

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the Motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION APPROVING AMENDMENTS TO THE COUNTY GENERAL
PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING
ORDINANCES RELATING TO TIMBER HARVESTING

WHEREAS, the Board of Supervisors, in 1997, established the Timber Technical Advisory Committee to prepare a recommendation regarding the use of zoning or other means, for the purpose of addressing concerns about the impacts of timber harvesting in the unincorporated areas of the County; and

WHEREAS, the Board of Supervisors, in February 1998, considered the recommendations of the Timber Technical Advisory Committee regarding the actions necessary to address the issues raised at various public hearings regarding timber harvesting and directed that, by June 3, 1998, a package of Forest Practice Rules changes be developed for review by the Board and submittal to the Board of Forestry and, further, that a package of ordinance amendments be prepared to identify the zone districts where timber harvesting would be allowed and to address other concerns such as helicopter logging; and

WHEREAS, on June 3, 1998, the Board of Supervisors considered a report prepared by the Planning Department which recommended that the Board approve the proposed Forest Practice Rules changes, directed staff to submit the Rules package to the Board of Forestry and directed staff and Supervisor Almquist to attend the Board of Forestry hearing to represent the County; and

WHEREAS, the Board of Supervisors, on June 3, 1998, also approved, in concept, the preparation of two packages of proposed policy and ordinance amendments to be considered by the Board following the action of the Board of Forestry on the proposed Forest Practice Rules changes for implementation on January 1, 1999; and

WHEREAS, the Planning Commission, on October 28, 1998, adopted a Resolution

ATTACHMENT 12

recommending approval of the proposed amendments to the County General Plan/Local Coastal Program Land Use Plan and County Code; and

WHEREAS, the Board of Forestry, on November 3, 1998, approved a number of the proposed Forest Practice Rules changes but did not approve those affecting riparian corridors, residential buffers, helicopter operations or the various rules regarding road construction, maintenance or abandonment; and

WHEREAS, the Board of Supervisors determines that the Forest Practice Rules adopted by the Board of Forestry are not adequate to protect the environment and neighborhoods of the County, and the Board intends to continue to seek changes to the Forest Practice Rules as a means to reduce the impact of timber harvesting on the environment and neighborhoods in the County; and

WHEREAS, a Negative Declaration for each of the amendment packages has been issued by the County Environmental Coordinator in conformance with the provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on November 24, 1998, to consider the amendments to the General Plan and Local Coastal Program Land Use Plan and Implementing Ordinances, the staff report and all testimony and evidence received at the public hearing; and

WHEREAS, on January 26, 1999, the Board of Supervisors directed staff to submit the 1999 Forest Practice Rules package to the Board of Forestry, and directed staff and Supervisor Almquist to attend the Board of Forestry committee meetings and public hearing to represent the County; and

WHEREAS, the California Coastal Commission, on July 14, 1999, approved the amendments to the General Plan and Local Coastal Program Land Use Plan and Implementing Ordinances, with modifications, and

WHEREAS, the Board of Forestry, on September 14, 1999, denied the proposed 1999 Forest Practice Rules changes proposed by the County of Santa Cruz; and

WHEREAS, the Board of Supervisors, held a duly noticed public hearing on December 14, 1999, to consider the amendments to the General Plan and Local Coastal Program Land Use Plan and Implementing Ordinances, including the modifications to the more restrictive set of amendments approved by the California Coastal Commission, the staff report and all testimony and evidence received at the public hearing; and

WHEREAS, the proposed amendments to the County General Plan/Local Coastal Program are consistent with the County General Plan/Local Coastal Program Land Use Plan and all other provisions of the implementing ordinances.

EXHIBIT A

Proposed General Plan Amendments:

new language underlined/m

Amend Policy 5.12.14, as follows:

5.12.14 Zone Districts Where Timber Harvesting is Allowed

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

Revise the following section of the General Plan/Local Coastal Program Land Use Plan, as follows:

Section 5.13.5 Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land

Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural uses. Allow principal permitted uses in the CA Zone District to include only agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops and raising of animals including grazing and livestock production and timber harvesting operations.

ATTACHMENT B

ORDINANCE _____

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.312(b) - ALLOWED USES IN THE AGRICULTURAL ZONES, 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 approval for an allowed use is known as a "Use Approval" and is given as part of a "Development Permit" for a particular use. The type of permit processing review, or "Approval Level", required for each use in each of the agricultural zone districts is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123. All Level V or higher Approvals in the "CA" and "AP" zone districts are subject to the special findings required by Section 13.10.3 14(a) in addition to those required in Section 18.10.230.
2. Timber harvesting and associated operations, requiring: approval of a Timber Harvesting Plan by the California Department of Forestry, is an allowed use in the Commercial Agriculture (CA) zone district.

