

BOARD OF FORESTRY AND FIRE PROTECTION

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**FOREST PRACTICE AND MANAGEMENT JOINT COMMITTEE MEETING****September 27, 2016****Agenda Item #3 – Discussion of Public Resource Code and Existing Regulation regarding ‘Timberland’, ‘Timber Operations’, ‘Compatible Use’, and ‘Conversion’ of timberlands****Discussion Questions:**

1. Does CAL FIRE have a policy perspective on the growing of marijuana as a ‘compatible use’ on ‘timberlands’?
2. Can individual Counties legally further define the list of ‘compatible uses’ of timberland or is their jurisdiction limited to interpretation of state code? [GC 51104]
3. How would CAL FIRE respond if they encountered a grow in which the owner claims their marijuana operation is ‘compatible’ with the growing of timber in that they are using natural openings, existing roads and landings, and/or young regenerating forest stands meeting stocking requirements? [GC 51104, PRC 4621(a)].

Bonus Question:

4. Does a timberland conversion expire; in other words would someone owning land that had been through a legal timberland conversion to another use (e.g. residential, agricultural, etc.) pursuant 14CCR Article 7 need to file another conversion if they wish to harvest any remaining commercial species AFTER the original conversion has an approved completion report? Considering the definition of ‘timber operations’ being linked to harvest on ‘timberlands’, would they have to file a THP if they have a completed and signed off timberland conversion on file?

Supporting Information:

- California Public Resources Code, Division 4. Forests, Forestry and Range and Forage Lands, Chapter 8. Z'Berg-Nejedley Forest Practice Act of 1973
- California Government Code, Title 5. Local Agencies, Division 1. Cities and Counties, Part 1. Powers and Duties Common to Cities and Counties, Chapter 6.7 Timberland (California Timberland Productivity Act of 1982)
- California Forest Practice Rules, Title 14, California Code of Regulations, Chapter 4, 4.5 and 10
- Board of Forestry and Fire Protection Policies 0334.2 and 0334.3(A)

Public Resource Code (PRC) 4526 and Government Code (GC) 51104(f) define 'Timberlands' for the state of California:

PRC 4526. Timberland. "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

GC 51104(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.

Notes: While the definitions of "Timberland" pursuant to PRC 4526 and GC 51104(f) are similar, they are distinguishable from one another in that PRC defines timberland as *available for and capable of growing a commercial crop of trees*, while GC defines it as land *devoted to this purpose* (in addition to being capable of), along with compatible uses.

In both definitions there is no minimum area requirement as to what constitutes timberland (e.g. >5 acres) or minimum size of what constitutes a commercial 'crop of trees'.

15 cubic feet = 180 board feet

Government Code 51104(e), (g) and (h) also defines 'Timber', 'Timberland Production Zone', and 'Compatible Use':

GC 51104 (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.

GC 51104 (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."

GC 51104 (h). "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:

- (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.

Note: while all zoned TPZ is timberland, not all timberland is TPZ. The legal concept of 'compatible use' is not limited to TPZ, but applies to all 'timberland'.

Board of Forestry and Fire Protection Policies:

DEFINITIONS 0334.2

"Prime timberland" is forest land capable of growing 120 cu. ft. per acre per year or more, in perpetuity, when fully stocked and measured at culmination of mean annual increment. Generally, it is land with relatively favorable natural endowments or rainfall, soil characteristics, including porosity and permeability, drainage, water storage capability and nutrient availability, length of growing season, and topographic characteristics.

Note: 120 cu. ft. = 1,440 board feet (1.4 MBF)

LAND AVAILABILITY 0334.3

In order to maintain timber growing land in California as a permanent source of current and future timber supply, the Board has found that it is in the public interest:

- A. To oppose diversion to uses which preclude timber growing and harvesting or such privately owned prime timberland and other lands which have been classified as timberland preserve zone (TPZ) under provisions of the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, except where the public values to be achieved by such diversion exceed the public values derivable from timber growing. This policy applies both to diversion proposed by the owner of the land and to proposals for public acquisition of such land

Public Resource Code 4527 defines 'timber operations'. The Board of Forestry and Fire Protection and CAL FIRE have responsibility for regulation of the state's private timberlands as a public trust resource, including jurisdiction over 'timber operations' as defined in the Forest Practice Act:

Article 2. Definitions

4527. Timber operations.

(a) (1) "Timber operations" means the cutting or removal, or both, of timber or other solid wood forest products, including Christmas trees, **from timberlands for commercial purposes**, together with all the incidental work, including, but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, and beds for the falling of trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following timber harvesting activities, but excluding preparatory work such as treemarking, surveying, or road flagging.

(2) **"Commercial purposes" includes** (A) the cutting or removal of trees that are processed into logs, lumber, or other wood products and offered for sale, barter, exchange, or trade, or (B) **the cutting or removal of trees or other forest products during the conversion of timberlands to land uses other than the growing of timber** that are subject to the provisions of Section 4621, including, but not limited to, residential or commercial developments, production of other agricultural crops, recreational developments, ski developments, water development projects, and transportation projects.

(b) For purposes of this section, the removal of trees less than 16 inches in diameter at breast height from a firebreak or fuelbreak does not constitute "timber operations" if the removal meets all of the following criteria:

(1) It is located within 500 feet of the boundary of an urban wild land interface community at high risk of wildfire, as defined on pages 752, et seq. of Number 3 of Volume 66 (January 4, 2001) of the Federal Register, as that definition may be amended from time to time. For purposes of this paragraph, "urban wildland interface community at high risk of wildfire" means an area having one or more structures for every five acres.

(2) It is part of a community wildfire protection plan approved by the department or part of a department fire plan.

(3) The trees to be removed will not be processed into logs or lumber.

(4) The work to be conducted is under a firebreak or fuelbreak project that has been subject to a project-based review pursuant to a negative declaration, mitigated negative declaration, or environmental impact report in compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000)). For projects to be conducted on forested landscapes, as defined in Section 754, the project and the project-based review shall be prepared by or in consultation with a registered professional forester.

(5) The removal of surface and ladder fuels is consistent with paragraph (9) of subdivision (k) of Section 4584.

