

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: December 11, 2008
Item No.: 10
Staff: Aaron Mount

REZONE

FILE NUMBER: Z08-0020

APPLICANT: Randolph Fulp

REQUEST: Request for an immediate conversion of use and zone change of a Timberland Preserve (Production) Zone parcel to Estate Residential Five-acre

LOCATION: On the south side of Pleasant Valley Road, approximately ¼ miles east of the intersection with Oak Hill Road in the Pleasant Valley/Oak Hill area, Supervisorial District III. (Exhibit A)

APN: 098-160-44

ACREAGE: 5.31 acres

GENERAL PLAN: Medium Density Residential (MDR) (Exhibit B)

ZONING: Timberland Preserve Zone (TPZ) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines

RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation that the Board of Supervisors take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines (General Rule); and
2. Approve Zone Change Z08-0020, based on the Findings in Attachment 1.

BACKGROUND

Gordon Fulp, the applicant's father, submitted a request to the Board of Supervisors (BOS) on October 17, 1977 to enter the subject parcel into Timberland Preserve Zone List "B" and was approved by the Board of Supervisors on December 8, 1977. As part of the request, a forest management plan detailed that 4.31 acres of the 5.31 acre parcel would constitute timberland. Approximately 6,000 trees were planted including bishop pine, sequoia, douglas fir, and scotch pine. According to information provided by the applicant, his father never had an economically viable Christmas tree farm. A report has been submitted by a registered forester, dated April 21, 2008, stating that an economically productive Christmas tree farm could not be established at the site due to its location, five acre size, elevation, and need for irrigation.

The TPZ district is used by property owners, traditionally timber companies, to pay property taxes based on the yield of the harvest rather than traditional ad valorem tax. There are two ways in which to remove land from a TPZ district: rezone with a 10-year pay back or an immediate conversion and rezone with the payment of a tax recoupment fee calculated by the County Assessor.

STAFF ANALYSIS

Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for the Planning Commission and Board of Supervisors consideration are provided in the following sections.

Project Description: The request is for an immediate conversion of use and rezone of a parcel from Timberland Preserve Zone (TPZ) district to Estate Residential Five-acre (RE-5). The adoption of the Findings would allow, upon California Department of Forestry and Fire Protection (CalFire) approval, the conversion of use and rezone of the five acres from TPZ to RE-5. The conversion and rezone requires approval by the Board of Supervisors, by a 4/5 vote, and by the State Board of Forestry and the filing of a Timber Conversion Permit (TCP) with CalFire. The conversion of use and rezone of the parcel would not have a significant impact on the tax base as the applicant and forester's report have described the timber as having diminished quality and quantity that reduces any tax that may be garnered through harvest yield. The property accounts for 0.003 percent of the TPZ land within the County. From a land use perspective the request would bring the parcel into consistency with the Medium Density Residential land use designation as the current TPZ zoning is

not consistent as shown in Table 2-4 of the General Plan. Additionally, the parcel is within the Oak Hill Rural Center which was established by the General Plan for areas of higher intensity development.

Site Description: The approximately five-acre subject parcel is at an average elevation of 2,200 feet above mean sea level in the Oak Hill/Pleasant Valley area. Soil types include Josephine gravelly loam, 9-15 percent slopes, and Josephine silt loam, 5-15 percent slopes. The Josephine series soils are classified as Unique and/or Soils of Local Importance. Vegetation consists of ponderosa pines, black oaks, and scotch pines left over from the past Christmas tree farm. Physical improvements include a 1,305 square foot residence. The project parcel is accessed by Scotch Pine Road which is a typical private rural residential road. Scotch Pine Road encroaches onto Pleasant Valley Road which is a County maintained road.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	TPZ	MDR	Residential
North	R1A	MDR	Residential
South	RE-5	LDR	Residential
East	RE-5	LDR	Residential
West	R1A	MDR	Residential

Discussion: The subject parcel and adjacent parcels to the north and west are located in the Oak Hill Rural Center.

TPZ Removal Process

Immediate rezones that result in a conversion of timber land to another use requires that a multi-step process be followed in order to receive final approval on the rezone application. Once an application is held complete and a hearing date is scheduled, a public notice is mailed to all property owners within one (1) mile of the exterior boundary of the subject parcel. Prior to the Board of Supervisors hearing, a similar public mailing occurs. At the public hearing the project may only be approved by a four-fifths vote of the full board, and the following findings are met from the California Government Code:

1. *The immediate rezoning is not inconsistent with the purposes of the subdivision (j) of Section 3 of Article XIII of the California Constitution and of this chapter (California Government Code Sections 51101, 51102, and 51103); and*
2. *The immediate rezoning is in the public interest.*

The applicant has supplied a letter from a Registered Forester, Exhibit G, to support these findings. With regard to the first finding, the referenced section of the California Constitution addresses forested lands and the different methods of taxation. State law allows for timber land to have an alternative system or systems of taxing or exempting forest trees or timber, including a taxation system not based on property valuation as is the situation with the subject land which is under TPZ and taxed on harvest yields. The rezone and conversion are not inconsistent with the purpose of this section because their intent is to assure that the lands are taxed for their most appropriate use. The foresters report has stated that the subject parcel would not be able to sustain an economical Christmas tree farm. For this reason the conversion and rezone are in the public interests because the land cannot produce commercial timber at a rate and volume to allow for it to meet any fair share of the tax burden under a yield tax. The conversion and rezone is also in the public's interest in that the area has been designated by the County for residential development and that the approval of the conversion and rezone establishes compliance with the County's General Plan.

