



# County of Santa Cruz<sup>0103</sup>

## BOARD OF SUPERVISORS

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AGENDA: 10/5/99

September 27, 1999

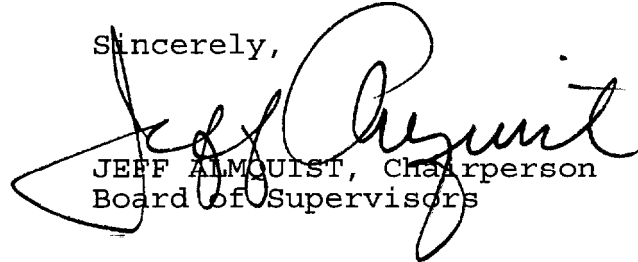
BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

RE: PLANNING COMMISSION RECOMMENDATIONS RELATIVE  
TO REGULATIONS REGARDING TIMBER HARVESTING

Dear Members of the Board:

Attached is a letter from Renee Shepherd, Chairperson of the County Planning Commission, regarding the Commission's review of the County's efforts to regulate timber harvesting. As Board members will note, the Planning Commission has outlined three areas of concern relative to parcel size, compatible uses, and findings. I believe that the Commission's concerns should be addressed by staff in preparation for the Board's consideration of timber issues on November 9, 1999. Accordingly, I recommend that the Board refer the Commission's letter to Planning staff with the request that the Commission's concerns be addressed as part of the Department's report to the Board on November 9, 1999.

Sincerely,



JEFF ALMQUIST, Chairperson  
Board of Supervisors

JA:ted  
Attachments

cc: Planning Commission  
Planning Director

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# County of Santa Cruz<sup>0104</sup>

## PLANNING COMMISSION

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 96060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123

August 17, 1999

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, California 95060

SUBJECT: REGULATIONS REGARDING TIMBER HARVESTING

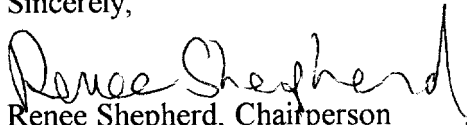
Members of the Board:

The Planning Commission, as a result of the large numbers of applications to rezone property to the Timber Production zone district, requested that the Planning Department provide a report on the activities regarding the attempts by the County to regulate timber harvesting within the County. On April 28, 1999, the Planning Commission conducted a study session on the current status of the County's efforts to regulate timber harvesting within in the County. Following the presentation by Planning staff (Attachment 1), the Commission discussed a number of their concerns regarding timber harvesting in the County. These concerns included the following:

- Parcel size: The Commission was concerned that the 5 acre parcel size was too small for maintaining an economically viable timber resource unit.
- Compatible uses: The Commission was concerned that the County's TP zone uses chart contained uses that may not be compatible with the long-term goal of timber resource management.
- Findings: The aspect of the rezoning process which raised the greatest concern dealt with the Timber Management Plan and the lack of guidelines for its review and approval by the Commission.

The Commission directed that this letter be prepared and, further, recommended that your Board take final action on the ordinances restricting timber harvesting to the TP zone as soon as possible.

Sincerely,

  
Renee Shepherd, Chairperson  
Planning Commission

Attachments 1. Memo of Mark M. Deming, AICP, dated April 15, 1999, with Exhibits.

# County of Santa Cruz PLANNING DEPARTMENT

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**DATE: April 15, 1999**

**TO: Planning Commission**

**FROM: Mark M. Deming, AICP, Planning**



**SUBJECT: TIMBER HARVESTING IN SANTA CRUZ COUNTY**

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Your Commission has requested information regarding timber harvesting in Santa Cruz County and, in particular, information regarding the recent actions of the Board of Supervisors relating to the regulation of timber harvesting. The following information will provide your Commission with a brief history of timber harvesting in Santa Cruz County, a chronology of the Board's actions regarding timber harvesting and provide copies of various documents noted in the chronology.

Santa Cruz County has long been a source of lumber for the building industry, both locally and regionally. In fact, most of the County was clear-cut by the turn of the century. Much of the San Lorenzo Valley development and infrastructure was developed to support the timber industry. Timber harvesting has continued since then as the second growth forest matured.

In the 1970's, the State enacted the California Timberland Productivity Act (Exhibit A) which created the Timber Preserve Zone (TPZ, later the Timber Production Zone), required all counties to rezone appropriate properties to the TPZ and gave these properties a tax reduction. Specific procedures and regulations for the rezoning of properties to the TPZ were included in the legislation, including procedures for zoning to the TPZ in the future. Your Commission has already been briefed by County Counsel on this process.

In the 1970's and into the early 1980's, the County and the State both issued timber harvesting approvals for timber harvesting in the County. In the early 1980's, State legislation known as the Forest Practice Act placed complete control of the regulation of timber harvesting under the authority of the California Department of Forestry (CDF). CDF regulates timber harvesting activities through a set of administrative rules, the

Forest Practice Rules. Because Santa Cruz County (and some other counties) regulated timber harvesting prior to the State's legislation, a special provision Forest Practice Act allowed these counties to propose 'special' Forest Practice Rules that would apply only within their jurisdiction. Santa Cruz County has special rules in effect as a result of this legislation. These special rules are as strict in terms of environmental protection as any timber harvest regulations anywhere in the State. The Rules deal with the specific characteristics of Santa Cruz County, including soils, topography, watersheds, etc. Santa Cruz County's special rules include a clear-cutting prohibition (instead, there are specific cutting standards), a provision for public hearings, a winter operations prohibition and other rules designed to reduce the impact of timber harvesting. Because the Forest Practice Rules are an extensive and complex set of rules, staff is unable to provide your Commission with copies.

In recent years, timber harvesting in Santa Cruz County has come under much closer scrutiny, as the rural parcels in the County have become infilled with residences. This changing land use character, from very sparsely populated rural areas to the infill of residences, has created conflicts. Homeowners who have moved to the mountains for peace and quiet find themselves subjected to the impacts of timber harvesting operations (truck traffic, noise, dust, etc.).

The methods of timber harvesting are changing as well. In the past, timber located in steep canyons or in areas of extreme erosion or slope instability were left behind because there was no feasible way to access it. Now, however, timber can be airlifted out by helicopter, or 'skylined' across canyons and steep slopes to safer, less environmentally damaging staging areas. These methods, while much less damaging to the environment, have resulted in an increase in the concern over noise and perceived physical danger, in the case of helicopter logging. Increased logging in heretofore inaccessible canyons by helicopters or skylines is a concern to those who are working to restore the habitats of two anadromous fish (Coho salmon and steelhead) that have been listed under the Endangered Species Act as 'threatened'. These listings have resulted in the need for higher standards of erosion control and riparian corridor protection in order to protect and restore the habitat of these fish.

In Summer of 1997, the County became aware through conversations with

CDF staff regarding helicopter regulations that the authority to regulate 'where' timber harvesting occurs lies with the County, through its zoning ordinance. Regulating timber harvesting operations, the 'how' of timber harvesting, was solely under the authority of CDF. In August 1997, the Board of Supervisors (BOS) determined that, under the existing Zoning Ordinance, timber harvesting was allowed only in the Timber Production (TP), Parks, Recreation and Open Space (PR), Mineral Extraction Industrial (M-3) zone districts, and in the Special Use (SU) zone if the area to be harvested was also designated as Timber Resource on the General Plan Resource and Constraint maps. However, the extensive public testimony from both sides of the timber harvesting issue clearly indicated that change was necessary.

In order to resolve the controversy, the BOS appointed a ten-person committee, the Timber Technical Advisory Committee (TTAC), with 5 timber industry/timber land owner representatives and 5 neighborhood/environmental organization representatives. The TTAC was charged with developing a set of ordinance amendments to address the issues identified during the public hearings and the BOS deliberations. The TTAC, however, recommended that the BOS attempt to address the issues through revisions to the Forest Practice Rules before more stringent zoning regulations were adopted. The BOS, February 1998, directed that the revised Forest Practice Rules be developed for submittal to the Board of Forestry and that two sets of Zoning Ordinance amendments be prepared, one to be approved if an acceptable set of Forest Practice Rules were approved by the Board of Forestry and another to be approved in the event that no changes or unacceptable changes to the Forest Practice Rules were approved by the Board of Forestry. In June 1998, the Board approved the set of proposed Forest Practice Rules (Exhibit B) for submission to the Board of Forestry and the two sets of zoning ordinance amendments in conceptual form.

The BOS, in Spring 1998, realized that a number of property owners would likely wish to rezone their properties to the TP zone from zone districts which no longer allowed timber harvesting. As one of the major complaints regarding the rezoning process was the cost of the processing, the BOS established a flat fee for the TPZ rezoning at \$750, a substantial reduction over the actual cost of the rezoning process.

The Board of Forestry held a number of meetings in August, September, October and November to discuss the County's proposed Forest Practice Rules. In early November 1998, the Board of Forestry approved about half of the proposed Rules (Exhibit C) and directed their staff to prepare the Rules for review by the Office of Administrative Law. <sup>0108</sup>

Meanwhile, Planning staff was processing the ordinance amendments for the BOS public hearing scheduled in late November 1998. Your Board may remember the public hearing in early October 1998 regarding the proposed ordinance amendments. There were two sets of amendments. The first set basically allowed timber harvesting only in the TP, PR and M-3 zone districts. The second set also allowed timber harvesting in the CA, A and SU zone districts. Your Commission forwarded the proposed sets of ordinance and policy amendments to the BOS with specific recommendations and directions for staff to respond to the comments from the public regarding the proposed amendments.

In late November 1998, the BOS reviewed the actions of the Board of Forestry and determined that more changes to the Forest Practice Rules were necessary. Consequently, the BOS adopted in concept the more rigorous set of ordinance and policy amendments (Exhibit D) and directed staff to forward these amendments to the Coastal Commission for processing and to return in May 1999 with the Coastal Commission determination for final action by the Board of Supervisors. In the meantime, staff was directed to prepare a new set of Forest Practice Rules for review by the Board of Forestry in early 1999. It was hoped that Governor Davis would appoint Board of Forestry members who would be more sympathetic to the County's request than the previous Board. The BOS approved the proposed Forest Practice Rules for submittal in January 1999 (Exhibit E).

The Coastal Commission considered the County's proposed amendments in March 1999 and continued the matter to resolve several issues. No date has been set for the reconsideration. Governor Davis has not made any new appointments to the Board of Forestry to date and there is currently no quorum to conduct business, so the County's Rules package is stalled. Staff is requesting that the Board delay final action on this matter until Fall 1999.

- Exhibits:
- A. California Timberland Productivity Act
  - B. 1998 Proposed Forest Practice Rules, Board of Supervisors approved
  - C. 1998 Board of Forestry approved Forest Practice Rules
  - D. Board of Supervisors approved (in concept) ordinances and policies regarding timber harvesting
  - E. 1999 Proposed Forest Practice Rules, Board of Supervisors approved

# GOVERNMENT CODE

## SECTION 51100-51104

51100. This chapter shall be known and may be cited as the California Timberland Productivity Act of 1982.

51101. The Legislature hereby finds and declares all of the following:

(a) The forest resources and timberlands of this state, together with the forest products industry, contribute substantially to the health and stability of the state's economy and environment by providing high quality timber, employment opportunities, regional economic vitality, resource protection, and aesthetic enjoyment.

(b) The state's increasing population threatens to erode the timberland base and diminish forest resource productivity through pressures to divert timberland to urban and other uses and through pressures to restrict or prohibit timber operations when viewed as being in conflict with nontimberland uses.

(c) A continued and predictable commitment of timberland, and of investment capital, for the growing and harvesting of timber are necessary to ensure the long-term productivity of the forest resource, the long-term economic viability of the forest products industry, and long-term stability of local resource-based economies.

51102. (a) The Legislature further declares that to fully realize the productive potential of the forest resources and timberlands of the state, and to provide a favorable climate for long-term investment in forest resources, it is the policy of this state to do all of the following:

(1) Maintain the optimum amount of the limited supply of timberland to ensure its current and continued availability for the growing and harvesting of timber and compatible uses.

(2) Discourage premature or unnecessary conversion of timberland to urban and other uses.

(3) Discourage expansion of urban services into timberland.

(4) Encourage investment in timberlands based on reasonable expectation of harvest.

(b) The Legislature further declares that it is the policy of this state that timber operations conducted in a manner consistent with forest practice rules adopted by the State Board of Forestry and Fire Protection shall not be or become restricted or prohibited due to any land use in or around the locality of those operations.

51103. It is the intent of the Legislature to implement the policies of this chapter by including all qualifying timberland in timberland production zones.

51104. As used in this chapter, unless otherwise apparent from the context:



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(a) "Board" means the board of supervisors of a county or city and county, whether general law or chartered, which establishes or proposes to establish a timberland production zone pursuant to this chapter.

(b) "Contiguous" means two or more parcels of land that are adjoining or neighboring or are sufficiently near to each other, as determined by the board or council, that they are manageable as a single forest unit.

(c) "Council" means the city council of a city, whether general law or chartered, which establishes or proposes to establish a timberland production zone pursuant to this chapter.

(d) "County" or "city" means the county or city having jurisdiction over the land.

(e) "Timber" means trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees, but does not mean nursery stock.

(f) "Timberland" means privately owned land, or land acquired for state forest purposes, -which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.

(g) "Timberland production zone" or "TPZ" means an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).

