

## El Dorado County Timber Production Zone

### Executive Summary

TPZ zones in California are intended for timber protection and compatible uses. 15 of 23 surveyed Northern California counties with forests allow a residence by right on TPZ parcels ranging from 40 acres to 160 acres minimum parcel size. Of the remaining 8 counties, all but a few allow a residence with a permit based generally on a finding that a residence would not interfere with timber production. A few counties require a nexus of necessity of some degree between the residence and timber production.

El Dorado County TPZ lands are regulated by the same states laws as the 23 surveyed counties, including the 15 counties that allow residences by right. The EDC General Plan generally treats TPZ lands as follows:

1. TPZ lands are within the Natural Resource (NR) General Plan Land Use Designation. NR allows a wide range of uses that may include, but is not limited to such uses as: agriculture, rangeland, forestry, wildlife management, recreation, water resource development, and support single family dwellings. The “maximum allowable density for this designation is one dwelling unit per 160 acres or larger” within certain areas and one dwelling unit per 40 acres in other areas. Dwelling units within NR are common.

2. GP Policy 8.3.2.1 provides TPZ lands shall not be subdivided into parcels containing less than 160 acres.

3. GP Policy 8.4.1.2 provides that approval of all “discretionary development applications involving timber production lands which are designated...TPZ..” shall make the following findings:

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

Simply stated, to implement state law and EDC General Plan Policy involving TPZ, the zoning ordinance could either propose that residences are allowed by right on 160 acre minimum parcel sizes or larger TPZ parcels or could require residences on TPZ parcels to apply for a Conditional Use Permit approval of which would require those specific findings detailed in Policy 8.4.1.2.

Instead of following the General Plan treatment of TPZ, the proposed zoning ordinance at Article 4 Section 17.40.350 requires a Conditional Use Permit be approved by the Board with a finding the property owner as demonstrated **a need for full-time residency to protect against theft or vandalism or full time management of the stand is necessary for its continued productivity.**

This proposed finding would be unique to EDC and is not consistent with the required findings of Policy 8.4.1.2. The proposed draft zone ordinance seems to recognize the finding is not consistent with the GP Policy 8.4.1.2 so attempts to torture Policy 8.4.1.2 to exclude that all “discretionary development applications involving timber production lands which are designated...TPZ..” shall make the following findings – (see above A-D), which do not require a residence be “necessary” to the growing of timber.

Otherwise stated, state law, as applied by the surveyed counties, nor the General Plan require a finding that a residence be necessary for growing timber. In fact, the General Plan states what findings are required for any “**discretionary applications involving TPZ**” and the proposed zoning fails to comply with that mandate.

EDAC has assisted in preparing this report as research for the BOS to consider when considering TPZ issues throughout this process. Excerpts from the 23 county ordinances surveyed are included and attached rather than included in a matrix so that interested parties may review the source documents directly. SPI has reviewed this document and offered comments and observations reflecting that statewide experience with forest lands and has specific proposals that will be presented on July 25.

## **Background**

**Legal Framework for Timber Production Zone.** The Timber Production Zone district is a product of the State legislature’s desire to conserve productive forestland in California. The Timber Production Zone district was developed through the passage of two laws; the Forest Taxation Reform Act 1976 (FTRA) and the Timber Productivity Act 1982 (TPA).

The FTRA was completed in order to remedy flaws in the tax code that prevented timberland to be managed in a manner that protects growing timber inventories. The FTRA created the Timber Production Zone district (TPZ). The FTRA changed how timber parcels, designated for the TPZ district and standing timber would be taxed. Specifically the FTRA changed standing timber from being taxed as personal property on an annual basis (ad valorem tax) to being taxed at the time it is severed from the stump (Yield tax) and sold. The FTRA also removed the

caveat found in the State Constitution 12 ¾ that allowed a parcel to be removed from the tax rolls for 40 years if 70% or more of the timber volume was harvested.

These two tax reforms allowed timber owners to maintain a larger timber inventory, grow their timber inventory for longer periods of time and permitted land owners to plan their harvests based on maximization of stand growth and yield not to avoid of taxes. Allowing for longer periods when mature timber could be economically maintained on the land provides the opportunity for forest to function in a manner that provides important ecosystem services relating to watershed functions and wildlife habitats.

The FTRA also changed the method of how timber land was taxed. The FTRA required counties containing timberlands to create a Timber Preserve Zone (TPZ) district into which timberland could be placed. The FTRA allows for both additional land to be placed into TPZ (51112, 51113) and for its removal from TPZ (51120, 51130). The FTRA required initially that the County Assessor identify and place into TPZ those timberlands whose “highest and best use” is for timber production. Timberland owners had an opportunity to appeal to the Planning Commission for being included in TPZ or for exclusion from TPZ. The FTRA requires that county assessors only tax TPZ land solely on its ability to grow trees (Site Class) and for compatible uses on the property. The restriction on taxing TPZ land to only its Site Class not another “higher or better use” limits the pressure to convert the property to a “higher or better use”. The land area within TPZ that support a “compatible use” can be assessed at a value that corresponds to that use, while the remainder of the parcel will only be taxed on it Site Class. A compatible uses means any use that does not significantly detract from the growing and harvesting of timber.

The FTRA was modeled in part after the Land Conservation Act of 1965 which created Williamson Act contracts. The Land Conservation Act is a regulatory mechanism to prevent the conversion of prime and non-prime farmland to a use other than agriculture. The Land Conservation Act coined the term “compatible use” establishing criteria for allowing other uses on the contract lands that would be allowed, should they be considered “compatible” with the conditions of the contract. The Land Conservation Act definition of compatible use is broadly defined on principles that are inclusive of uses so long as the Agricultural use in not significantly impaired.

The Land Conservation Act allows counties to enter into Williamson Act contracts that provide property tax reductions in consideration for restricting the uses on the land for a term of 10 years. The difference in the property tax assessment is made up by revenue from the State which is allocated to each participating county through annual budgetary process. Currently the funding of the Williamson Act contracts are only being funded 90% by the State, which leaves counties with the decision to either cancel the contracts or accept a reduced payment until such time the State fully funds the program.

The Timber Production Zone district designations were intended replace Williamson Act contracts on forest land. The FTRA requires that the Yield tax collected on from timber

harvested within the county be returned to the county where the timber was harvested. A Yield tax applies to all trees harvested whether or not the property is TPZ or another zone.

As previously mentioned the FTRA established the rules for the establishment of the TPZ and also for future enrollment into the TPZ district. The Timber Productivity Act of 1982 (TPA) subsumed the FTRA. The TPA states that in regards to counties general plans of cities and counties, "timberland preserve zone" means "timberland production zone." The Timberland Productivity Act states 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." This legislation then goes on to define many of the terms referred to in the original the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976.

#### B. Land Uses Permitted within TPZ

Government Code section 51110 reads in part, "Land use under a TPZ will be restricted to growing and harvesting timber, and to compatible uses approved by the county (or city)".

Government Code Section 51104 defines compatible use: "Compatible use" is any use which does not significantly 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:... "a residence or other structure necessary for the management of land zoned as timberland production" (TPZ) as a "compatible use".

This section lists some safe harbors or State determined permitted uses for TPZ. It does not limit the counties from expanding this list. Whether residential use is a state mandated "safe harbor" has been the subject of some discussion since 1982. Simplistically "or" is a conjunction that typically indicates a choice among alternatives: you can have "a residence" or you can have an "other structure necessary for the management of the land." "Necessary for the management of the land" might be read as referring to the "other structure," with "a residence" standing alone as a "compatible use" which requires no modifier. On the other hand, some argue the language requires a residence must be necessary for the management of land. However, is a residence every really necessary for the management of timber; and, does a residence on large acreage interfere or hinder the production of timber?