SECTION II

Subsection (b) of Section 13.10.3 12 of the County Code is hereby amended to add the following use to the Agricultural Uses Chart to read as follows:

AGRICULTURAL USES CHART

USE	CA	A	AP
<u>Timber harvesting. and associated operations</u>	<u>P</u>	-	

SECTION III

Chapter 13.10 is hereby amended by adding Section 13.10.3 78 to read as follows:

13.10.3 78 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.

SECTION IV

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 or a Non-industrial Timber Management Plan by the California Department of Forestry is allowed only in those zone districts which specifically list timber harvesting as an allowed use.
- (b) Within those zone districts 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

3) Notwithstanding the above, if compliance with section (b) 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) Within those zone districts in which timber harvesting is otherwise allowed by this Code (except the TP zone), 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 a residential buffer, measuring 300-feet from the exterior walls of any residential dwelling located on adjacent properties not zoned TP.

SECTION V

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 VI

This Ordinance shall take effect upon certification by the California Coastal Commission.

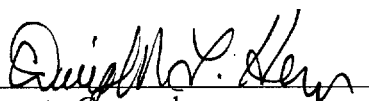
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 1998, by the following vote:

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

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:


County Counsel

Copies to: Planning
County Counsel

ATTACHMENT 13

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the Motion of Supervisor
duly seconded by Supervisor
the following Resolution is adopted:

RESOLUTION APPROVING AMENDMENTS TO THE COUNTY GENERAL
PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN AND IMPLEMENTING
ORDINANCES RELATING TO TIMBER HARVESTING

WHEREAS, the Board of Supervisors, in 1997, established the Timber Technical Advisory Committee to prepare a recommendation regarding the use of zoning or other mean for the purpose of regulating timber harvesting in the unincorporated areas of the County; and

WHEREAS, the Board of Supervisors, in February 1998, considered the recommendations of the Timber Technical Advisory Committee regarding the actions necessary to address the issues raised at various public hearings regarding timber harvesting and directed that, by June 3, 1998, a package of Forest Practice Rules changes be developed for review by the Board and submittal to the Board of Forestry and, further, that a package of ordinance amendments be prepared to identify the zone districts where timber harvesting would be allowed and to address other concerns such as helicopter logging; and

WHEREAS, on June 3, 1998, the Board of Supervisors considered a report prepared by the Planning Department which recommended that the Board approve the proposed Forest Practice Rules changes, directed staff to submit the Rules package to the Board of Forestry and directed staff and Supervisor Almquist to attend the Board of Forestry hearing to represent the County; and

WHEREAS, the Board of Supervisors, on June 3, 1998, also approved, in concept, the preparation of two packages of proposed policy and ordinance amendments to be considered by the Board following the action of the Board of Forestry on the proposed Forest Practice Rules changes for implementation on January 1, 1999; and

WHEREAS, the Planning Commission, on October 28, 1998, adopted a Resolution recommending approval of the proposed amendments to the County General Plan/Local Coastal Program Land Use Plan and County Code; and

ATTACHMENT 13

WHEREAS, the Board of Forestry, on November 3, 1998, approved a number of the proposed Forest Practice Rules changes; and

WHEREAS, the Board of Supervisors determines that the Forest Practice Rules adopted by the Board of Forestry are adequate to protect the environment and neighborhoods of the County; and

WHEREAS, a Negative Declaration for each of the amendment packages has been issued by the County Environmental Coordinator in conformance with the provisions of the California Environmental Quality Act and the County of Santa Cruz Environmental Review Guidelines; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on November 24, 1998, and on December 14, 1999, to consider the amendments to the General Plan and Local Coastal Program Land Use Plan and Implementing Ordinances, the staff report and all testimony and evidence received at the public hearing; and

WHEREAS, the Board of Supervisors has determined that the Forest Practice Rules adopted on November 3, 1998, by the Board of Forestry for implementation on January 1, 2000, are, in conjunction with the adoption of ordinances addressing riparian corridor protection and limiting helicopter logging, adequate to address the issues identified by the Timber Technical Advisory Committee and the public with respect to timber harvesting; and

WHEREAS, the proposed amendments to the County General Plan/Local Coastal Program are consistent with the County General Plan/Local Coastal Program Land Use Plan and all other provisions of the implementing ordinances.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of Santa Cruz adopts the amendments to the County General Plan/Local Coastal Program Land Use Plan and implementing ordinances, as set forth in Exhibits A and B.