With respect to the general plans of cities and counties, "timberland preserve zone" means "timberland production zone."

(h) "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

(1) Management for watershed.

(2) Management for fish and wildlife habitat or hunting and fishing.

(3) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas.

(4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.

(5) Grazing.

(6) A residence or other structure necessary for the management of land zoned as timberland production.

(i) "Parcel" means that portion of an assessor's parcel that is timberland, as defined.

(j) "Anniversary date" means the anniversary of the date on which zoning is established pursuant to Section 51112 or 51113 takes effect.

(k) "Tax rate area" means a geographical area in which there is a unique combination of tax levies.

(1) "Nonconforming use" means any use within a TPZ which lawfully existed on the effective date of zoning established pursuant to Sections 51112 and 51113, and continuing since that time, which is not a compatible use.

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# GOVERNMENT CODE SECTION 51110-51119.5

51110. (a) On or before September 1, 1976, the assessor shall assemble a list of all parcels, regardless of size, which as of the lien date in 1976, were assessed for growing and harvesting timber as the highest and best use of the land, including all such parcels or portions thereof under agricultural preserve contracts.

(b) On or before September 1, 1976, the assessor shall notify by mail, which is certified and with return receipt requested, owners of parcels listed under subdivision (a) that their land has been included in such a list. This notice shall be substantially in the following form:

To: (name of taxpayer)

Pursuant to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, \_\_\_\_\_ County must provide for the zoning of land used for growing and harvesting timber as timberland preserve zone (TPZ).

A TPZ is a 10-year restriction on the use of land, and will replace the use of agricultural preserves (Williamson Act contracts) on timberland. Land use under a TPZ will be restricted to growing and harvesting timber, and to compatible uses approved by the county (or city). In return, taxation of timberland under a TPZ will be based only on such restrictions in use.

To initiate this zoning procedure, the assessor has assembled a list (list "A") of all those parcels assessed for property tax purposes for growing and harvesting timber as the highest and best use of the land as of March 1, 1976. The following parcels of your land have been included in this list "A":

(legal description or assessor's parcel no.)

If you have one or more parcels listed above which you believe have a highest and best use other than growing and harvesting timber, you must submit to the assessor a written affidavit describing the intended use you have for this parcel (s), and do so before October 1, 1976. The assessor will then designate such parcel(s) as "contested" on the final list of these parcels which is submitted to the county board of supervisors (or city council) on October 15, 1976.

A public hearing will be held prior to March 1, 1977, for the consideration of zoning your parcel(s) as TPZ. You will be given at least 20 days' notice of such hearing.

Under the Timber Yield Tax Law, all noncontested parcels included in the final list "A" will be zoned as TPZ unless the owner can demonstrate to the satisfaction of a majority of the full board (or council) that at least one of the following conditions exists:

(i) That the parcel or parcels are not capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre; or

(ii) That the current use of the parcel has changed subsequent to March 1, 1976, and that such use is no longer the growing and harvesting of timber, and is not compatible with the growing and harvesting of timber.

Parcels designated as "contested" which appear on list "A" will be zoned as TPZ unless the owner can demonstrate to the satisfaction of a majority of the full board (or council) that it would not be in the public interest for such parcels(s) to be zoned as TPZ. Parcels in list "A" not zoned as TPZ will receive an alternate zone, if no appropriate zone currently exists. "Contested" parcels not zoned as

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TPZ will be valued in the future on a higher and better use of the land.

Detailed information on the TPZ zoning process and the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act in general may be obtained from your county assessor's office.

(c) Upon notification pursuant to subdivision (b) owners of parcels listed pursuant to subdivision (a) may have one or more such parcels designated as "contested" in the following manner:

On or before October 1, 1976, the owner must notify the assessor in a written affidavit that such a parcel has the highest and best use which is not a compatible use for timberland, as determined by the board or council pursuant to Section 51111, and the owner shall state the intended use for such parcel.

Upon receipt of such affidavit, the assessor shall designate such parcels on the list to be submitted to the board or council pursuant to subdivision (d) as "contested". In preparing the assessment roll for the 1977-78 fiscal year and each fiscal year thereafter, the assessor shall take into account the owner's notice of higher and better use in determining the fair market value for such parcels, if such parcels are not zoned as timberland preserve.

(d) On or before October 15, 1976, the assessor shall submit to the board or council a list of all parcels, regardless of size, which as of the lien date in 1976, are assessed for growing and harvesting timber as the highest and best use of the land, including such parcels designated as "contested" pursuant to subdivision (c). This list shall be known as "list A".

(e) On or before August 19, 1976, the State Board of Equalization shall submit to the county assessor for inclusion in list A those parcels on the board roll which are located in the county and which, as of the lien date in 1976, were assessed by the State Board of Equalization for growing and harvesting timber as the highest and best use of the land.

51110.1. (a) On or before September 1, 1977, the assessor shall assemble a list of all parcels, which, as of the lien date in 1976, appeared in the judgment of the assessor to constitute timberland, but which were not assessed for growing and harvesting timber as the highest and best use of the land.

(b) On or before September 1, 1977, the assessor shall notify by mail, which is certified and with return receipt requested, owners of parcels listed under subdivision (a) that their land has been included in such a list. This notice shall be substantially in the following form:

To: (name of taxpayer)

Pursuant to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, County must provide for the zoning of land used for growing and harvesting timber as timberland preserve zone (TPZ).

A TPZ is a 10-year restriction on the use of land, and will replace the use of agricultural preserves (Williamson Act contracts) on timberland. Land use under a TPZ will be restricted to growing and harvesting timber, and to compatible uses approved by the county (or city). In return, taxation of timberland under a TPZ will be based only on such restrictions in use.

As part of this zoning procedure, the assessor has assembled a list (list "B") of all those parcels which appear to be land used for growing and harvesting timber, but which are not assessed for property tax purposes as this being the highest and best use of the land. The following parcels of your land have been included in this list "B":

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\_\_\_\_\_  
(Legal description or assessor's parcel no.)  
\_\_\_\_\_

A public hearing will be held prior to March 1, 1978, for the consideration of zoning your parcel(s) as TPZ. You will be given at least 20 days' notice of such hearing.

Under the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act, all parcels included in this list "B" will be zoned as TPZ unless the owner can demonstrate to the satisfaction of a majority of the full board (or council) that it would not be in the public interest for such parcel(s) to be zoned as TPZ. Parcels on list "B" not zoned as TPZ will receive an alternate zone, if no appropriate zone currently exists.

Detailed information on the TPZ zoning process and the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act in general may be obtained from your county assessors office.

(c) On or before October 15, 1977, the assessor shall submit to the board or council a list of all parcels, which as of the lien date in 1976, appear to constitute timberland, but which are not assessed for growing and harvesting timber as the highest and best use of the land. This list shall be known as "list B".

(d) On or before August 19, 1977, the State Board of Equalization shall submit to the county assessor, for inclusion in list B, those parcels on the board roll which are located in the county and which as of the lien date in 1976, appear to constitute timberland, but which were not assessed by the State Board of Equalization for growing and harvesting timber as the highest and best use of the land.

51110.2. The county or city planning commission shall hold a public hearing on parcels referred to it for review by the board or council pursuant to subdivision (d) of Section 51110 and subdivision (c) of Section 51110.1 according to Section 65854, and shall render its decision in the form of a written recommendation to the board or council according to Section 65855. The planning commission shall include in its recommendation to the board or council considerations as to the exact zoning boundaries to be drawn within each assessors parcel contained in list A or list B.

51110.3. In the event that a landowner does not receive notice pursuant to subdivision (b) of Section 51110.1, such owner may prior to January 1, 1978, petition directly to the board or council to have a parcel owned by such person included on list "B." Such owner must be able to demonstrate that on each such parcel a plan for forest management has been prepared, or approved as to content, by a registered professional forester prior to October 15, 1977. Such plan shall provide for the harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

In the event that the board or council finds that the parcel does in fact have plans for forest management signed by a registered professional forester prior to October 15, 1977, the board or council shall include the parcel listed in the petition on list "B" without respect to acreage or size and shall consider these parcels under subdivision (c) of Section 51112.

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51111. On or before October 1, 1976, the board or council shall adopt a list and a detailed description of additional compatible uses for parcels zoned as timberland production.

51112. (a) On or before March 1, 1977, the board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels appearing on list A submitted by the assessor pursuant to subdivision (d) of Section 51110 which are not designated as "contest," unless it finds by a majority vote of the full body that a parcel or parcels are not devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses.

The basis for such a finding is limited to either of the following:

(1) The parcel is not in fact capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre;

(2) The use of the parcel has changed subsequent to the lien date in 1976, and that such use no longer meets the definition of timberland, or of compatible uses as defined and as adopted by the board or council pursuant to Section 51111.

(b) On or before March 1, 1977, the board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels appearing on list A which are designated as "contested" pursuant to subdivision (c) of Section 51110, except those parcels which it finds by a majority vote of the full body to be in the public interest to exclude from such a zone.

(c) On or before March 1, 1978, the board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels appearing on list B submitted by the assessor pursuant to subdivision (c) of Section 51110.1, except those parcels which it finds by a majority vote of the full body to be in the public interest to exclude from such a zone.

(d) On parcels excluded from the timberland production zone under this section, the board or council shall apply an alternate zone which is in conformance with the county general plan and whose primary use is other than timberland, if no such appropriate zone currently applies to such parcels.

(e) The owner of the land shall be given written notice at least 20 days prior to the hearing of the board or council, and notice of hearing shall be published pursuant to Section 6061 of this code, and shall include a legal description, or the assessor's parcel number, of the land which is proposed to be included within the timberland production zone.

51113. (a) (1) An owner may petition the board or council to zone his or her land as timberland production. The board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels submitted to it by petition pursuant to this section, which meet all of the criteria adopted pursuant to subdivision (c). Any owner who has so petitioned and whose land is not zoned as timberland production may petition the board or council for a rehearing on the zoning.

(2) This section shall not be construed as limiting the ability of the board or council to zone as timberland production any parcel submitted upon petition that is timberland, defined pursuant to

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subdivision (f) of Section 51104, and which is in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

(b) The board or council, on or before March 1, 1977, by resolution, shall adopt procedures for initiating, filing, and processing petitions for timberland production zoning and for rezoning. The rules shall be applied uniformly throughout the county or city.

(c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland production under this section. The criteria shall not impose any requirements in addition to those listed in this subdivision and in subdivision (d). The following shall be included in the criteria:

(1) A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.

(2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester. The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(3) (A) The parcel 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 and Fire Protection for the district in which the parcel is located, or the owner shall sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.

(B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed. Notwithstanding the provisions of Article 4 (commencing with Section 511301, if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel, which is in conformance with the county general plan and whose primary use is other than timberland.

(4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

(5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

(d) The criteria required by subdivision (c) may also include any or all of the following:

(1) 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 of a certain number of acres, not to exceed 80 acres.

(2) The land shall be a certain site quality class or higher under Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.

51113.5. (a) After March 1, 1977, an owner with timberlands in a timberland production zone pursuant to Section 51112 or 51113 may petition the board or council to add to his or her timberland production lands that meet the criteria of subdivisions (f) and (g) of Section 51104 and that are contiguous to the timberland already

zoned as timberland production. Section 51113 shall not apply to these lands.

(b) In the event of land exchanges with, or acquisitions from, a public agency in which the size of an owner's parcel or parcels zoned as timberland production pursuant to Section 51112 or 51113 is reduced, the timberland production shall not be removed from the parcel except pursuant to Section 51121 and except for a cause other than the smaller parcel size.

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51114. Parcels zoned as timberland production shall be zoned as such for an initial term of 10 years. On the first and each subsequent anniversary date of the initial zoning, a year shall be added to the initial term of 10 years, unless a notice of rezoning is given as provided in Section 51120.

51115. Parcels zoned as timberland production shall be zoned so as to restrict their use to growing and harvesting timber and to compatible uses. The growing and harvesting of timber on those parcels shall be regulated solely pursuant to state statutes and regulations.

51115.1. (a) The zoning of a parcel pursuant to this chapter shall give rise to a presumption that timber operations, as defined in Section 4527 of the Public Resources Code, may reasonably be expected to and will occur on that parcel.

(b) The Legislature hereby declares that the enactment of this section is intended to make clear that the zoning of a parcel pursuant to this chapter is an indication that timber operations are expected to occur on that parcel at a future date. The Legislature further declares that this section is not intended and shall not be construed as altering any substantive or procedural requirement of Chapter 8 (commencing with Section 4511) of Part 2 of Division 4 of the Public Resources Code, or of any rule or regulation adopted pursuant thereto.

51115.2. (a) Changes or additions to any nonconforming use shall be limited to ordinary maintenance and repair, except that no change or addition which enlarges or tends to make more permanent any nonconforming use shall be permitted.

(b) If any nonconforming use ceases for a period of one year or more, use subsequent to the cessation shall comply with this chapter.

51115.5. (a) Notwithstanding any other provision of law, timber operations conducted within a timber production zone pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511) of Division 4 of the Public Resources Code) shall not constitute a nuisance, private or public.

(b) This section is not applicable with respect to any timber operation which (1) endangers public health or public safety or (2) prohibits the free passage or use of any navigable lake, river, bay, stream, canal, or basin, or any public park, street, or highway.

(c) For purposes of this section, the term "timber operation" means the cutting, removal, or both, of timber or other wood forest products, including Christmas trees, from timberlands for commercial

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purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for falling trees, fire hazard abatement, and preparation, transportation, and delivery of timber and other wood products to market.