If the rezone is approved, the Board of Supervisors shall forward its tentative approval to the State Board of Forestry and Fire Protection, together with the application for immediate rezoning, a summary of the public hearing, and any other information required by the State Board of Forestry. The State Board shall consider the tentative approval pursuant to Section 4621.2 of the Public Resources Code (PRC). Final approval to an immediate rezoning is given only if the State Board has approved the conversion pursuant to Section 4612.2 of the PRC. The conversion is done through a separate Timber Conversion Permit that is filed with CalFire concurrently with the County rezone process as required by Public Resource Code 5471. The State Board may only approve the application for conversion if written findings can be made that the following exists:

- 1. The conversion would be in the public interest.*
- 2. The conversion 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 situated within one mile of the exterior boundary of that land upon which immediate rezoning is proposed.*
- 3. The soils, slopes, and watershed conditions would be suitable for uses proposed if the conversion were approved.*

Although the supporting information to make these findings would be submitted separately by the applicant as part of the Timber Conversion Permit, County staff has reviewed each. For item one, the supporting information is addressed above as it is also a required finding for the County. For item two, the Agricultural Commission heard the item at its regularly scheduled meeting held on July 9, 2008. The Agricultural Commission reviewed the project and parcels zoned TPZ in the vicinity and concluded that the rezoning of the subject parcel would not have a detrimental effect on the growing and harvesting of timber on other nearby lands used for timber production. Two parcels within the TPZ zone district are within a mile of the project parcel as shown on Exhibit F. For item number three, the subject parcel contains an existing approved residence with a functioning septic system and public water supplied by EID.

If the State Board of Forestry can make the written findings to address the items above, they will then approve the conversion and notify the Board of Supervisors of the approval, and the Board of Supervisors shall remove the parcel from the timberland preserve zone.

General Plan:

The General Plan designates the subject site as Medium Density Residential (MDR). This designation establishes areas suitable for detached single-family residences with larger lot sizes. Additionally, the following General Plan policies also apply to this project:

The subject parcel is within the Oak Hill Rural Center. **Policy 2.1.2.2** states *that Rural Center boundaries establish areas of higher intensity development throughout the rural areas of the County based on the availability of infrastructure, public services, existing uses, parcelization, impact on natural resources, etc.* **Policy 2.1.2.3** directs that *to meet the commercial and service needs of the residents of the Rural Centers and Rural Regions, the predominant land use type within Rural Centers shall be commercial and higher density residential development.*

Discussion: The subject parcels zoning request of Estate Residential Five-acre would bring the subject parcel into consistency with the parcels land use designation and location within the Oak Hill Rural Center. The intention of the General Plan is for the area to be strictly residential and commercial and is not be compatible with a timber operation.

Policy 2.2.5.2 directs that *all applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan.*

Discussion: The rezoning of the parcel to RE-5 and ensuing uses it allows is consistent with the MDR land use designation as indicated in Table 2-4 of the General Plan. The current TPZ district is not consistent with Table 2-4 of the General Plan.

Policy 2.2.5.3 includes 19 specific criteria to be considered in evaluating zone change requests.

Discussion: Staff has reviewed the zone change request against the 19 specific criteria under policy 2.2.5.3 and found that the proposal is consistent with applicable criteria such as important timber production areas and existing land use pattern. The requested zone district of RE-5 is consistent with the MDR General Plan land use designation as indicated in Table 2-4 of the General Plan.

Policy 8.3.1.3 directs *that the County Agricultural Commission shall assess lands to determine their suitability for timber production.*

Discussion: The Agricultural Commission heard the item at its regularly scheduled meeting held on July 9, 2008 and concluded that the parcel is not suitable for timber production and does not meet the

required criteria to be used to determine suitability of timber production lands. This conclusion was based on the parcel not being within the Natural Resource land use designation and the five acre parcel size not meeting the minimum 40 acres for TPZ lands below 3,000 feet elevation.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

Zoning: The subject parcel is consistent with the development standards for the proposed RE-5 zone district. Specifically Ordinance section 17.28.210.A specifies a minimum parcel size of five acres. The subject parcel is approximately 5.31 acres which exceeds the minimum.

ENVIRONMENTAL REVIEW

This project has been found to be Exempt from the requirements of CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines stating that The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The site was previously developed and contains no native vegetation that is proposed to be removed, is not adjacent to riparian habitat or wetlands, is not located in an area known to contain protected species, and will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. There is no impact to the County's inventory of timberlands as the project site was determined by the Agricultural Commission to not be suitable and an economically viable timber operation was never achieved due to the parcels size and elevation.