What does the legislative history tell us with respect to the interpretation of the section? As originally passed in 1976, the statute defined compatible use as any use which does not detract from the use of the property for, or inhibit, growing and harvesting timber. A non-exclusive list of uses was provided, which did not include residences, although many of the lands placed in TPZ included residences and the compatible use definition was only prohibited uses which detracted or inhibited the growing of timber.

The compatible use section remained unchanged until the 1982 amendments. At that time, a subparagraph (6) was again added to paragraph (h) to read as it presently does, "(6) A residence of other structure necessary for the management of lands zoned as timberland production." No explanation is given in the legislative history concerning the addition of subparagraph (6) above, which would suggest it was not deemed to be a controversial amendment. The logical interpretation is that although a residence would seem to fall within

basic definition of “compatible use”, the legislature in 1982 wanted to make sure that counties found residences compatible along with other structures that might be necessary for growing timber.

### C. TPZ Regulations in other Counties

Regardless of how the words are parsed, for 30 years the great majority of California counties have read the law as allowing owners of parcels zoned for timber production to build a house on their property as a matter of right. Many such homes have been built. Many such homes have been assessed as improvements on property tax rolls. Many such homes have been granted building permits. Residency by right assumes the TPZ land is maintained for growing and harvesting of timber.

A survey of 23 northern California counties finds that 15 allow residency by right (Amador, Butte, Calaveras, Glenn, Humboldt, Lake, Madera, Mariposa, Mendocino, Nevada, San Mateo, Santa Cruz, Sonoma, Tuolumne, Yuba). These counties find a residence compatible as it does not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. Limitations on residence focus on parcel size. Santa Cruz has had the most forestry related, parcel size discussion, suggesting 20 acres as a minimum parcel size for timber harvesting, while a 160 acres minimum parcel size is most common. Siskiyou County allows a residence by right with an approved timber management plan.

Plumas and Sierra counties simply restate the statutory language, “residence or other structure...” in their ordinance as permitted. Personal communication with the planning staff of these counties indicated that in Plumas County the permitting process would require the Planning Commission make a finding that the residence is necessary for timber management purposes. Plumas staff indicated that the “bar would be pretty low” and might be justified by the desire to “cut firewood commercially”. Plumas staff indicated that a building permit on TPZ is a very rare occurrence. Sierra County staff indicated that a residence is a permitted use and that acquiring a building permit is not subject to a special use permit, but that staff generally makes a site visit to ensure the residence is compatible with continued timber harvesting. The building permit may be conditioned regarding the placement of the residence to ensure timber harvest compatibility. Requests for a residential permit in Sierra County are very infrequent.

Alpine, Trinity, Del Norte, Placer, and Shasta do not allow a resident by right. Whether they have just reached a political decision or read the law as allowing a residence only when necessary for the management of land is difficult to determine. Alpine County allows a residence with a conditional use permit but does not require a finding that the residence is necessary for the management of the land, just that it be a minimum 160 acres; Del Norte County and Trinity County require a conditional use permit which, “under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber”; Shasta County is requires a conditional use permit for “A. Living quarters for persons fully and necessarily employed on the premises”. Placer County requires a minor use permit for an “Employee or Caretaker residence” necessary for the business or 24-hr oversight of the operation. El Dorado County stands alone in interpreting the law to require that, the Property owner has either demonstrated a need for full time residency on the subject to protect against theft or vandalism, or full time management of the stand is necessary for its CONTINUED PRODUCTIVITY. This interpretation is not supported by the law of the EDC General Plan.

#### D. TPZ Policies in El Dorado County General Plan

El Dorado County stands alone in interpreting the law to require that, "The Property owner has either demonstrated a need for full time residency on the subject to protect against theft or vandalism, or full time management of the stand is NECESSARY for its continued productivity. This interpretation is not supported by the law of the EDC General Plan.

#### The EDC General Plan includes the following GP Policies:

##### Policy 2.2.1.2

##### Natural Resource (NR): Policy 2.2.1.2

Natural Resource (NR): The purpose of the Natural Resource (NR) designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources including water resources development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values. Land under both public and private ownership that contain these resources, including wilderness areas and other lands managed for resource values and multiple use, are included in this category. This designation shall be applied to those lands which are 40 acres or larger in size and contain one or more important natural resource. Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and support single-family dwellings. The maximum allowable density for this designation is one dwelling unit per 160 acres or larger outside the National Forest Service lands and within "timber production" areas and one dwelling unit per 40 acres within river canyons outside of the "timber production" areas. This designation is considered appropriate only in the Rural Regions. Isolated parcels outside the National Forest Service lands and below 3,000 feet elevation may be exempt from the one dwelling unit per 160 acre parcel size. If it is determined that such lands are unsuitable for "timber production," one dwelling unit per 40 acres maximum density can be considered. Any modifications of this land use designation shall require one of the following findings: (1) No important natural resource exists on the property; or (2) If a project is proposed, it will significantly enhance the long-term production and preservation of the on-site resources through the application of development strategies such as fuels management plans, timber management plans, self imposed setbacks buffers, and open space.

The above policy contemplates and supports single family dwellings in land designated N/R, including those lands with a timber production zone designation, albeit at an extremely low density.

Policy 2.2.5.11 This policy recognizes the need and importance of managing forest products and natural resources. This policy further recognizes that it is important to provide for an efficient and cost effective means of harvesting and using forest lands. It is further recognized that the forested areas have a need for certain commercial support uses which should be allowed in a manner which is consistent with the forest use and outdoor recreation areas.

Uses which are consistent here may include the processing of forest products and natural resources, overnight individual and group outdoor accommodations, outdoor recreation activities, including ski resorts, hunting and fishing clubs, equestrian facilities, and interpretive centers and conference/convention centers. These special support uses shall only be allowed to be established with the approval of a special use permit.

In the paragraph above the General Plan calls for additional commercial uses that are compatible with timber production. **These additional commercial uses are not provided for in the proposed zone use matrix: Table 17.21.02 Agricultural and Resource Zone Districts Use Matrix. The Zone District Matrix Table 17.21.020 excludes the following from being contemplated through a use permit process on Timber Production land:**

Lodging Facilities:

Bed and Breakfast or Ranch Style, style retreat

Wellness Center

Conference Center / Retreat

Off-Road Vehicle Recreation Area, Marina: Non-motorized Craft,

Campground

Ski area

Snow play area

Riding Stables

Ski Area

Snow Play Area

Temporary Special Events

Trail Head Parking and Staging Area,

Interpretive center.

Vineyard: For areas where non-commercial tree species dominate. Non-commercial species are defined in the California Forest Practice Rules (CCR 895.1 ) as

Group B species, which persist where Group A species do not exist either currently or historically.

It is recognized that the myriad of TPZ parcels that exist in El Dorado County have a variety of characteristics that may or may not support additional uses in a compatible manner. In order to facilitate the potential for one of these desirable uses to at least be analyzed necessitates that they are included as allowable in the zone district. Then possible projects will be vetted through the CEQA analysis for the Conditional Use Permit and the proposal will be judged on its merits as either worthy or undesirable. This is in contrast to excluding those potential uses indiscriminately prior to any formal evaluation by excluding them from the zone ordinance. The Conditional Use Permit for these more intensive uses should utilize a Registered Professional Forester, since they are licensed to practice forestry, knows the California Forest Practice Rules, and understand the feasibility requirements of timber management activities. A Registered Professional Forester can also accurately judge and measure the extent to which a project infringes on the production of timber from a parcel. A timber management plan, should be prepared by a Registered Professional Forester, which supports the project and demonstrates the continued timber production from the parcel.

Policy 8.3.2.1 Lands zoned Timber Production Zone (TPZ) shall not be subdivided into parcels containing less than 160 acres.

Policy 8.3.2.2 Timber production lands within areas designated Natural Resource and generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where smaller parcels already exist, in order to ensure the viability of long-term operations and to maximize economic feasibility for timber production or otherwise meet the parcel size requirements of the Natural Resource designation.