51116. The county or city may bring any action in court necessary to prohibit a use not permitted with respect to land zoned as timberland production, including, but not limited to, an action to enforce the zoning restrictions by specific performance or injunction.

51117. When land is zoned as timberland production or subsequently rezoned from a timberland production zone and after exhaustion of appeals, a notice of timberland production zone status, together with a map and assessor's parcel numbers describing such land, shall be filed for record by the city or county in the recorder's office. The notice and map shall become a part of the official records of the county recorder upon its acceptance by him for filing. The filing for record of a notice of timberland production, together with a map and assessor's parcel numbers describing the land, shall impart constructive notice thereof.

51118. Land zoned as timberland production under this chapter shall be enforceably restricted within the meaning of Section 3(j) of Article XIII of the Constitution and the restriction shall be enforced and administered by the city or county in a manner to accomplish the purposes of that section and this chapter.

51119. Any action of the board or council undertaken to zone a parcel as timberland production pursuant to Section 51112 or 51113 is exempt from the requirements of Section 21151 of the Public Resources Code.

51119.5. Parcels zoned as timberland production under this chapter may not be divided into parcels containing less than 160 acres unless the original owner prepares a joint timber management plan prepared or approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the county recorder as a deed restriction on all newly created parcels. The deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than 10 years from the date division is approved by the board or council. The division shall be approved only by a four-fifths vote of the full board or council, and only after recording of the deed restriction.



## GOVERNMENT CODE SECTION 51120-51121

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51120. (a) If the owner desires in any year to rezone a parcel from its current timberland production zone, the owner shall give written notice, naming the new zone desired, and shall follow procedures established pursuant to Sections 65854 to 65857, inclusive. Unless the written notice is given at least 90 days prior to the anniversary date of initial zoning, the zoning term shall be deemed extended.

(b) Within 120 days of receipt of the written notice of an owner's desire to rezone a parcel, the board or council, after a public hearing, shall rule on the request for rezoning.

(c) The board or council by a majority vote of the full body may remove the parcel from the timberland production zone and shall specify a new zone for the parcel.

(d) The new zone approved pursuant to subdivision (c) shall become effective 10 years from the date of approval. Upon rezoning the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code, in the same manner as if a restriction were terminated as provided for in Section 51091 or 51245.

(e) If the board or council denies the owner's request for change of zone pursuant to subdivision (b), the owner may petition for a rehearing.

51121. (a) If the board or council after public hearing and by a majority vote of the full body desires in any year not to extend the term of zoning, the county or city shall give written notice of its intent to rezone following procedures established pursuant to subdivision (b) of Section 51113. A proposed new zone shall be specified. Unless the written notice is given at least 90 days prior to the anniversary date of the initial zoning, the zoning term shall be deemed extended.

(b) Upon receipt by the owner of a notice of intent to rezone from the county or city, the owner may make written protest of the notice and may appeal to the board or council within 30 days of notice from the county or city. The board or council may at any time prior to the anniversary date withdraw the notice of intent to rezone.

(c) The board or council shall hold a public hearing on the proposed change and by a majority vote of the full body may reaffirm its intent to change the zoning and specify a new zone.

(d) A new zone of a parcel shall be effective 10 years from the date of the reaffirmation vote pursuant to subdivision (c). Upon rezoning the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code.

(e) The owner may petition to be reheard.

# GOVERNMENT CODE

## SECTION 51130-51134

51130. The purpose of this article is to provide relief from zoning as timberland production pursuant to this chapter only when the continued use of land in the timberland production zone is neither necessary nor desirable to accomplish the purposes of Section 3(j) of Article XIII of the Constitution and of this chapter.

51131. A timberland production zone may not be immediately rezoned except pursuant to a request by a landowner, and as provided in this article.

51133. (a) If application for conversion is required pursuant to Section 4621 of the Public Resources Code, the board or council may tentatively approve the immediate rezoning after notice and hearing and only if by a four-fifths vote of the full body, and all of the following occur:

(1) A public hearing is held with notice of the hearing being given to all owners of lands situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.

(2) The board or council makes written findings that immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the California Constitution and of this chapter.

(3) The board or council makes written findings that immediate rezoning is in the public interest.

(b) The board or council shall forward its tentative approval to the State Board of Forestry and Fire Protection, together with the application for immediate rezoning, a summary of the public hearing and any other information required by the State Board of Forestry and Fire Protection. The State Board of Forestry and Fire Protection shall consider the tentative approval pursuant to Section 4621.2 of the Public Resources Code. Final approval to an immediate rezoning is given only if the State Board of Forestry and Fire Protection has approved conversion pursuant to Section 4621.2 of the Public Resources Code. Upon final approval of conversion, the State Board of Forestry and Fire Protection shall, notify the board or council of the approval, and the board or council shall remove the parcel from the timberland production zone and shall specify a new zone for the parcel.

51134. (a) If an application for conversion is not required pursuant to Section 4621 of the Public Resources Code, the board or council may approve the immediate rezoning request only if by a four-fifths vote of the full board or council it makes written findings that all of the following exist:

(1) The immediate rezoning would be in the public interest.

(2) The immediate rezoning does not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland production and situated within one mile of the exterior boundary of the land upon

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which immediate rezoning is proposed.

(3) The soils, slopes, and watershed conditions will be suitable for the uses proposed by the applicant if the immediate rezoning is approved.

(4) The immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the Constitution and of this chapter.

(b) The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for granting a request for immediate rezoning pursuant to this section. Immediate rezoning shall be considered only if there is no proximate and suitable land which is not zoned as timberland production for the alternate use not permitted within a timberland production zone.

(c) The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning pursuant to this section. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber-growing use to which the land may be put.

(d) Immediate rezoning action shall comply with all the applicable provisions of state law and local ordinances.

(e) The county or city may require the payment of a fee by the landowner for the cost of processing the application and recording the necessary documentation.



# GOVERNMENT CODE SECTION 51140-51146

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51140. Upon rezoning, the board or council shall certify the rezoning indicating the new zone and its effective date.

51141. A copy of the certification of rezoning together with the map and assessor's parcel numbers for the rezoned land shall be recorded by the city or county in the recorder's office in the same manner as deeds are recorded, and commencing on the lien date next following the effective date of the new zone, such land shall be assessed on the same basis as real property is assessed generally in that county. The assessor may require a description of the portion of the property rezoned as provided in Section 456 of the Revenue and Taxation Code.

51142. (a) Upon immediate rezoning of a parcel in a timberland production zone, a tax recoupment fee shall be imposed on the owner of the land. Within 90 days following rezoning of land in the timberland production zone the county assessor shall reassess the rezoned parcels on the basis of the value of the property in its rezoned use. The assessor shall certify this value to the owner of the land and to the county auditor. The owner may appeal this new valuation in the same manner as an assessment appeal. Except when under such an appeal, after the certification the auditor shall, in cases of immediate rezoning, within 10 days compute the tax recoupment fee and certify the amount to the tax collector. The tax collector shall notify the owner in writing of the amount and due date of the fee. Fees shall be due 60 days after receipt of notification.

(b) The tax recoupment fee shall apply only in cases of immediate rezoning and shall be a multiple of the difference between the amount of the tax last levied against the property when zoned as timberland production and the amount equal to the assessed valuation of the rezoned property times the tax rate of the current levy for the tax rate area, that multiple to be chosen from the following table according to subdivision (c):

Year	Multiple
1	1.06000
2	2.18360
3	3.37462
4	4.63709
5	5.57332
6	7.39384
7	8.89747
8	10.49132
9	12.18080
10	13.47164

(c) The multiple shall correspond to the number of years or fraction thereof, but in no event greater than 10, for which the land was zoned as timberland production or was subject to a contract under chapter 7 (commencing with Section 51200).

(d) Tax recoupment fees imposed pursuant to this section shall be due and payable to the county in which the rezoning has taken place.

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(e) In cases of immediate rezoning, an owner may submit a written application, requesting the waiver of tax recoupment fees and explaining the reasons therefor, to either the State Board of Equalization or, where the county board of supervisors has adopted an authorizing resolution, to the county board of supervisors. The board receiving an application pursuant to this subdivision may, if it determines that it is in the public interest, waive all or any portion of the fees.

51146. A fee imposed under this article shall be indicated on the assessment roll and when so indicated shall become a lien against the parcel of land in the same manner as county general taxes.

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## GOVERNMENT CODE SECTION 51150-51155

51150. It is the policy of the state to avoid, whenever practicable, the location of any state or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in timberland production zones.

51151. (a) As used in this section, Section 51152, and Section 51155, "public agency" means the state, or any department or agency thereof, and any county, city, school district, or other local public district, agency, or entity; and "person" means any person authorized to acquire property by eminent domain.

(b) Whenever it appears that land within a timberland production zone (TPZ) may be required by a public agency or person for a public use, the public agency or person shall advise the Secretary of Resources and the local governing body responsible for the administration of the land of the intention to consider the location of a public improvement within the TPZ.

Within 30 days thereafter the Secretary of Resources and the local governing body shall forward to the public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the TPZ and those comments shall be considered by the public agency or person. Failure of any public agency or person to comply with the requirements of this section shall invalidate any action by the agency or person to locate a public improvement within a TPZ. This subdivision does not apply to the erection, construction, alteration or maintenance of gas, electric, water, or communication transmission facilities within a TPZ if that TPZ was established after submission of the location of the facilities to the city or county for review or approval.

51152. (a) No public agency or person shall locate a public improvement within a timberland production zone (TPZ) based primarily on a consideration of the lower cost of acquiring a land in a TPZ.

(b) No public agency or person shall acquire timberland zoned as timberland production pursuant to this chapter for any public improvement if there is other land within or outside the TPZ on which it is reasonably feasible to locate the public improvement.

51153. Section 51152 shall not apply to:

(a) The location or construction of improvements where the board or council administering the TPZ approves or agrees to the location thereof.

(b) The acquisition of easements within a TPZ by the board or council administering the TPZ.

(c) The location or construction of any public utility improvement which has been approved by the Public Utilities Commission.

(d) Public works required for fish and wildlife enhancement and preservation.

(e) Improvements for which the site or route has been specified by the Legislature in such a manner as to make it impossible to avoid the acquisition of land under contract.

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(f) All state highways on routes as described in Sections 301 to 622, inclusive, of the Streets and Highways Code, as those sections read on October 1, 1965.

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(g) All facilities which are part of the State Water Facilities as described in subdivision (d) of Section 12934 of the Water Code, except facilities under paragraph (6) of said subdivision (d).

(h) Land upon which condemnation proceedings have been commenced prior to July 1, 1977.

51154. Section 51152 shall be enforceable only by mandamus proceedings by the local governing body administering the timberland production zone or the Secretary of Resources. However, as applied to condemnors whose determination of necessity is not conclusive by statute, evidence as to the compliance of the condemnor with Section 51152 shall be admissible on motion of any of the parties in any action otherwise authorized to be brought by the landowner or in any action against him.

51155. When any action in eminent domain for the condemnation of the fee title of an entire parcel of land zoned as timberland production is filed or when that land is acquired in lieu of eminent domain for a public agency or person or whenever there is any such action or acquisition by the federal government or any person, instrumentality or agency acting under authority or power of the federal government, the parcel shall be deemed immediately rezoned (pursuant to Section 51130) as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of the land, the timberland production zone (TPZ) shall be deemed never to have existed.

Upon the termination of such a proceeding, the parcel shall be immediately rezoned for all land actually taken or acquired.

When an action to condemn or acquire less than all of a parcel of land subject to a TPZ is commenced, the parcel shall be deemed immediately rezoned as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to the TPZ will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the TPZ.

When an action to condemn or acquire an interest which is less than the fee title of an entire parcel or any portion thereof, of land subject to a TPZ is commenced, the parcel shall be deemed immediately rezoned as to that interest and for the purpose of establishing the value of that interest only shall be deemed never to have existed, unless the remaining interests in any of the land subject to the TPZ will be adversely affected, in which case the value of that damage shall be computed without regard to the TPZ.

The land actually taken shall be removed from the TPZ. Under no circumstances shall land be removed that is not actually taken, except that when only a portion of the land or less than a fee interest in the land is taken or acquired, the parcel may be immediately rezoned with respect to the remaining portion or interest upon petition of either party, and pursuant to the provisions of Article 4 (commencing with Section 51130).

For the purposes of this section, a finding by the board or council that no authorized use may be made of the land if the TPZ is continued on the remaining portion or interest in the land may satisfy the requirements of subdivisions (a), (b), and (c) of Section 51134, and subdivisions (a), (b), and (c) of Section 4621.2 of the Public Resources Code.

PROPOSED AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE RULES  
[SANTA CRUZ COUNTY]

45-DAY NOTICE -- JULY 17, 1998

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1. Amend 926.1 Registered Professional Forester (RPF) Advice  
The provisions of 14 CCR 913.8(b)(5) shall apply when timber  
operations are conducted in accordance with 14 CCR ~~913.8(a)~~ 926.25.