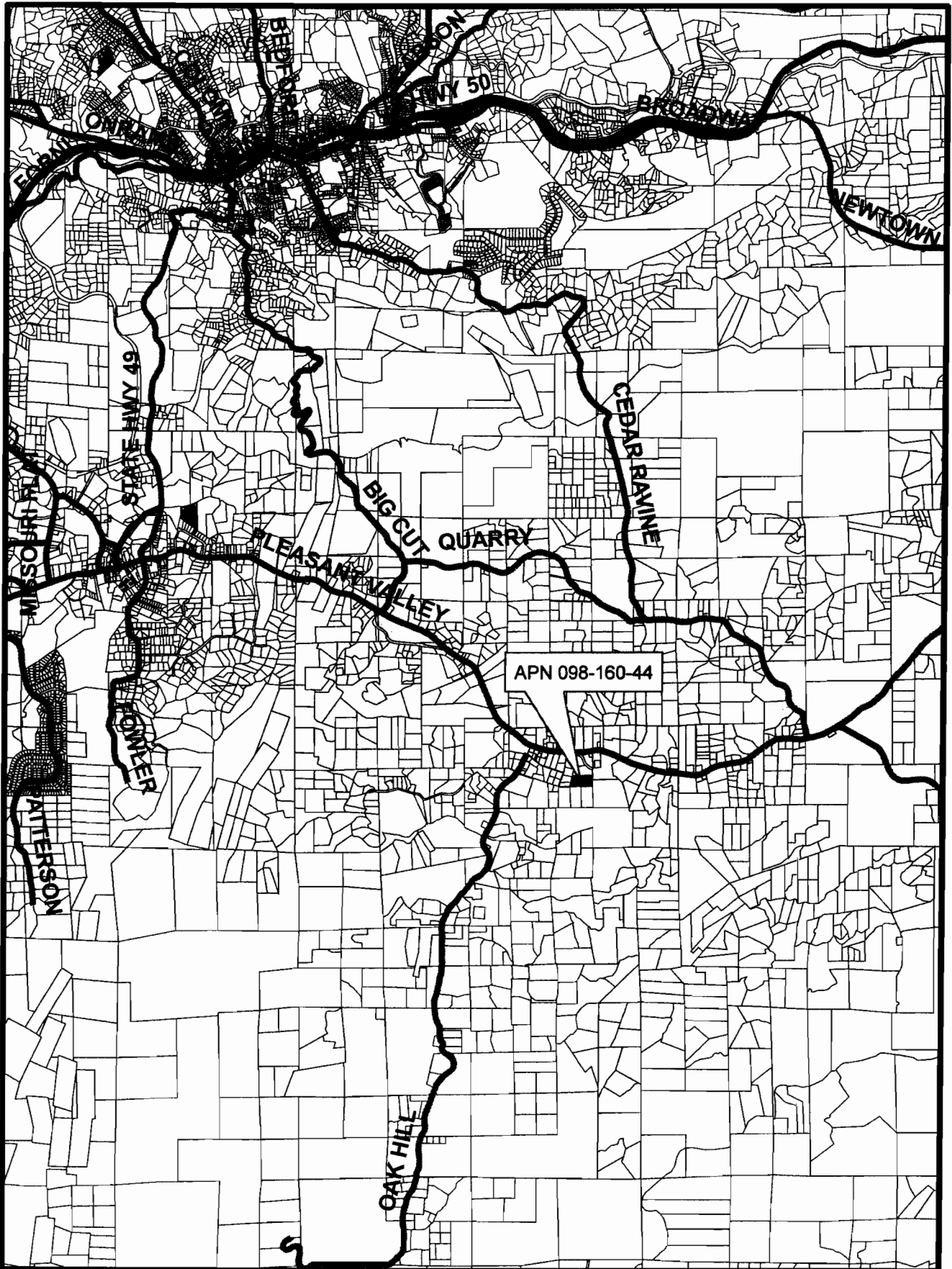
Pursuant to Resolution No. 240-93, a \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments:

Attachment 1	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Site Plan
Exhibit E	Rural Center Boundary
Exhibit F	Adjacent TPZ Parcels
Exhibit G	Forester's Site Assessment Dated April 21, 2008
Exhibit H	Sections of State Law