BE IT FURTHER RESOLVED AND ORDERED that these amendments to the General Plan and County Code shall become effective, outside the Coastal Zone, on the 31st day following adoption, and that the Local Coastal Program Land Use Plan and Implementing Ordinances be submitted to the California Coastal Commission for its review and certification.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 19____, by the following vote:

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

Chairperson of the Board of Supervisors

ATTACHMENT 13

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM: Quight L. Lewis
County Counsel

DISTRIBUTION: County Counsel
Planning

Proposed General Plan Amendments:

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

Add Policy 5.12.14 to the General Plan/Local Coastal Program Land Use Plan, as follows:

Section 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), Mineral Extraction Industrial (M-3), Commercial Agriculture (CA), and Agriculture (A) zone districts, and on those areas of properties zoned Special Use (SU) that are designated as Timber Resource on the General Plan Resource and Constraint Maps. On SU zoned parcels or portions of parcels that are not designated as Timber Resource, maintain a process to determine whether timber harvesting in these areas is consistent with the General Plan.

Revise the following sections of the General Plan/Local Coastal Program Land Use Plan, as follows:

Section 5.13.5 Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land

Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural uses. Allow principal permitted uses in the CA Zone District to include only agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops and raising of animals including grazing and livestock production **and timber harvesting operations.**

Section 5.14.1 Uses Allowed on Non-Commercial Agricultural (A) Zoned Lands (Agricultural Land Use Designation with Agricultural Zone District)

(LCP) On land designated Agricultural on the General Plan and LCP Land Use Maps, but not Agricultural Resource on the Agricultural Resource Maps, allow the following range of uses based on parcel size.

(a) On parcels 2.5 acres and smaller in size, allow one residence and accessory uses; agricultural uses; open space uses; recreational uses and community facilities where these uses can be shown to not conflict with any adjacent agricultural.

Exhibit A

activity.

(b) On parcels over 2.5 acres in size, allow a range of agricultural uses, including both commercial and non-commercial agricultural activities; one residence publically owned and operated landfill as an interim use; or other uses where these uses are consistent with the Coastal Act, and where these uses can be shown to not conflict with any adjacent agricultural activity.

(c) Agricultural service establishments according to siting criteria for the location of such businesses. Siting criteria shall include the following: the business shall be compatible with the agricultural area and support farming operations in the area; potential business sites shall not conflict with agricultural practices or residential uses; and potential business sites will afford maximum protection of agricultural Production and resource values.

(d) Timber harvesting operations, pursuant to an approved Timber Harvesting Plan, on those portions of parcels designated as Timber Resource by the County General Plan Resource and Constraint Maps.

Figure 1-7 (page 1 of 2)
General Plan Resources and Constraints Maps

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Resource/Constraint	Matrix Map	Original Mapping Source	Map Used to Convert to EMIS	New Information Acceptable for Updating Maps	Parcel Specific Overriding Information For Matrix Density Determinations (Sec.2.3)
Agriculture	X	Agricultural Resources Map, 1979; LCP LUP R&C Maps	Revised Agricultural Resource Maps, 1991 (Incorporates LCP Maps)	General Plan and LCP amendment	Not applicable
Airport Clear Zone		Watsonville Airport Plan	Source Map	Revised Airport. Land use Plan, Federal Aviation Regulations, snff recommended changes	Not applicable
Archaeological		Resource Maps. County Archaeologic Consultant	Revised resource maps, County Archaeologic Consultant, 1992	Revised maps prepared by archaeologic consultant	Report prepared by qualified professional archaeologist
Critical Fire Hazard	X	Growth Management Environmental Report Natural Fire Hazards Map	Source Map	Report from biologist showing site is not chaparral	Report from biologist showing site is not chaparral habitat
Electric and Magnetic fields		PG & E Maps	Not converted, will use PG & E Maps for locations of transmission and major distribution lines	Addition or removal of transmission or major distribution lines by any utility	Not applicable
Floodway/Floodplain	X	FEMA Floodway/Flood Insurance Maps	Source Maps	Revised FEMA Floodway/Flood Insurance Maps	Report by certified engineering geologist, licensed surveyor or civil engineer
Mineral Resource Location of	X	Growth Mgmt. Environmental Report Timber and Mineral Resource Map	Source Map	General Plan and LCP Amendment	Not applicable
Designations/Classifications		California Dept. of Conservation, Division of Mines and Geology, Special Report 146 Part IV and SMARA Designation Report No. 7	Source Maps	Revision of state Mines and Geology Designation/Classification Maps	Not applicable
Noise		Noise Corridor Maps from 1976	To be revised to reflect updated Noise Element	Update of Ground Trans. and Airport Noise Contours by an acoustical engineer	Study of noise levels by an acoustical engineer
Riparian Woodland	X	Land Use/Land Cover Map, S.C. Co. Office of Watershed Mgmt. (based on 1976 satellite images) LCP LUP R&C Maps	Source Maps	Map of extent of riparian vegetation prepared by a qualified biologist	Map of extent of riparian vegetation prepared by a qualified biologist