Public Resource Code defines the process for conversion of timberlands to uses other than the growing of timber, including specific conversion activities exempt from certain timber harvest permitting requirements:

Article 7. Timber Harvesting.

4584. Exempt activities. Upon determining that the exemption is consistent with the purposes of this chapter, the board may exempt from this chapter, or portions of this chapter, a person engaged in forest management whose activities are limited to any of the following:

.....

(g) (1) the **one-time conversion of less than three acres to a non-timber use**. A person, whether acting as an individual or as a member of a partnership, or as an officer or employee of a corporation or other legal entity, shall not obtain more than one exemption pursuant to this subdivision in a five-year period. If a partnership has as a member, or if a corporation or other legal entity has as an officer or employee, a person who has received this exemption within the past five years, whether as an individual or as a member of a partnership, or as an officer or employee of a corporation or other legal entity, then that partnership, corporation, or other legal entity is not eligible

for this exemption. "Person," for purposes of this subdivision, means an individual, partnership, corporation, or other legal entity.

(2) (A) Notwithstanding Section 4554.5, the board shall adopt regulations that do all of the following:

(i) Identify the required documentation of a bona fide intent to complete the conversion that an applicant will need to submit in order to be eligible for the exemption in paragraph (1).

(ii) Authorize the department to inspect the sites approved in conversion applications that have been approved on or after January 1, 2002, in order to determine that the conversion was completed within the two-year period described in subparagraph (B) of paragraph (2) of subdivision (a) of Section 1104.1 of Title 14 of the California Code of Regulations.

(iii) Require the exemption pursuant to this subdivision to expire if there is a change in timberland ownership. The person who originally submitted an application for an exemption pursuant to this subdivision shall notify the department of a change in timberland ownership on or before five calendar days after a change in ownership.

(iv) The board may adopt regulations allowing a waiver of the five-year limitation described in paragraph (1) upon finding that the imposition of the five-year limitation would impose an undue hardship on the applicant for the exemption. The board may adopt a process for an appeal of a denial of a waiver.

(B) The application form for the exemption pursuant to paragraph (1) shall prominently advise the public that a violation of the conversion exemption, including a conversion applied for in the name of someone other than the person or entity implementing the conversion in bona fide good faith, is a violation of this chapter and penalties may accrue up to ten thousand dollars (\$10,000) for each violation pursuant to Article 8 (commencing with Section 4601).

Article 9. Conversion

4621. Application for conversion; procedure, form, fees and content to be prescribed.

(a) Any person who owns timberlands which are to be devoted to uses other than the growing of timber shall file an application for conversion with the board. The board shall, by regulation, prescribe the procedures for, form, and content of, the application. An application for a timberland conversion permit shall be accompanied by an application fee, payable to the department, in an amount determined by the board pursuant to subdivision (b).

(b) The board shall establish, by regulation, a system of graduated timberland conversion permit fees to finance the cost of administering this article.

4621.2. Proposed alternate use; information; findings required for approval.

(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 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 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 not 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.

4622. Conditions for approval of application. Approval of an application for conversion shall be conditioned upon the granting of the necessary rezoning or use permit if rezoning or a use permit is required. Except as provided in Section 4584, all timber shall be cut pursuant to an approved conversion pursuant to Section 4581, excluding requirements for stocking and methods of silviculture, except that the timber harvesting plan required by that section need not be prepared by a registered professional forester, and no timber operations shall commence until the granting of such rezoning or use permit as may be required and until the timberland conversion permit is recorded in the county recorder's office in each county wherein the timberland to be converted is located.

4623. Affidavit of intent to convert land; additional proof of intent. The application shall be accompanied by an affidavit by the applicant that the applicant has a present bona fide intent to convert the land to a use other than timber growing. The board may require such additional proof of intent to convert as it deems necessary.

4624. Denial of conversion permit; reasons. The board shall deny a timberland conversion permit for any of the following reasons:

- (a) The applicant is not the real person in interest.
- (b) Material misrepresentation or false statement in the application.
- (c) The applicant does not have a bona fide intention to convert the land.
- (d) The failure or refusal of the applicant to comply with the rules and regulations of the board and the provisions of this chapter.
- (e) The failure of the proposed alternate use in the application to meet the findings required in subdivision (a) of Section 4621.2 and other provisions of that section.

4624.5. Hearing on denial of permit. A person whose application for a timberland conversion permit has been denied shall be entitled to a hearing before the board pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

4625. Approval of application for permit. If the board finds the applicant does have a bona fide intention to convert the land, it shall approve the application, authorizing the applicant to cut and remove any and all trees, provided that he otherwise complies with this chapter.

4626. Revocation of permit. If at any time the board finds that the applicant has failed to conform to the intent to convert, as set forth in the application and proof, the board may revoke the permit and require full compliance with this chapter. Any permit revocation shall be recorded in the same manner as the original permit.

4627. Delegation of authority. The board may, by regulation, delegate its authority and responsibilities under this article to the director if it determines that the director can more efficiently exercise such authority and carry out such responsibilities.

4628. Exemptions from regulations; right-of-way construction or maintenance; subdivision development.

(a) Notwithstanding any provision of this article or of Section 4581, no public agency shall be required to submit a timber harvesting plan or file an application for conversion with the board where the purpose of its timber operations is to construct or maintain a right-of-way on its own or on any other public property.

(b) Removal of trees for subdivision development, except on lands zoned as a timberland production zone pursuant to Section 51112 or 51113 of, and as defined in subdivision (g) of Section 51104, of the Government

Code, where the subdivision has had a tentative subdivision map approved and a subdivision use permit granted by the city or county having jurisdiction, may be exempted by regulation from the provisions of this article, if the exemption is consistent with the purposes of this chapter.

CALIFORNIA FOREST PRACTICE RULES **Title 14, California Code of Regulations, Chapter 4**

NOTE: The California Forest Practice Rules establish regulation based on law relative to the same terms - 'Timberland', 'Timber Operations', 'Compatible Use', and 'Conversion' of timberlands as defined in PRC:

Article 1 Abbreviations and Definitions

895.1. Definitions

'Compatible Use' means uses which do not significantly detract from the use of the property for, or inhibit, growing and harvesting timber, and shall include those specified in Government Code 51104(h) unless in specific instances such use would be contrary to this definition.