Policy 8.3.2.2 Timber production lands within areas designated Natural Resource and generally above 3,000 feet elevation shall maintain a 160-acre minimum parcel size or larger, except where smaller parcels already exist, in order to ensure the viability of long-term operations and to maximize economic feasibility for timber production or otherwise meet the parcel size requirements of the Natural Resource designation.

Policy 8.4.2.1 The County Agricultural Commission **shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:**

- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;



- B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
- C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
- D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and
- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

I. El Dorado County Proposed Zoning Ordinance; Inconsistency with General Plan

The above GP requirements are not followed in Section 17.40.350(G) of the proposed zoning code relating to the Criteria for Residential Use in TPZ as follows:

1. The proposed section sets different standards for what it deems residential and other non-timber compatible uses. In fact, Policy 8.4.2.1 sets the standard for **all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same. If the right to a residence or other compatible use is discretionary, then these are the GP mandated findings.**

2. Proposed section 17.40.350(G) requires, among other findings, **“The Property owner has either demonstrated a need for full time residency on the subject to protect against theft or vandalism, or full time management of the stand is NECESSARY for its continued productivity.**

The proposed zoning ordinance requires an applicant for a CUP to prove that for its continued productivity it is NECESSARY for a 160 acre + parcel to have a residence on site. These standards are contrary to the practice of at least the 23 surveyed timber counties – and the EDC General Plan, which conforms to state law. In fact, read literally, this requirement may be an impossible standard that is contrary to the requirements of State Law and the General Plan.

Considering 30 years of practice by all the other counties, and the enabling language, counties have exercised the power and right to allow residency by right within a TPZ. Alternatively, a county could establish a use permit process to determine if in a particular instance, a residence would significantly detract from the use of the property for, or inhibit, growing and harvesting timber. Objective criteria could be established by licensed foresters to determine the compatibility of a residence during the discretionary use permit process. **Siskiyou County has one such ordinance, it allows by right, “A single-family residence or a mobile home in lieu thereof, provided a Timber Management Plan for the property has been prepared.”**

II. Possible Analysis

**1. POSSIBLE PROPOSALS:** The BOS should consider whether the zoning ordinance should require those findings set forth Policy 8.4.2.1, for a Conditional Use Permit (CUP), Minor Use Permit (MUP), or Administrative Permit. This procedure would conform to the General Plan and state law. Also, the BOS may consider allowing a residence by right on 160 acres by adopting language similar to that of Alpine County, **The following uses are allowed by right without special use permit or variances:** ...“One single-family residence per TPZ district zoned pursuant to Section 51112 of the Government Code”.

The Minor Use Permit or Administrative permit could be limited to a check list of items that are reviewed and certified by a Registered Professional Forester. If a MUP is utilized. A Registered Professional Forester could certify the parcel meets the objective

Residential Use on existing legal parcels less than 160 acres should require a Timber Management Plan prepared by a Registered Professional Forester.

What would be the effect in EDC of allowing owners of 160 + acres of TPZ to build a residence?

Of the total 1,145,328 acres of land in El Dorado County, approximately 550,506 acres (or 48%) are publicly owned. The majority is National Forest Land (500,764 acres) administered by the United States Forest Service. Assuming that the Federal ownership remains essentially undeveloped that means that ostensibly half of El Dorado county will remain in open space for perpetuity.

The total private timberland in TPZ in El Dorado County includes 849 parcels and 150 private TPZ owners, comprising approximately 147,718 acres. A total of 327 parcels are 160 acres or larger, which equals 39% of the total. These parcels equal to or greater than 160 acres have an average size of 364 acres, which equals less than 2 Dwelling Units per square mile. There are 175 parcels between 80-160 acres. The parcel count for parcels equal to or greater than 80 acres is 502, 59% of the total. These parcels equal to or greater than 80 acres have an average size of 276 acres, which equals less than 3 Dwelling Units per square mile. There are 170 parcels between 40-80 acres. The parcel count for parcels equal to or greater than 40 acres is 672, 79% of the total. These parcels equal to or greater than 40 acres have an average size of 220 acres, which equals less than 3 Dwelling Units per square mile.

APPENDIX A: Extracts from selected county ordinances follow along with an economic analysis of growing timber on 160 acres.

**Amador**

19.24.035 TPZ district--Use regulations.

A. Purpose. The following regulations apply only to those lands subject to the Forest Taxation Reform Act of 1976.

For the protection of timberland and in order to prevent encroachment upon it by incompatible uses of land, and for the general welfare of the county as a whole, there is established a timberland preserve zone (TPZ) district within which compatible uses shall be encouraged to the exclusion of such other uses of land as may be in conflict therewith. This zone will serve to qualify lands so designated as TPZ pursuant to the Z'Berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 or other such legislative statutes or constitutional authorization as may develop for defining or establishing a timberland preserve.

B. **Uses. The following uses are allowed by right without special use permit or variances:**

1. Growing and harvesting of timber including Christmas trees;
2. Management for watershed;
3. Management for fish and wildlife habitat or hunting and fishing;
4. Uses integrally related to growing, harvesting, and processing of forest products, including but not limited to road, log landings, and log storage areas;
5. The erection, construction, alteration, or maintenance of gas, electric, water or communication transmission facilities;
6. Grazing, including corrals, fencing and loading chutes;
7. **One single-family residence per TPZ district zoned pursuant to Section 51112 of the Government Code.**

The following uses may be allowed only after obtaining a use permit therefor from the Amador County planning commission in accordance with Chapter 19.56; provided, that a finding is made by the planning commission that the proposed use is fully compatible with the objectives of the Forest Taxation Reform Act of 1976 and timberland preserve zoning:

1. Growing and harvesting of nursery stock for restocking commercial forest lands and nursery stock grown primarily for retail trade;
2. Mineral resources removal and processing other than for road building when incidental to and in conjunction with timber production and harvesting;
3. Permanent structure for the processing and packaging of agricultural and timber projects and the necessary support facilities required therefor;

4. Gas and oil wells and/or exploration therefor;
5. Helispots and their accessory uses and structures;
6. One commercial mobile unit to be located on the same property as the construction project, to be used exclusively as an office for contractors engaged in construction projects, but only during the course of the project;
7. Maintenance and repair facilities for trucks and equipment used in the management and harvesting of timber of the landowner;
8. Single-family residences, not to exceed four residences on a single ownership; provided, that the density does not exceed one single-family residence per forty acres;
9. Such additional uses which in the opinion of the planning commission are compatible with the production and harvesting of timber. Comments shall be solicited from the agricultural advisory committee.

C. Additional TPZ Regulations. Additional TPZ regulations include the following:

1. The term of TPZ shall be ten years initially. One year shall be added each anniversary date subject to provisions of Government Code Sections 51114 and 51120.
2. No parcel may be divided into parcels less than one hundred sixty acres or one quarter section except as otherwise provided in Government Code Section 51119.5.
3. Building and construction setback shall be a minimum of twenty-five feet from all property lines and/or public roads.
4. After final action has been taken or rezoning to or from TPZ, a notice of timberland preserve zone status shall be filed together with a map and legal description of the property so zoned, in the office of the county

**Butte**

24-195 - TPZ-160 (Timber Preserve) Zone.

**Uses permitted:**

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

**Housing units that would be compatible to timber uses.**

Management for watershed.

Management for fish and wildlife habitat or hunting and fishing.

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.

;The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities, small hydro generating projects of five (5) megawatts or less, exploratory seismology testing.

Grazing.

Mining, or any use integrally related thereto.

Reserved.

