

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
 725 FRONT STREET, SUITE 300  
 SANTA CRUZ, CA 95060  
 831-427-4863  
 HEARING IMPAIRED: (415) 904-5200

RECORD PACKET COPY



W6b

DATE: January 26, 2000  
 TO: Commissioners and Interested Persons  
 FROM: Peter Douglas, Executive Director  
 Charles Lester, District Manager  
 Rick Hyman, Coastal Program Analyst

SUBJECT: **County of Santa Cruz Local Coastal Program Major Amendment #3-98**  
 Concurrence with the Executive Director's determination that the action by the County of Santa Cruz, accepting certification of Major Amendment #3-98 Part A with modifications to the County's Local Coastal Program, is legally adequate.

EXECUTIVE DIRECTOR'S DETERMINATION AND REPORT FOR  
 COMMISSION REVIEW AT THE MEETING OF WEDNESDAY,  
 FEBRUARY 16, 2000, AT 9:00 AM, AT THE QUALITY RESORT-MISSION  
 VALLEY, SAN DIEGO

Background

Local Coastal Program Major (LCP) Amendment # 3-98, Part A, regarding timber harvesting, was submitted to the Coastal Commission with conceptual approval only by Santa Cruz County, pursuant to CCR14 13551(b). This amendment was certified by the Commission on July 14, 1999 with modifications. On December 14, 1999, the Board of Supervisors considered whether to adopt these amendments that were previously conceptually approved, along with the Commission's action on them. The Board acknowledged receipt of the Commission's resolution of certification and accepted the Commission's suggested modifications under Resolution No.493-99 and Ordinance #4577. The original amendment package, approved in concept *before* submittal to the Commission, contained several ordinance sections. The final ordinance approved by the County *after* the Commission's action includes all of the originally proposed sections and all of the associated modifications, with the exception of two sections that were not finally adopted by the County.

One of these sections involves a revision to the commercial agricultural zones (proposed new section 13.10.312.b.2) that affirmatively stated that timber harvesting was not allowed in these zone districts. This was not a substantive change to the LCP because timber harvesting has never been listed as a principal permitted or conditional use in the relevant zone districts. The proposed amendment would have simply served to underline that fact. This section was ultimately not adopted and will not be part of the certified local coastal program. By not including this language in the LCP nothing will change. Timber harvesting was not and remains not allowed in the Commercial Agricultural district. This provision was simply a reiteration and added emphasis, as the Commission so found. It is not an integral component of any of the other amendment sections. Thus, not codifying this provision does not change the intent of the Commission's approval with modifications.

The other section not to be incorporated into the LCP involves siting standards for timber harvesting with respect to riparian, hazard, and residential setbacks (proposed new section 13.10.695). Again, these are stand-alone items that are not necessary for the remainder of the amendment components, as modified, to function. The Commission had recommended a modification to proposed section 13.10.695 to eliminate one part of it (the hazards setback part). By not adopting any of this section, the County has complied with the modification as this revision was not finally approved for inclusion in the LCP. Again, without this section in the LCP, existing riparian and residential setbacks will continue to apply.

#### Recommendation

Pursuant to Section 13544 of the California Code of Regulations, the Executive Director must determine that the action of Santa Cruz County is legally adequate and report that determination to the Commission. It is recommended that the Commission concur with the determination of the Executive Director that the action of the Board of Supervisors of Santa Cruz County accepting the certification of the timber harvest (part A) component of LCP Major Amendment #3-98 is legally adequate.

#### Attachments

- o Draft letter to Board of Supervisors Chairperson Wormhoudt
- o Copy of Resolution No. 493-99 and Ordinance #4577

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725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
427-4863



- DRAFT -

February 17, 2000

Mardi Wormhoudt, Chairperson  
Santa Cruz County Board of Supervisors  
County Government Center  
701 Ocean Street  
Santa Cruz, CA 95060

Re: County of Santa Cruz, Local Coastal Program Major Amendment #3-98 (part A)

Dear Chairperson Wormhoudt:

This office has reviewed Santa Cruz County's Resolution No. 493-99 and companion Ordinance #4577-C adopted by the Board on December 14, 1999. By that action the County acknowledged the receipt of the Commission's certification and has incorporated the certified amendment into the County's Local Coastal Program. I have determined, and the Commission has concurred, that the County's action with respect to Local Coastal Program Major Amendment #3-98 Part A, regarding timber harvest, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Commission at the February 16, 2000 meeting in San Diego. The modified amendment is, therefore, in effect.

We understand that the County Board did not give final approval to proposed new sections 13.10.312.b.2 (regarding timber harvesting not allowed in commercial agricultural zones) and 13.10.695 (regarding locational standards for timber harvesting). Therefore, these are no longer part of amendment #3-98. If the County wishes to address these subjects in the future, it will have to be through a new local coastal program amendment.