'Timberland', pursuant to PRC § 4526, means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species, on a district basis, is defined in 14 CCR § 895.1.

'Timber Operations' see PRC 4527.

Article 7 Conversion of Timberland

1100 Definitions

The following are definitions of words and terms as used in this article:

- (a) **"Alternate Use or Alternative Use"** a proposed land use that is not a compatible use within a timberland production zone (Ref.: Sec. 51134(b), Gov. C.).
- (b) **"Bona Fide Intention or bona fide intent"** a present, sincere intention of the applicant to conform with and successfully execute the conversion plan, as determined by the Director in accordance with provisions of Sec. 1105.2 (Ref.: Sec. 4623, PRC).
- (c) **"Coastal Commercial Timberlands"** timberland as defined in PRC 4526, for those lands which lie within the coastal zone and outside a timberland production zone; or as defined in Gov. C. 51100(f) for those lands which lie within both the coastal zone and a timberland production zone (Ref.: Sec. 4526 and 30243, PRC; Sec. 51100 (f), Gov. C.).
- (d) **"Coastal Zone"** those lands defined in PRC 30103. (Ref.: Sec. 30103, PRC).
- (e) **"Compatible Use"** compatible use as defined in Gov. C. 51100 (h) *[GC § 51100(h) does not exist. This section should refer to GC § 51104(h).]* and 51111, as made specific by county or city ordinance adopted pursuant thereto (Ref.: Sec. 51100 (h) *[GC § 51100(h) does not exist. This section should refer to GC § 51104(h).]* and 51111, Gov. C.).
- (f) **"Contiguous"** two or more parcels of land that are adjoining or neighboring or are sufficiently near to each other, as determined by the County Board of Supervisors or City Council, that they are manageable as a single forest unit (Ref.: Section 51100 (b) *[GC § 51100(b) does not exist. This section should refer to GC § 51104(b).]*,

Government Code.)

(g) **"Timberland Conversion":**

(1) **Within non-Timberland Production Zone (TPZ) timberland**, transforming timberland to a non-timber growing use through timber operations where:

(A) Future timber harvests will be prevented or infeasible because of land occupancy and activities thereon; or

(B) Stocking requirements of the applicable district forest practice rules will not be met within five years after completion of timber operations; or

(C) There is a clear intent to divide timberland into ownerships of less than three acres (1.214 ha.).

(2) **Within TPZ lands**, the immediate rezoning of TPZ lands, whether timber operations are involved or not except as exempt from a timberland conversion permit under 14 CCR 1104.1.

(h) **"Conversion Permit"** the timberland conversion permit, issued by the Director or the Board upon appeal, approving the application for timberland conversion and authorizing a conversion of timberland to use or uses other than the growing of timber (Ref.: Sec. 4622, 4624, 4624.5 and 4625, PRC).

(i) "Government Agency" the State or any department, agency, or public body thereof, a city or county, public corporation, municipal corporation, or public district (Ref.: Sec. 21062 and 21063, PRC).

(j) "Immediate Rezoning" a change in zoning for land use by the appropriate county or city having jurisdiction of an area within a TPZ to allow an alternative use pursuant to Article 4 (commencing with Sec. 51130) of Chapter 6.7, Part 1, Division 1, Title 5 of the Gov. C. (Ref.: Sec. 4526, PRC; Sec. 51104(f), Gov. C.; Sec. 1021, Title 14, CCR).

(k) "Land Parcel" means a piece of land under one ownership where no part is completely separated from any other part by a different fee ownership.

(l) "Parcel" parcel as defined in Sec. 51104(i) of the Gov. C.

(m) "Timberland" timberland as defined in PRC 4526, for land outside a TPZ. Timberland as defined in Gov. C. 51100(f) *[GC § 51100(f) does not exist. This section should refer to GC § 51104(f).]*, for land within a timberland production zone (Ref.: Sec. 4526, PRC; Sec. 51100(f) *[GC § 51100(f) does not exist. This section should refer to GC § 51104(f).]*, Gov. C.).

(n) "Timberland Production Zone or TPZ" timberland production zone as defined in Gov. C. 51104(g) (Ref.: Sec. 51104(g), Gov. C.).

1101 Purpose

The purpose of these regulations is to interpret and make specific certain provisions of the Z'berg-Nejedly Forest Practice Act of 1973, contained in Chapter 8 (commencing with Section 4511) of Part 2, Division 4 of the PRC; the Environmental Quality Act of 1970, contained in Division 13 (commencing with Section 21000) of the PRC; portions of the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 (Chapter 176, California Statutes of 1976), contained in Chapter 67 (commencing with Section 51100) or Part 1, Division 1, Title 5 of the Gov. C.; the California Coastal Act of 1976, contained in Division 20 (commencing with Sec. 30000) of the PRC; and the Public Records Act contained in Chapter 3.5 (commencing with Sec. 6250) of Division 7, Title 1 of the Government Code. These regulations pertain to the conversion of certain timber-growing lands to a use or uses other than the growing of timber.

1102 Authority Delegated to Director

The Board delegates its authority and responsibilities to the Director for administration of Article 9 (commencing with Sec. 4621) of Chapter 8, Part 2, Division 4 of the PRC, and Article 4 (commencing with Sec. 51130) of Chapter 6.7, Part 1, Division 1, Title 5 of the Gov. C., and the administrative regulations adopted pursuant to each of the above cited authorities, except that all hearings thereunder shall be before the Board.

1103 Conversion of Timberland

Any person, firm, corporation, company, partnership or government agency owning timberland for which the timberland owner proposes conversion as defined in Section 1102 shall apply to the Director on a form prescribed

by him for issuance of a Timberland Conversion Permit.

1103.1 Prohibited Activity

(a) No timber operations or other conversion activities shall be conducted on timberland which is proposed to be converted to a use other than the growing of timber unless a conversion permit has been issued by the Director or the Board upon appeal and the permit has been recorded in compliance with 14 CCR [1106.3](a).

(b) No timber operations shall be conducted on timberland for which a conversion permit has been issued until a Timber Harvesting Plan has been filed with and found in conformance by, the Director in accordance with Article 7 (commencing with Sec. 4581) of Chapter 8, Part 2, Division 4 of the PRC and the rules and regulations of the Board issued pursuant thereto.

