



COUNTY OF DEL NORTE
OFFICE OF THE ASSESSOR

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DATE: December 3, 2011
AGENDA DATE: December 13, 2011
ORIGINATING DEPARTMENT: Del Norte County Assessor
Louise Wilson *LW*
SUBJECT: Timberland Production Zone (TPZ) Violation

RECOMMENDATION FOR BOARD ACTION:

By restricting the Timberland Production Zone with a deeded conservation easement, the property is in violation of Government Codes which requires the properties to be available for growing and harvesting timber. The deeding of a conservation easement restricting the ability to harvest timber and the reasonable expectation of the county to receive Timber Yield Tax.

The County Board of Supervisors are requested to rezone this parcel APN 126-180-27, from Timberland Production Zone (TPZ) to Agriculture-Forestry (AF).

DISCUSSION/SUMMARY:

The violation was discovered by the recording of the Conservation Easement Prohibiting Tree Cutting within the parcel currently zoned Timberland Production Zone on page 14 paragraph 6, Del Norte County Recorders Document 20050049.

Government Code Section 51155 allows the County Board of Supervisors, by a four fifth vote, to Immediately Rezone this parcel, APN 126-180-27. Once the property is rezoned, Government Code Section 51130, Immediate Rezoning shall apply.

ALTERNATIVES:

The alternative is to not rezone this parcel to Agriculture Forestry (AF).

OTHER AGENCY INVOLVEMENT:

Planning Department

Auditor's Office

Tax Collector's Office

Attachment

1. Map of Book 126
2. Map of Subject Property APN 126-180-27
3. County's Timberland Preserve Zone 20.43
4. Government Code Relating to Timberland
5. Deed and Covenants for Natural Resources Conservation Easement

