

## **CHAPTER 34A. ZONING, REZONING, LAND DIVISION IN THE TIMBERLAND PRESERVE ZONE**

**SECTION 6720. ENTRY TO TPZ.** Landowners may enter the Timberland Preserve Zone by petition or by adding to Timberland Preserve established by the initial zoning action.

**SECTION 6721. ENTRY BY PETITION.** After November 1, 1977, an owner may apply, on a form provided by the Planning and Building Division, to zone his/her land as Timberland Preserve. Following public hearing and recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing and shall zone as Timberland Preserve all parcels submitted to it which have met all the following requirements:

1. A map shall be prepared with scale not less than one inch equals 1,000 feet (scale 1:12,000) showing the legal description or the Assessor's Parcel Number of the property desired to be zoned. The map shall show all permanent roads, improvements, and developments. The map shall show approximate location of vegetation type boundaries if vegetation other than timberland is present.
2. A timber management plan meeting the requirements of Section 6770 must be prepared or approved as to content for the property by a registered professional forester.
3. The timberland area shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practices Rules adopted by the State Board of Forestry for the southern area of the Coast Redwood District, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and Forest Practices Rules by the fifth anniversary of the signing of such agreement. Failure to meet such stocking standards and Forest Practices Rules within this time period shall be grounds for rezoning of the parcel.
4. The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels consisting of at least 30 acres.

Rezoning action shall follow procedures in the Zoning Annex Sections 6550 through 6556 inclusive.

**SECTION 6722. ADDITION TO EXISTING TPZ LANDS.** After March 1, 1977, an owner with timberlands in a Timberland Preserve Zone may apply to add adjacent or contiguous recently acquired or other lands that meet the definition of timberland.

Section 6721 shall not apply to these lands. Such additions shall combine legal parcels when they are contiguous, thereby reducing the total number of parcels.

**SECTION 6730. LAND DIVISION WITHIN THE TPZ.** Legal parcels zoned as Timberland Preserve may not be divided into parcels containing less than 160 acres unless all the owners of resulting legal parcels (a) submit a joint timber management plan as described in Section 6770, prepared or approved as to content by a registered professional forester; and (b) such owners enter into a binding contract with the Board of Supervisors to manage and harvest timber on all the timberland jointly, and are bound by the provisions of such management plan for a minimum period of 30 years. Such division shall be approved by 4/5 vote of the full Board.

**SECTION 6740. REZONING.** Rezoning from the TPZ may be initiated by the landowner or the County.

**SECTION 6741.** In the event of land exchanges with or acquisitions from, a public agency in which the size of an owner's parcel or parcels zoned as Timberland Preserve is reduced, the Timberland Preserve zoning shall not be removed from the parcel unless the majority of the full Board initiate rezoning pursuant to Section 6742 and except for cause other than the smaller parcel size.

**SECTION 6742. COUNTY INITIATION OF REZONING.**

1. If the Board of Supervisors after public hearing and by majority vote of the full body desires in any year not to extend the term of zoning, the County shall give written notice of its intent to rezone following the procedures established in Section 6550 et seq. TPZ land shall be rezoned into a zone consistent with the General Plan. The State Forester shall be notified to rezone. A zoning term shall be deemed extended unless written notice is given at least 90 days prior to the anniversary date of the initial zoning.
2. Upon receipt by the owner of a notice of non-renewal from the County, the owner may make written protest of the notice and may appeal to the Board within 30 days of notice from the County. The Board may withdraw the notice of non-renewal any time prior to the anniversary date.
3. Upon receipt from the owner of a written protest of the zoning change from TPZ, the Board shall hold a public hearing upon the proposed change. The Board, by a majority vote of the full body, may reaffirm its intent to change the zoning to a zoning district consistent with the General Plan, but only after finding that continued use of the land in Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance and the Forest Taxation Reform Act.
4. A zoning district consistent with the General Plan shall become effective for the parcel 10 years from the date of final Board vote to rezone. Upon rezoning, the

parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code.

5. The owner may petition in writing to be reheard within six months of the date of the Board's decision.

**SECTION 6743. INITIATION OF REZONING BY THE LANDOWNER.**

1. If the owner desires in any year to rezone a parcel from its current Timberland Preserve Zone, the owner shall give written notice and shall follow procedures established in Section 6550 et seq. The zoning term shall be deemed extended unless written notice is given at least 90 days prior to the anniversary date of initial zoning.
2. Within 120 days of receipt of notice of an owner's desire to rezone a parcel, the Board after a public hearing shall rule on the request for rezoning. The Board may rezone, but only after finding that continued use of the land in Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance and of the Forest Taxation Reform Act of 1976. The State Forester shall be notified of the Board's action and findings.
3. The Board by a majority vote of the full body may remove the parcel from the Timberland Preserve Zone and shall place it in a zone consistent with the General Plan.
4. A zone consistent with the General Plan shall become effective 10 years from the date of its approval. Upon rezoning, the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code, in the same manner as if a restriction were terminated as provided for in Section 51091 or 51245 of the Government Code.
5. If the Board denies the owner's request for a change of zone, the owner may petition, in writing, for a rehearing within six months of the date of the Board's decision.

**SECTION 6744.** Immediate rezoning is permitted only to provide relief when continued use of land in a Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance. Immediate rezoning shall be governed by the following:

1. Immediate rezoning of all or part of a parcel can be initiated only by the landowner.
2. The owner shall apply for immediate rezoning on a form provided by the Planning and Building Division. Application for immediate rezoning shall be made for the proposed use modified to exclude timber management use.

3. If rezoning is desired for only a portion of a parcel, the remaining portion must meet the requirements of timberland in a Timberland Preserve Zone, including the requirement that a timber management plan be prepared according to Section 6770.
4. If lands being rezoned are growing commercial species according to the State Forest Practices Act and Rules, the application for rezoning must be accompanied by a tentatively approved application for conversion pursuant to Section 4621.2 of the Public Resources Code (Application for Conversion may be made through the State Forester's Office). If tentative approval for conversion has not been obtained from the State Board of Forestry, the Board of Supervisors may tentatively approve immediate rezoning after public hearing and four-fifths vote of the full body. The Board shall forward its tentative approval to the State Board of Forestry, together with the application for immediate rezoning, a summary of the public hearing and any other information required by the Board of Forestry. The Board of Forestry shall consider the tentative approval pursuant to Section 4621.2 of the Public Resources Code. Final approval to an immediate rezoning is given only if the Board of Forestry has approved conversion pursuant to Section 4621.2 of the Public Resources Code. Upon such final approval of immediate rezoning, the Board of Forestry shall notify the Board of Supervisors of such approval, and the Board shall remove the parcel from the Timberland Preserve Zone and shall specify a new zone for such parcel which is consistent with the General Plan.
5. If an application for conversion is not required pursuant to Section 4621 of the Public Resources Code, the Board of Supervisors may approve the immediate rezoning request only if by a four-fifths vote of the full Board it makes written findings that:
  - a. The immediate rezoning would be in the public interest.
  - b. The immediate rezoning would not have a substantial and unmitigated adverse effect upon the continued timber growing use or open space use of other land zoned as Timberland Preserve and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
  - c. The soils, slopes, and watershed conditions would be suitable for the uses proposed if the conversion were improved.
6. The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for granting a request for immediate rezoning. Immediate rezoning shall be considered only if there is no proximate and suitable land which is not zoned Timberland Preserve for the alternate use not permitted within a Timberland Preserve Zone.

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

(Section 6721 - Amended by Ordinance No. 3875 - January 19, 1999)

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