(c) The timberland owner shall provide each timber operator copies of both the recorded conversion permit, and recorded amendments thereto, and the approved THP. Copies of said documents shall be conveniently available for inspection at all times during timber operations conducted pursuant to said conversion permit.

1103.2 Public Records

All applications, forms, documents, correspondence, maps, photographs, and other materials submitted to the Director or Board relating to an application for conversion are public records pursuant to the provisions of the Public Records Act, contained in Chapter 3.5 (concerning with Sec. 6250) of Division 7, Title 1 of the Gov. C.

1104 Operations Requiring Conversion Permit

Except as exempted by Sec. 1104.1 and 1104.2 of this article a timberland conversion permit issued by the Director is required for conversion of timberland as defined in Sec. 1100. Issuance of the Timberland Conversion Permit to the timberland owner must be completed before conversion operations begin. "Conversion operations" include final immediate rezoning of timberland production zone lands, and timber operations as defined in PRC 4527 on non-timberland production zone timberlands.

1104.1 Conversion Exemptions

Timber operations conducted under this subsection shall be exempt from conversion permit and timber harvesting plan requirements of this article except no tree that existed before 1800 A.D and is greater than sixty (60) inches in diameter at stump height for Sierra or Coastal Redwoods, and forty-eight (48) inches in diameter at stump height for all other tree species shall be harvested unless done so under the conditions or criteria set forth in subsection 1104.1 (i).

Timber operations shall comply with all other applicable provisions of the Z'berg-Nejedly Forest Practice Act, regulations of the Board and currently effective provisions of county general plans, zoning ordinances and any implementing ordinances. The Notice of Conversion Exemption Timber Operations shall be considered synonymous with the term "plan" as defined in 14 CCR 895.1 when applying the operational rules and regulations of the Board.

(a) This conversion exemption is applicable to a conversion of timberland to a non-timber use only, of less than three acres in one contiguous ownership, whether or not it is a portion of a larger land parcel and shall not be part of a THP. This conversion exemption may only be used once per contiguous land ownership. No person, whether acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, may obtain more than one exemption pursuant to this section in a five-year period. If a partnership has as a member, or if a corporation or any other legal entity has as an officer or employee, a person who has received this exemption within the past five years, whether as an individual or as a member of a partnership, or as an officer or employee of a corporation or other legal entity, then that partnership, corporation, or other legal entity is not eligible for this exemption. "Person," for purposes of this section, means an individual, partnership, corporation, or any other legal entity.

(1) A Notice of Conversion Exemption Timber Operations (notice) must be prepared by an RPF and submitted to the Director. The notice shall contain the following:

(A) The names, addresses, and telephone numbers of the timber owner, owner of the timberland to

be converted, RPF, timber operator, and the submitter of the Notice of Conversion Exemption Timber Operations;

(B) Legal description of the area where the timber operation is to be conducted, showing section, township, range, county and assessor parcel number;

(C) Maps showing the ownership boundaries, the location of the timber operation, boundaries of the conversion, access routes to operation, location and classification of all watercourses, and landing locations;

(D) Incorporation of a signed and dated statement from the authorized designee of the County Board of Supervisors stating that the conversion is in conformance with all county regulatory requirements, including county public notice requirements. When counties do not have an authorized designee, the RPF shall certify that the county has been contacted and the conversion is in conformance with county regulatory requirements (this may be incorporated into the notice);

(E) Incorporation of a statement by the owner of the timberland to be converted:

1. certifying that this is a one-time conversion to non-timberland use,

2. certifying that after considering the owner's own economic ability to carry out the proposed conversion and the feasibility evaluation required by 14 CCR § 1104.1(a)(6) that there is a "bona fide intent", as defined in 14 CCR § 1100 (b), to convert,

3. specifying what the non-timberland use will be after conversion, and

4. certifying and declaring under penalty of perjury that he/she whether acting as an individual, acting as a member of a partnership, or acting as an officer or employee of a corporation or other legal entity, has not obtained an exemption pursuant to this section in the last five years unless a waiver has been granted pursuant to 14 CCR § 1104.1(a)(9); and

(F) signature of the submitter, timberland owner responsible for the conversion, the timber operator, and the RPF.

(2) The following conditions apply to conversion exemption timber operations:

(A) All timber operations shall be complete within one year from the date of acceptance by the Director.

(B) All conversion activities shall be complete within two years from the date of acceptance by the Director unless under permit by local jurisdiction. Failure to timely complete the conversion shall require compliance with stocking standards of the PRC 4561 and stocking report requirements of Forest Practice Act and Board regulations.

(C) The RPF or supervised designee shall visit the site and flag the boundary of the conversion exemption timber operation and flag any applicable WLPZs and equipment limitation zones.

(D) This section refers to slash and woody debris resulting from timber operations associated with conversion exemptions. The timber operator shall be the responsible party for the treatment of logging slash and woody debris. Responsibility for treatment of logging slash and woody debris may be assumed by the landowner, provided that the landowner acknowledges in writing to the Director at the time of notice such responsibility and specific slash and woody debris treatment requirements and timing.

(1) Unless otherwise required, slash greater than one inch in diameter and greater than two feet long, and woody debris, except pine, shall receive full treatment no later than April 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

(2) All pine slash three inches and greater in diameter and longer than four feet must receive initial treatment if it is still on the parcel, within 7 days of its creation.

(3) All pine woody debris longer than four feet must receive an initial treatment prior to full treatment.

(4) Initial treatment shall include limbing woody debris and cutting slash and woody debris into lengths of less than four feet, and leaving the pieces exposed to solar radiation to aid in rapid drying.

(5) Full treatment of all pine slash and woody debris must be completed by March 1 of the year following its creation, or within one year from the date of acceptance of the conversion exemption by the Director, whichever comes first.

(6) Full slash and woody debris treatment may include any of the following:

- a. burying;
- b. chipping and spreading;
- c. piling and burning; or
- d. removing slash and woody debris from the site for treatment in compliance with

(a)-(b).

Slash and woody debris may not be burned by open outdoor fires except under permit from the appropriate fire protection agency, if required, the local air pollution control district or air quality management district. The burning must occur on the property where the slash and woody debris originated.