EMIS = Environmental Management Information System
 GP = General Plan
 LCP LUP R&C Maps = Local Coastal Program Land Use Plan Resources and Constraints Maps

PRCS PLAN -Parks Recreation & Open Space Plan
 SMARA = State Mining and Reclamation Act
 USGS = United States Geological Survey
 X = Used in Rural Residential Density Determinations (See section 2.3)

Figure 1-7 (Page 2 of 2)
General Plan Resources and Constraints Maps

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Resource/Constraint	Matrix Map	Original Mapping Source	Map Used to Convert to EMIS	New Information Acceptable for Updating Maps	Parcer Specific Overriding Information For Matrix Density Determinations (ISec.2.3)
Seismic Review Zones					
State	X	State of CA Special Studies Zones 1976; Seismic Safety Element, 1975	State Special Studies Zones 1992	Revision of State Special Studies Zones	Report by certified engineering geologist
County	X	Growth Mgmt Environmental Report Seismic Hazards Map, 1977; Seismic Safety Element, 1975	Source Maps	General Plan amendment	Report by certified engineering geologist
Liquefaction	X	Seismic Safety Element: Liquefaction Map	Not converted, no map 31 appropriate scale available, U S G S bedrock geology will be used when available	General Plan amendment	Report by certified engineering geologist or soils engineer
Sensitive Habitat (Biotic Resources)	X	Growth Mgmt Environmental Report Biotic Resource Map: California Native Plant Society Maps; LCP LUP R&C maps	Source Maps, CA Dept of Fish & Game Natural Diversity Database Maps	Biotic report prepared by a qualified biologist, changes in State/Federal lists	Biotic report prepared by a qualified biologist
Streams (Riparian Corridor)					
Location of	X	USGS Topographic maps	Streams from topographic maps (in digital format), USGS FEMA flood study area and 701/RDA aerial photos where available	New aerial photogrammetry or revised USGS topographic maps.	Report by qualified biologist
Classification of	X	USGS Topographic maps	Source Maps	Revised USGS topographic maps, biologist or qualified hydrologist	Report by qualified biologist
Timber	X	Timber Production Zone Maps: PROS Plan; LCP LUP MC Maps	Source Maps	Razoning of property by the Board of Supervisors to or from Timber Production Zone	Report by registered forester demonstrating that land is/ is not capable of growing and average annual volume of 15 cu.ft. wood fiber/acre
Visual Resources (includes Scenic and Hydrologic/Geologic Features)		LCP LUP R&C Maps	Source Maps	General Plan and LCP Amendment	Visual analysis by architect, landscape architect, planner or other qualified professional
Water Resources					
Water Supply Watersheds	X	Master Plan for Water Development, 1968-2020; Growth Mgmt Environmental Report Water Supply Watershed Map; PROS Plan; LCP LUP R&C Maps: water Purveyor Information	Source Maps	Water District/Agency Master Plans, General Plan amendment	Topographic survey by licensed surveyor
Least Disturbed watersheds	X	San Lorenzo Valley Area G?, 1974: PROS Plan; LCP LUP R&C Maps	Source Maps	General Plan Amendment	Topographic survey by licensed surveyor
Primary Groundwater Recharge	X	Growth Mgmt Environmental Report Groundwater Recharge Maps based on soils and geology mapping	Source Maps	Report by certified engineering geologist or hydrogeologist	Report by certified engineering geologist or hydrogeologist
Reservoir Protection		Master Plan for Water Development, 1968-2020; PROS Plan	Source Maps; Pajaro Valley Water Mgmt Agency Master Plan, 1993	Water District/Agency Master Plans	Water District/Agency Master Plan
<p>EMIS = Environmental Management Information System GP = General Plan LCP LUP R&C Maps = Local Coastal Program Land Use Plan Resource and Constraint Maps</p> <p>PROS PLAN = Parks Recreation & Open Space Plan SMARA = State Mining and Reclamation Act USGS = United States Geological Survey X = Used in Residential Density Determinations (See section 2.3)</p>					

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ORDINANCE _____

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.3 12(b) - AGRICULTURAL ZONING USES CHART, 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, 13.10.362(b) - ALLOWED USES IN THE PUBLIC AND COMMUNITY FACILITY ZONE, 13.10.382 - SPECIAL USE ZONING USES CHART, 16.20.180 - PRIVATE ROAD STANDARDS AND 16.30.050 - RIPARIAN CORRIDOR EXEMPTIONS, AND ADDING COUNTY CODE SECTIONS 13.10.378 - TIMBER HARVESTING RELATED HELICOPTER REGULATIONS AND 13.10.386 - GENERAL PLAN CONSISTENCY CRITERIA FOR TIMBER HARVESTING IN THE SPECIAL USE DISTRICT

SECTION I

Subsection (b) of Section 13.10.3 12 of the County Code is hereby amended to add the following use to the Agricultural Uses Chart to read as follows:

AGRICULTURAL USES CHART

USE	CA	A	AP
Timber harvesting and associated operations (in the A zone only in areas designated as Timber Resource on the General Plan Resource and Constraint Maps)	P	P	

SECTION II

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

(b) Allowed Uses.