2. Amend 926.2 Field Review and Timber Operator Certification  
Subsequent to plan approval, but prior to commencement of timber  
operations, the RPF responsible for preparing the plan, the RPF who  
will advise the timber operator during timber- operations (if  
different), and the timber operator shall -meet in the field to  
review the specifics of the plan. The Director may attend and  
participate in such meeting, and shall be given advance notice of  
the meeting by the plan submitter. After such meeting and prior to  
commencement of timber operations, or upon the filings of any  
subsequent amendment to the plan, the licensed timber operator  
shall execute and file with the Department a written certification  
that such timber operator or a supervised designee familiar with  
on-site conditions actively participated in the field review, is  
familiar with all state and local rules applicable to the proposed  
timber operation including without limitation the requirements of  
Section 1035.2 and 1035.3, understands the plan or such amendment  
-and each of the conditions that have been placed upon the plan or  
such amendment by the Department as part of the review process, and  
is familiar with, and acknowledges the responsibility to  
communicate this information to those persons hired to carry out



1 the proposed timber operation under his/her direction.

2

3 3. Amend 926.3 Plan Submittal and Notice of Intent

4 14 CCR 1032.7, subsections (c),(e),(f) and (g) ~~and (h)(1)~~ shall not  
5 apply in Santa Cruz County. In lieu of those subsections the  
6 following shall apply:

7 (a) The plan submitter shall prepare and submit to the Director,  
8 with the plan, a Notice of Intent to Harvest Timber as described in  
9 14 CCR 1032.7(d) including the followins:

10 (1) A statement that the approximate property lines have been  
11 flagged for review where truck roads, tractor roads or harvest  
12 areas are within 100 feet of the property line.

13 (2)In the event helicopter yarding is Proposed. the Notice of  
14 Intent will include a map that clearly identifies the areas within  
15 the proposed timber harvest plan area that are proposed for  
16 helicopter operations, including helicopter log landing and service  
17 area sites and a statement about the approximate duration of  
18 helicopter vardins activities.

19 (b) The plan submitter shall furnish to the Department at the time  
20 of submission of the plan, the names and addresses of all property  
21 owners within 300 ft. of the exterior boundaries of assessor's  
22 parcels upon which a plan has been submitted, ~~and~~ the names and  
23 addresses of property owners with property fronting or bordering  
24 that portion of the haul route lying between the plan area and the  
25 nearest public road, and the addresses of all applicable private  
26 road association contacts. If helicopter vardins is proposed, the

1 list shall also include the names and addresses of property owners  
2 with property located within three thousand (3,000) feet of any  
3 location in the proposed timber harvest area in which logs are to  
4 be picked up, carried, or landed, or helicopters are to use for  
5 servicing. If any property owner to be noticed by mail on a  
6 proposed helicopter yarding has a mailing address located outside  
7 of the three thousand foot notice area and such property owner's  
8 property within such area has a street address within such area,  
9 the list shall also contain the street address of the property  
10 within the three thousand (3,000) foot radius, and shall list the  
11 addressee at such property as "Occupant." The list shall be  
12 compiled from the latest equalized assessment roll of the county or  
13 a list provided by a title insurance company. Any list prepared  
14 for noticing an operation with helicopter yarding shall be deemed  
15 accurate provided that not more than 5% of the names or addresses  
16 are erroneous.

17 (c) The plan submitter shall mail copies of the Notice of Intent  
18 to all property owners and all applicable private road associations  
19 identified pursuant to (b) at least 10 days prior to plan  
20 submission and at this time' shall post a copy of the Notice of  
21 Intent including a map as described in 14 CCR 1032.7 (d)(8) at a  
22 conspicuous location on the private road where a majority of the  
23 road association members can view the notice and, if helicopter  
24 yarding is proposed, at a sufficient number of conspicuous  
25 locations on roads within a 2 mile radius of the proposed site such  
26 that a majority of residents within such 2 mile area are likely to

1 see the notice. The posted Notice of Intent shall be on colored  
2 paper or identified with colored flagging so as to be easily  
3 visible to the public. The plan submitter shall further mail the  
4 Notice of Intent to:

5 (1) All members of the Board of Supervisors in whose district any  
6 timber operation is proposed;

7 (2) The local school district;

8 ~~(3) The publicly owned water district which maintains any water~~  
9 ~~production or water storage facility in the watershed within which~~  
10 ~~any timber operation is proposed.~~ All downstream publicly owned  
11 water purveyors. At the time of plan submission, the plan  
12 submitter shall certify in writing that this **procedure** has been  
13 followed.

14 (d) The plan submitter shall have the Notice of Intent published  
15 in a newspaper of general circulation in the area, concurrently  
16 with the submission of the plan to the Director. Proof of  
17 publication of notice shall be provided to the Director prior to  
18 his/her determination made pursuant to 14 CCR 1037.6.

19 (e) For plan amendments, the submitter of the amendment shall  
20 certify in writing at the time the amendment is submitted that  
21 copies of a new Notice of Intent have been mailed to:

22 (1) All property owners not previously noticed under sub-section  
23 (b) who, because of the plan amendment, would be required to  
24 receive the notice provided in subsection (b).

25 (2) All property owners previously noticed under subsection (b)  
26 when there is a change in silvicultural method.

1 (f)The plan submitter shall include with the mailed Notice of'  
 2 Intent sent to the persons identified above, other than members of  
 3 the Board of Supervisors, local school district or publicly-owned  
 4 water district(s), any available printed general informational  
 5 material that has been jointly approved by the County of Santa Cruz  
 6 and the Department, describing the review process and the rights of  
 7 adjacent landowners and other neighbors under applicable rules.  
 8 ordinances or statutes.

9 (g)The RPF shall simultaneously file with the Department any notice  
 10 of deviation given to the plan submitter or landowner required  
 11 under Public Resources Code section 4583.2.

12 (h) In the event the Director shall approve a timber harvest plan  
 13 which provides in whole or in part for helicopter yarding, the plan  
 14 submitter shall, not less than 14 days prior to commencement of  
 15 helicopter operations and not more than 28 days prior to  
 16 commencement of such operations:

17 (1) Mail a notice to all persons entitled to have received a mailed  
 18 Notice of Intent of the original application or any amendment under  
 19 (b) above, providing notice of the fact that the helicopter yarding  
 20 was approved, containing a map showing the location of the harvest  
 21 areas, landing area, and service area approved in the Plan, the  
 22 hours of operation, the starting date of helicopter yarding  
 23 activities, the anticipated completion date, and any conditions  
 24 placed on the helicopter yarding activity by the Director as part  
 25 of the approval: and

26 (2) Post a copy of the notice at a sufficient number of conspicuous

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1 locations on roads within a 2 mile radius of the proposed site such  
2 that a majority of residents within such 2 mile area are likely to  
3 see the notice. The posted notice shall be on colored paper or  
4 identified with colored flagging so as to be easily visible to the  
5 public.

6 (3) The plan submitter shall further mail the notice to:

7 (i) All members of the Board of Supervisors in whose district any  
8 timber operation is proposed;

9 (ii) The local school district:

10 (iii) All downstream publicly owned water purveyors.

11 (4) Prior to commencement of helicopter operations, the plan  
12 submitter shall certify in writing that these procedures have been  
13 followed.

14  
15 4. Amend 926.7 Review Team Field Review

16 Any review team member may, on request, accompany the Department as  
17 an advisor to the Department, on any field review the Department  
18 conducts prior to approval of the plan. If a member of the review  
19 team does not concur with the chairperson's recommendation to the  
20 Director, the member may submit in writing, within five working  
21 days of the review team meeting, the specific reasons why the  
22 recommendation does not provide adequate protection of the  
23 resources for which his or her agency has responsibility.

24  
25 When a proposed timber harvest area is adjacent to a residential  
26 neighborhood, the only access to the THP is through neighboring

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property or multi-owner private road(s) are to be used for hauling,  
the residents of the adjacent neighborhood or the owners of the  
private road.(s) may designate one person as their representative to  
attend the pre-harvest inspection, and all Review Team field  
inspections and meetings that are scheduled. Such person may only  
enter the property of the landowner where the harvest is proposed  
with the consent of the landowner. such person shall be entitled  
to receive advance notice of the time and place of the pre-harvest  
inspection and Review Team field reviews, may make inquiries of the  
review team members, but shall not be a member of the Review Team.

5. Amend 926.9 Hours of Work

(a) Except as provided in paragraph (b) below, the operation of chain saws and other power-driven ~~saw~~ equipment shall be restricted to the hours between 7:00 a.m. and ~~9:00~~ 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated legal holidays. An exception to this rule may be granted by the Director where s/he has found that no disturbance will result from the use of such equipment.

(b) Within 300 feet of any occupied dwellins, The operation of chain saws and all other power equipment, except licensed highway vehicles, ~~within 300 ft. of an occupied dwelling~~ shall be restricted to the hours between ~~6:00~~ 8:00 a.m. and ~~9:00~~ 6:00 p.m., and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. ~~An exception to this rule may be granted by the Director where he/she has found that no disturbance~~

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~~will result to the occupants of the dwelling from the use of such equipment.~~ The Director may grant an exception to allow operations between 7:00 a.m. and 7:00 p.m. within 300 feet of residences if a determination of "no disturbance" can be made based upon the occupant(s) agreement to a written request submitted by the RPF to the Director before plan approval.

(c) When it is anticipated that there will be staging of licensed vehicles outside the plan submitter's property between the hours of 9:00 p.m. and 7:00 a.m., the RPF shall provide an operatins plan which reduces noise impacts to nearby residences.

6. 926.10 Log Hauling

(a) Log hauling on public roads, or private roads is not permitted on Saturdays, Sundays, or on those days which are nationally designated holidays.

(b) Log hauling on public roads, or private roads may be restricted or not permitted by the Director during commute hours or during school busing hours when necessary to present a serious hazard to traffic flow and safety or to prevent hazardous conditions that would endanger public safety.

(c) During log hauling on public roads, or on private roads the timber operator may be required by <sup>the</sup> ~~the~~ Director to post special traffic signs and/or flagpersons where determined to be necessary to prevent a hazard to traffic.

7. Amend 926.11 Flagging of Property Lines

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1 ~~In addition to other flagging requirements in Subchap<sup>r</sup> 3 of Title~~  
 2 ~~14 CCR, the Director, when necessary to protect adjoining~~  
 3 ~~properties may require flagging of~~ The RPF shall, prior to plan  
 4 submission to the Department. fl as the approximate property lines  
 5 of the timberland owners parcel on the site where any truck road,  
 6 tractor road or harvest area is proposed within 100 ft. of a  
 7 property line, and the approximate boundaries of all residential  
 8 buffer zones. If any section of the property boundary line so  
 9 marked is contested in writing by the adjoining property owner, and  
 10 if, after an on-site review by the County representative, the Chair  
 11 of the Review Team, the RPF and the complainins adioinins property  
 12 owner there is still an unresolved dispute as to the location of  
 13 such boundary. the Director may assign lands within a strip 50 to  
 14 200 feet in width parallel and adjacent to the contested section of  
 15 the property line to be off limits to timber operations.

16  
 17 8. Amend 926.13 Performance Bonding  
 18 When hauling logs pursuant to a THP, the LTO shall provide for the  
 19 repair of any damage to a county or private road that is ~~willfully~~  
 20 ~~or negligently~~ caused by the LTO's log hauling operations, and  
 21 shall provide for the repair of any damage caused by the LTO's log  
 22 hauling operations to appurtenant structures, including, but not  
 23 limited to, guard rails, signs, traffic signals, culverts, curbs  
 24 and similar facilities. If necessary to ensure compliance with  
 25 this section, the county, owner(s)/easement holder(s) of private  
 26 road or applicable private road associations may request, and the



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1 Department, upon such request, ~~may~~ shall require the timber  
 2 operator or responsible party to post adequate financial security  
 3 to restore paved or unpaved county or private roads and appurtenant  
 4 structures which are damaged by log hauling operations. The  
 5 request for posting of financial security shall be made to the  
 6 Department during the THP review procedure and no later than five  
 7 days before the Director's decision date. The following standards  
 8 apply:

9 (a) For County roads, The timber operator or responsible party  
 10 shall post a certificate of deposit, certificate of insurance or  
 11 performance bond, or other financial security in favor of the  
 12 Department in a reasonable amount set by the Director, not to  
 13 exceed \$5,000 per mile of county road used or \$50,000, whichever is  
 14 less and subject to provisions of division 3, part I, chapter 1,  
 15 article 8, section. 11110 through 11113 of the Government Code.  
 16 Such cash deposit or other acceptable financial security shall  
 17 cover a period not to exceed the effective period of the plan;  
 18 When a form of financial security is required, logging trucks shall  
 19 not use the county roads until the required security is posted with  
 20 the Department. The Director shall release the bond or equivalent  
 21 to the principal of the security upon completion of log hauling  
 22 operations and compliance with the requirements of this section.  
 23 If and when repairs are necessary, the Director shall request the  
 24 operator to provide for making the repairs. If the repairs are not  
 25 made the Department may take corrective action and may order the  
 26 bond, or equivalent, forfeited in an amount not to exceed actual

1 damage. When a bond or equivalent has been posted, the Department<sup>0136</sup>  
2 shall provide the county **with** a copy of the Work Completion Report.  
3 The county shall advise the Department in writing within 30 days of  
4 its receipt of notification of completion of hauling operations or  
5 the Work Completion Report if damage has occurred repairs need to  
6 be made. If the county fails to notify the Director within 30  
7 **days**, the bond of surety shall be released.