(7) Slash and woody debris, except for pine, which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying by April 1 of the year following its creation. Pine slash and woody debris which is cut up for firewood shall be cut to lengths 24 inches or less and set aside for drying within seven days of its creation.

All treatment work must be completed prior to the expiration date for the conversion exemption.

(8) Any treatment which involves burning of slash or woody debris shall comply with all state and local fire and air quality rules.

(9) This section does not supersede more restrictive treatments or time frames within a Forest district or subdistrict.

(E) Timber operations may be conducted during the winter period. Tractor operations in the winter period are allowed under any of the following conditions:

1. During dry, rainless periods but shall not be conducted on saturated soil conditions that may produce significant sediment discharge. Erosion control structures shall be installed on all constructed skid trails and tractor roads prior to sunset if the National Weather Service forecast is a "chance" (30% or more) of rain within the next 24 hours.

2. When ground conditions in the conversion exemption area and appurtenant roads satisfy the "hard frozen" definition in 14 CCR 895.1.

3. Over-snow operations where no soil disturbance occurs.

(F) No timber operations within a WLPZ unless specifically approved by local permit (e.g. County, City).

(G) The timber operator shall not conduct timber operations until receipt of the Director's notice of acceptance. Timber Operations shall not be conducted without a valid on-site copy of the Director's notice of acceptance of operations and a copy of the Notice of Conversion Exemption Timber Operations as filed with the Director.

(H) No sites of rare, threatened or endangered plants or animals shall be disturbed, threatened or damaged and no timber operations shall occur within the buffer zone of a sensitive species as defined in 14 CCR 895.1.

(I) No timber operations on significant historical or archeological sites.

(J) The RPF and the timber operator shall meet (on-site, or off-site) if requested by either party to ensure that sensitive on-site conditions and the intent of the conversion regulations such as, but not limited to, slash disposal, will be complied with during the conduct of timber operations.

(3) A neighborhood notification of conversion exemption timber operations shall be posted on the ownership visible to the public by the RPF or supervised designee, at least 5 days prior to the postmark date of submission of the notice of Conversion Exemption Timber Operations to the Director. The date of posting shall be shown on the neighborhood notice. In addition, immediately prior to the submission of the exemption to the Director, the landowner shall mail a letter to adjacent landowners within 300 feet of the boundaries of the exemption, and to Native Americans, as defined in 895.1 notifying them of the intent to harvest timber. The mailed letter of notice and the posted notice shall contain the following information on a form prepared by the RPF:

(A) the name, address and telephone number of the timberland owner, the timber operator, the agency of the county responsible for land use changes and the designated representative; if any, and the RPF;

(B) the location of the project, parcel number, street address, section, township and range, and;

(C) a statement explaining that this is a conversion from timberland use to a new land use, what the new land use will be, and that the maximum size is less than three acres.

(4) The Director shall determine if the Notice of Conversion Exemption Timber Operations is complete and accurate within fifteen days from the date of receipt.

(A) If the Notice of Conversion Exemption Timber Operations is not complete and accurate it shall be returned to the submitter identifying the specific information required. When found complete and accurate, the Director shall immediately send a notice of acceptance of operations to the submitter.

(5) The timberland owner shall, within one month from the completion of conversion exemption timber operations, which includes all slash disposal work, submit a work completion report to the Director.

(6) The timberland owner shall, using the services of an RPF to the extent the information required is within the scope of professional forestry practice, provide information documenting that the conversion to the stated non-timber use is feasible based upon, at a minimum, the following:

(A) the extent of the vegetation removal and site preparation required for the conversion;

(B) the suitability of soils, slope, aspect, and microclimate for the stated non-timber use;

(7) The Department shall provide for inspections, as needed, to determine that the conversion was completed.

(8) The notice shall expire if there is any change in timberland ownership.

(A) If the conversion has not been completed, the timberland owner on the notice shall notify the Department of the change in timberland ownership on or before 5 calendar days after a change in ownership.

(B) If operations have been conducted, but not completed under the exemption, the timberland owner on the notice shall notify the new timberland owner at least 15 days prior to the sale of the timberland of the requirements under 14 CCR § 1104.1(a)(8)(C).

(C) If operations have been conducted, but not completed under the exemption, the new timberland owner shall:

1. submit a new notice, or

2. comply with the following:

a. harvest no additional timber;

b. meet stocking requirements of 14 CCR § 1104.1(a)(2)(B);

c. dispose of the slash created under the exemption activities according to 14 CCR § 1104.1(a)(2)(D);

d. provide erosion control for skid trails, roads, landings, and disturbed areas as required by the Forest Practice Rules.

e. submit a report within 90 days of the change of timberland ownership that items a through d above were completed.

(9) A timberland owner may request a waiver to the five-year limitation described in 14 CCR § 1104.1(a). The Director may grant the waiver upon finding that one of the following conditions exist:

(A) 1. the construction of a building approved by the appropriate county/city permitting process is listed in the accepted Notice of Conversion Exemption Timber Operations as the non-timberland use after the conversion, and

2. the timberland owner demonstrates to the Director that substantial liabilities for building construction have been incurred on each conversion exemption that the timberland owner has received in the last 5 years at the time the waiver is requested, and

3. operations conducted on all exemptions issued to the timberland owner within the past 5 years, prior to the time the waiver is requested, have been conducted in a manner that meets or exceeds the intent of the Act and rules or any corrective work required by the Director has been satisfactorily completed.

(B) the change of ownership which caused the previous notice to expire was not the result of the sale of the timberland and the new timberland owner provides information demonstrating that the imposition of the 5-year limitation described in 14 CCR § 1104.1(a) would impose an undue hardship on the timberland owner.

(C) the notice has expired and no operations have been conducted.

(D) The timberland owner provides an explanation and justification for the need of a waiver that demonstrates that the imposition of the 5-year limitation described in 14 CCR § 1104.1(a) would impose an undue hardship on the timberland owner.

(b) Construction or maintenance of right-of-way by a public agency on its own or any other public property.

(c) The clearing of trees from timberland by a private or public utility for construction of gas, water, sewer, oil, electric, and communications (transmitted by wire, television, radio, or microwave) rights-of-way, and for maintenance and repair of the utility and right-of-way. The said right-of-way, however, shall not exceed the width specified in the Table of Normal Rights-of-Way Widths for Single Overhead Facilities and Single Underground Facilities and the supplemental allowable widths.

