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Sonoma County Board of Supervisors
575 Administration Drive, Room 100A
Santa Rosa, CA 95403-2887
Dec. 13, 2005

Re: Timberland Conversion Ordinance

Dear Supervisors:

We applaud your courage in facing the difficult question of a County timberland ordinance. We have read the latest proposed language from the Permit and Resource Management Department, and we approve much of the revised language, particularly the 'intent' language, but we find certain deficiencies in the ordinance itself, as follows.

TP District

At your last hearing the Supervisors explicitly directed Permits and Resource Management to "Draft a zoning code interpretation for the Board's consideration clarifying that agricultural cultivation is a permitted use within the TP District only on lands that are not considered timberland by CDF". In response to that item concerning TP lands staff responded at page 4 of its Summary:

Based on the foregoing, staff recommends that the Board adopt the attached Draft Resolution (see Exhibit "C") establishing and defining agricultural cultivation as a compatible use on non-timberlands, but not on timberlands. Such an interpretation would mean that property owners who wished to plant vineyards, orchards, and other crops on timberlands in the TP District would be required to obtain both a rezoning from the County and a timberland conversion permit from the State.

The first two declarations of the Resolution state:

"1. Agricultural cultivation, as defined in the Zoning Code, is a compatible use only on the non-timberland portions of a parcel in the TP District. In these non-timberland areas, agricultural cultivation is considered a "permitted use".

2. Agricultural cultivation that requires a timberland conversion is not a compatible use on timberland portions of parcels in the TP District since such cultivation requires that the timber be permanently removed and prevented from growing to accommodate cultivated crops. Such agricultural uses on timberland would significantly detract from the use of the property for, or inhibit, the growing and harvesting of timber.”

These all seem consistent with the direction given by the Board above. We are, however, concerned that the draft ordinance does not yet entirely reflect the language of the Resolution or the directive of the Board. The problem lies in Exhibit A, the proposed ordinance:

“Sec. 26-88-160. Major timberland conversions.

This section establishes standards for major timberland conversions.

A. Permitted use, zoning districts. Major timberland conversions shall be a use permitted with a use permit in the RRD, RRDWA, and TP zoning districts, and a permitted use in all other zoning districts.

B. Permit requirement and limitations. Major timberland conversions shall require a use permit in the RRD, RRDWA, and TP zoning districts. In the RRD and RRDWA zoning districts, major timberland conversions may be allowed for permitted uses and uses permitted with a use permit. In the TP zoning district, major timberland conversions shall be limited to permitted uses and uses permitted with a use permit that do not significantly detract from the use of the property for, or inhibit, growing and harvesting timber.”

The words “*significantly detract from*” are vague and undefined, and could allow for misinterpretation of the Board’s intent. What is it – what does it mean? - to significantly detract from growing timber on a piece of land? Would cutting down 10 percent of the forest be a significant detraction? Would cutting 30 percent be? 50 percent? How is this to be determined?

We strongly recommend that the Board’s intent would be made clear by simply repeating here in the ordinance the language of the Resolution itself: “Agricultural cultivation that requires a timberland conversion is not a compatible use on timberland portions of parcels in the TP District since such cultivation requires that the timber be permanently removed and prevented from growing to accommodate cultivated crops. Such agricultural uses on timberland would significantly detract from the use of the property for, or inhibit, the growing and harvesting of timber.” Alternatively, you might simply drop the word, “significantly”, and let it read “uses [are] permitted with a use permit that do not detract from the use of the property for, or inhibit, growing and harvesting timber”.

In other words, since the present ordinance language is not explicit about conversions in TP, it might allow unwarrantable timberland conversion. As much of the forest we are discussing is TP, such an interpretation might effectively bring little additional County protection on the TP lands, and might even weaken the existing protections. We ask the Board to address the point specifically in the ordinance itself, by explicitly making forms of agriculture other than silviculture an incompatible use in TP zoning.

RRDWA Land

Additionally, as the staff report shows the distribution of timberland in the five classes as follows:

<u>Site Class</u>	<u>% in TP Districts</u>
1	0.0%
2	4.3%
3	62.4%
4	26.2%
5	7.1%

With no Class 1 and little Class 2 the draft ordinance's "protection" seems quite weak. It gives the appearance of protecting our forestlands when 95.7% are shown to be at risk in TP. We assume that something like the same proportions hold in RRD and RRDWA zoning. Thus, essentially two thirds of our remaining forests are in Class 3 and one third in Class 4 and 5. It would seem more responsible that if conversions are to take place at all, they only be done on Class 4 and 5, which are the poorest lands for silviculture. We recommend that those references in the ordinance be revised accordingly, in RRD and RRDWA zoned lands, to additionally prohibit conversion of Site Class 3 lands in those districts.

Finally, we request that the swapping arrangements should be on a 3 to 1, not a 2 to 1 basis, to encourage adequately compensatory amounts of rehabilitation for allowed deforestation.

Sincerely,

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