- 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.

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

SECTION 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:

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

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.

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

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

SECTION VI

Subsection (b) of Section 13.10.342 of the County Code is hereby amended by amending the following uses of the Industrial Uses Chart to read as follows:

INDUSTRIAL USES CHART

USES	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 13.10.3 12 of the County Code or Chapter 16.52		
2) Timber harvesting subject to the regulations of Chapter 16.52 of the County Code	--	--	P

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SECTION VII

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 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 VIII

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 to another zone district where timber harvesting is an allowed use. Helicopter flights for log transport between the area where the felling is occurring and the landing must occur only over property contained within the approved THP.**
- (b) **No helicopter flight may occur within 1,000 feet horizontally of an inhabited residence, provided that the Director may reduce this requirement to 500 feet with the written concurrence of the residential inhabitant.**

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SECTION IX

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

(a) Allowed Uses.

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

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

3. Timber harvesting is allowed as a Permitted Use in the Special Use "SU" Zone District within any area of a property which is designated as Timber Resource on the General Plan Resource and Constraints Maps, or in any area of a property that does not have the Timber Resource designation but has been determined to be consistent with the General Plan, pursuant to Section 13.10.386.

SECTION X

Chapter 13.10 of the County Code is hereby amended by adding Section 13.10.386 to read as follows:

13.10.386 GENERAL PLAN CONSISTENCY CRITERIA FOR TIMBER HARVESTING IN THE SPECIAL USE "SU" ZONE DISTRICT

(a) Timber harvesting may be allowed on properties zoned Special Use "SU" for an area which is not designated as Timber Resource on the General Plan Resource and Constraints Map if it is determined that the proposed timber harvesting meets the following criteria for General Plan consistency:

1) Parcel size is 5 acres or greater (Documentation: Property size calculation).

2) Slopes greater than 70 percent on a property are excluded (Documentation: A slope map for the property will be required to confirm the extent of the areas on a property that meet this criteria).

3) Areas within recent and/or active landslides, as defined by County Code Section 16.10.040 are excluded (Documentation: A map prepared by a registered geologist or engineering geologist which indicates the areas of the property affected by or containing recent or active landslides, or a letter from a registered geologist stating that there are no recent or active landslides on the property).

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 4) Areas of a property which do not meet the minimum timber stocking standards of Public Resources Code Section 4561 are excluded (Documentation: A report from a Registered Professional Forester that documents that the property or portion of the property meets the minimum timber stocking standards of Public resources Code Section 4561 and meets the productivity standard of 15 cubic feet per acre per year).

b) The determination shall be made, based on a review of the documentation submitted, by the Zoning Administrator (Level V) following a noticed public hearing.

c) The determination of the Zoning Administrator may be appealed in conformance with the provisions of Section 18.10.330 et seq of the County Code.

SECTION XI

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

(h) ~~In all cases, where road gradients exceed 15 percent, 1 1/2 inches of asphaltic concrete shall be provided. (EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inch concrete is used.)~~ Where road gradients exceed 10 percent and a high erosion hazard has been identified by field review, oil and screen may be required at the discretion of the Planning Director. **Road surfacing shall meet the following standards, based on the road gradient: 0 to 10 percent gradient - 6 inches of drain rock; 10- 15 percent gradient - oil and screenings; greater than 15 percent gradient - 1 ½ inches asphaltic concrete (EXCEPTION: aggregate base and asphaltic concrete may be omitted if a structural section of 4 inches of concrete is used).**

SECTION XII

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

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

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

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

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

~~(d)~~ (c) All activities listed in the California Food and Agricultural Code pursuant to the

control and eradication of a pest as defined in Section 5006, Food and Agriculture Code, as required or authorized by the County Agricultural Commissioner.