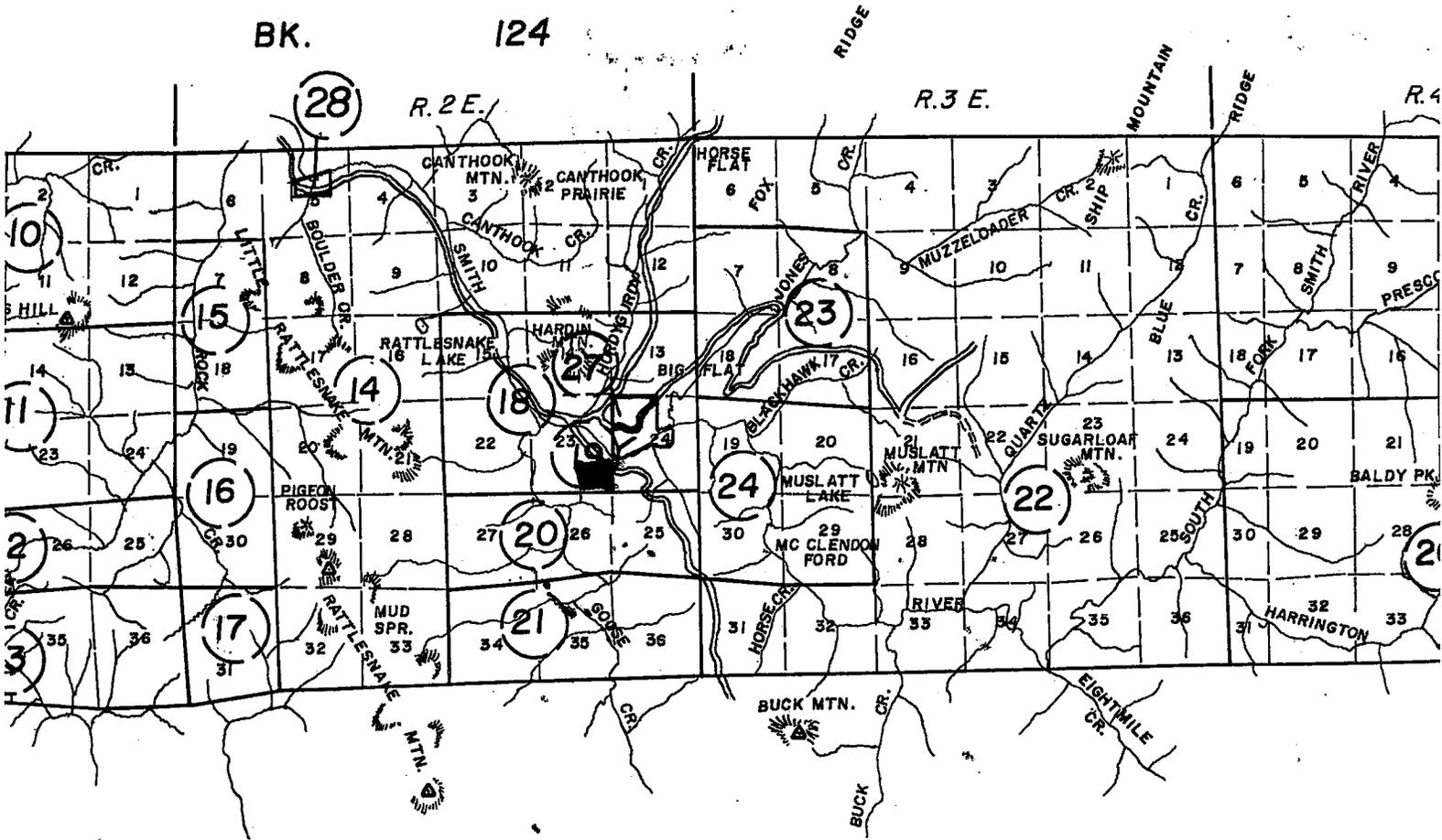
INDEX FOR PAGES IN BOOK 126

A SUBJECT PROPERTY

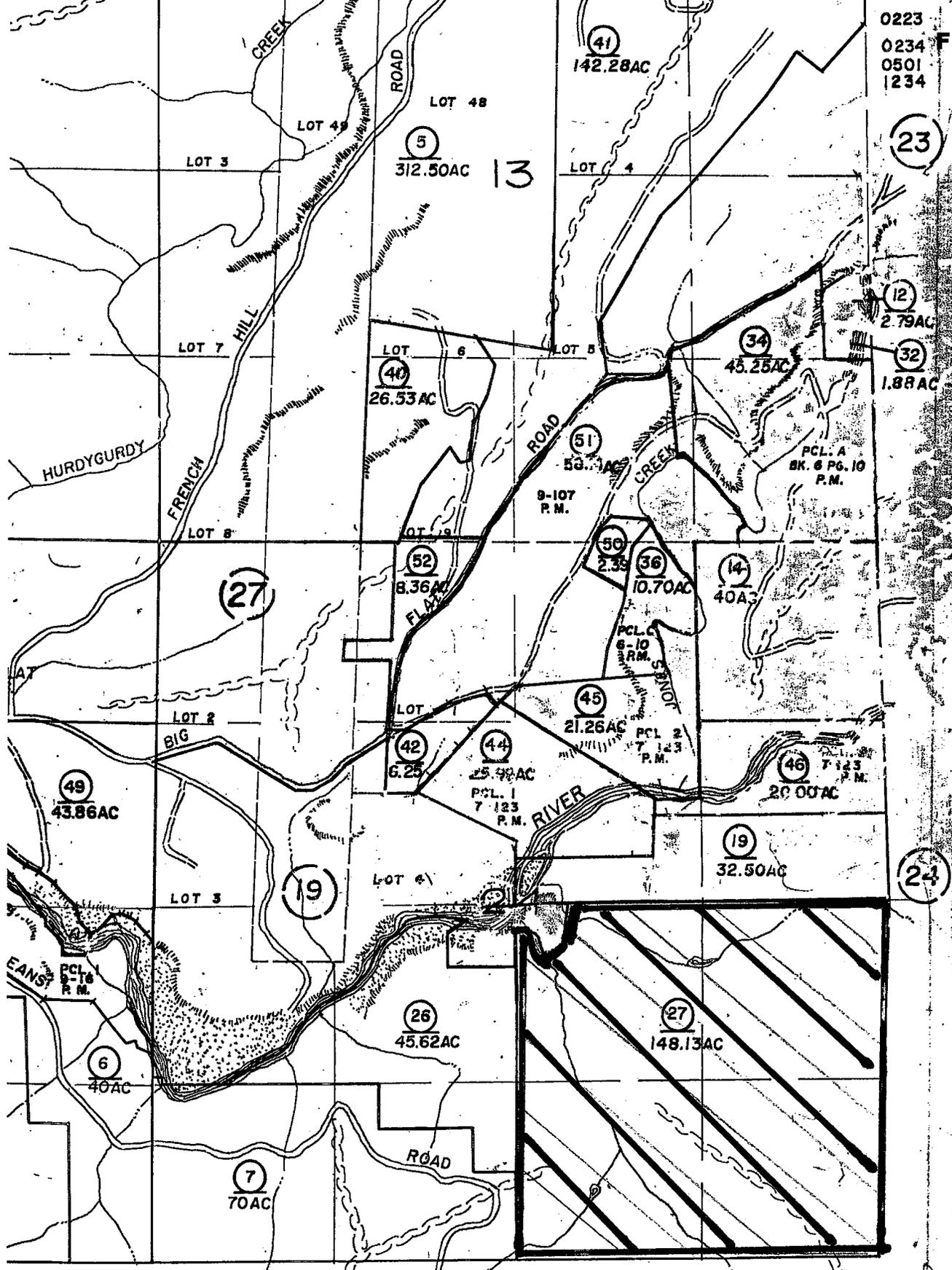


REDWOOD NATIONAL PARK

BK. 124



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TPZ—TIMBERLAND PRESERVE ZONE

Chapter 20.43

TPZ—TIMBERLAND PRESERVE ZONE

Sections:

- 20.43.010 Intent.**
- 20.43.020 Principal permitted uses.**
- 20.43.030 Uses permitted subject to a conditional use permit.**
- 20.43.040 Other regulations.**
- 20.43.050 Requirements.**
- 20.43.051 Minimum lot size.**

20.43.010 Intent.

The timber preserve zone, or TPZ, is intended to provide for timberland zoning and restrictions for a minimum ten-year period as a "timberland preserve." Such zoning allows land to be valued for property taxation, in general, on the basis of its use for growing and harvesting timber only. Beginning in fiscal year 1977-78, timber would be exempt from ad valorem taxation; however, a yield tax would be imposed at such time the timber is harvested. (Ord. 76-29 § 1 (part), 1976.)

20.43.020 Principal permitted uses.

In the TPZ, the principal permitted uses are:

Growing and harvesting timber and uses accessory (compatible) thereto. (Ord. 76-29 § 1 (part), 1976.)

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:

TPZ—TIMBERLAND PRESERVE ZONE

- A. 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;
- B. Public camps, public stables and similar recreational uses, not including recreational vehicle parks or mobile home parks;
- C. 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.)

20.43.040 Other regulations.

- A. 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 timber:
 - 1. Management for watershed;
 - 2. Management for fish and wildlife habitat;
 - 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 (portable chippers and portable sawmills are considered a part of "processing");
 - 4. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;
 - 5. Grazing and uses accessory to grazing;
 - 6. Mining, including oil and gas and other extractive resources;
 - 7. Temporary labor camps, less than one year in duration, accessory to timber harvesting or planting operations;
 - 8. Recreational use of the land for any of the following: walking, hiking, picnicking, swimming, boating, fishing, hunting and skiing.