Lot area. The minimum lot area for inclusion in the timber preserve zoning district **shall not be less than one hundred sixty (160) acres** and must consist of contiguous parcels, contiguous meaning two (2) or more parcels of land that are adjoining or neighboring or are sufficiently near to each other as determined by the board of supervisors that they are manageable as a single forest unit. Such parcels must be capable

### Calaveras

#### 17.14.020 - Permitted uses.

**The following uses are permitted in the TP zone:**

Accepted farming practices; Commercial agriculture; Accepted ranching practices; Fish and wildlife management, hunting and fishing preserves; Management of erosion control; A project under the auspices of the California Forest Improvement Program (CFIP), or any other state, federal or public forestation program or project; Fire station, ranger station, information center; Lumbermill, sawmill, other forest product processing;

**I. One primary single-family residence per legal parcel;**

Group care home for six or fewer clients pursuant to California Health and Safety Code Section 1501, subject to review for overconcentration pursuant to H&S Section 1520.5;  
Family day care home, pursuant to state regulations;

**Upon findings by the planning commission that a use is consistent with the purposes of this chapter, the use may be added to this section, provided that the commission concurrently initiates a change in this chapter for inclusion of the use.**

#### 17.14.030 - Conditional uses.

The following uses are permitted in the TP zone upon approval and validation of a conditional use permit:

- A. Accessory dwelling in compliance with Chapter 17.66 of this code;
- B. Commercial kennel associated with a residence on the subject property;
- C. Group care home of more than six clients pursuant to California Health and Safety Code Section 1501;
- D. Labor camp;
- E. Mineral resource extraction and production;
- F. Public utility buildings, structures and facilities;
- G. Upon findings by the planning commission that a use is consistent with the purpose of this chapter, the use may be added to this section provided that the commission concurrently initiates a change in this chapter for inclusion of the use;

- H. Wood chipping and mulching;
- I. Target and shooting ranges.  
(Ord. 2818 § 5(part), 2004; Ord. 2624 § 3 Exh. A(part), 2000; Ord. 2614 § 3 Exh. A(part), 2000;  
Ord. 1807 § 1(part), 1986).
- 17.14.040 - Temporary uses.

The following uses are permitted in the TP zone on a temporary basis not to exceed twelve months, the duration of a building permit, or the provisions of this title, whichever is shortest:

## GLENN

**The following principal uses and structures which meet the definition of “compatible use” as defined in subdivision (b) of Section 51100 of the Government Code and no others are permitted in timberland preserve zone:**

- A. Management for watershed;
- B. Management for fish and wildlife habitat or hunting and fishing;
- C. A use integrally related to the growing and harvesting of forest products, including but not limited to roads, log landings and log storage areas;
- D. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;
- E. Grazing;
- F. One single-family dwelling or mobilehome for each TPZ contract (refer to mobilehome standards);**
- G. Buildings and structures which are incidental and accessory to permitted uses, and which are in conformity with uses or forest service practices.  
(Ord. 1183 § 2, 2006)  
Section 060

### **Uses Permitted With a Conditional Use Permit**

The following uses and structures may be permitted in the TPZ zone only if a conditional use permit has first been secured:

- A. Sawmills, shingle mills, and other forest products processing operations utilizing power equipment;
- B. Subsurface exploration for, and extraction of, mineral resources, including oil, gas and other hydrocarbon substances, and also including geothermal energy production;
- C. Commercial storage (storage for resale) of inflammable fluid or gas fuels in a quantity greater than five hundred gallons in any container less than two and one-half feet below the surface of the ground. (Ord. 1183 § 2, 2006) Section 070

### Site Area

Parcels used as timberland preserve may not be divided into parcels containing less than one hundred fifty-five (155) acres unless they meet the requirements established by Section 51119.5 of the Government Code. (Ord. 1183 § 2, 2006) Section 080

#### Other Requirements

A. Any rezoning, immediate rezoning or removal from a zone of any parcels zoned timberland preserve zone shall conform to the requirements of Articles 3 - 5, inclusive, (commencing with Section 51121) of Chapter 6.7, Part 1 of Division 1 of Title 5 of the Government Code.

B. All actions not specifically addressed in this chapter must comply with the requirements of Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5 of the Government Code. (Ord. 1183 § 2, 2006)

### HUMBOLDT

#### **314-7.4 TPZ: TIMBERLAND PRODUCTION ZONE**

The Timberland Production or TPZ Zone is intended to provide standards and restrictions for the preservation of timberlands for growing and harvesting timber. (Former Section INL#314-10; and INL#314-11; Ord. 1099 Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88; Amended by Ord. 1907, Sec. 1, 8/21/90; Amended by Ord. 2166, Sec. 11, 4/7/98; Amended by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

#### **314-7.4 TPZ: TIMBERLAND PRODUCTION**

##### **Principal Permitted Uses**

Growing and harvesting of timber and accessory uses compatible thereto. Accessory agricultural uses and structures listed at Sections 314-43.1.3 (Permitted Agricultural Accessory Uses) and 314-69.1.1 (Permitted Agricultural Accessory Structures). (Added by Ord. 2189, Sec. 1, 2/9/99; Amended by Ord. 2214, 6/6/00)

##### **Principal Permitted Uses Compatible with Timber Production**

The following accessory uses are deemed to be compatible with the growing and harvesting of timber provided they do not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber: (Former Section INL#314-11)

Management for watershed.

Management for fish and wildlife habitat.

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 (portable chippers and portable sawmills are considered a part of "processing").

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

Grazing and other agricultural uses.

**One-family dwelling or manufactured home and normal accessory uses** and structures for owner or caretaker subject to the special restrictions of the following subsection, Special Restrictions Regarding Residences.

Temporary labor camps, less than one (1) year in duration, accessory to timber harvesting or planting operations.

Recreational use of the land by the public, with or without charge, for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing. (Former Section INL#314-11(h); Ord. 1099, Sec. 2, 9/13/76; Amended by Ord. 1907, Sec. 2, 8/21/90)

##### **Uses Permitted with a Use Permit**

Note: Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting of timber. (Former Section INL#314-10(b)(1-2); Ord. 1099, Sec. 1, 9/13/76; Amended by Ord. 1842, Sec. 5, 8/16/88, Amended by Ord. 1907, Sec. 1, 8/21/90, Amended by Ord. 2166, Sec. 11, 4/7/98)

Timber production processing plants (buildings) for commercial processing of wood and wood products, including but not limited to sawmills, lumber and plywood mills, but not including a pulp mill.

Incidental Camping Area, Tent Camp, Temporary Recreational Vehicle Park, Special Occupancy Parks, and similar recreational uses. (Amended by Ord. 2166, Sec. 11, 4/7/98)

Any use not specifically enumerated in this Division, if it is similar to and compatible with the uses permitted in the TPZ zone.

7.4.1.3 Minimum parcel size: 7.4.1.3.1 160 acres; or (Former Section INL#314-12(c)(1))

7.4.1.3.2 40 acres if the provisions of Government Code Section 51119.5 are met. (Former Section INL#314-12(c)(2))

#### **7.4.1.6 Special Restrictions Regarding Residences.**

7.4.1.6.1 **The total residential density shall not exceed one (1) dwelling unit per twenty (20) acres.** (Former Section INL#314-12(f)(1))

7.4.1.6.2 Parcels smaller than forty (40) acres shall not have second or secondary dwelling units. (Former Section INL#314-12(f)(2))

7.4.1.6.3 **Residences and the associated accessory structures and uses shall not exceed two (2) acres per parcel.** (Former Section INL#314-12(f)(3))

### **Lake County**

#### 6.5 Uses permitted:

- (a) Management of lands and forests for the primary use of commercial production and harvest of trees.
- (b) Removal of timber, including uses integrally related to growing, harvesting and on-site processing of forest products including, but not limited to, roads, log landings, log storage areas; and incidental logging camps during harvest.
- (c) **One (1) single-family dwelling or mobilehome which shall be constructed according to the residential construction standards of Section 10.20.**
- (d) Agricultural and residential accessory uses and accessory structures; small kennels. (Ord. No. 2128, 1/14/1993)
- (e) Crop and livestock farming, apiaries, aviaries, except those uses indicated in Sections 6.6 and 6.7.
- (f) Prospecting, claiming, and preliminary geophysical investigations for natural resources including oil, gas, geothermal, or other mineral resources.
- (g) Game preserves. (Ord. No. 1897, 12/7/1989)
- (h) Management for watershed.
- (i) Management for fish and wildlife habitat.
- (j) Those uses permitted in the "TPZ" district with a zoning permit in Table A, Article 27.