8 (b) For private roads, the timber operator or responsible party  
9 shall either obtain a written agreement providing for road repair  
10 obligations between timber harvester and other landowners with  
11 interest in the road, addressins the issue of security for repair  
12 costs, or post a bond, certificate of deposit or other form of  
13 collateral to secure payment of cost of road repairs to private  
14 road caused by harvest operations in the amount as calculated using  
15 the followins schedule:

- 16 (1) \$300.00 for every 300 feet of dirt road to be used.
- 17 (2) \$500.00 for every 300 feet of srael rock road to be used.
- 18 (3) \$800.00 for every 300 feet of oil and screen road to be used.
- 19 (4) \$1,000.00 for every 300 feet of paved road to be used.

20  
21 Logging trucks shall not use the private road until the required  
22 security is posted with the road association; The road association  
23 shall release the bond or equivalent security to the principal of  
24 the security one Year after completion of log hauling operations  
25 and compliance with the requirements of this section. If and when  
26 repairs are necessary, the road association shall request the

1 operator to make the repairs. If the repairs are not made, the  
 2 road association may order the bond or equivalent security  
 3 forfeited in an amount not to exceed actual damage. When a bond or  
 4 equivalent security has been posted, the Department shall provide  
 5 the road association with a copy of the Work Completion Report.  
 6 The road association shall advise the Department in writing within  
 7 one year of its receipt of notification of completion of hauling  
 8 operation or the Work Completion Report if damage has occurred and  
 9 repairs need to be made. If the road association fails to notify  
 10 the Director within one year, the bond or other security shall be  
 11 released.

12  
 13 9. Amend 926.15 Road Construction and Maintenance  
 14 In addition to Article 12 (14 CCR Sections 923 through 923.81, the  
 15 followings shall apply in Santa Cruz County:

16 (a) New logging roads shall be subject to the following  
 17 limitations:

18 (1) New road construction shall be prohibited where any of the  
 19 following conditions are present:

20 (i) Slopes steeper than 65%.

21 ~~Slopes~~ steeper than 50% where the erosion hazard rating is  
 22 high or extreme.

23 ~~Slopes~~ over 50% which lead to a watercourse or lake, without  
 24 flattening to sufficiently dissipate water flow and trap sediment.

25 (2) Any exceptions to these standards granted by the Director will  
 26 require abandonment of the road in compliance with 14 CCR 923.8

1 immediately followins cessation of active logging operations.  
 2 Notwithstanding the general prescriptions of 14 CCR 923.8,  
 3 abandonment shall include recontouring to the slope that existed  
 4 prior to construction, re-establishment of all drainage to pre-  
 5 existing conditions, and installation of gates and/or other devices  
 6 at the perimeter of the landowner's property to prevent vehicular  
 7 access, including motorcycles. Where the RPF determines that such  
 8 recontouring is not feasible either because it will do more  
 9 significant environmental damage than other-means of abandonins the  
 10 road, or because the property owner wishes to maintain some  
 11 utility of the road for access by small licensed vehicles or ATV  
 12 for forest management purposes, an alternative method may be  
 13 proposed and if sufficiently explained and iustified, may be  
 14 approved by the Director. The alternate method shall include at a  
 15 minimum the return of all side-cast materials to the roadbed with  
 16 sufficient compaction and stabilization to maximize dispersion of  
 17 runoff, and minimize erosion and loss of soil from the roadbed, and  
 18 shall also include removal of all fill material in order to restore  
 19 all drainage courses.

20 (3) Whenever new road construction is proposed and the plan  
 21 submitter owns or controls any property contiguous to the parcel or  
 22 parcels on which timber operations' are- proposed, and such  
 23 contiguous property contains timberland, the RPF shall include a  
 24 map and explanation of how the new road is integrated into the  
 25 existing or proposed truck road and associated transportation  
 26 system for all the contiguous property owned or controlled by the

1 plan submitter on which timberland is found. Such proposed  
2 integrated truck road and associated transportation system shall be  
3 reviewed in **connection** with review of the proposed plan, and the  
4 plan shall be modified, if necessary, to assure that the approved  
5 plan will be compatible and consistent with timber operations on  
6 the contiguous property.

7 (4) New road construction or road reconstruction on areas of  
8 active mass movement, inner gorge slopes or headwater swales shall  
9 be reviewed by a Certified Engineering Geologist or Licensed  
10 Geotechnical Engineer with experience in forest road construction.

11 (5) Any new permanent logging roads or bridges that will be used  
12 to serve purposes other than forest management activities under an  
13 active Plan shall be subject to all County road standards and  
14 applicable policies, including the requirement for a County grading  
15 and bridge permit.

16 (b) All new and existing permanent logging roads used for hauling  
17 or for any purpose other than forest management activities during  
18 the winter period, as defined by 14 CCR Section 926.18, shall be  
19 treated to prevent excessive loss of road surface materials by the  
20 use of non-erodible surfacing materials meeting the following  
21 minimum standards:

22 (1) Roads with gradients between 0% and 10% require a gravel  
23 surface to a depth of 6 inches, and renewed treatment upon  
24 resurfacing of bare soil.

25 (2) Roads with gradients between 10% and 15% require a 5-inch  
26 layer of baserock and oil and screen.

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1 (3) Roads with gradients greater than 15% require a 5-inch layer  
2 of Class II baserock with 1.5 inches of asphaltic concrete  
3 overlay.

4 If the improvements required by this subparagraph must be made by  
5 the plan submitter to a private road not exclusively owned by the  
6 plan submitter, the plan submitter shall only be obligated to pay  
7 his ratable cost of such improvements based on the total road  
8 footage and the relative use made of such road by other users.

9 (c) Until abandoned, all new and existing seasonal roads shall be  
10 continuously maintained, shall have an approved erosion and  
11 drainage plan and shall have yearly inspections between harvest  
12 plans by a Certified Professional in Erosion and Sediment Control,  
13 licensed soils engineer, or an RPF, who shall file a report of such  
14 inspection with the Director within 14 days of its completion: or  
15 such roads shall be abandoned in compliance with 14 CCR 923.8 and,  
16 gates and/or other devices shall be installed at the perimeter of  
17 the landowner's property to prevent vehicular access, including  
18 motorcycles.

19 (d) All new tractor roads shall be abandoned and recontoured  
20 pursuant to 14 CCR Section 926.15(a) (2) immediately following  
21 cessation of active logging operations. 14 CCR 914.2(f) (3) [Coast  
22 only] shall not apply in Santa Cruz County.

24 10. Amend 926.16 Flagging

25 (a) The location of ~~proposed~~ truck roads, ~~constructed~~ tractor  
26 roads, landings, and watercourse crossings, residential buffer

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1 areas, and riparian corridor exclusion areas shall be designated on  
2 the plan map and shall be located in the field with flagging. Such  
3 flagging shall occur prior to the preharvest inspection if one is  
4 to be conducted. Flagging for truck roads and constructed tractor  
5 roads will be intervisible along the proposed alignments.

6 (b) The RPF or supervised designee shall flag the location of all  
7 water breaks which are within the WLPZ, on mapped unstable areas  
8 or on slopes over 65% regardless of erosion hazard rating,

10 11. Amend 926.17 Abandonment of Roads and Landings

11 When an existing truck road, tractor road, or landing is located  
12 within the property of the landowner submitting the plan in an area  
13 in which it could not be newly constructed in conformance with  
14 the Forest Practice Rules, or when the landowner is unwilling  
15 or unable to otherwise modify such a road or landing to comply with  
16 the road surfacing requirements of 14 CCR 926.15(b), rules then  
17 ~~where feasible,~~ such road or landing shall be abandoned, stabi-  
18 lized, recontoured, revegetated, and restricted from vehicular use,  
19 including motorcycles by the installation of gates and/or other  
20 devices to prevent access, prior to the Work Completion Inspection,  
21 unless the use of such road or landing would produce less  
22 environmental impact than the use of a 'new road or landing  
23 constructed in accordance with these rules.

25 12. Amend 926.19 Erosion Control Maintenance

26 The plan submitter shall maintain all drainage structures, and

1 drainage facilities and satins or other road closure facilities  
 2 required by these rules in effective working condition throughout  
 3 the required en-e winter periods after completion of timber  
 4 operations unless other stricter measures are required under the  
 5 FPA. All trails, landinss and work areas shall be reseeded,  
 6 mulched or protected by compacting slash and debris from harvest  
 7 operation. The Director mav require further measures to prevent  
 8 unnecessary damase to road surfaces from unauthorized use and to  
 9 protect the auality and beneficial uses of water. The County  
 10 representative responsible for review of timber harvests shall  
 11 receive advanced notice and may attend the work completion  
 12 inspection with the Department to review erosion control measures.  
 13 When there is evidence of the lack of maintenance in the past, the  
 14 Director shall require the timberland owner to enter into a  
 15 maintenance asreement that is recorded at the County. A work  
 16 completion report may not-be filed until ~~this~~ these requirements  
 17 has have been met.'

19 13. Adopt 926.22 Treatment of Logging Slash  
 20 In addition to requirements of 14 CCR 917.4 limb stubs on tree top  
 21 slash shall be lopped to 8 in. (20.3 cm) or less from the bole of  
 22 the tree.

24 14. Adopt 926.23 Contents of Plan  
 25 In addition to 14 CCR 1034 the following shall apply in Santa Cruz  
 26 County:



1 (a) When log hauling is proposed over non-appurtenant private  
2 roads, the RPF shall provide:

3 (1) Information substantiating the timber owner's legal right to  
4 access or use said private road(s).

5 (2) A statement as to the estimated number of total logging truck  
6 loads to be removed and the approximate number of haul days and  
7 location of proposed logging truck staging areas.

8 (3) A statement as to how obligations to maintain the road shall  
9 be satisfied commensurate with use.

10 (4) Specific measures which provide for the safe use of the road,  
11 such as flag persons, signage, pilot cars and hours of restriction.

12 (5) Videotape, photograph or other means of documentation for  
13 noting the existing conditions of the road.

14 (b) The RPF shall provide a map showing the location of the  
15 flagged property boundaries along with any documentation that  
16 substantiates the accuracy of the property line.

17 (c) The description of the plan area shall include the County  
18 Assessor Parcel Number(s) for those parcel(s) within which timber  
19 operations are to be conducted.

20 (d) The RPF shall include within the notice to the landowner  
21 section of the plan the followins statement: "Section 16.22.030 of  
22 the County Code states that any road or bridge constructed pursuant  
23 to a Timber Harvest Permit issued by the State of California, if  
24 used to serve purposes other than forest management activities  
25 under an active plan shall be considered new and shall be subject  
26 to all County design standards and applicable policies including

1 County grading and bridge permits."

2

3 15. Adopt 926.24 Residential Buffer Zone

4 Harvesting or other timber operations are prohibited within 300  
5 feet of any legal structure used for residential purposes on non-  
6 TPZ parcels without the residential property owner's consent in  
7 writing, except for dead, dying and diseased trees which are  
8 imminently threateninu legal habitable structures or which  
9 constitute an imminent fire hazard. If timber operations do occur  
10 within 300 feet of a residential dwellins, all slash shall be  
11 lopped to 30.5 cm (12 in.) or less or removed, within 10 working  
12 days of log removal operations but no later than 60 days of the  
13 felling of trees.

14

15 16. Adopt 926.25 Special Harvestins Methods

16 In addition to 14 CCR 913.8 subsection (a), the harvesting  
17 limitation, re-entry period and leave tree standards shall be  
18 modified as follows:

19 (a) The cutting standards for TPZ parcels are as follows:

20 (1) For areas where the proposed harvest rate is 51-60% of the  
21 trees greater than 45.7 cm (18 in.) d.b.h., the minimum re-entry  
22 period shall be 14 years.

23 (2) For areas where the proposed harvest is 50% or less of the  
24 trees greater than 45.7 cm (18 in.) d.b.h., a 10 year re-entry  
25 period shall apply.

26 (3) Regardless of re-entry period, no more than 40% of the trees

1 greater than 35.6 cm. (14 in.) and less than 45.7 cm (18 in.)  
2 d.b.h. shall be harvested:

3 (b) The cutting standards for non-TPZ parcels are as follows:

4 (1) For areas where the harvest rate is 25% or less of those trees  
5 greater than 61.0 cm (24 in.1 d.b.h. present prior to commencement  
6 of current timber operations, the re-entry period shall be 10  
7 years.

8 (2) For areas where the harvest rate is 26-35% of those trees  
9 greater than 61.0 cm (24 in.) d.b.h. present prior to commencement  
10 of current timber operations, the re-entry period shall be 14  
11 years.

1 2 (3) Regardless of re-entry period, no more than 40% of the trees  
13 greater than 30.5 cm. (12 in.) and less than 61.0 cm (24 in.)  
14 d.b.h. shall be harvested.

15 (4) When a Non-industrial Timber Management Plan (NTMP) or a  
16 Sustained Yield Plan (SYP) as provided in Article 6.5 and 6.75,  
17 Subchapter 7, is submitted to the director, an alternative method  
18 may be approved if a RPF submits a stratified random sample, of at  
19 least 5% of the property or harvest area, with statistically valid  
20 growth data that supports a cutting percentage and cutting cycle  
21 that will achieve the same yield of timber on each successive  
22 harvest in perpetuity. In no event shall the re-entry period be  
23 less than 10 years. Before commencement of harvestins operations  
24 the property owner shall record with the County Recorder a  
25 Declaration' of Restrictions which cites the approved cutting  
26 percentages and re-entry period as stated in the NTMP or SYP.