Nothing in this section shall exclude the applicable provisions of PRC §§ 4292 and 4293, and 14 CCR §§ 1250 through 1258 inclusive for fire hazard clearance from being an allowable supplement to the exempt widths.

(d) TABLE OF RIGHTS-OF-WAY WIDTHS FOR SINGLE OVERHEAD FACILITIES

(A single facility for overhead electric lines means a single circuit)

Utility	Size	Width
Electric (Overhead Distribution & Transmission Single Circuits)	0-33 KV	20'
	34-100 KV	45'
	101-200 KV (pole)	75'
	101-200 KV (tower)	80'
	201-300 KV (tower)	125'
	300 KV & above (tower)	200'
Telephone cable or open wire when underbuilt	All	30'
Communications (Radio, Television, Telephone & Microwave)	All	30'
Active or passive microwave repeater and/or radio sites	All	40'
Microwave paths emanating from antennas or passive repeaters	All	20' from edges of antenna or passive repeater, and following centerline path.
Radio & Television antennas	All	30' in all directions
Telephone cable or open wire when underbuilt	All	30'

(e) The above right-of-way widths for above ground facilities shall be allowed supplemental clearances as follows:

(1) Equal additional rights-of-way for each additional facility, including these allowable supplemental clearances under this section.

(2) Additional clearance widths for poles and towers, and for conductor sway as provided in PRC 4292 and

4293, and 14 CCR 1250 through 1258 inclusive, as applicable.

(3) Additional clearance for removal of danger trees as defined in 14 CCR 895.1.

(4) Additional land area for substation and switch yards, material storage and construction camps with clearance for firebreaks, and security fencing.

(f) TABLE OF RIGHTS-OF-WAY WIDTHS FOR SINGLE UNDERGROUND FACILITIES

Utility	Size	Width
Electric, Underground	4"-6" Conduit	50'
	More than 6" Conduit	60'
Gas, Oil, Water & Sewer (Underground pipe)	6" diameter or smaller	50'
	Over 6"-12" diameter	60'
	Over 12"-24" diameter	75'
	Over 24" diameter	100'
Penstocks, Siphons	All	100'
Ditches and Flumes	All	150'
Access Roads	All	Access road widths may be up to 14' with an additional 10' width at turnout locations, plus additional width for cuts and fills. Access roads shall be installed and maintained so as to comply with the stream protection requirements and erosion control requirements of the Forest Practice Act, related regulations, and the District Forest Practice Rules.

(g) The above right-of-way widths for underground facilities and penstocks, syphons, ditches and flumes shall be allowed supplemental clearances as follows:

(1) Additional width for cuts and fills.

(2) Removal of trees or plants with roots that could interfere with underground facilities, or with cuts and fills for installation.

(3) Additional clearance for removal of danger trees as defined in 14 CCR 895.1.

(4) For compressor, metering and control stations on natural gas pipelines; including firebreaks and security fencing:

(A) 450 foot width at one side of right-of-way and 500 foot length along the compressor stations.

(B) 300 feet x 300 feet on or alongside the right-of-way for metering and control stations.

(h) In-lieu practices for watercourse and lake protection zones as specified under Article 6 of these rules, exceptions to rules, and alternative practices are not allowed.

(i) Harvesting of large old trees shall only occur when:

(1) the tree is not critical for the maintenance of a Late Successional Stand and

(2) an RPF attaches to the exemption an explanation and justification for the removal based on the RPF's

finding that one or more of the criteria or conditions listed under subsection (A), (B), or (C) are met. The requirements of (i)(2) need not be met if an approved management document; including but not limited to a HCP, SYP, NTMP or PTEIR; addresses large old tree retention for the area in which the large old tree(s) are proposed for removal and the removal is in compliance with the retention standards of that document. All trees to be harvested pursuant to this subsection shall be marked by an RPF prior to removal.

(A) The tree(s) is a hazard to safety or property. The hazard shall be identified in writing by an RPF or professionally certified arborist;

(B) The removal of the tree(s) is necessary for the construction of a building as approved by the appropriate county/city permitting process and as shown on the county/city approved site plan, which shall be attached to the Notice of Exemption;

(C) The tree is dead or is likely to die within one year of the date of proposed removal, as determined by an RPF or professionally certified arborist.

1104.2 Exemption for Conversion of Non-TPZ Land for Subdivision Development

Timber operations for the conversion of land not in the TPZ for subdivision development are exempt from this article, subject to all of the following conditions:

(a) The county board of supervisors or city council having jurisdiction has approved a tentative subdivision map pursuant to the Subdivision Map Act commencing with Gov. C. Sec. 66410.

(b) The county board of supervisors or city council having jurisdiction has granted required use permits and other necessary approvals.

(c) Before timber operations begin and before a THP is submitted, the timberland owner shall file a Notice of Exemption from Timberland Conversion Permit for Subdivision on a form prescribed by the Director. The notice shall include, but need not be limited to, the following:

(1) Names and addresses of timberland owner(s), timber owner(s), and developer(s).

(2) Documentation that a Notice of Determination has been filed with the Office of Planning and Research pursuant to PRC 21108 or with the appropriate county clerk pursuant to PRC 21152.

(3) Estimated date of completion of the project.

(4) Acres of timberland to be converted.

(5) Legal property description of the conversion area.

(6) Signature, title, and date of signing of the timberland owner(s). In the case of a partnership, at least one of the partners shall sign the application. For a corporation, a corporate officer shall sign. In other cases of more than one owner, all owners shall sign. An agent may sign for the owner (s) if so designated in writing submitted with the Notice.

(7) Plat or map of the area to be converted.

(8) Documentation of the county or city tentative subdivision map approval, conditions of approval, required use permit, or other required county or city project approvals.

(d) Except as provided in this article, the applicable requirements of PRC 4511 through 4628 inclusive, PRC 5093.50 through 5093.68 inclusive, and all regulations adopted pursuant thereto shall apply to the timber operations.