#### 6.6 Uses permitted subject to first obtaining a Minor Use Permit:

- (a) Uses permitted in Section 6.5 when not in compliance with the performance standards set forth in Article 41.



- (b) Equipment storage yards incidental to the growing and harvesting of forestproducts, including parking, repairing and storage of equipment so used.
- (c) Private fishing and hunting clubs on parcel(s) containing not less than forty (40) acres; and commercial fishing and hunting clubs on parcel(s) containing not less than one hundred (100) acres. (Ord. No. 1897, 12/7/1989)
- (d) Commercial wood yards.
- (e) Commercial dairies.
- (f) Large and commercial kennels; commercial stables or riding academies. (Ord. No. 2128, 1/14/1993)

**Madera**

- 18.75.010 Land use regulations.
- 18.75.020 Structure location regulations.
- 18.75.030 Structure height regulations.
- 18.75.040 Lot dimension regulations.
- 18.75.010 Land use regulations.

Land use regulations shall be as follows:

A. Permitted Uses.

- 1. Agriculture;
- 2. Barns, corrals, and other outbuildings related to the uses listed in this subsection;
- 3. Forestry;
- 4. One single family dwelling.

B. Uses Allowed with Zoning Permit.

- 1. Guest house;
- 2. Home occupation;
- 3. One other single family dwelling for occupancy by a co-owner; a relative of the immediate family, bound by ties of consanguinity; or an employee of the property owner.

C. Uses Allowed with Conditional Use Permit.

- 1. Mining;
- 2. Public and private camps and other outdoor recreation facilities;
- 3. Public stable. 18.75.040 Lot dimension regulations.

Lot dimension regulations are as follows:

A. Lot area: one hundred sixty acres, minimum unless owners of resulting parcels submit a joint timber management plan prepared or approved as to content by a registered professional forester, and such owners enter into a binding contract with the board to manage and harvest timber on the timberland jointly, and are bound by the provisions of such management plan for a minimum period of ten years. Such division shall be approved by a four-fifths vote of the full board;

- B. Average lot width: six hundred feet, minimum;
- C. Lot length to width ratio permitted: \_\_\_\_\_ minimum;
- D. Dwelling floor area to lot area ratio permitted: two and one-half percent;
- E. Total buildings area to lot area ratio permitted: five percent maximum. (Ord. 525 § 1(part), 1989)

**Mariposa**

Timber exclusive zone (TEZ).

17.44.010 Timber exclusive zone (TEZ).

The Timber Exclusive Zone (TEZ) is a timber preserve zone for the growing and harvesting of timber for those uses which are an integral part of a timber management operation. Land use under a TEZ shall be restricted for a minimum of ten (10) years to growing and harvesting timber, and to compatible uses approved by the county.

A. Development standards for the TEZ. Development standards for the TEZ shall be as follows:

1. Uses.

a. Permitted uses: Growing and harvesting of timber and forest products; uses and facilities appurtenant to timber growing and harvesting, including but not limited to roads, log landings, and log storage areas. **Residential**, grazing, wildlife preserves; management for watershed, fish and wildlife habitat; hunting, fishing, hiking and camping; forest fire lookout stations; fire stations provided they are located on timberland converted to non-timber use in accordance with Section 1104.1 of Title 14, California Code of Regulations; exploration or prospecting for minerals; portable saw mills and portable planing mills; gas, electric, water or communication transmission facilities; wholesale nurseries and similar horticultural enterprises; and those applicable uses listed under Chapter 17.108. (Ord. 1045 Sec.I, 2008).

b. Conditional uses: The following uses shall be permitted only with a conditional use permit: Timber products processing plants, including but not limited to such permanent facilities as saw mills, lumber and plywood mills, planing mills, provided that the plants are secondary or incidental to timber growing and harvesting operation on the same parcel; logging camps or labor camps appurtenant to timber harvesting or planting operation for the duration of one year; additional dwellings when necessary for the timber management operation; membership or public parks and camps which require no permanent facilities; guest ranches, hunting clubs, public stables and riding trails in conjunction with a bona fide timber management operation; mining and quarrying for the removal of minerals and such appurtenances as required; surface mining operations shall include, but are not limited to: in-place distillation, retorting or leaching; production and disposal of mining waste.

c. Prohibited uses: All other uses not listed above are prohibited, except similar uses in compliance with Section 17.08.120 and 17.108.030 of this Title. (Ord. 912 Sec.II, 1997).

2. Property development standards: In addition to Title 5, Division 1, Chapter 6.7 of the California Government Code, the following property development standards shall apply to all land and structures in the TEZ:

Each parcel prior to acceptance into the TEZ, shall have a minimum of ten thousand (10,000) board feet per acre, or meet the minimum timber stocking standards of the state within five (5) years.

A timber management plan shall be presented to and approved by the Mariposa County planning commission. This plan shall be prepared by a registered professional forester.

The parcel shall 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 California state board of forestry for the zone in which the parcel is located; or, the owner must sign an agreement with the board to meet such stocking standards and forest practice rules by the fifth (5th) anniversary of the signing of such agreement. If the parcel is subsequently zoned as Timberland Preserve under Subdivision (a) of Section 4561 listed above, then failure to meet such stocking standards and forest practice rules within this time period provides the board with a ground for rezoning of the parcel pursuant to Section 51121 of the Government Code.

Other provisions of this Title notwithstanding, all lands zoned in a TPZ in accordance with County Ordinances 464 and 557 are hereby zoned in accordance with the provisions of this Chapter as a TEZ. All rules, policies and provisions of previous TEZs are deemed consistent with the provisions of this Chapter and nothing contained herein shall be deemed to minimize, null, or otherwise set aside any permits, plans, or other benefits granted or otherwise obtained under the provisions of a previous TEZ.

3. Minimum parcel or lot size: No parcel or real property shall be divided or split into two (2) or more parcels by voluntary transfer, court action or other conveyance where any one (1) of the parcels so created will be less than forty (40) acres or a legal quarter-quarter section. 4. Density: Two (2) single family residences per forty (40) acres

### **Mendocino**

#### **Sec. 20.068.010 - Permitted Uses.**

The following compatible use types are permitted in the TPZ District:

(A) Residential Use Types (See Chapter 20.016). Family residential—single-family.

(B) Civic Use Types (See Chapter 20.020).

- Community recreation;
- Essential services;
- Fire and police protection services;
- Minor impact utilities.

(C) Agricultural Use Types (See Chapter 20.032).

- Animal raising—general agriculture;
- Forest production and processing—all types;
- Horticulture;
- Packing and processing—limited,
- Row and field crops;
- Tree crops.

(D) Accessory uses as provided in Chapter 20.164. (Ord. No. 3639 (part), adopted 1987)

#### **Sec. 20.068.015 - Uses Subject to an Administrative Permit.**

The following use types are permitted in the TPZ District upon issuance of an Administrative Permit:

- (A) Residential Use Type (See Chapter 20.016).
- Farm employee housing. (Ord. No. 3639 (part), adopted 1987)

#### **Sec. 20.068.020 - Uses Subject to a Minor Use Permit.**

The following use types are permitted in the TPZ District upon issuance of a Minor Use Permit:

(A) Residential Use Types (See Chapter 20.016).

- Family residential—dwellings groups;
- Farm labor housing.

(B) Commercial Use Types (See Chapter 20.024).

- Cottage industries—general. (Ord. No. 3639 (part), adopted 1987)

#### **Sec. 20.068.025 - Uses Subject to a Major Use Permit.**

The following use types are permitted in the TPZ District upon the issuance of a Major Use Permit:

(A) Residential Use Types (See Chapter 20.016).