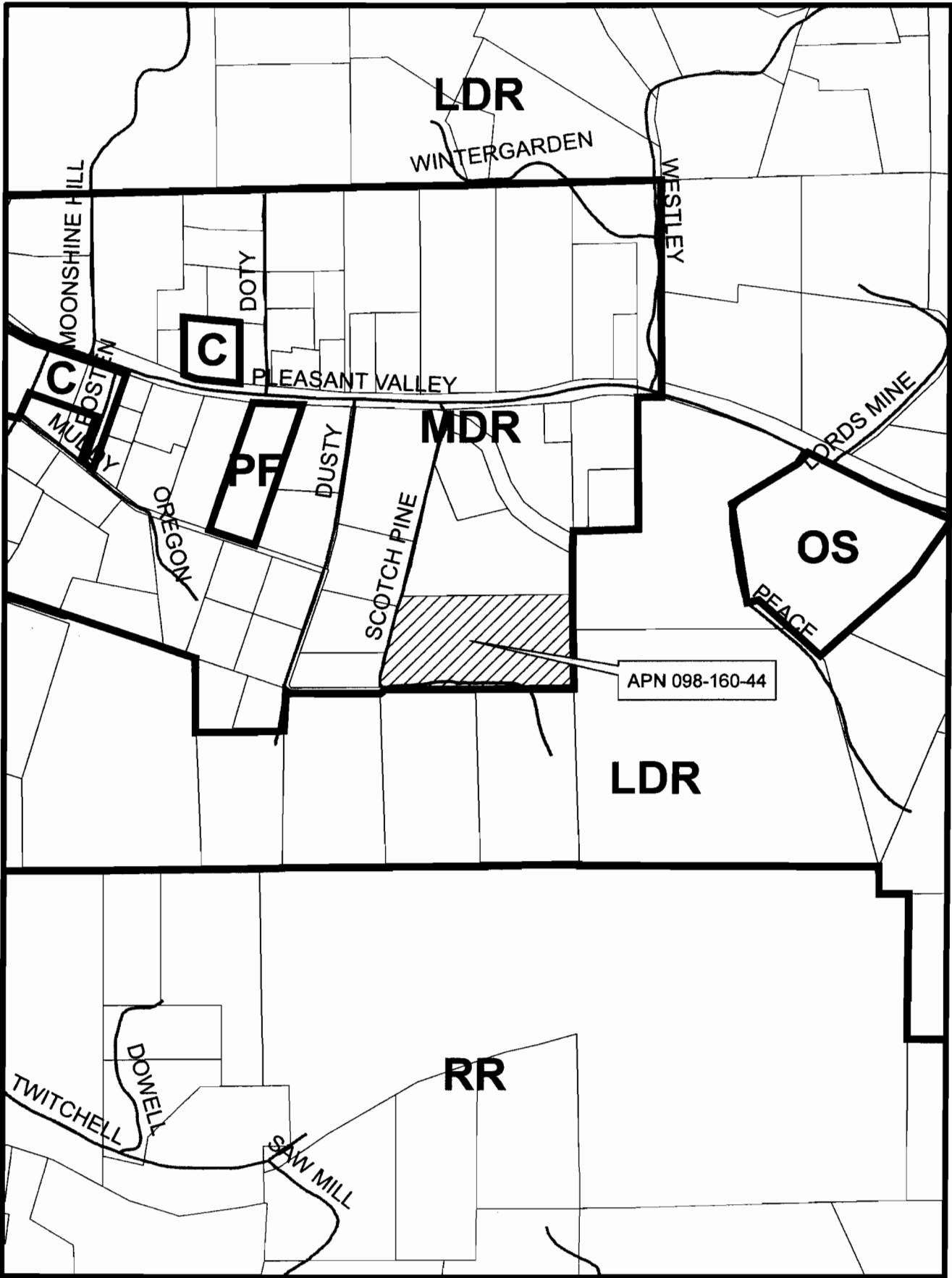
EXHIBIT A: VICINITY MAP



PERMIT # Z08-0020
PREPARED BY AARON MOUNT



EXHIBIT B: GENERAL PLAN MAP



PERMIT # Z08-0020
PREPARED BY AARON MOUNT

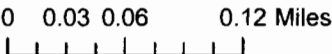
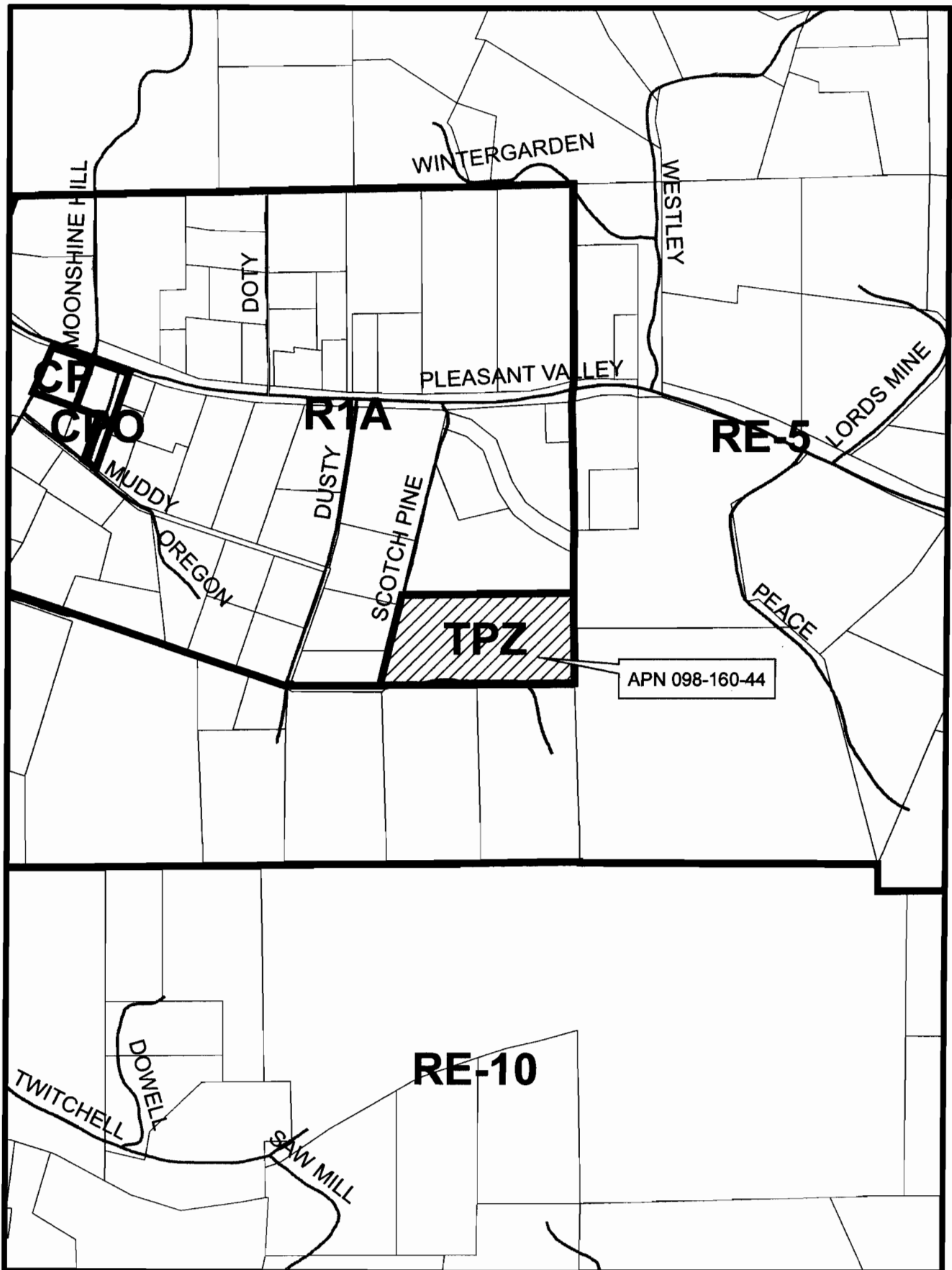