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

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

SECTION XIII

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 XIV

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

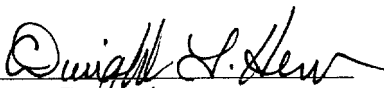
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz this _____ day of _____, 19978, by the following vote:

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

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:


County Counsel

Copies to: Planning
County Counsel

SANTA CRUZ COUNTY
ZONING OF TIMBER HARVEST PERMITTED PROPERTIES

AREA* in acres (% of Yearly Total)											
Zone District	1997	1996	1995	1994	1993	1992	1991	1990	1989	1988	1987
TP/PR	1050 (72%)	2594 (75%)	1062 (61%)	3718 (82%)	1876 (65%)	1735 (94%)	1273 (80%)	1842 (82%)	2400 (91%)	2417 (84%)	953 (87%)
SU w/mapped Timber Resource	52 (4%)	521 (15%)	432 (25%)	517 (11%)	330 (11%)	101 (5%)	225 (14%)	327 (14%)	80 (3%)	304 (10%)	56 (5%)
SU w/o mapped Timber Resource	251 (17%)	155 (4%)	179 (10%)	222 (5%)	362 (13%)	18 (1%)	82 (5%)	61 (3%)	113 (4%)	50 (2%)	44 (4%)
RA	109 (7%)	150 (4%)	62 (4%)	56 (1%)	72 (2%)	0	10 (1%)	12 (0.5%)	66 (2%)	20 (1%)	25 (2%)
R-1	0	6 (1%)	0	0	0	0	0	0	0	0	0
A/CA	0	7 (1%)	0	32 (1%)	255 (9%)	0	0	11 (0.5%)	0	80 (3%)	17 (2%)
Total Acreage	1462	3433	1735	4545	2895	1854	1590	2253	2659	2871	1095

*Area given is the area of the Timber Harvest Plan, not the total size of the parcels.

GREENSPIRIT

Phone (604) 221-1990 fax (604) 222-9353
e-mail patrickmoore@home.com
Internet: <http://www.greenspirit.com>

December 8, 1999

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060
Fax 83 1-454-3262

**Re: December 14, 1999, 7:30 PM agenda.
Items 1 & 2, regarding Timber Harvesting in Santa Cruz County, California.**

Dear Members of the Board:

I am a lifelong ecologist and environmentalist. I obtained an Honors **B.Sc.** in forestry and forest biology from the University of British Columbia in 1969 and was awarded a Ph.D. in resource ecology in 1972 with the support of a Ford Foundation Fellowship. For the past nine years, I have served as chairman of the Sustainable Forestry Committee of the Forest Alliance of British Columbia.

I was a founding member of Greenpeace, and worked full-time as an environmental activist for 15 years from 1971 to 1986. I was president of Greenpeace Canada for six years, and a director of Greenpeace International, which I was instrumental in developing, for seven years. My main areas of involvement were environmental policy, campaign leadership, and governance. After leaving Greenpeace in 1986 I became involved in the challenge of working with all interest groups to find common ground approaches to sustainability. I was appointed by the B.C. government to the Round Table on the Environment and the Economy in 1989 where I worked for four years with people from all walks of life to develop sustainability strategies for my home province. In 1991 I joined the Board of the Forest Alliance of British Columbia. I have spent much of the past ten years studying the relationship between forestry and the environment.

There can be no doubt that, from an environmental perspective, it is desirable that land remain in a forested condition. So long as the land remains in native forest, it will provide the greatest opportunity for the many species of plants, animals, and insects to remain in the landscape. The greatest threat to these species, commonly referred to in their totality as biodiversity, is the permanent removal of the forest and the conversion of the land to another use such as agriculture or urban development. In this sense, contrary to the commonly held view that the highest and best use of the land is that which generates the greatest cash flow, from an environmental perspective the highest and best use is the retention of native forest, subject to sustainable forest management as outlined below.

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One of the most effective ways to ensure that land remains forested is to encourage sustainable forest management, thus generating income and providing employment, taxation, rent, forest products, reforestation, and the various silvicultural activities necessary for the production of high-quality wood and the maintenance of biodiversity. In the case of private property, taxes must be paid. If this cannot be accomplished through sustainable forest management, there is a very strong incentive to clear the forest and convert the land to a use that does generate income, such as agriculture or residential.

It is a demonstrable fact that timber harvesting can enhance many desirable qualities and reduce many undesirable qualities in forested lands. For example, selective logging can significantly reduce the potential for catastrophic wildfire and loss of life and property by creating a forest where the trees are well spaced and healthy, and there is less **fuelwood** on the ground. Timber harvesting can be used to promote higher biodiversity than would normally be present in the absence of human activity. For example, when small openings are created in the canopy, allowing direct sunlight to reach the forest floor, species of herbs, shrubs, and trees that will not survive in the shade have an opportunity to grow. This in turn provides food and nesting places for species of animals, birds, and insects that would not otherwise be present.

I have recently visited the properties and operations of Big Creek Lumber Co. in the company of Mr. Eric Huff, in order to witness the results of the style of selective timber harvesting employed in these second growth redwood forests in the Santa Cruz Mountains. It is clear to me that the silvicultural practices that have been developed by Big Creek Timber over the past fifty years are exemplary and should be held up as a model. There can be no doubt that the fire hazard is reduced. This is of great significance in an area such as this where there are many residences nearby. In terms of reducing the potential for loss of life and property this one feature of selective harvesting in these forests is all the justification that is required.