- Family residential—cluster development.

(B) Civic Use Types (See Chapter 20.020).

- Major impact services and utilities.
  - (C) Commercial Use Types (See Chapter 20.024).
    - Transient habitation—campground;
    - Transient habitation—lodging (limited).
  - (D) Agricultural Use Type (See Chapter 20.032).
    - Animal waste processing. (Ord. No. 3639 (part), adopted 1987)
  - (E) Extractive Use Type (See Chapter 20.036).
    - Mining and processing. (Ord. No. 3639 (part), adopted 1987)
- Sec. 20.068.030 - Special Provisions.

No use permit shall be granted in a TPZ District until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products. (Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.035 - Minimum Lot Area.

One hundred sixty (160) acres. (Ord. No. 3639 (part), adopted 1987)

Sec. 20.068.040 - Maximum Dwelling Density.

One (1) unit per one hundred sixty (160) acres, maximum of four (4) for the total ownership. (Ord. No. 3639 (part), adopted 1987) (Ord. No. 3639 (part), adopted 1987)

## Nevada

Purpose: to provide for timberland zoning, a yield tax imposed at the time of harvest, and the conservation and protection of land capable of producing timber and forest products. The compatible uses specified in this section will be included in this zone and are consistent with the Forest Taxation Reform Act of 1976. (*Ord. No. 4643, 1993; Ord. No. 2119 Section 1.*)

**Sec. 26-14-010. - Permitted uses.**

Permitted uses include the following:

- (a) Management of lands and forests for the primary use of commercial production and harvest of trees, including controlled burns;
- (b) Removal of timber and fuel wood, including uses integrally related to growing, harvesting and on-site processing of forest products including, but not limited to, roads, log landings, log storage areas and incidental logging camps;
- (c) Recreational and educational uses, with or without fee, not requiring any permanent improvement of the land or interfering with the primary use (swimming, hunting, fishing, occasional camping, etc.);
- (d) Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, grazing, where these uses are incidental to the primary use;
- (e) The erection, construction, alteration or maintenance of gas, electric or water generating and transmission facilities, including necessary structures;
- (f) Contractor equipment storage incidental to the on-site growing and harvesting of forest products, including parking, repairing and storage of equipment so used. Construction of permanent structures will be subject to Article 82;

- (g)The production and harvesting of miscellaneous compatible forest products (Christmas tree farms and greenery);
- (h)Timber management, including planting, raising, harvesting and incidental milling for noncommercial purposes of trees and logs for lumber or fuel woods, subject to requirements of California Department of Forestry and Fire Protection;
- (i)Temporary or seasonal sales and promotion, and incidental storage of fuel wood which is grown on site;
- (j) One (1) single-family dwelling unit with accessory buildings;
- (k) Occasional cultural events; provided, that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date if this notice" is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040
- (l)Small family day care;
- (m)Large family day care provided that the applicant shall meet all performance standards listed in Section 26-88-080
- (n)Small residential community care facility;
- (o)Beekeeping;(p)Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130
- (q)Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section;

Sec. 26-14-020. - Uses permitted with a use permit.

Uses permitted with a use permit include the following:

- (a)Additional detached single family dwelling units, not to exceed four (4) dwellings on a single ownership; provided, that the density does not exceed one (1) single-family dwelling unit per one hundred sixty (160) acres, or that density shown in the general plan land use element or that density permitted by a B combining district, whichever is the most restrictive;
- (b)Saw mills, planer mills, pulp mills, particle board plants, log ponds, earth-filled dams and lumber yards, with associated uses;
- (c)Development and utilization of natural resources with appurtenant structures. Hardrock quarry operations may be permitted only if they meet the criteria below:
  - (1)The operation is consistent with the purpose(s) of the resources and rural development district,
  - (2)The operation involves five (5) acres of land or less,
  - (3)The operation results in annual production of five thousand (5,000) cubic yards or less,
  - (4)The quarry does not include crushing, screening or batching operations,

- (5) The operation is subject to payment of fees and other mitigation measures as may be found consistent with aggregate resources management plan,
- (6) The operation must have an approved reclamation plan,
- (7) The operation is located at least four (4) miles from the nearest approved source of aggregate materials. Other aggregate mining operations are not permitted unless excepted by Section 26A-3(a)(i) of the Sonoma County Code;

(Ord. No. 5651 § 1(x), 2006; Ord. No. 5435 § 2(m), 2003; Ord. No. 5361 § 2(n), 2002; Ord. No. 5342 § 5, 2002; Ord. 4973 § 4(b)—(d), 1996; Ord. No. 4643, 1993.)

## SAN MATEO

SECTION 6953.1. "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit growing and harvesting timber, and shall include, but not be limited to, the following rules unless in a specific instance such a use would be contrary to the preceding definition of compatible use:

- a. Watershed management including the management of all the natural resources of a watershed to protect, maintain, or improve its water quality and yield.
- b. Management of lands for wildlife habitat.
- c. Management for recreation:
  - (1) Hunting, fishing, horseback riding, and hiking.
  - (2) Outdoor recreation uses requiring some development such as campgrounds, overnight shelters, or motorcycle parks.
- d. A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, log storage areas, and minor portable sawmilling.
- e. Grazing.
- f. Mineral and hydrocarbon production.
- g. Energy resource development.
- h. The erection, construction, alteration or maintenance of gas, electric, water or communications, transmission facilities.
- i. Outdoor education activities or development.
- j. Residential housing.
- k. Scientific/Technical Research and Test Facilities, provided a Development Permit shall only be issued for this use upon the following findings:
  - (1) That the use is of a low-intensity nature with a minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.
  - (2) That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.

## Tuolumne

(TPZ) district is for the protection of timberland and in order to prevent encroachment upon it by incompatible uses of land, and for the general welfare of the county as a whole. This zone is intended to qualify its land pursuant to Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 or such other legislative statutes or constitutional authorization as may be developed for defining a timberland preserve. Development in this zone must comply with Title 15 of this code relative to fire safety standards. (Ord. 2222 ' 83, 1998; Ord. 1980 ' 19, 1993; Ord. 1229 ' 2 (part), 1982).

17.42.020 Permitted uses. Within any timberland production (TPZ) district, the following uses are permitted unless it is found that, in the specific instance, such a use would significantly detract from the use of the property for, or inhibit, growing and harvesting of timber:

- A. Christmas tree farms;
- B. 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;
- C. Management for watershed;
- D. Management for fish and wildlife habitat or hunting and fishing;
- E. Grazing;
- F. Prospecting;
- G. One single-family dwelling per parcel;
- H. Residential care homes, nursery schools and small family day care homes, within a permitted single-family dwelling, for not more than six persons;
- I. General farming and ranching incidental to the growing, harvesting and processing of forest products;
- J. Accessory uses and structures appurtenant to permitted uses. (Ord. 2222 ' 84, 1998; Ord. 2119 ' 38, 1995; Ord. 2115 ' 28, 1995; Ord. 2049 ' 26, 1994; Ord. 1229 ' 2 (part), 1982).

17.42.030 Conditional uses. Within any timberland production (TPZ) district, the following uses are permitted subject to first securing a use permit if it is found that, in the specific instance, such a use would not significantly detract from the use of the property for, or inhibit, growing and harvesting of timber:

- A. Additional single-family dwellings, thirty-seven acres per unit maximum density;
- B. General farming and ranching;
- C. Agricultural processing facilities and activities and related accessory uses for products primarily from the farm or ranch located on the parcel or a combination of the parcel and other parcels under the same ownership all of which are located in the county;
- D. Roadside stand for the sale of agricultural products primarily from the farm or ranch located on the parcel or a combination of the parcel and other parcels under the same ownership all of which are located in the county;
- E. Nurseries and greenhouses;
- F. Sawmills;
- G. Development of mineral resources;
- H. Public safety facilities;

## YUBA

12.65.050. - Permitted principal uses and structures.