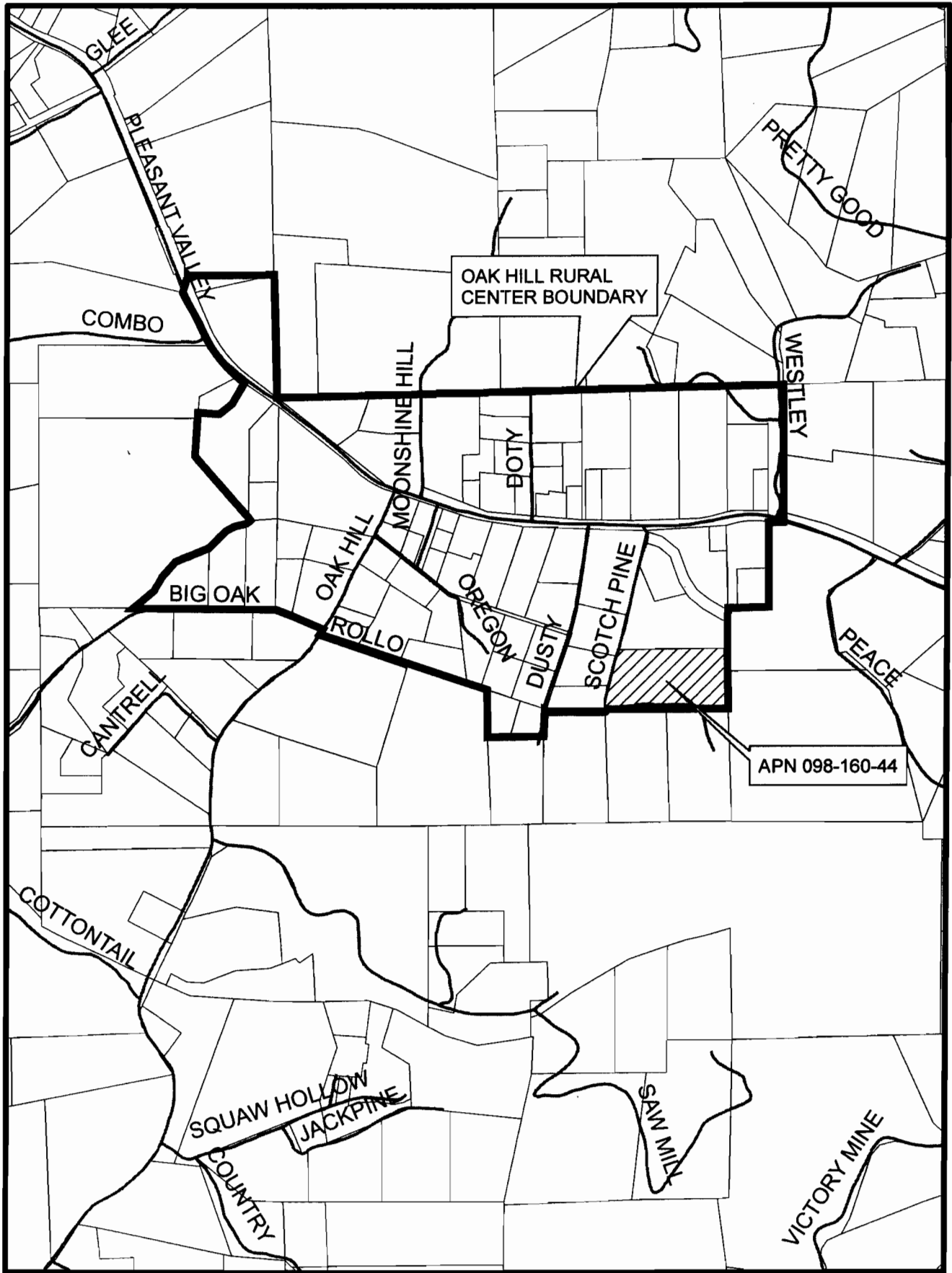
EXHIBIT C: ZONE DISTRICT MAP



PERMIT # Z08-0020
PREPARED BY AARON MOUNT



EXHIBIT E: RURAL CENTER BOUNDARY

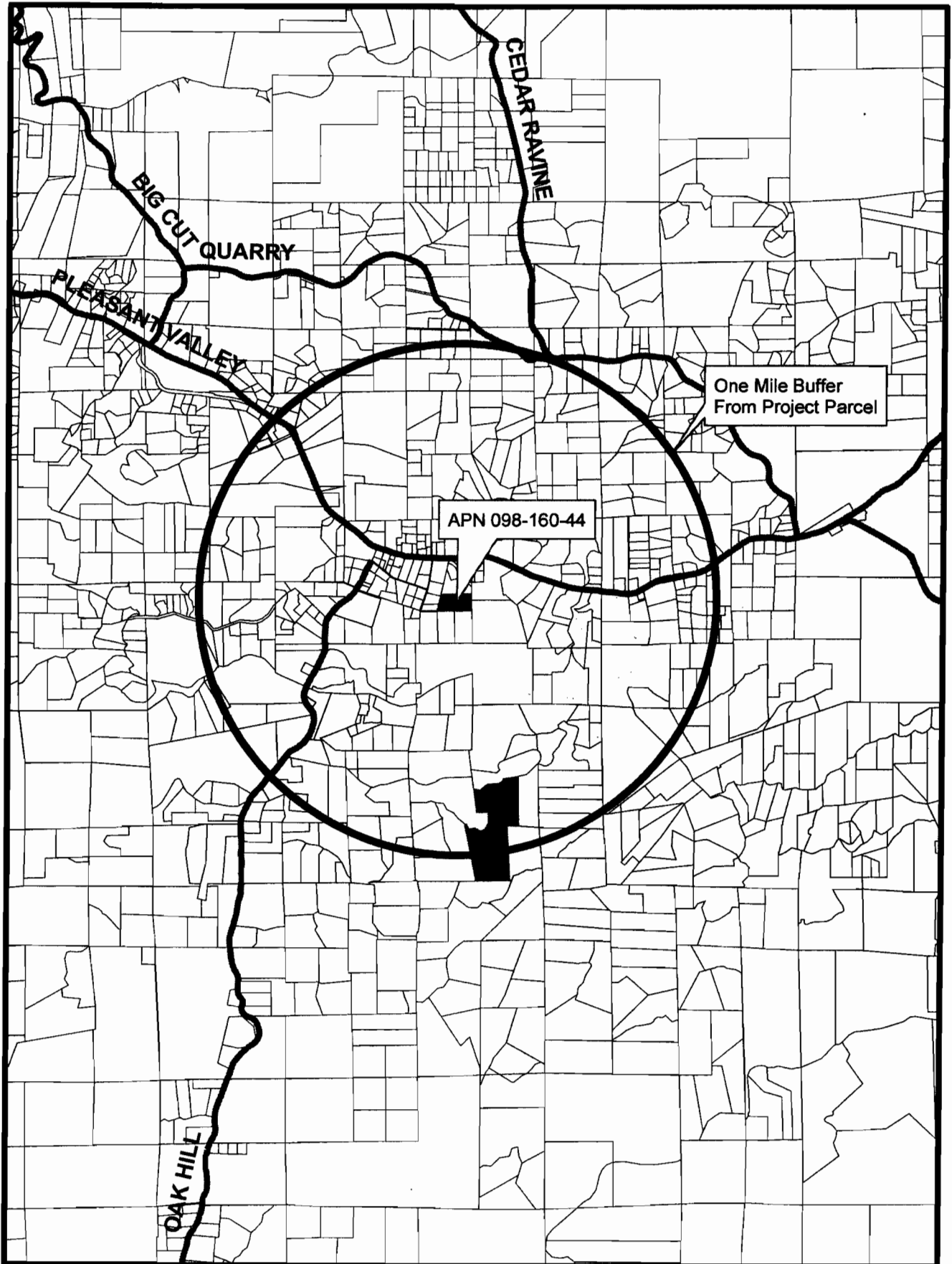


PERMIT # Z08-0020
PREPARED BY AARON MOUNT

0 0.1 0.2 0.4 Miles



EXHIBIT F: ADJACENT TPZ PARCELS



PERMIT # Z08-0020
PREPARED BY AARON MOUNT

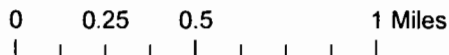


EXHIBIT G

CDS Fire Prevention Planning

07 MAY 21 PM 4:35

April 21, 2008

RECEIVED
PLANNING DEPARTMENT

Randy Fulp
3775 Denim Court
Placerville, CA 95667

Regarding: APN: 098-160-44
TPZ Rezone

Dear Randy Fulp:

On April 21, 2008, I made an assessment for parcel APN: 098-160-44 to commercially grow Christmas trees on 4.3 acres of the 5.3 acre parcel. An existing stand of Scotch Pine was once viable but has been unattended for many years.

In order to re-establish a Christmas tree farm on this property you would have to completely clear all existing trees, install an irrigation system, plant appropriate tree species, maintain the new plantation for 5-6 years, and develop a market for the sale of the Christmas trees.

The property has very good forest soils. They are mostly of the Josephine soil series. There are large Ponderosa Pine and Black Oak that would need to be removed as well as the old Scotch Pine that have grown to 25+ feet tall. Due to the elevation of the property and the general western aspect, irrigation would be necessary to help insure the new trees survival. The property is on a private narrow road which would not accommodate a "choose and cut" operation. Wholesaling of the Christmas trees would need to occur. It would be very difficult to generate a sufficient supply of trees to sustain a regular market demand annually because of the limited acreage.

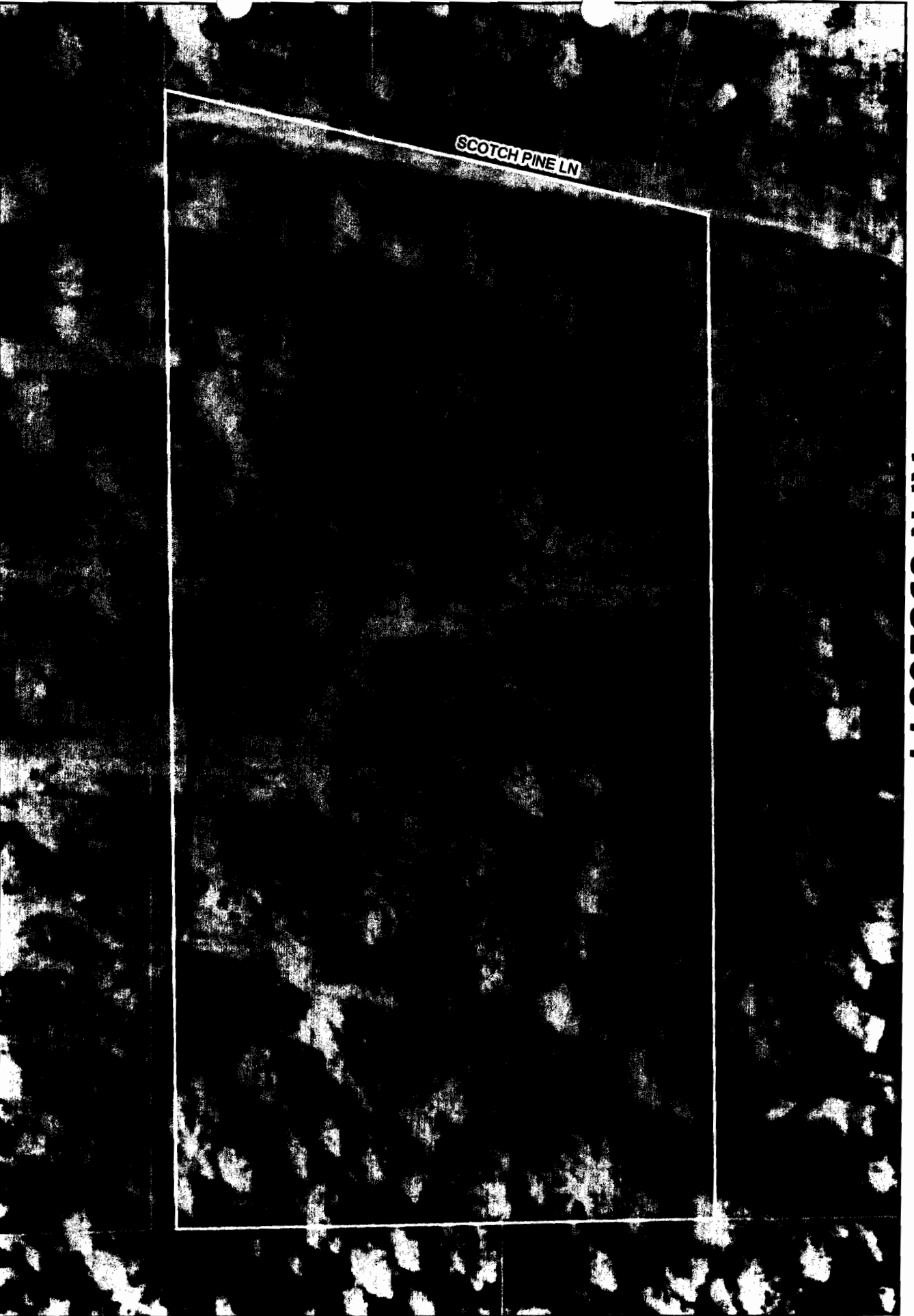
In my professional opinion this property could be well suited for a hobby Christmas tree operation but would not be able to sustain an economical commercial Christmas tree farm.