In addition, however, selective harvesting helps to maintain a significant component of hardwood tree species in the forest, species that would gradually die out if the canopy remained completely closed by the large conifers. Then, of course, there is the benefit of the wood obtained through harvesting. In addition, it should be kept in mind that wood is the most renewable material used to help build and maintain our civilization. The provision of wood, for the many purposes to which it is put, helps to reduce the amount of non-renewable materials used for construction, furniture, etc. One of the most positive things we can do to benefit the environment is to adopt policies that encourage and promote sustainable forest management.

Human intervention in the form of forest management can often accelerate the restoration of damaged ecosystems. One has only to visit Mount St. Helens in Washington State to see the dramatic effect of management in restoring a forest ecosystem that was utterly destroyed by the volcanic eruption. In a less dramatic way, the techniques used by Big Creek Timber have accelerated the development of an uneven-aged forest, in an even-aged forest growing back from clearcutting 80 to 100 years ago. As a result, many of the features of old growth forests have been restored to these second growth forests about 100 years earlier than if these forests had been left alone.

There is a common perception that all human intervention in forests produces negative environmental impacts. This stems from an era when wholesale clearcutting was common and consideration for fish, wildlife and other species was uncommon. The forest practices rules in place today ensure that these other values are protected while allowing for sustainable forest management and timber production.

It should be pointed out that Eric Huff, one of the registered professional foresters responsible for Big Creek's operations, has been recognized as a Certified Resource Manager by Scientific Certification Systems of Oakland, California. Scientific Certification Systems provides independent verification of claims for a wide range of products and professions. In particular, they are one of a few accredited independent auditors recognized by the Forest Stewardship Council. The Forest Stewardship Council enjoys the full support of the world's environmental movement as the certifier of choice to verify compliance with their Principles and Criteria for Sustainable Forest Management. Big Creek Timber, with whom Mr. Huff is employed, has obtained certification by The Forest Stewardship Council, thus verifying beyond a doubt that their silvicultural practices are exemplary. It is instructive to quote from the executive summary prepared by Scientific Certification Systems upon awarding the Certified Resource Manager designation to Mr. Huff.

"The silvicultural system employed by Mr. Huff on client lands (as well as the Big Creek fee lands) is single-tree selection oriented towards leaving trees throughout the size-class spectrum and marking for improving post-harvest stand conditions. While even-aged management is prohibited by regulation in the Santa Cruz Mountains, not all professional foresters practice the same brand of selection forestry. While many foresters push their harvest marks to the maximum extent allowed by the regulations, Mr. Huffs silvicultural marks are less intense and more oriented towards improved stand conditions."

Upon viewing the forest lands in the Santa Cruz Mountains in general, and on the Big Creek Timber Company's property in particular, it is clear to me that Items 1 & 2, in particular Item 1 (the more restrictive set), regarding Timber Harvesting have the effect of discouraging and quite possibly eliminating any opportunity for sustainable forest management and timber harvesting. In particular, the prohibition of timber harvesting near streams could only be contemplated if the intention were to eliminate timber production. This has the perverse effect of rendering productive forest land economically worthless. This eliminates any incentive to manage the land to enhance desirable qualities and to reduce undesirable ones.

Furthermore, the County's "no cut" policies, criteria for rezoning to TP for parcels, required viewsheds, geologic hazard prohibitions, restrictions on helicopter logging, limitations on "recreational" and "environmentally sensitive" lands, riparian corridor restrictions, and ordinances implementing those policies are excessively restrictive and will eliminate commercial timber harvesting on most if not all timber lands in the County. These policies and ordinances result in the replacement of the professional judgement and

experience of Registered Professional Foresters such as Mr. Eric Huff with an inflexible and unreasonable mandatory formula. As explained above, this may result in a significant reduction in biodiversity and damage to the environment.

There is one point in all of these existing and proposed policies and ordinances that must be stressed above all else. They are based on false premises about land use and how people will behave if such policies and ordinances are adopted. In particular, if timber harvesting is so restricted that it is not economically viable as a land use, people will strive to find other uses for their land, such as growing food crops or building homes. This type of behaviour results in the opposite of the intended outcome because the excessively restrictive policies and ordinances amount to "perverse incentives" to eliminate the forest.