(e) If the subdivision development project is not completed or is abandoned, the Director may take corrective action pursuant to PRC 4605-4611 to have restocked those parts of the area from which timber has been harvested and which do not meet the stocking requirements of this chapter. For purposes of this subsection, the project shall be deemed abandoned or not completed if:

(1) The county or city tentative map approval has expired; and

(2) No further work has been carried on to complete the subdivision for three years after the expected date of completion stated in the THP. The Director shall order inspections as needed to determine whether the project has been completed as proposed.

(f) Partial performance shall be recognized. Those portions of the subdivision shall be deemed completed and excluded from the stocking requirement where the development has been completed and residential services have been provided pursuant to the plan for development.

1104.3 Timberland Conversion Permit Fees

The applicant shall pay an application fee in the amount of \$600 [*NOTE: The fee is \$700 if the land is zoned TPZ, see 1105.1. Also, there are DFG fees.*] for the cost of processing an application for the conversion of timberland to a non-timber growing use. Where the land proposed to be converted lies within a TPZ, the applicant shall also follow the requirements of 14 CCR § 1105.1. The fee(s) shall be submitted with the application to the Environmental Coordinator at the appropriate CAL FIRE Review Team Office listed under 14 CCR § 1032. Where actual state cost exceeds the application fee, the additional charge equal to the excess cost will be computed using State Administrative Manual Sections 8752.1 and 8740 (dated March 1990). The Department will keep the applicant informed of any additional charges and will advise the applicant of any estimated future costs. All additional charges shall be paid by the applicant to the Department of Forestry and Fire Protection Accounting Office before the issuance of the Timberland Conversion Permit. Costs of recording the documents pursuant to this article shall be paid by the applicant.

1105 Application

The conversion permit application shall be in a form prescribed by the Director and shall require but not be limited to the following information:

The name and address of the applicant;

The name and address of the timberland owner of record;

The name and address of the timber owner;

The legal description, general plan designation, and zoned status of the proposed conversion area;

The proposed future use or uses of said area;

The dates when conversion is to be commenced and completed;

The approximate number of acres to be converted;

The zoned status of adjacent property;

A description of other land owned by the applicant in the surrounding area which could accommodate the proposed use or uses;

Together with a copy of the conversion plan.

The application shall be executed under penalty of perjury.

1105.1 Application Fees

In addition to the requirements of Section 1104.3, the applicant shall pay a fee in the amount of \$100 for the cost of processing an application for conversion where the land proposed to be converted lies within a TPZ. [*NOTE: The total of CAL FIRE fees is \$700. There may be additional fees from DFG.*] Fees for the recording of documents pursuant to this article shall be borne by the applicant.

1105.2 Director's Determination

The Director shall determine the applicant's bona fide intention to convert in light of the present and predicted economic ability of the applicant to carry out the proposed conversion; the environmental feasibility of the conversion, including, but not limited to, suitability of soils, slope, aspect, quality and quantity of water, and micro-climate; adequacy and feasibility of possible measures for mitigation of significant adverse environmental impacts; and other foreseeable factors necessary for successful conversion to the proposed land use.

1105.3 Conversion Plan

A conversion plan in a form prescribed by the Director shall become a part of the application. The plan conversion shall set forth in detail information pertaining to present and future use, soils, topography, conversion techniques, conversion time schedule and such other information as may be required and is applicable to the particular future use to which the land will be devoted.

1105.4 Additional Proof

The Director or the Board upon appeal may require that the applicant provide such further or additional proof or information as in the Director's or Board's judgment is necessary to allow him to decide whether or not to issue a conversion permit pursuant to PRC 4621.2 and 4623.

1106 Conversion Permit Issuance

(a) The Director shall issue a conversion permit if:

- (1) In his judgment the bona fide intent of the applicant to convert is established;
- (2) He makes the written findings pursuant to PRC 4621.2, when applicable;
- (3) He makes the written findings pursuant to PRC 21081, if an environmental impact report has been prepared;
- (4) He finds that necessary and feasible mitigation measures have been incorporated into the proposed conversion; and
- (5) He finds that no other proximate and suitable land not within a TPZ is available for the proposed alternative use for lands within a TPZ, if PRC 4621.2 applies.

(b) The Board upon appeal shall apply the same standards as the Director in subsection (a) above in determining whether to issue a conversion permit.

1106.1 Contents of Conversion Permit

The conversion permit shall include, but not be limited to, the name of the permittee, identification of code section of the forest practice rules and regulations from exempt, description of the lands to which the conversion permit is applicable, and the period of time during which the conversion permit is valid.

1106.2 Timber Harvesting Plan Processing

Prior to the start of timber operations, the applicant shall submit to the Director a Timber Harvesting Plan applicable to timber operations set forth in the conversion plan. The THP may be submitted concurrently with the Timberland conversion Permit application but the Director may not approve the THP until the Timberland Conversion Permit is issued.

1106.3 Recordation, Renewal, Transferability

(a) The permittee shall submit the conversion permit to the County Recorder for recording in each county in which the property is located before beginning any operations contemplated under said permit. Amendments, suspensions, revocations, and cancellations of conversion permits shall be recorded in the same manner.

(b) A conversion permit may be renewed by the Director upon a proper showing of cause and necessity by the permittee. The Director may deny renewal and require a new application if he finds that circumstances have substantially changed.

(c) The privilege granted to the permittee is nontransferable and non-assignable for any purpose without written approval of the Director.

1106.4 Conversion Permit Denial

(a) The Director shall deny a conversion permit:

- (1) For any of the reasons set forth in PRC 4624;
- (2) If, in the Director's judgment, the applicant has failed to provide satisfactory proof of his bona fide intent to convert;
- (3) If the Director cannot make the findings required by PRC 21801, if an environmental impact report has been prepared;
- (4) If the Director finds that necessary and feasible mitigation measures have not been incorporated into the proposed conversion; or
- (5) For lands within a TPZ, if PRC 4621.2 applies and the Director finds that other proximate and suitable land not within a TPZ is available for the proposed alternative use.

(b) The Board upon appeal shall deny a conversion permit for any of the reasons specified in subsection (a) above.

1106.5 Denial, Suspension, Revocation

(a) Except as provided in subsection (b), the Director may deny, suspend or revoke a conversion permit in accordance with the requirements of Article 9 (commencing with Sec. 4621) of Chapter 8, Part 2, Division 4 of the PRC, provided that all proceedings in connection with such action shall be conducted in accordance with the provisions of Chapter 5 (commencing with Sec. 11500) of Part 1, Division 3, Title 2 of the Gov. C.