Bill Draper, RPF 898
4645 Meadowlark Way
Placerville, CA 95667
(530) 644-5535
(530) 644-6754 fax



Z 08-0020

APN 09816044



SCOTCH PINE LN

Disclaimer: This depiction was compiled from unverified public and private sources and is illustrative only. No representation is made as to accuracy of this information. Parcel boundaries are particularly unreliable. Users make use of this depiction at their own risk.



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Map displayed in State Plane Coordinate System
(NAD 1983 California Zone 2, feet)

EXHIBIT H

Sections of State Law Referred to in Staff Report

Public Resources Code

4621.2. (a) If the timberlands which are to be devoted to uses other than the growing of timber are zoned as timberland production zones under Section 51112 or 51113 of the Government Code, the application shall specify the proposed alternate use and shall include information the board determines necessary to evaluate the proposed alternate use. The board shall approve the application for conversion only if the board makes written findings that all of the following exist:

(1) The conversion would be in the public interest.

(2) The conversion 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.

(3) The soils, slopes, and watershed conditions would be suitable for the uses proposed if the conversion were approved.

(b) The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for conditionally approving an application for conversion. Conversion shall be considered only if there is no proximate and suitable land which is not zoned as timberland production for the alternate use not permitted within a timberland production zone.

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

(d) In the event that the board delegates its responsibilities under this section to the director pursuant to Section 4627, the director shall make the written findings required by subdivision (a).

In the event that the director denies a conversion, the applicant may request a hearing before the board within 15 days of the denial. The hearing shall be scheduled within 60 days from the filing of the appeal.

CALIFORNIA CONSTITUTION

ARTICLE 13 TAXATION

SEC. 3. The following are exempt from property taxation:

(a) Property owned by the State.

(b) Property owned by a local government, except as otherwise provided in Section 11(a).

(c) Bonds issued by the State or a local government in the State.

(d) Property used for libraries and museums that are free and open to the public and property used exclusively for public schools, community colleges, state colleges, and state universities.

(e) Buildings, land, equipment, and securities used exclusively for educational purposes by a nonprofit institution of higher education.

(f) Buildings, land on which they are situated, and equipment used exclusively for religious worship.

(g) Property used or held exclusively for the permanent deposit of human dead or for the care and maintenance of the property or the dead, except when used or held for profit. This property is also exempt from special assessment.

(h) Growing crops.

(i) Fruit and nut trees until 4 years after the season in which they were planted in orchard form and grape vines until 3 years after the season in which they were planted in vineyard form.

(j) Immature forest trees planted on lands not previously bearing merchantable timber or planted or of natural growth on lands from which the merchantable original growth timber stand to the extent of 70 percent of all trees over 16 inches in diameter has been removed. Forest trees or timber shall be considered mature at such time after 40 years from the time of planting or removal of the original timber when so declared by a majority vote of a board consisting of a representative from the State Board of Forestry, a representative from the State Board of Equalization, and the assessor of the county in which the trees are located.

The Legislature may supersede the foregoing provisions with an alternative system or systems of taxing or exempting forest trees or timber, including a taxation system not based on property valuation. Any alternative system or systems shall provide for exemption of unharvested immature trees, shall encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions. Nothing in this paragraph shall be construed to exclude timberland from the provisions of Section 8 of this article.

GOVERNMENT CODE

SECTION 51100-51104

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

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

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

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

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

detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include, but not be limited to, any of the following, unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

(1) Management for watershed.

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

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

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

(5) Grazing.

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

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

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

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

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

GOVERNMENT CODE

SECTION 51120-51121

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

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

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

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

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

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

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

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

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

(3) Discourage expansion of urban services into timberland.

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

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

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

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

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

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

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

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

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

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

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

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

(h) "Compatible use" is any use which does not significantly

to the anniversary date of the initial zoning, the zoning term shall be deemed extended.

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

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

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

(e) The owner may petition to be reheard.

GOVERNMENT CODE

SECTION 51130-51134

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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