To illustrate the illogical nature of these policies and ordinances, consider the proposal in Item 1 (the more restrictive set) to ban timber harvesting on agricultural zoned lands. How would it be possible to ever establish food crops if the native timber were not harvested and the land cleared and plowed? The fact is, agricultural land is by definition deforested land where crops are grown on land that was formerly forested. So, for example, if one owns land that is zoned Agricultural, but that is covered in forest, the restriction on timber harvesting would make it impossible to actually use the land for agriculture. To the contrary, if the Board of Supervisors wishes to increase the forest cover in the County, they should encourage or even require the growing and harvesting of timber on agricultural lands. The same holds true for residential land. If ~~the~~ Board of Supervisors wishes to encourage property owners to maintain forest cover on their residential properties they should require good stewardship, including timber harvesting to reduce ~~fire~~ hazard and the improve the environment.

The illogical nature of these policies and ordinances, especially Item 1 (the more restrictive set), is ~~further~~ demonstrated by the proposal to allow timber harvesting in lands zoned Parks Recreation and Open Space (PR). If timber harvesting is bad for the environment on private lands zoned for agriculture and residential, and near streams on land zoned for timber production, how is it desirable on public lands zoned for parks and recreation? In reality the proposed policies and ordinances are not really about protecting the environment but are rather about infringing on private property rights. Surely it is somewhat absurd to adopt policies and ordinances that would virtually eliminate timber harvest on private land while allowing timber harvesting on public land zoned for parks and recreation (PR).

It is clear that the proposed policies and ordinances, especially Item 1 (the more restrictive set), are an attempt to take private land and associated private property rights without compensation. If it is the intention of the Board of Supervisors to convert private property into public property in the form of parks and nature reserves this could be accomplished by the purchase of that property in the marketplace. In the guise of environmental protection, the proposed policies and ordinances seek to circumvent the need to pay fair compensation and to strip the rights of property owners to enjoy the benefits of their land. Ironically, as stated previously, no public good will be served by the proposed policies and ordinances as they will increase the risk of catastrophic wildfire and loss of life and property; reduce the productivity of land for fish, wildlife, and broadleaf trees; lengthen the time required to

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develop an uneven-aged forest; and reduce public receipts from taxation of income from commercial activity. In other words, these policies and ordinances will produce negative, long-term impacts for both private rights and public goods.

All of these issues come down to a single question. What is the best way to ensure that private property owners maintain and increase the area of land covered in healthy, productive forests, by wildfire, development, and neglect. The solution is to develop policies that encourage good stewardship rather than prohibit timber harvesting. Only then will owners desire to care for the forest, to plant new forests, and to keep the land in a healthy, productive state.

I am aware of the fact that the policy of the State of California is to encourage, rather than discourage, "a favorable climate" for investment in forest resources and to ensure the availability of timber for harvest. There can be no doubt that Items 1 & 2, especially Item 1 (the more restrictive set), are inconsistent with and diametrically opposed to this clearly stated policy.

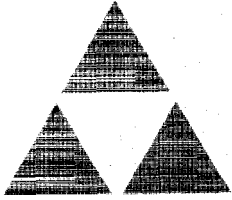
It is fair to state that if Items 1 & 2, especially Item 1, even as modified, are intended to improve the condition of the environment, that it is wrong-headed and based on an incorrect analysis of how both humans and ecosystems behave. Instead, they will lead to significant adverse impacts on the environment, including biodiversity. I encourage the Board of Supervisors to not approve Item 1 and 2.

Sincerely yours,

Patrick Moore, Ph.D.

Hard copy to follow by mail

cc. Dennis Kehoe, Law Corporation
Norman Hill, CDF
Bud McCrary and Eric Huff, RPF, Big Creek Lumber Company
California Coastal Commission, Central Coast District Office



DINAPOLI COMPANIES

December 8, 1999

Santa **Cruz** County Board of Supervisors
701 Ocean Street
Santa **Cruz**, CA 95060

Re: Proposed Timber Harvesting Regulations

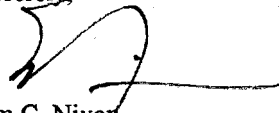
Dear Board Members:

D & D Ranch holds commercial agricultural zoned land with a resource of timber. **This** land is also utilized for grazing land for our cattle herd.

The Board is currently considering the re-zoning of CA farmland. It is requested that the Supervisors be cognizant of the effect on the farm owners who are large taxpayers **and** conservators of large tracts of land for many, many years. These land owners have protected the environment, it is in their interest to protect the environment and their land and the rezoning of CA farm land is not in the best interest of either the land owner, the economy, or the local citizen who relies on the trees for oxygen and beautification. For every tree that is harvested, 5 or more trees sprout from the stump of the harvested tree, **PLUS** the land owner sows thousands of seedlings to insure the regeneration of the environment.

Please examine the total picture and not be swayed by a few boisterous individuals.

Sincerely,



Sam C. Nixon
Property Manager
Rancho Santa Maria

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