(b) The Director may deny a conversion permit pursuant to PRC 4621.2(d) provided that all proceedings in connection with such action shall be conducted in accordance with the provisions of subsection (a) above, except that the applicant must request a hearing before the Board within 15 days of service of the denial. The hearing shall be commenced within 60 days from the filing of the appeal unless a later hearing date is mutually agreed upon by the applicant and the Board.

1107 Cancellation by Permittee

Upon application by the permittee for cancellation, the conversion permit may be cancelled by the Director upon such terms and conditions as he may set forth. Upon cancellation of the conversion permit, an agreement of cancellation, executed by the permittee and the Director, shall be recorded by the permittee in those counties in which the permit was originally recorded. Upon such recording, the subject land shall revert back to timberland and stocking shall be established pursuant to PRC 4561 and 4561.3. The Director shall provide a copy of the cancellation agreement to the county assessors and the county planning directors of those counties in which the property is located.

1108 Coastal Zone Conversion

A timberland conversion permit is required for conversion of coastal commercial timberland to uses other than the growing of timber. Except as hereafter provided, conversion of any such timberland shall be limited to providing for necessary timber processing and related facilities.

The Director, or the Board upon appeal, may approve conversion of coastal commercial timberland for other than necessary timber processing and related facilities only if all of the following conditions are met:

(a) Such conversion will not introduce new uses or significantly intensify existing uses that are incompatible with timber growing on areas adjacent to the area proposed for conversion, or that have a substantial adverse impact on coastal resources, as determined by the Director, and

(b) The area proposed for conversion is in a unit of noncommercial size as determined by the California State Coastal Commission or the zoning in a certified local coastal plan; and

(c) The conversion complies with all other applicable laws, rules, and regulations.

1109 Immediate Rezoning

Immediate rezoning of land within a TPZ shall be accomplished in compliance with one of the two procedures set forth in 14 CCR 1109.1 and 1110.

1109.1 City or County Tentative Approval

When a county Board of Supervisors or City Council tentatively approves an immediate rezoning pursuant to Gov. C. 51133, for which a conversion permit is also required, it shall forward the following to the Director: documentation of its tentative approval upon a four-fifths vote of the full body; copies of the Notices sent to landowners within one mile (1.61 km) of the exterior boundary of the land upon which immediate rezoning is proposed, and the formal findings that immediate rezoning is not inconsistent with the purpose of subdivision (j) of Sec. 3 of Article XIII of the State Constitution, and findings that rezoning is in the public interest, as required by Gov. C. 51133(a); minutes of public hearing(s), including hearings held by the appropriate local planning agency pursuant to the application for immediate rezoning and any related applications for local government general plan

land use category change, conditional use permit, or other entitlement for use; copies of documents, plans, maps, and photographs submitted in conjunction with the said public hearing(s); and copies of completed environmental documentation submitted pursuant to the application for immediate rezoning.

Upon the receipt of the foregoing materials, the completed conversion application and conversion plan, and such further information as may be required, the Director shall determine whether or not to approve the conversion pursuant to PRC 4621.2. Upon approval of the conversion by the Director or by the Board upon appeal, the Director shall so notify the county Board of Supervisors or City Council, who may then finalize the immediate rezoning.

1109.2 Public Interest

In determining whether or not to make the written finding contained in PRC 4621.2(a)(1), the Director or the Board upon appeal shall consider the following elements of public interest:

(a) Whether the alternative use will serve a public need; provide a public service; benefit the local community and region, including economic and social benefits; avoid damage or threatened damage to other property, especially public parks and other publicly-owned lands; or involve costs and secondary impacts caused by services required by the alternative use.

(b) The adverse environmental impacts of the alternative use and mitigation thereof. Impacts shall include, but not be limited to, impacts on lakes, streams, and other waters; wildlife; air quality; and aesthetics.

(c) The impact on the long term timber supply capability of California, including the cumulative impact from conversion of similar properties.

(d) The availability of proximate and suitable land to accommodate the alternative use which lies outside of a TPZ or which would involve the removal of lower quality timberlands from productive use.

1109.3 No Substantial and Unmitigated Adverse Effect Upon Other Timberland Production Zones Within One Mile (1.609 km)

In determining whether or not to make the written finding contained in PRC 4621.2(a)(2), the Director or the Board upon appeal shall consider such adverse factors as increased fire hazard and risk, forest pest potential, mass land movement, gully and sheet erosion, increased windthrow, shock to nearby stands from exposure, harmful fumes, emissions, dust, discharge of waste or chemicals, unconfined grazing of livestock, diversion or impoundment of water, wildlife use changes damaging to other properties, and other potential adverse factors.

1109.4 Suitability of Soils, Slopes, and Watersheds

In determining whether or not to make the written finding contained in PRC 4621.2(a)(3), the Director or the Board upon appeal shall consider the following elements: whether the soil types and characteristics can support the proposed use, the Erosion Hazard Rating of the soils and slopes in light of the proposed use, potential mass land movement or subsidence possible harm to quality or quantity of water produced in the watershed, fire hazard and risk to the watershed, adverse effects to fish and wildlife from removal of habitat cover, and such other elements as appropriate.

1109.5 No Other Reasonable or Comparable Timber Growing Use

In determining pursuant to PRC 4621.2(c) whether or not timberlands within a TPZ that are the subject of a conversion application may be put to another reasonable or comparable timber-growing use, the Director or the Board upon appeal shall consider timber stand volume, timber growth rate, timber site and soil, climate, potential markets, any other relevant factors.

1109.6 Supplemental Data and Opinions

As an aid to the Director or the Board upon appeal in making the findings and approving the proposed conversion pursuant to PRC 4621.2, the Director or the Board upon appeal may upon their own initiative consult with or request reports from appropriate experts. The Director or the Board upon appeal may also require the applicant to furnish appropriate and necessary information or documentation, including that from appropriate expert consultants

at the applicant's expense.

1110 Conversion Permit Within TPZ Not Required

Requests for immediate rezoning for an area exempted from this article pursuant to 14 CCR 1104.1 shall be processed in accordance with Gov. C. 51134.