The following principal uses and structures which meet the definition of "Compatible Use" as defined in Government Code § 51104(h) and Resolution No. 1976-155 adopted by the Yuba County Board of Supervisors on August 7, 1976, and no others are permitted in Timberland Preserve Zone:

- (1) Management for watershed;
- (2) Management for fish and wildlife habitat or hunting and fishing;
- (3) A use integrally related to growing, harvesting and processing 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; or
- (6) A residence or other structure necessary for the management of land zoned as Timberland Production.
- (7) Subsurface exploration for, and extraction of, mineral resources, including oil, gas and other hydrocarbon substances, and also including geothermal energy production. Such use shall be compatible only when there is no significant disruption of the ground surface in the operations described;
- (8) Family day care homes in accordance with Chapter 12.120.

## PLUMAS COUNTY

The following uses shall be permitted in the Timberland Production Zone (TPZ):

- (a) The growing and harvesting of timber, including Christmas trees, and measures to protect such timber;
- (b) The following uses, except in specific instances where such a use would significantly detract from the use of property for the uses set forth in subsection (a) of this section:
  - (1) Management for watershed;
  - (2) Management for fish and wildlife habitat and hunting and fishing;
  - (3) Uses integral to the uses set forth in subsection (a) of this section, including forest management roads, log landings, log storage areas, and temporary portable wood processing equipment;
  - (4) Management for the use of other natural resources where less than three (3) acres of land is converted to non-timberland use and hydroelectric generation subject to site development review as set forth in Article 11.3 of this chapter;
  - (5) Grazing;
  - (6) Public utility facilities as permitted by Section 9-2.415 of Article 4 of this chapter;



(7) A residence or other structure necessary for the management of a parcel zoned as timberland production if such parcel is 160 acres or greater in size; child day care homes; and limited child day care homes; and

(8) Where a single parcel is partially zoned timberland production and agricultural, structures necessary for the management of agricultural land may be located within the timberland production area; and

(c) Subject to the issuance of a special use permit:

(1) Public service facilities.

## SIERRA

Compatible Uses: The following shall be compatible uses within a timberland production zone unless such use can be found to be contrary to the definition of compatible use as defined herein:

1. Management for watershed.
2. Management for fish and wildlife habitat for 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, log storage areas, temporary portable wood processing equipment.
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.

(d) Permitted Uses: The following shall be permitted uses within a "Timberland Production Zone" provided that such uses are compatible uses and do not significantly detract from the use of the property for or inhibit growing or harvesting of timber:

1. Management of land and forests primarily for the commercial production and harvest of forest products, including grazing, beekeeping, watershed management, fish and wildlife habitat, and any uses directly incidental to and wholly compatible with the primary uses.
2. Management of land and forests in a manner designated to protect them from fire, insects, disease, or other potential or existing catastrophe.
3. Timber removal, including necessary access roads, log landing and storage areas provided such are constructed and maintained in accordance with the forest practice rules adopted by the State Board of Forestry.
4. Hunting, fishing, camping and other similar recreational uses not requiring any permanent improvement of facility.
5. Temporary living quarters appurtenant to timber management during harvest operations.
6. Minor maintenance, reconditioning, minor alterations and emergency activities, including the maintenance of existing vegetation clearances, of electric, water or communication facilities by public or private utility companies under the jurisdiction of the California Public Utilities Commission.

7. A residence or other structure necessary for the management of land zoned as timberland production. Code Codification: 1/2008 388

### Siskiyou County

Uses permitted.

The following uses shall be permitted in the TPZ District:

- (a) Growing and harvesting timber, including Christmas trees but not nursery stock;
- (b) Compatible uses as defined by subsection (h) of Section 51100 of the Government Code of the state, except where conditionally permitted by County Code;
- (c) Recreational and/or educational uses not interfering with the primary purpose of the district, which purpose is the growing and harvesting of timber, which use shall include, but not be limited to, swimming, hunting, fishing, camping, walking, hiking, picnicking, boating and environmental and ecological studies;

(d) Grazing; and

**(e) A single-family residence or a mobile home in lieu thereof, provided a Timber Management Plan for the property has been prepared.**

(§ I, Ord. 86-2, eff. February 27, 1986, as amended by § I, Ord. 94-07, eff. April 14, 1994) Sec. 10-6.5103. - Conditional uses permitted.

Subject to obtaining a use permit, the following uses shall be permitted in the TPZ district:

- (a) Timber processing by portable facilities;
- (b) Wood processing and manufacturing facilities;
- (c) Exploration for mineral resources;
- (d) Extraction of mineral resources;
- (e) Exploration for and the development of energy resources;
- (f) Labor camps, mobile homes, and residential dwellings to house persons needed for, and directly involved and employed in, timber harvesting or planting operations.
- (g) The construction and/or occupancy of any building, structure, or other facility constructed and/or occupied consistent with and pursuant to the uses permitted in the TPZ District;
- (h) Aircraft landing facilities;
- (i) Heliports;
- (j) The erection, construction, or maintenance of gas, electric, water, sewage, or communication transmission facilities; and
- (k) In addition to the uses listed above, the uses listed in Article 15, General Provisions, may also be permitted, subject to the issuance of a use permit.

(§ I, Ord. 86-2, eff. February 27, 1986, as amended by § I, Ord. 94-07, eff. April 14, 1994, as amended by § I, Ord. 94-07, eff. April 14, 1994)

**PLACER COUNTY**

D. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the TPZ zone as provided by Section 17.06.050 (Land use and permit tables). ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION:
Agricultural, Resource and Open Space Uses		
Agricultural accessory structures	C	17.56.020
Agricultural processing	MUP	
Animal raising and keeping	See Section 17.56.050	
Crop production	A	
Equestrian facilities	See Section 17.56.050	
Fisheries and game preserves	A	
Forestry	A	
Grazing	A	17.04.030
Mining, surface and subsurface	CUP	17.56.270
Oil and gas wells	CUP	
Plant production nurseries	See Section 17.56.165	
Winery	See Section 17.56.330	
Manufacturing and Processing Uses		
Lumber and wood products	CUP	
Paper products	CUP	
Water extraction and storage (commercial)	CUP	
Recreation, Education and Public Assembly Uses		
Campgrounds	MUP	17.56.080
Camping, incidental	A	17.56.080

D. Allowable Land Uses and Permit Requirements. The following land uses are allowed in the TPZ zone as provided by Section 17.06.050 (Land use and permit tables). ALLOWABLE LAND USES	LAND USE PERMIT	SPECIFIC STANDARDS IN SECTION:
Rural recreation	MUP	
Shooting ranges, commercial	MUP	
Temporary events	MUP	17.56.300
Residential Uses		
Caretaker and employee housing	MUP	17.56.090
Home occupations	C	17.56.120
Temporary dwelling	C	17.52.280
Service Uses		
Offices, temporary	C	17.56.030
Storage, accessory	A	17.56.250
Storage of petroleum products for on-site use	C	17.56.250
Transportation and Communications		
Airfields and landing strips	CUP	17.56.040
Antennas, communications facilities	See Section 17.56.060	
Heliports	CUP	17.56.040
Pipelines and transmission lines	A	

**KEY TO PERMIT REQUIREMENTS**

Allowed use, zoning compliance required (17.06.050)	A
Zoning clearance required (17.06.050)	C
Minor use permit required (17.06.050)	MUP
Conditional use permit required (17.06.050)	CUP
Administrative review permit (17.06.050)	ARP

E. Minimum Parcel Size. Each parcel proposed for development or a new land use, and each new parcel proposed in a subdivision shall comply with the following provisions and Section 17.54.040 (Minimum parcel size). New parcels proposed in a subdivision shall also satisfy all applicable provisions of Chapter 16 of this code (Subdivisions).