Very truly yours,

PETER M. DOUGLAS  
Executive Director

CHARLES LESTER  
District Manager

cc: Mark Deming Santa Cruz County Planning  
Susan Rozario, Clerk of the Board



## ATTACHMENT 11

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIARESOLUTION NO. 493-99

On the Motion of Supervisor Wormhoudt  
duly seconded by Supervisor Beautz  
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 11

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, as modified 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.

ATTACHMENT 11

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

BE IT FURTHER RESOLVED AND ORDERED that the General Plan/Local Coastal Program Land Use Plan Amendments be referred to the California Coastal Commission for final certification and that these amendments become effective upon said certification by the California Coastal Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 14th day of December, 1999, by the following vote:

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

**JEFF ALMQUIST**

Chairperson of the Board of Supervisors

ATTEST: SUSAN M. ROZARIO  
Clerk of the Board

APPROVED AS TO FORM: Quight M. V. Hew  
County Counsel

DISTRIBUTION: County Counsel  
✓ Planning

APPROVED AND FILED  
BOARD OF SUPERVISORS  
DATE: 12/14/99  
COUNTY OF SANTA CRUZ  
SUSAN A. MAURIELLO  
EX-OFFICIO CLERK OF THE BOARD  
BY Sharon Mitchell DEPUTY

**Proposed General Plan Amendments:**

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

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

**5.12.8 Timber Resource Land Not Zoned Timber Production**

Evaluate proposed land divisions and residential development permit applications on parcels larger than 20 gross acres designated Timber Resources on the General Plan and LCP resources and Constraints Maps, but not zoned TP, for timber resource potential. Apply the TP land division and residential density requirement policies for any parcel found to have timber resources equivalent to TP parcels. Require, as a condition of any land division, rezoning to TP for parcels which have equivalent timber resources and that meet the criteria of policy 5.12.9.

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

**5.12.9 Rezoning Land to Timber Production**

Encourage timberland owners to apply for Timber Production zoning where appropriate. In the coastal zone it is not appropriate to zone timberland for timber production if the land is recreational, environmentally sensitive, or visible from rural scenic roads (pursuant to policy 5.10.3) and if logging will harm these resource values. For purposes of this policy, harmful activities shall be considered as those including any significant disruption of environmentally sensitive habitat, any loss of landmark old growth trees, any degradation of scenic public views, any significant loss of timberland soils or siltation of spawning gravels. Also, in the coastal zone, it is not appropriate to zone timberland for timber production if the land is susceptible to a geologic hazard that may be exacerbated by logging and not responsive to mitigation. Such rezonings must be in accordance with the procedures set forth in the TP ordinance.

Add Policy 5.12.14, as follows:

**5.12.14 Zone Districts Where Timber Harvesting is Allowed**

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



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

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, staff 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
General 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

PROS 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)

Proposed  
Change

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

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Reviewed  
1/14/98

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)
<b>Seismic Review Zones</b>					
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 of appropriate scale available, USGS bedrock geology will be used when available	General Plan amendment	Report by certified engineering geologist or soils engineer
<b>Sensitive Habitat (Biotic Resources)</b>					
	X	Growth Mgmt Environmental Report Biotic Resource Maps; 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
<b>Streams (Riparian Corridor)</b>					
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
<b>Timber</b>					
	X	Timber Production Zone Maps; PROS Plan; LCP LUP R&C Maps	Source Maps	Rezoning 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
<b>Visual Resources (includes Scenic and Hydrologic/Geologic Features)</b>					
		LCP LUP R&C Maps	Source Maps	General Plan and LCP Amendment	Visual analysis by architect, landscape architect, planner or other qualified professional
<b>Water Resources</b>					
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 GP, 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 Management Plan, 1993	Water District/Agency Master Plans	Water District/Agency Master Plan

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

ORDINANCE 4577

ORDINANCE AMENDING COUNTY CODE SECTIONS 13.10.170(d) - CONSISTENT ZONE DISTRICTS, 13.10.322(b) - ALLOWED USES IN THE RESIDENTIAL ZONES, 13.10.332(b) - ALLOWED USES IN THE COMMERCIAL ZONES, 13.10.342(b) - ALLOWED USES IN THE INDUSTRIAL ZONES, 13.10.342(b) - INDUSTRIAL ZONE DISTRICT USES CHART, 13.10.352(b) - PARKS, RECREATION AND OPEN SPACE USES CHART, 13.10.362(b) - ALLOWED USES IN THE PUBLIC AND COMMUNITY FACILITY ZONE, 13.10.372(b) - TIMBER PRODUCTION ZONE USES CHART, 13.10.375(c) - REZONING TO THE TIMBER PRODUCTION ZONE DISTRICT, 13.10.382 - ALLOWED USES IN THE SPECIAL USE "SU" DISTRICT, AND 16.30.050 - RIPARIAN CORRIDOR EXEMPTIONS