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(5) No conifer shall be cut which is more than 22.9 m (75 ft.) from a leave tree of equal\*size class. Equal size class is defined as follows:

(a) Over 81.3 cm (32 in.) to 91.4 cm (36 in.) d.b.h.

(b) Over 91.4 cm (36 in.) to 106.7 cm (42 in.) d.b.h.

(c) Over 106.7 cm (42 in.) to 121.9 cm (48 in.) d.b.h.

(d) Any tree over 121.9 cm (48 in.) d.b.h.

(6) No heritage/old growth conifer shall be harvested in any non-TP zone property.

17. Adopt 926.26 Water Course and Lake Protection

In addition to the requirement of Article 6 (14 CCR Sections 916 to 916.10 the followins shall apply in Santa Cruz County:

(a) On TPZ parcels, no timber harvestins operations are allowed within TPZ riparian corridors. The width of this no cut, no entry zone is defined as follows:

(1) At least 15.2 m (50 feet) from Class I and II watercourses and wetlands.

(2) At least 3.1 m (10 feet) from Class III watercourses.

(3) The width of the riparian corridor shall be measured horizontally out from each side of the watercourse from the mean rainy season (bankfull) flowline.

(4) Exceptions are allowed for temporary stream crossings (fords, bridses, culverts, etc.) if no other alternative exists as exolained and iustified in the THP and approved by the Director.

(b) On non-TPZ parcels, no timber harvestins operations are

1 allowed within non-TPZ riparian corridors. The width of this no  
2 cut, no entry zone is defined as follows:

3 (1) At least 38.0 m (125 feet) from Class I and II watercourses  
4 and wetlands.

5 (2) At least 3.1 m (10 feet) from Class III watercourses.

6 (3) The width of the riparian corridor shall be measured  
7 horizontally out from each side of the watercourse from the mean  
8 rainy season (bankfull) flowline.

9 (4) Exceptions are allowed for temporary stream crossings (fords,  
10 bridges, culverts, etc.) if no other alternative exists as  
11 explained and iustified in the THP and approved by the Director.

12 (5) The plan submitter shall be entitled to credit each tree that  
13 is prevented from being cut by reason of its location within a non-  
14 TPZ riparian zone as a leave tree under the provisions of 14 CCR  
15 926.25 (b) (5) notwithstanding the fact that it is farther from a  
16 leave tree of equal size than permitted by such Rule.

17  
18 18. Adopt 926.27 Non-native Plants  
19 Maintenance activities for the eradication of French broom or  
20 other invasive, non-native plants alons harvest roads and landings  
21 should occur on the first, third and fifth year after the initial  
22 site disturbance occurs. Where seeding is needed for erosion  
23 control, the use of appropriate native or non-invasive exotic  
24 Plants, such as cereal barley, is recommended.

25  
26 19. Adopt 926.28 Helicopter Operations

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1 Helicopter varding of timber shall only be permitted for timber  
 2 harvested from properties' zoned TP. Helicopter service and log  
 3 landing zones must be sited within the THP boundaries on either  
 4 property zoned TP or on property immediately adjacent to property  
 5 zoned TP. Helicopter flights for log transport between the area  
 6 where the felling is occurrins and the landina must occur only over  
 7 property contained within the approved THP. No helicopter flight  
 8 may occur within 1,000 feet horizontally of an inhabited residence,  
 9 provided that the Director may reduce this requirement to 500 feet  
 10 with the written concurrence of the residential inhabitant.  
 11 Helicopter operations are restricted to the hours between 7:00 a.m.  
 12 and 5:00 p.m. and shall be prohibited on Saturdays, Sundays and  
 13 nationally designated legal holidays. Within a one year period, no  
 14 more than 10 cumulative days of total helicopter varding shall be  
 15 allowed within each Resource Conservation District watershed by all  
 16 possible plan submitters combined. Within a five year period, no  
 17 more than 10 cumulative days of total helicopter vardins shall be  
 18 allowed within a two mile radius of anv prior helicopter varding  
 19 operation occurrins within such period. As used herein, one day of  
 20 shall be a total of 10 hours of flisht time, which may occur on  
 21 more than one calendar day.

22  
 23 20. Adopt 926.29 Emergencv Conditions  
 24 A "financial emergency" as defined in 14 CCR 895.1 (Emergency (b))  
 25 and further referred to in 14 CCR 1052.1 (Emergency Conditions)  
 26 shall only constitute an emersencv for the purposes of the Santa

1 Cruz County Rules if the work proposed to be done under the  
 2 emergency authorization cdn be done without any material impact on  
 3 any adjoining landowner, including others with the right to use  
 4 private roads proposed to be used by the plan submitter.

5  
 6  
 7 21. Adopt 926.30 Entry by County Representative for Inspection  
 8 The County representative who is desisnated to participate in or  
 9 who participated in the Review Team may enter and inspect the  
 10 property that is subject to a timber harvest application during  
 11 normal business hours at any time after commencement of timber  
 12 harvest plan activities on the land and after 24 hours notice to  
 13 the landowner for the purpose of reviewins the methods being  
 14 utilized in the timber harvest plan activities and efforts to  
 15 comply with the requirements of the Forest Practice Rules. In  
 16 carryng out such inspection, s/he may utilize any measurement or  
 17 evaluation tools or apparatus, including temperature measurement  
 18 equipment, cameras or video equipment. Any photos or videos shall  
 19 be clearly labeled as to time, date and location, and shall remain  
 20 the property of the County of Santa Cruz but shall constitute  
 21 public records. If such representative becomes aware of any  
 22 material lack of compliance with such Rules or any other provisions  
 23 of the California Forest Practice Rules applicable to such harvest  
 24 activities, s/he shall promptly notify the Director in writing of  
 25 such alleged non-compliance.

26 gpb 6/26/98 file:45day.lan

SANTA CRUZ COUNTY

AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE RULES  
APPROVED BY THE BOARD OF FORESTRY - NOVEMBER 3, 1998

- ◆ New text is underlined
- ◆ Deletions are shown with ~~strikeout~~

1. 926.1 Registered Professional Forester (RPF) Advice [Santa Cruz County]

The provisions of 14 CCR 913.8(b)(5) shall apply when timber operations are conducted in accordance with 14 CCR ~~913.8(a)~~ 926.25

2. 926.2 Field Review and Timber Operator Certification [Santa Cruz County]

Subsequent ~~to~~ plan approval, but prior to commencement of timber operations, the RPF responsible for preparing the plan, the RPF who will advise the timber operator during timber operations (if different), and the timber operator shall meet in the field to review the specifics of the plan. The Director may attend and participate in such meeting, and shall be given advance notice of the meeting by the plan submitter. After such meeting and prior to commencement of timber operations, or upon the filing of any subsequent maior amendment to the plan, the licensed timber operator shall execute and file with the Department a written certification that such timber operator or a supervised designee familiar with on-site conditions actively participated in ~~the~~ a field review, is familiar with all state and local rules applicable to the proposed timber operation including without limitation the requirements of 14 CCR 1035.2 and 1035.3, understands the plan or such maior amendment and each of the conditions that have been placed upon the plan or such maior amendment by the Department as part of the review process, and is familiar with and acknowledges the responsibility to communicate this information to those persons hired to carry out the proposed timber operation under his/her direction. The term "supervised designee" means any representative whose activities are controlled by the LTO in the same manner that an RPF would control the activities of a "supervised designee" as defined in 14 CCR 895.1.

3. 926.3 Plan Submittal and Notice of Intent [Santa Cruz County]

14 CCR 1032.7, subsections (c),(e),(f) and (g) and (h)(1) shall not apply in Santa Cruz County. In lieu of those subsections the following shall apply: ,

- (a) The plan submitter shall prepare and submit to the Director, with the plan, a Notice of Intent to Harvest Timber as described in 14 CCR 1032.7(d) which shall additionally include the following:



ATTACHMENT 2

- (1) A statement that the approximate property lines have been flanged for review where truck roads, tractor roads or harvest areas are within 100 feet of the property line.
- (2) In the event helicopter yarding is proposed, the Notice of Intent will include a map that clearly identifies the areas within the proposed timber harvest plan area that are proposed for helicopter operations, including helicopter log landing and service area sites and a statement about the approximate duration of helicopter yarding activities.

(b) The plan submitter shall furnish to the Department at the time of submission of the plan, the names and addresses of all property owners within 300 ft. of the exterior boundaries of assessor's parcels upon which a plan has been submitted, and the names and addresses of property owners with property fronting or bordering that portion of the haul route lying between the plan area and the nearest public road, and the addresses of all private road association members. "Private road association" as used in this section and all other rules specific to Santa Cruz County shall mean those road associations appearing on a list maintained by the County and provided to the Director which are either a County Service Area which maintains any private road or any other private road association that has recorded by-laws or other organizing instruments recorded in the official records of Santa Cruz County from which it can be ascertained the assessor parcel numbers of the properties owned by the members. If helicopter yarding is proposed, the list shall also include the names and addresses of property owners with property located within three thousand (3,000) feet of any location in the proposed timber harvest area in which logs are to be picked up, carried, or landed, or helicopters are to be used for servicing. It is the intent of the notice provisions of this paragraph to direct the notice to both owners and residents of properties lying within the 3,000 foot notice area; accordingly, if any property owner to be noticed by mail on a proposed helicopter yarding has a mailing address located outside of the three thousand foot notice area and such property owner's property within such area has a street address within such area, the list shall also contain the street address of the property within the three thousand (3,000) foot radius, and shall list the addressee at such property as "Occupant." The list shall be compiled from the latest equalized assessment roll of the county or a list provided by a title insurance company. Any list prepared for noticing an operation with helicopter yarding shall be deemed accurate provided that it contains accurate information regarding at least 95% of the property owners and situs addresses entitled to notice under these Rules based upon the County Tax Assessor's records.

(c) The plan submitter shall mail copies of the Notice of Intent to all property owners and members of those applicable private road associations on the list provided by the County identified pursuant to (b) at least 10 days prior to plan submission and at this time shall post a copy of the Notice of Intent including a map as described in 14 CCR 1032.7 (d)(8) at a conspicuous location on the private road where a majority of the road association members can view the notice and, if helicopter yarding is proposed, at a minimum of one conspicuous location every half mile on all public roads within a 2 mile radius of the proposed area of operations. The posted Notice of Intent shall be on colored paper or identified with colored

flagging so as to be easily visible to the public. The plan submitter shall further mail the Notice of Intent to:

- (1) All members of the Board of Supervisors in whose district any timber operation is proposed;
- (2) The local school district;
- (3) Any The publicly-owned water district or community water system which maintains any water production or water storage facility. ~~in the watershed~~ downstream from any location within which any timber operation is proposed. At the time of plan submission, the plan submitter shall certify to the Director in writing that this procedure has been followed.
- (d) The plan submitter shall have the Notice of Intent published in a newspaper of general circulation in the area, concurrently with the submission of the plan to the Director. Proof of publication of notice shall be provided to the Director prior to his/her determination made pursuant to 14 CCR 1037.6.
- (e) For plan amendments, the submitter of the amendment shall certify in writing at the time the amendment is submitted that copies of a new Notice of Intent have been mailed to:
  - (1) All property owners not previously noticed under sub-section (b) who, because of the plan amendment, would be required to receive the notice provided in subsection (b).
  - (2) All property owners previously noticed under subsection (b) when there is a change in silvicultural method.
- (f) The plan submitter shall include with the mailed Notice of Intent sent to the persons identified above, other than members of the Board of Supervisors, local school district, publicly-owned water district or community water systems, any available printed general informational material that has been jointly approved by the County of Santa Cruz and the Department, describing the review process and the rights of adjacent landowners and other neighbors under applicable rules, ordinances or statutes.
- (g) The RPF shall simultaneously file with the Department any notice of deviation given to the plan submitter or landowner required under Public Resources Code section 4583.2.
- (h) In the event the Director shall approve a timber harvest plan which provides in whole or in part for helicopter yarding and where such harvest operations are not commenced within the same harvest season in which the plan is approved, the plan submitter shall, not less than 14

days prior to the estimated commencement of helicopter operations and not more than 28 days prior to the estimated commencement of such operations:

(1) Mail a notice to all persons previously notified of the Notice of Intent of the original application or any amendment under (b) above, providing notice of the fact that the helicopter yarding was approved, containing a map showing the location of the harvest areas, landing area, and service area approved in the Plan, the hours of operation, the estimated starting date of helicopter yarding activities, the estimated completion date, and any conditions placed on the helicopter yarding activity by the Director as part of the approval; and

(2) Post a copy of the notice at a minimum of one conspicuous location every half mile on all public roads within a 2 mile radius of the proposed area of operations. The posted notice shall be on colored paper or identified with colored flagging so as to be easily visible to the public.

(3)The plan submitter shall further mail the notice to those persons identified in 14 CCR 926.3 (c)(1) and (2).

(4) Prior to commencement of helicopter operations, the plan submitter shall certify to the Director in writing that these procedures have been followed.

4. 926.7 Review Team Field Review [Santa Cruz County]

Any review team member may, on request, accompany the Department as an advisor to the Department, on any field review the Department conducts prior to approval of the plan. A member of the review team shall have five working days following the date of the review team meeting in which to file any notice of non-concurrence as provided for in 14 CCR 1037.5(e).

