prepared or approved as to content by a Registered Professional Forester. Such Plan shall provide for the eventual harvest of timber within a reasonable period of time. The Timber Management Plan shall be subject to approval as submitted, or as amended by the County. Prior to rezoning of the property to “TP”, the property owner shall bind himself and his successors in interest to carry out the approved Timber Management Plan.

3. Either the parcel must 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 Board of Forestry for the district in which the parcel is located, 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. If the parcel is subsequently zoned as Timber Production, failure to meet such stocking standards and Forest Practice Rules within this time period shall constitute grounds for rezoning the parcel.

4. The parcel must be timberland.

5. Use on the parcel shall be in compliance with the Timber Production Zone uses set forth in Section 13.10.372.

6. The land area to be rezoned 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 five acres in area.

7. In the coastal zone, the land shall not be recreational, environmental & sensitive, nor visible from rural scenic roads (pursuant to policy 5. IO. 3) where logging will harm these resource values. For the purposes of this subsection, harmful activities shall be considered as those including any significant disruption of environmentally sensitive habitat, any loss of landmark old growth trees, any degradation of scenic public views, any significant loss of timberland soils or siltation of spawning gravels.

8. The land shall not be susceptible to a geologic hazard that may be exacerbated by logging and not responsive to mitigation.

SECTION X

Chapter 13.10 is hereby amended by adding Section 13.10.378 to read as follows:

13.10.378 Timber Harvest Related Helicopter Operations

~~(a) Helicopter yarding of timber shall only be permitted for timber harvested from properties zoned TP. Appurtenant helicopter service and log landing areas must be sited within the Timber Harvest Permit (THP) boundaries on property which is either zoned TP or is zoned on another zone district where timber harvesting is an allowed use. Helicopter flights for log transport between the area where the felling is occurring and the landing must occur only over property contained within the approved THP.~~

~~(b) No helicopter flight may occur within 1,000 feet horizontally of an inhabited residence, provided that the Director may reduce this requirement to 500 feet with the written concurrence of the residential inhabitant.~~

SECTION XII

C 303

Subsection (a) of Section 13.10.382 - Uses in the Special Use "SU District of the County Code is hereby amended to read as follows:

(a) Allowed Uses.

1. All uses allowed in the RA and R-1 Zone District shall be allowed in the Special Use "SU" District where consistent with the General Plan and when authorized at the highest Approval Levels specified in the Uses Chart in Section 13.10.322(b) for those districts.

2. All uses allowed in Zone Districts other than RA and R-1 shall be allowed in the Special Use "SU" District where consistent with the General Plan and when authorized at the highest Approval Level required by all such districts but no lower than Level V.

3. Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Special Use "SU" Zone District.

SECTION XIII

Chapter 13.10 of the County Code is hereby amended by adding Section 13.10.695 to read as follows:

13 10.695 Locational Criteria for Timber Harvesting

(a) Timber harvesting requiring approval of a Timber Harvesting Plan by the California Department of Forestry is allowed only in those zone districts which specifically list timber harvesting as an allowed use.

(b) Within those zone districts, (except the TP zone) commercial timber harvesting shall not occur within the following areas:

1) riparian corridors, defined as:

i) 50-feet from the bank full flow line of a perennial stream

ii) 30-feet from the bank full flow line of an intermittent or ephemeral stream

2) a residential buffer, measuring 300-feet from the exterior walls of any residential dwelling located on adjacent properties not zoned TP.

~~3) in areas identified as active or recent landslides, as determined by a registered Geologist or Engineering Geologist, based on the most current mapping, photo-interpretation, and/or surface observation.~~

(c) Within the TP zone district, commercial timber harvesting shall not occur within

riparian corridors, defined as follows:

- i) 50-feet from the bank full flow line of a perennial stream
- ii) 30-feet from the bank full flow line of an intermittent or ephemeral stream

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SECTION XIV

Subsection (h) of Section 16.20.180 - Design Standards for Private Roads, Driveways and Bridges - of the County Code is hereby amended to read as follows:

~~(h) In all cases, where road gradients exceed 15 percent, 1-1/2 inches of asphaltic concrete shall be provided. (EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used.) Where road gradients exceed 10 percent and a high erosion hazard has been identified by field review, oil and screen may be required at the discretion of the Planning Director. Road surfacing shall meet the following standards, based on the road gradient: 0 to 10 percent gradient - 6 inches of drain rock; 10- 15 percent gradient - oil and screenings; greater than 15 percent gradient - 1 1/2 inches asphaltic concrete~~ EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used).

SECTION XV

Section 16.30.050 of the County Code is hereby amended to read as follows:

16.30.050 Exemptions. The following activities shall be exempt from the provisions of this chapter.

(a) The continuance of any preexisting nonagricultural use, provided such use has not lapsed for a period of one year or more. This shall include change of uses which do not significantly increase the degree of encroachment into or impact on the riparian corridor as determined by the Planning Director.

(b) The continuance of any preexisting agricultural use, provided such use has been exercised within the last five years.

~~(c) All activities done pursuant to a valid County Timber harvest permit.~~

~~(d)~~ (c) All activities listed in the California Food and Agricultural Code pursuant to the control and eradication of a pest as defined in Section 5006, Food and Agriculture Code, as required or authorized by the County Agricultural Commissioner.

~~(e)~~ (d) Drainage, erosion control, or habitat restoration measures required as a condition of County approval of a permitted project. Plans for such measures shall be reviewed and approved by the Planning Director.

~~(f)~~ (e) The Pajaro River Sediment Removal Project, under Army Corps of Engineers Permit No. 21212S37, issued May 1995, or as amended.

SECTION XVI

If any section, subsection, division, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of this County hereby declares that it would have adopted this Ordinance and each section, subsection, division, sentence, clause, phrase, or portion thereof, irrespective of any such decision.

SECTION XVII

This Ordinance shall take effect on the 31st day after final passage outside the Coastal Zone, and shall become effective upon certification by the California Coastal Commission within the Coastal Zone.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 1998, by the following vote:

- AYES: SUPERVISORS
- NOES: SUPERVISORS
- ABSENT: SUPERVISORS
- ABSTAIN: SUPERVISORS

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: _____
County Counsel

Copies to: Planning
County Counsel