1. Minimum Lot Area. One hundred sixty (160) acres, unless a -B combining district (Section 17.52.040) applies to the site, or a greater area is required by the Health Department, or the provisions of Subchapter 15 (Specific Use Requirements) for a particular land use.

2. Minimum Lot Width. One-fourth of the lot length. Other minimum lot widths may be required by a -B combining district (Section 17.52.040) applicable to the site.

F. Site Development Standards. The following requirements shall apply to all new development in the TPZ zone, except where otherwise provided by Articles 17.54 (General Development

Standards) or 17.56 (Specific Use Requirements) for a particular use or situation. Proposed buildings and structures shall be designed and constructed to satisfy the following setback, site coverage, and height limit requirements:

(Ord. 5526-B § 6, 2008; Ord. 5459-B Exh. A (part), 2007; Ord. 5126-B (part), 2001)

## **COUNTIES WITHOUT RESIDENCY BY RIGHT**

### **ALPINE**

CUP for personal residence with 160 acres or quarter section parcel within TP

#### 18.24.010 Purpose.

The purpose of the TP timber preserve zone is to preserve timberlands as a renewable source of timber and wood products in accordance with the provisions of the Forest Taxation Reform Act of 1976. A timber preserve zone is a ten-year restriction on the use of land which is automatically renewed each year unless or until the affected property owner wishes to initiate withdrawal proceedings. In return for said restrictions, the taxation of timberland under TP will be based on such restrictions in use. Owners of timberland interested in possible tax savings afforded by this section should consult Chapter 6.5 and especially Section 51113 of the California Government Code and confer with the county assessor. (Ord. 453 § 8.01, 1985)

#### 18.24.020 Permitted uses.

Permitted uses in the TP zone are as follows:

- A. The growing and harvesting of forest products, and uses directly related thereto, including but not limited to, roads, log landings, and log storage areas;
- B. Operations for appropriate management of watershed, and fire and erosion control;
- C. Operations for appropriate management of fish and wildlife habitat, and noncommercial hunting and fishing subject to landowners' restrictions;
- D. Grazing;
- E. The pre-existing single-family dwellings which are on parcels when zoned TP. (Ord. 453 § 8.02, 1985)

#### 18.24.030 Conditional uses.

Conditional uses for which use permits are required in the TP zone are as follows:

- A. Sawmills, shingle mills, and other forest products processing operations and mining operations utilizing power equipment;
- B. The erection, construction, alteration or maintenance of gas, electric, water, or communications facilities;
- C. Structures and facilities associated with commercial hunting and fishing, pack stations, ski lifts, and similar operations;

**D. One single-family dwelling to be occupied as owner's principal place of residence per minimum one hundred sixty acre or quarter section parcel created in a TP zone.**

E. Buildings and structures which are incidental and accessory to the above permitted uses and which are in conformity with federal and state agency forest practices. (Ord. 453 § 8.03, 1985)

**County of Del Norte**

CUP which will not be issued if cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber:

20.43.020 Principal permitted uses

Title: 20 Zoning

Chapter: 20.43 TPZ - Timberland Preserve Zone

Section: 20.43.020 Principal permitted uses

In the TPZ, the principal permitted uses are:

Growing and harvesting timber and uses accessory (compatible) thereto.

20.43.030 Uses permitted subject to a conditional use permit

Title: 20 Zoning

Chapter: 20.43 TPZ - Timberland Preserve Zone

Section: 20.43.030 Uses permitted subject to a conditional use permit

Permits authorized under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber:

Timber products processing plants (buildings) for commercial processing of wood and wood products, including sawmills, lumber and plywood mills but not including a pulp mill

Public camps, public stables and similar recreational uses, not including recreational vehicle parks or mobile home parks

Single-family dwelling, mobile home or a manufactured home and normal accessory uses and structures for owner or caretaker.

(Ord. 95-06 § 5 (part), 1995 Ord. 76-29 § 1 (part), 1976.)

**TRINITY**

CUP which will not be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

**SECTION 14.1 TIMBERLAND PRODUCTION DISTRICT OR "TPZ" DISTRICT**

**A. GENERAL DESCRIPTION:** The Timberland Production Zone or TPZ is intended to provide for timberland zoning and restrictions for a minimum of a ten (10) year period. Such zoning allows land to be valued for property taxation, in general, on the basis of its use for growing and harvesting timber and compatible uses.

**B. USES PERMITTED:** The following uses are permitted or deemed compatible to the growing and harvesting of timber:

- Growing and harvesting timber.
- Watershed management.
- Wildlife and fisheries habitat improvement.
- Roads, landings, and log storage areas integral to the growing and harvesting of timber.
- Portable sawmills, chippers, and similar equipment.
- Grazing and other agricultural uses.
- Recreation uses including walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing.

**C. USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT:** Uses allowed under this section cannot be approved if such use will significantly detract from the use of the property for, or inhibit, growing and harvesting timber.

- A Single Family Dwelling and accessory structures.
- Sawmill.
- Lumber mill.
- Plywood mill.
- Trailer Camp.
- Public Camp.
- Public Stable.
- Labor camps accessory to timber harvesting or planting operations which are less than one year in duration.
- Mining operations whose purpose is to provide material for log hauling roads both on and off-site.

**B. MINIMUM LOT AREA FOR DIVISION OF PARCELS ZONED TPZ:** The minimum lot area for division of parcels zoned TPZ shall be as designated in the Zoning District. In the event no minimum parcel size has been specified in the Zoning District, minimum lot area shall be 160 acres. The minimum acreage requirement may, at the discretion of the Planning Commission and Board of Supervisor's pursuant to Section 31 of the Zoning

ordinance, be reduced when necessary to resolve adjacent land use conflicts through lot line adjustment.

### Shasta

CUP for . Living quarters for persons fully and necessarily employed on the premises

#### TIMBER PRODUCTION (TP) DISTRICT

##### Sections:

17.08.010 Purpose.

17.08.020 Permitted uses.

17.08.030 Uses requiring use permit.

17.08.040 Area requirements.

17.08.050 Application to place property in TP district.

17.08.010 Purpose.

The purpose of the timber production (TP) district is to preserve lands devoted to and used for the growing and harvesting of the California Timberland Productivity Act of 1982, and to provide for uses compatible with the growing and harvesting of timber. The TP district is equivalent to the timberland production zone referred to in the act. Land within a TP district is subject to all conditions and restrictions applicable to a timberland production zone. This district is consistent with the timberland (T) general plan designation, and may also be applied to other areas which meet the criteria of this district, provided there are no conflicts with other general plan policies. (Prior code §5.02.030(A))

17.08.020 Permitted uses.

The following uses are permitted outright in the TP district:

- A. Forest management;
- B. Grazing, beekeeping, watershed management, fish and wildlife habitat, and other uses directly incidental to and wholly compatible with the primary use;
- C. Hunting, fishing, camping and similar recreational uses not involving any permanent improvement of the land or interfering materially with the primary use;
- D. Christmas tree farm. (Prior code §5.02.030(B)) 17.08.030 Uses requiring use permit.

The following uses are permitted in the TP district if a use permit is issued:

- A. Living quarters for persons fully and necessarily employed on the premises;
- B. Other uses indirectly incidental to forest management, including permanent wood processing installations;
- C. Development and use of mineral resources, such as sand, gravel, cinders, rock, ores, minerals, water and steam, for other than forest management, provided the development will not significantly detract from the use of the property for forest management. Development which will



preclude forest management in limited areas and which will be restored for forest management shall not be deemed significant under this section;

D. The erection, construction, or alteration of a gas, electrical, water or communication transmission facility, or other public improvements, in accordance with Government Code Section 51152;

E. Processing of diatomaceous earth on a site consisting of less than three acres when the site is located within the same region and in relatively close proximity to the mining operation. (Prior code §5.02.030(C)) (Amended March 16, 1995)