When a proposed timber harvest area is adjacent to a residential neighborhood; when the only access to the proposed timber harvest area is through neighboring property; or when multi-owner private road(s) are to be used for hauling; the residents of the adjacent neighborhood or the owners of the private road(s) may designate one person as their representative to attend the me-harvest inspection and all Review Team field inspections and meetings that are scheduled. The Director and plan submitter shall be provided with written notice of the designated representative's name, address and telephone number. Such person may only enter the property of the landowner where the harvest is proposed with the consent of the landowner. Such person shall be entitled to receive advance notice of the time and place of the me-harvest inspection and Review Team field reviews, may make inquiries of the review team members, but shall not be a member of the Review Team.

5. 926.9 Hours of Work [Santa Cruz County]

ATTACHMENT 2

- (a) Except as provided in paragraph (b) below, the operation of chain saws and other power-driven saw equipment shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and nationally designated legal holidays. An exception to this rule may be granted by the Director where s/he has found that no disturbance will result from the use of such equipment.
- (b) Within 300 feet of any occupied legal dwelling, the operation of chain saws and all other power equipment, except licensed highway vehicles, within 300 ft. of an occupied dwelling shall be restricted to the hours between 6:00-8:00 a.m. and 9:00-6:00 p.m., and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays.- this rule may be granted by the Director where he/she has found that no disturbance will result to the occupants of the dwelling from the use of such equipment. The Director may grant an exception to allow operations between 7:00 a.m. and 7:00 p.m. within 300 feet of residences if a determination of no disturbance can be made based upon the occupant(s) agreement to a written request submitted by the RPF to the Director before plan approval.
- (c) When it is anticipated that there will be staging of licensed vehicles outside the plan submitter's property between the hours of 9:00 p.m. and 7:00 a.m., the RPF shall provide an operating plan which reduces noise impacts to nearby residences.'

6. 926.10 Log Hauling [Santa Cruz County]

- (a) Log hauling on public roads is not permitted on Saturdays, Sundays, or on those days which are nationally designated holidays.
- (b) Log hauling on public roads, or private roads may be restricted or not permitted by the Director during commute hours or during school busing hours when necessary to present a serious hazard to traffic flow and safety or to prevent hazardous conditions that would endanger public safety.
- (c) During log hauling on public roads, or on private roads the timber operator may be required by the Director to post special traffic signs and/or flagpersons where determined to be necessary to prevent a hazard to traffic.

7. 926.11 Flagging of Property Lines [Santa Cruz County]

~~In addition to other flagging requirements in Subchapter 3 of Title 14 CCP, the Director, where necessary to protect adjoining properties may require flagging of The RPF or his/her supervised~~

designee shall, prior to plan submission to the Department, flag the approximate property lines of the timberland owner's parcel on the site where any truck road, tractor road or harvest area is proposed within 100 A. of a property line, and the approximate boundaries of all residential buffer zones.

8. 926.13 Performance Bonding [Santa Cruz County]

When hauling logs pursuant to a THP, the LTO shall provide for the repair of any damage to a county road that is willfully or negligently caused by the LTO's log hauling operations or to a private road which is caused by the LTO's log hauling operations, and shall provide for the repair of any damage caused by the LTO's log hauling operations to appurtenant structures, including, but not limited to, guard rails, signs, traffic signals, culverts, curbs and similar facilities. If necessary to ensure compliance with this section, the county, owner(s)/easement holder(s) of private road or private road association may request, and the Department, upon such request, may shall require the timber operator or responsible party to post adequate financial security to restore paved or unpaved county or private roads and appurtenant structures which are damaged by log hauling operations. The request for posting of financial security shall be made to the Department during the THP review procedure and no later than five days before the Director's decision date. The timber operator or responsible party shall post a certificate of deposit, certificate of insurance or performance bond, or other financial security in favor of the Department in a reasonable amount set by the Director, not to exceed \$5,000 per mile of county road used or \$50,000, whichever is less and subject to provisions of Division 3, Part I, Chapter 1, Article 8, Sec. 11110 through I 1113 of the Government Code. Such cash deposit or other acceptable financial security shall cover a period not to exceed the effective period of the plan. When a form of financial security is required, logging trucks shall not use the county roads until the required security is posted with the Department. The Director shall release the bond or equivalent to the principal of the security upon completion of log hauling operations and compliance with the requirements of this section. If and when repairs are necessary, the Director shall request the operator to provide for making the repairs, If the repairs are not made the Department may take corrective action and may order the bond, or equivalent, forfeited in an amount not to exceed actual damage. When a bond or equivalent has been posted, the Department shall provide the county with a copy of the Work Completion Report. The county shall advise the Department in writing within 30 days of its receipt of notification of completion of hauling operations or the Work Completion Report if damage has occurred repairs need to be made. If the county fails to notify the Director within 30 days, the bond of surety shall be released.

12. 926.19 Erosion Control Maintenance [Santa Cruz County]

The plan submitter shall maintain all drainage structures, and-drainage facilities and gating or other devices to prevent access required by these rules in effective working condition throughout the required one maintenance winter periods after completion of timber operations unless other stricter measures are required. ~~the Report may not be filed until this requirement has been met.~~ & Skid trails, landings and work areas shall be reseeded, mulched or

protected by compacting slash and debris from harvest operation. The Director may require further measures to prevent unnecessary damage to road surfaces from unauthorized use and to protect the quality and beneficial uses of water. The County representative responsible for review of timber harvests shall receive advanced notice and may attend the work completion inspection with the Department to review erosion control measures. ~~A work completion report may not be filed until this these requirements has have been met.~~

14. 926.23 Contents of Plan [Santa Cruz County]

In addition to 14 CCR 1034 the following shall apply in Santa Cruz County:

- (a) When log hauling is proposed over non-appurtenant private roads, the RPF shall provide:
  - (1) Information substantiating the timber owner's legal right to access or use said private road(s).
  - (2) A statement as to the estimated number of total logging truck loads to be removed and the approximate number of haul days and location of Proposed logging truck staging areas.
  - (3) A statement as to how obligations to maintain the road shall be satisfied commensurate with use.
  - (4) Specific measures which provide for the safe use of the road, such as flag persons, signage, pilot cars and hours of restriction.
  - (5) Videotape, photograph or other means of documentation for noting the existing conditions of the road.
- (b) The RPF shall provide a map showing the location of the flagged property boundaries along with any documentation that substantiates ~~the accuracy of~~ the property line.
- (c) The description of the plan area shall include the County Assessor Parcel Number(s) for those parcel(s) within which timber operations are to be conducted.
- (d) The RPF shall include within the notice to the landowner section of the plan the following statement: "Section 16.22.030 of the County Code states that any road or bridge constructed pursuant to a Timber Harvest Permit issued by the State of California, if used to serve purposes other than forest management activities shall be considered new and shall be subject to all County design standards and applicable policies including County grading and bridge permits."

16. 926.25 Special Harvesting Methods [Santa Cruz County]

In addition to 14 CCR 913.8 subsection (a), the harvesting limitation, re-entry period and leave tree standards shall be modified as follows:

(a) The cutting standards for TPZ parcels are as follows:

- (1) For areas where the proposed harvest rate is 51-60% of the trees greater than 45.7 cm (18 in.) d.b.h., the minimum re-entry period shall be 14 years.
- (2) For areas where the proposed harvest is 50% or less of the trees greater than 45.7 cm (18 in.) d.b.h., a 10 year re-entry period shall apply.
- (3) Regardless of re-entry period, no more than 40% of the trees greater than 35.6 cm. (14 in.) and less than 45.7 cm (18 in.) d.b.h. shall be harvested.

(b) The cutting standards for non-TPZ parcels are as follows:

- ~~(1) For areas where the harvest rate is 25% or less of those trees greater than 61.0 cm (24 in.) d.b.h. present prior to commencement of current timber operations, the re-entry period shall be 10 years.~~
- ~~(2) For areas where the harvest rate is 26-35% of those trees greater than 61.0 cm (24 in.) d.b.h. present prior to commencement of current timber operations, the re-entry period shall be 14 years.~~
- ~~(3) Regardless of re-entry period, no more than 40% of the trees greater than 30.5 cm. (12 in.) and less than 61.0 cm (24 in.) d.b.h. shall be harvested.~~
- ~~(4) No conifer shall be cut which is more than 22.9 m (75 ft.) from a leave tree of equal size class. Equal size class is defined as follows:~~
  - ~~(a) Over 81.3 cm (32 in.) to 91.4 cm (36 in.) d.b.h.~~
  - ~~(b) Over 91.4 cm (36 in.) to 106.7 cm (42 in.) d.b.h.~~
  - ~~(c) Over 106.7 cm (42 in.) to 121.9 cm (48 in.) d.b.h.~~
  - ~~(d) Any tree over 121.9 cm (48 in.) d.b.h.~~
- ~~(5) No old growth conifer shall be harvested in any non-TPZ zone property. As used herein "old growth conifers" are described as predominant trees that are at least 200 years old.~~

(c) — Trees that could have been cut harvested in a the riparian no cut zone, but for the provisions of 14 CCR 926.26 or in the residential buffer zone, but for the provisions of 14 CCR 926.24, and trees that could have been cut in a WLPZ but for the provisions of 14 CCR 926.26 shall be counted for the purpose of determining compliance with the cutting standards under 14 CCR 926.25(a) and (b) may be credited one time only, by the allowed harvest of additional trees over 45.7 cm (18 in.) d.b.h. outside the WLPZ. At no time can the credit of trees result in a harvest of over 60% of the trees over 45.7 cm (18 in.) d.b.h. on TPZ parcels, or 40% of the trees over 45.7 cm (18 in.) d.b.h. on non-TPZ parcels.

(d) — When a Non-industrial Timber Management Plan (NTMP) or a Sustained Yield Plan (SYP) as provided in Article 6.5 and 6.75, Subchapter 7, is submitted to the Director, an alternative method may be approved if the RPF submits a stratified random sample of the timber resources on the property or harvest area, with growth data that supports a cutting percentage and cutting cycle that can be predicted to achieve a substantially similar yield of timber on each successive harvest with a degree of statistical certainty of +/- 5%. In no event shall the re-entry period be less than 10 years. Before commencement of harvesting operations the property owner shall record with the County Recorder a Declaration of Restrictions which cites the approved cutting percentages and re-entry period as stated in the NTMP or SYP.



Proposed General Plan Amendments:

~~Revise Table 1-7 (General Plan Resource and Constraints Maps) as shown on the attached pages (minor)~~

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), and Mineral Extraction Industrial (M-3) zone districts

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ORDINANCE \_\_\_\_\_

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ORDINANCE AMENDING COUNTY CODE SECTIONS 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 TH-E PUBLIC AND COMMUNITY FACILITY ZONE, 13.10.372(b) - TIMBER PRODUCTION ZOSE USES CHART, 13.10.382 - 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 (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 appoval 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 13.10.314(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.**

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SECTION II

0167

Subsection (b) of Section 13.1 0.322 - Residential Uses - of the County Code is hereby amended to read as follows:

(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.**

SECT103 III

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

	FL4	RR	R-1	RB	RM
<del>Timber harvesting, small scale, subject to the Timber Harvest Ordinance (Chapter 16.52)</del>	<del>P</del>	<del>P</del>	--	--	--

SECTION IV

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.

February 2, 1999

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EXHIBIT D 23  
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1. The uses allowed in the commercial districts shall be <sup>2s</sup> provided in the Commercial Uses Chart below. A discretionary approval for **an allowed use is** known <sup>2s</sup> a "Use Approval" and is given <sup>2s</sup> part of a "Development Permit" for <sup>2</sup> 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 <sup>2</sup> project requires other concurrent Approvals, according to Section 18.10.123. 0162
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 V

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 <sup>2s</sup> provided **in** the following Industrial Uses chart below. A discretionary approval for an allowed use is known as a "Use Approval" and is given <sup>2s</sup> 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 <sup>2</sup> 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 <sup>2</sup> 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 VI

Section (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

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USE	M-1	M-2	M-3
-----	-----	-----	-----

Mine site interim uses, such as:

- 1) Agricultural uses subject to the regulations of the "A" District; Allowed at Approval Levels required by Section 13.10.312 ~~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 VII

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
-----	----

Timber Harvesting, P  
subject to Section 13.10.695.

SECTION VIII

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.

- 1. 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

14-2  
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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
<p>Timber: Growing, harvesting: the cutting and removal of timber and other forest products, and work incidental thereto, <b>including helicopter yarding of timber pursuant to Section 13.10.378, (Subject to a Timber Harvest Permit pursuant to Ch. 16.56) subject to Section 13.10.695 of the County Code.</b></p>	P

**SECTION X**

Chapter 13.10 of the County Code 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**

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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. 0165

(b) No helicopter flight may occur within 1,000 feet horizontally of an inhabited residence.

SECTION XI

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 R4 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 XII

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, in addition to the TP zone, which specifically list timber harvesting as an allowed use. <sup>only in zone districts</sup>

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

**SECTION XIII**

Subsection (h) of Section 1620.180 - 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 or base 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).

ADS "

**SECTION XIV**

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.



