

ORDINANCE 4572**ORDINANCE ADDING COUNTY CODE SECTION 13.10.378 - TIMBER HARVESTING
RELATED HELICOPTER REGULATIONS**

WHEREAS, the use of non-contiguous parcels for staging and loading timber, and for servicing helicopters, as a part of timber operations involving helicopters poses a current and immediate threat to the public health, safety and general welfare because residents of parcels over which the helicopters fly would be subject to the danger of multi-ton logs falling over and near their homes and to extremely high-decibel noise levels; and

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

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

13.10.378 Timber Harvest Related Helicopter Operations

(a) Staging and loading activities, and service areas, for timber operations involving the use of helicopters shall be prohibited unless the staging, loading or service area:

- i) is on the parcel or on a parcel which is contiguous to the parcel from which the timber is being harvested,
- ii) is within a parcel that is either zoned TP or is zoned in another zone district where timber harvesting is permitted, and
- iii) is within the boundaries of the Timber Harvest Plan (THP) or the Non-industrial Timber Management Plan (NTMP), and the THP or NTMP is approved by the California Department of Forestry and Fire Protection .

(b) Notwithstanding the foregoing, this section of the County Code shall only apply outside the Coastal Zone.

SECTION II

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 III

This Ordinance shall take effect on the 31st day after final passage

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ATTACHMENT 4

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this
16th day of November, 1999, by the following vote:

AYES: SUPERVISORS Wormhoudt, Beautz and Almquist
 NOES: SUPERVISORS Symons and Campos
 ABSENT: SUPERVISORS None
 ABSTAIN: SUPERVISORS None

JEFF ALMQUIST

 CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: SUSAN M. ROZARIO

Clerk of the Board

APPROVED AS TO FORM: _____

Dwight L. New
 County Counsel

Copies to: Planning
 County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT
 IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE
 OFFICE ATTEST MICHAEL AND SEAL THIS 18th DAY
 OF November 1999
 SUSAN A MAUNIELLO, COUNTY ADMINISTRATIVE OFFICER
 AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS
 OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.

BY Alicia M. Mills DEPUTY

ORDINANCE 4571ORDINANCE AMENDING COUNTY CODE SECTION 13.10.695- LOCATIONAL
CRITERIA FOR TIMBER CUTTING AND REMOVAL**SECTION I**

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 CUTTING AND REMOVAL

(a) Within those zone districts in which timber harvesting is otherwise allowed by this Code, the cutting and removal of trees and other solid wood products for commercial purposes which require either a Timber Harvest Plan or a Non-industrial Timber Management Plan shall not occur within riparian corridors, defined as:

1) 50-feet from the bank full flow line of a perennial stream, as defined in Section 16.30.030 of the County Code

2) 30-feet from the bank full flow line of an intermittent stream, as defined in Section 16.30.030 of the County Code

(b) Notwithstanding the above, if compliance with section (a) would preclude access to timber that is otherwise subject to harvest consistent with this section, the cutting and removal of trees and other solid wood products for commercial purposes which require either a Timber Harvest Plan or a Non-industrial Timber Management Plan within riparian corridors shall be permitted only as necessary to provide access to such timber.

(c) Notwithstanding the foregoing, this section shall only apply outside the Coastal Zone.

SECTION II

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 III

This Ordinance shall take effect on the 31st day after final passage.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this
16th day of November, 1999, by the following vote:

AYES: SUPERVISORS Wormhoudt, Beautz and Almquist
 NOES: SUPERVISORS Symons and Campos
 ABSENT: SUPERVISORS None
 ABSTAIN: SUPERVISORS None

JEFF ALMQUIST

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: **SUSAN M. ROZANO**

Clerk of the Board

APPROVED AS TO FORM:

Quigley J. Kern
 County Counsel

Copies to: Planning
 County Counsel

I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT
 IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE
 OFFICE ATTEST MY HAND AND SEAL THIS 18th DAY
 OF November, 1999
 OF SUSAN A MAURIELLO, COUNTY ADMINISTRATIVE OFFICER
 AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS
 OF THE COUNTY OF SANTA CRUZ, CALIFORNIA.
 BY *[Signature]* DEPUTY

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Findings for Ordinance Entitled "Locational Criteria for Timber Cutting and Removal"

The Board of Supervisors finds:

1. Intact riparian corridors provide important public benefits by decreasing the delivery of sediment to streams and rivers, providing shade to streams and rivers. that is necessary to prevent increases in water temperature, ensuring the availability of large woody debris necessary for maintaining adequate fisheries habitat, preserving critical wildlife habitat and wildlife corridors, protecting the public drinking supply by filtering sediment and pollution, and reducing flooding; and
2. Many of the streams and rivers within the County, including the San Lorenzo River and its tributaries, suffer from excessive sedimentation, high temperatures, and lack of large woody debris; and
3. Excessive sedimentation, high temperatures, and lack of large woody debris have contributed to the precipitous decline in County streams of steelhead, a species listed as threatened by the National Marine Fisheries Service, coho salmon, a species listed as endangered under the California Endangered Species Act, and other fisheries; and
4. Timber cutting and removal within riparian corridors reduces the ability of riparian corridors to provide the important public benefits enumerated above; and
5. The Report of the Scientific Review Panel on California Forest Practice Rules and Salmonid Habitat (June 1999), prepared for the Resources Agency of California and the National Marine Fisheries Service, concluded that existing Department of Forestry and Fire Protection regulations do not ensure adequate protection of anadromous salmonid populations and proposed that more protective regulations be adopted, which regulations are under consideration by the Board of Forestry and are not expected to be in effect prior to June, 2000; and
6. The Locational Criteria for Timber Cutting and Removal implements zoning that serves important fish and wildlife and watershed management functions; and
7. The implementation of zoning ordinance entitled Locational Criteria for Timber Cutting and Removal is compatible with timber harvesting, where otherwise

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permitted by state and County law, because the ordinance restricts timber cutting and removal; only in those cases where such cutting and removal is for commercial purposes and either a Timber Harvest Plan or a Non-industrial Timber Management Plan is required; and only within a 30 to 50 foot corridor along perennial and intermittent streams. The Ordinance permits limited tree cutting where necessary to access timber outside the narrow no-cut corridor; and

8. The ordinance entitled Locational Criteria for Timber Cutting and Removal is exempt from the California Environmental Quality Act pursuant to 14 California Code of Regulations, sections 15307 and 15308.