## SECTION I

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

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

**General Plan/Local Coastal  
Program Land Use Designation**

**Zone District pursuant to  
Section 13.10.300 et seq. and  
Section 13.10.400 et seq.**

**Open Space Uses:**

-O-R Parks, Recreation  
and Open space

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

-O-C Resource Conservation

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

CA - Commercial Agriculture

**General Plan/Local Coastal Program  
Resource**

-Agricultural Resource Lands

AP - Agricultural Preserve Zone District

A-P - Agriculture with Agricultural Preserve Zone District

CA - Commercial Agriculture

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

-Timber Resource Lands

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

**SECTION II**

Subsection (b) of Section 13.10.322 - 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.

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.

## 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 - Mine Site Interim Uses - of the County Code is hereby amended by amending the Industrial Uses Chart to read as follows:

### INDUSTRIAL USES CHART

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

Mine site interim uses, such as:

- |  |   |
|--|---|
| 1) Agricultural uses subject to the regulations of the "A" District;   | Allowed at Approval Levels required by<br>Section 13.10.312 <del>or Chapter 16.52</del> |
| 2) Timber harvesting, subject to the regulations of <del>Chapter 16.52 of the County Code</del> 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
<u>Timber Harvesting, outside the coastal zone</u> subject to Section 13.10.695.	P

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 processing review, or "Approval Level", required for each use in the zone district is indicated in the chart. The processing procedures for Development Permits and for the various Approval Levels are detailed in Chapter 18.10 PERMIT AND APPROVAL PROCEDURES. The Approval Levels given in this chart for structures incorporate the Approval Levels necessary for processing a building permit for the structure. Higher Approval Levels than those listed in this chart for a particular use may be required if a project requires other concurrent Approvals, according to Section 18.10.123.
2. Timber harvesting and associated operations, requiring approval of a Timber Harvesting Plan by the California Department of Forestry, are not allowed uses in the Public and Community Facility zone district.

## SECTION IX

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

### "TP" USES CHART

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

## SECTION X

Subsection (c) of Section 13.10.375 of the County Code is hereby amended to read as follows:

- (c) Zoning to the "TP" District. An owner may make application to rezone land to the Timber Production District. The Board of Supervisors may, by ordinance, upon the advice of the Planning Commission pursuant to Section 5110.2, Public Resource Code, and after public hearings, zone as Timber Production parcels submitted to it by petition pursuant to this section, and/or which meet all of the following criteria:
1. A map shall be submitted with the legal description or assessor's parcel number of the property desired to be zoned.
  2. A Timber Management Plan for the property shall be submitted. This Plan shall have been prepared or approved as to content by a Registered Professional Forester. Such Plan shall provide for the eventual harvest of timber within a reasonable period of time. The Timber Management Plan shall be subject to approval as submitted, or as amended by the County. Prior to rezoning of the property to "TP", the property owner shall bind himself and his successors in interest to carry out the approved Timber Management Plan.
  3. Either the parcel must currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules adopted by the Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the



parcel is subsequently zoned as Timber Production, failure to meet such stocking standards and Forest Practice Rules within this time period shall constitute grounds for rezoning the parcel.

4. The parcel must be timberland.

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

6. The land area to be rezoned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels consisting of at least five acres in area.

7. In the coastal zone, the land shall not be recreational, environmentally sensitive, nor visible from rural scenic roads(pursuant to policy 5.10.3) where logging will harm these resource values. For the purposes of this subsection, harmful activities shall be considered as those including any significant disruption of environmentally sensitive habitat, any loss of landmark old growth trees, any degradation of scenic public views, any significant loss of timberland soils or siltation of spawning gravels.

8. In the coastal zone, the land shall not be susceptible to a geologic hazard that may be exacerbated by logging and not responsive to mitigation.

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

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

## SECTION 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 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 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 14th  
day of December, 1999, by the following vote:

AYES: SUPERVISORS Beautz, Wormhoudt, Almquist  
NOES: SUPERVISORS Symons, 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

APPROVED AND FILED  
BOARD OF SUPERVISORS  
DATE: 12/14/99  
COUNTY OF SANTA CRUZ  
SUSAN A. MAURIELLO  
EX-OFFICIO CLERK OF THE BOARD  
BY: *Mason Mitchell* DEPUTY