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~~(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 XV**

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 XVI**

This Ordinance shall take effect on the 31<sup>st</sup> 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

February 2, 1999

**EXHIBIT D**  
SCC 23

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1 1999 AMENDMENTS TO THE CALIFORNIA FOREST PRACTICE RULES  
2 APPROVED BY THE  
3 BOARD OF SUPERVISORS - January 26, 1999  
4

0168

- 5 ♦ New text is underlined
- 6 ♦ Deletions are shown with ~~strikeout~~
- 7 ♦ All other text is existing language

8  
9  
10 926.1 1 Flagging of Property Lines [Santa Cruz County]

11  
12 ~~In addition to other flagging requirements in Subchapter 3 of Title 14 CCR, the Director, where~~  
13 ~~necessary to protect adjoining properties may require flagging of~~ The RPF or his/her supervised  
14 ~~lesignee shall, prior to plan submission to the Department, flag the approximate property lines of the~~  
15 timberland owner's parcel on the site where any truck road, tractor road or harvest area is proposed  
16 within 100 ft. of a property line, and the approximate boundaries of all residential buffer zones.  
17

18  
19 926.15 Road Construction and Maintenance [Santa Cruz County]

20  
21 In addition to Article 12 (14 CCR Sections 923 through 923.8), the following shall apply in Santa  
22 Cruz County:

23  
24 (a) New logging roads, including all temporary, seasonal and permanent roads, shall be subject  
25 to the following limitations:

26 (1) New road construction shall be prohibited:

27 (i) Across-slopes steeper than 65%.

28 (ii) Across slopes steeper than 50% where the erosion hazard rating is high or  
29 extreme.

(iii) Across slopes over 50% which lead to a watercourse or lake! without flattening to sufficiently dissipate water flow and trap sediment.

(2) Any exceptions to these standards granted by the Director shall require review by a Certified Engineering Geologist or Licensed Geotechnical Engineer with experience in forest road construction.

(3) Any exceptions to these standards granted by the Director for construction of temporary roads shall require the abandonment of the temporary road in compliance with 14 CCR 923.8 immediately following cessation of active logging operations.

(4) Whenever new road construction is proposed and the plan submitter owns or controls any property contiguous to the parcel or parcels on which timber operations are proposed, and such contiguous property contains timberland, the RPF shall include a map and explanation of how the new road is integrated into the existing or proposed truck road and associated transportation system for all the contiguous property owned or controlled by the plan submitter on which timberland is found. Such proposed integrated truck road and associated transportation system shall be reviewed in connection with review of the proposed plan and the plan shall be modified, if necessary, to assure that the approved plan will be compatible and consistent with timber operations on the contiguous property.

(5) New road construction or road reconstruction on areas of active mass movement, inner gorge slopes (except at approved stream crossings) or headwater swales shall be reviewed by a Certified Engineering Geologist or Licensed Geotechnical Engineer with experience in forest road construction.

b) All new seasonal and permanent roads shall be treated to prevent excessive loss of road surface materials by the use of non-erodible surfacing materials meeting the following minimum standards:

(1) Roads with gradients between 0% and 10% require a drain rock surface compacted into a 4 inch sub-base of Class II baserock.

(2) Roads with gradients between 10% and 15% require a 5-inch layer of Class II baserock and oil and screenings seal coat.

(3) Roads with gradients greater than 15% require a 5-inch layer of Class II baserock with 1-1/2 inches of asphaltic concrete overlay.

(4) Existing permanent appurtenant roads used for any purpose during the winter period, as defined by 14 CCR Section 926.18, may be required to be surfaced, as specified above, if, upon the determination of the Director, such surfacing is necessary to prevent excessive loss of road surface materials.

(c) Until abandoned, all new and existing seasonal roads in the plan area shall be regularly maintained pursuant to an erosion and drainage plan approved by the County of Santa Cruz.

(d) All new, tractor roads shall be abandoned pursuant to 14 CCR Section 923.8 immediately following cessation of active logging operations. 14 CCR 914.2(f)(3)[Coast only] shall not apply in Santa Cruz County.

3. 926.16 Flagging [Santa Cruz County]

(a) The location of proposed truck roads, constructed tractor roads, landings, and watercourse

crossings proposed to be used or constructed during the timber harvest, as well as residential  
buffer areas and riparian corridor areas where timber operations are prohibited pursuant to  
14 CCR 926.24 or 14 CCR 926.26. shall be designated on the plan map and shall be located  
in the field with flagging. Such flagging shall occur prior to the preharvest inspection if one  
is to be conducted. Flagging for truck roads and constructed tractor roads will be inter-visible  
along the proposed alignments.

(b) The RPF or supervised designee shall flag; the location of all water breaks which are within  
the WLPZ, on manned unstable areas or on slopes over 65% regardless of erosion hazard  
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4. 926.17 Abandonment of Roads and Landings [Santa Cruz County]

When an existing truck road, tractor road, or landing is located within the property of the landowner  
submitting the plan in an area in which it could not be newly constructed in conformance with ~~these~~  
the Forest Practice Rules, rules then; such road or landing shall be abandoned,  
pursuant to 14 CCR 923.8, stabilized, re-vegetated, and restricted from vehicular use by the  
installation of gates and/or other devices to prevent access. following cessation of active logging  
operations. prior to the Work Completion Inspection, unless the use of such road or landing would  
produce less environmental impact than the use of a new road or landing constructed in accordance  
with these rules.

5. 926.24 Residential Buffer Zone [Santa Cruz County]

Harvesting or other timber operations are prohibited within 300 feet of any occupied legal dwelling;  
used for residential purposes on non-TPZ parcels without unless the residential property owner's;

written consent in writing is submitted with the plan. This prohibition does not apply to the removal of except for dead, dying and diseased trees which are imminently threatening any occupied legal dwelling or which constitute an imminent fire hazard. If timber operations do occur within 300 feet of an occupied legal dwelling, all slash shall be lopped to 30.5 cm (12 in.) or less or removed, within 10 workina days of log removal operations but no later than 60 days of the felling of trees.

6. 926.25 Special Harvesting Methods [Santa Cruz County]

In addition to 14 CCR 913.8 subsection (a), the harvesting limitation, re-entry period and leave tree standards shall be modified as follows:

(a) The cutting: standards for TPZ parcels are as follows:

- (1) For areas where the proposed harvest rate is 51-60% of the trees greater than 45.7 cm (18 in.) d.b.h., the minimum re-entrv period shall be 14 years.
- (2) For areas where the proposed harvest is 50% or less of the trees greater than 45.7 cm (18 in.) d.b.h., a 10 year re-entrv period shall apply.
- (3) Regardless of re-entrv period, no more than 40% of the trees greater than 35.6 cm. (14 in.) and less than 45.7 cm (18 in.) d.b.h. shall be harvested.

(b) The cutting standards for non-TPZ parcels are as follows:

- (1) For areas where the harvest rate is 25% or less of those trees greater than 61.0 cm (24 in.) d.b.h. present prior to commencement of current timber operations, the re-entrv period shall be 10 years.

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(2) For areas where the harvest rate is 26-35% of those trees greater than 61.0 cm (24 in.) d.b.h. present prior to commencement of current timber operations, the re-entry period shall be 14 years.

(3) Regardless of re-entry period, no more than 40% of the trees greater than 30.5 cm (12 in.) and less than 61.0 cm (24 in.) d.b.h. shall be harvested.

(4) No conifer shall be cut which is more than 22.9 m (75 ft.) from a leave tree of equal size class. Equal size class is defined as follows:

- (a) Over 81.3 cm (32 in.) to 91.4 cm (36 in.) d.b.h.
- (b) Over 91.4 cm (36 in.) to 106.7 cm (42 in.) d.b.h.
- (c) Over 106.7 cm (42 in.) to 121.9 cm (48 in.) d.b.h.
- (d) Any tree over 121.9 cm (48 in.) d.b.h.

(5) No old growth conifer shall be harvested in any non-TP zone property. As used herein "old growth conifers" are described as predominant trees that are at least 200 years old.

(c) Trees that could have been harvested in a the riparian no cut zone, but for the provisions of 14 CCR 926.26 or in the residential buffer zone, but for the provisions of 14 CCR 926.24, and trees that could have been cut in a WLPZ but for the provisions of 14 CCR 926.26 shall be counted for the purpose of determining compliance with the cutting standards under 14 CCR 926.25(a) and (b) may be credited one time only, by the allowed harvest of additional trees over 45.7 cm (18 in.) d.b.h. outside the WLPZ. At no time can the credit of trees result in a harvest of over 60% of the trees over 45.7 cm (18 in.) d.b.h. on TPZ parcels, or 40% of

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the trees over 45.7 cm (18 in.) d.b.h. on non-TPZ parcels.

d) When a Non-industrial Timber Management Plan (NTMP) or a Sustained Yield Plan (SYP) as provided in Article 6.5 and 6.75. Subchapter 7. is submitted to the Director, an alternative method may be approved if the RPF submits a stratified random sample of the timber resources on the property or harvest area. with growth data that supports a cutting percentage and cutting cycle that can be predicted to achieve a substantially similar yield of timber on each successive harvest with a degree of statistical certainty of +/- 5%. In no event shall the re-entry period be less than 10 years. Before commencement of harvesting operations the property owner shall record with the County Recorder a Declaration of Restrictions which cites the approved cutting percentages and re-entry period as stated in the NTMP or SYP.

926.26 Watercourse and Lake Protection [Santa Cruz County]

In addition to the requirement of Article 6 (14 CCR Sections 916 to 916.10) the following shall apply in Santa Cruz County:

- a) On TPZ parcels, no timber harvesting operations are allowed within riparian corridors. The width of this no cut, no entry zone is defined as follows:
  - (1) At least 15.2 m (50 feet) from Class I and II watercourses and wetlands we: meadows and other wet areas.
  - (2) At least 3.1 m (10 feet) from Class III watercourses.
  - (3) The width of the riparian corridor shall be measured horizontally out from each side



of the watercourse bank.

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(4) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts) if no other feasible alternative exists as explained and justified in the THP and approved by the Director.

b) On non-TPZ parcels, no timber harvesting operations are allowed within non-TPZ riparian corridors. The width of this no cut, no entry zone is defined as follows:

(1) At least 38.0 m (125 feet), from Class I and II watercourses and wetlands wet meadows and other wet areas.

(2) At least 3.1 m (10 feet) from Class III watercourses.

(3) The width of the riparian corridor shall be measured horizontally out from each side of the watercourse bank.

(4) Exceptions are allowed for temporary stream crossings (fords, bridges, culverts, cable corridors) if no other feasible alternative exists as explained and justified in the THP and approved by the Director; provided that no cable corridor shall be cut within the riparian corridor. Full suspension yarding across the riparian corridor shall be permitted only if it can be accomplished without falling **Or** harvesting trees inside the riparian corridor.

8. 926.27 Non-native Plants [Santa Cruz County]

Maintenance activities for the eradication of French broom or other invasive, non-native plants a:

efined by a list provided by the County along harvest roads and landings should occur on the first, third and fifth year after the initial site disturbance occurs. Where seeding is needed for erosion control, the use of appropriate native or non-invasive exotic plants, such as cereal barley, is recommended.

9. 926.28 Helicopter Operations [Santa Cruz County]

Helicopter yarding of timber shall only be permitted for timber harvested from properties zoned TP. Helicopter service and log landing zones must be sited within the THP bound&s on either property zoned TP or on continuous properties to property zoned TP that is owned by the owner of the TP property. Helicopter flights for log transport between the area where the felling is occurring and the landing must occur only over proper& contained within the approved THP. No helicopter flight may occur within 1,000 feet horizontally of an occupied legal dwelling provided that the Director may reduce this reauirement to 500 feet with the written concurrence of the residential inhabitant. Helicopter operations are restricted to the hours between 7:00 a.m. and 5-M p.m. and shall be prohibited on Saturdays, Sundays and nationally designated legal holidays. Within a calendar year, no more than 10 cumulative days of total helicopter yarding shall be allowed within each Resource Conservation District watershed by all possible plan submitters combined. Within a five year period, no more than 10 cumulative days of total helicopter yarding shall be allowed within a two mile radius of any prior helicopter yarding operation occurring within such period. As used herein, one day shall be defined as a total of 10 hours of flight time, which may occur on more than one calendar day.

10. 926.29 Emergency Conditions (Santa Cruz County)

A "financial emergency" as defined in 14 CCR 835.1 (Emergency (b)) and further referred to in 14 CCR 1052.1 (Emergency Conditions) shall only constitute an emergency for the purposes of the

1 Santa Cruz County Rules if the work proposed to be done under the emergency authorization is  
 2 minor in scope and can be done without any significant adverse impact on any adjoining landowner.  
 3 including others with the right to use private roads proposed to be used by the plan submitter, or on  
 4 the environment.

7 11. 926.30 Entry by County Representative for Inspection [Santa Cruz County]

9 The County representative who is designated to participate in or who participated in the Review  
 10 Team may enter and inspect the property that is subject to a timber harvest application during normal  
 11 business hours at any time after commencement: during the conduct of timber harvest plan activities  
 12 on the land and after 24 hours notice to the landowner, the RPF and the LTO if any of his employees  
 13 are engaged in activities on the site, for the purpose of reviewing the methods being utilized in the  
 14 timber harvest plan activities and efforts to comply with the requirements of the Forest Practice Rules.  
 15 In carrying out such inspection, s/he may utilize any measurement or evaluation tools or apparatus,  
 16 including: temperature measurement equipment, cameras or video equipment. Any photos or videos  
 17 shall be clearly labeled as to time, date and location, and shall remain the property of the County of  
 18 Santa Cruz but shall constitute public records. If such representative becomes aware of any material  
 19 lack of compliance with such Rules or any other provisions of the California Forest Practice Rules  
 20 applicable to such harvest activities, s/he shall promptly notify the Director in writing of such alleged  
 21 non-compliance.

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