TPZ—TIMBERLAND PRESERVE ZONE

- B. Provisions of Article 1, "General Provisions" (Section 51100), Article 2, "Establishment of Timberland Preserves" (Sections 51110 through 51119.5), Article 3, "Rezoning" (Sections 51120 and 51121), Article 4, "Immediate Rezoning" (Sections 51130 through 51134) and a portion of Article 5, "Removal from Zone" (Sections 51140 through 51146), of the Government Code of the state as it now reads or may be hereinafter amended shall apply.**
- C. The board of supervisors, in accordance with Section 51113 of the Government Code, shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland preserve initiated by the owner or authorized agents. The minimum parcel size shall be one hundred sixty**

TPZ – TIMBERLAND PRESERVE ZONE

acres.

After November 1, 1977, owners of timberland not included on List A (Section 51110.1 of the Government Code) or List B (Section 51110.1 of the Government Code) may petition the board to zone his land as timberland preserve, provided all criteria to be adopted are met. (Ord. 76-29 § 1 (part), 1976.)

20.43.050 Requirements.

An applicant who petitions the county to zone his land as timberland preserve shall submit the appropriate information to meet the following requirements:

- A. A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.
- B. A plan for forest management must be prepared or approved as to content for the property by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time as determined by the preparer of the plan.
- C. 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 State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the board or council to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently zoned as timberland preserve under subdivision (a), failure to meet such stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.
- D. The land area to be zoned timberland preserve shall be in the ownership of one person as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels which constitute twenty acres or more in size or larger.

B DISTRICT – COMBINING

- E. The land to be included in timberland preserve shall be timber site IV or better. (Ord. 79-033 (part), 1979; Ord. 77-35 § 1, 1977.)

20.43.051 Minimum lot size.

Parcels zoned as timberland preserve under this chapter may be considered for division into parcels containing twenty acres or more provided the following conditions are complied with:

- A. The owners of the resulting parcels submit or the present owner makes sufficient provisions for a joint timber management plan prepared or approved as to content by a registered professional forester;
- B. Such owners enter into a binding contract with the board of supervisors, representing the county, to manage and harvest timber on the timberland jointly and are bound by the provisions of the management plan for a minimum period of ten years; and,
- C. Any division shall be approved by a four-fifths vote of the full board of supervisors provided the project has been reviewed by the planning commission. (Ord. 79-033 (part), 1979.)

Chapter 20.44

B DISTRICT – COMBINING

Sections:

- 20.44.010 Regulations—General.
- 20.44.020 Regulations—Special.

20.44.010 Regulations—General.

In a district which is combined with a B district, the regulations set forth in this chapter apply in lieu of the respective regulations as to building site area and yards which are herein specified for such district. (Ord. 67-10 § 3.2000, 1967.)

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PROVISIONS RELATING TO TIMBERLAND

CHAPTER 6.7. TIMBERLAND *

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|------------|--------------------------------------|-------------------|
| Article 1. | General Provisions. | §§ 51100-51104. |
| 2. | Timberland Production Zones. | §§ 51110-51119.5. |
| 3. | Rezoning. | §§ 51120-51121. |
| 4. | Immediate Rezoning. | §§ 51130-51134. |
| 5. | Removal From Zone. | §§ 51140-51146. |
| 6. | Eminent Domain or Other Acquisition. | §§ 51150-51155. |

Article 1. General Provisions

- | | |
|----------|---|
| § 51100. | Title. |
| § 51101. | Legislative findings. |
| § 51102. | Policy of state. |
| § 51103. | Legislative intent; inclusion of all qualifying timberland. |
| § 51104. | Definitions. |

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

History.—Added by Stats. 1982, Ch. 1489, in effect January 1, 1983.

Construction.—A county's amendments to its zoning ordinance controlling the location of commercial timber harvesting were not preempted by state statutes (Public Resources Code Sections 4511-4628) governing the conduct of timber harvest operations. Although Public Resources Code Section 4516.5 expressly preempts local attempts to regulate the conduct of timber operations, the ordinance instead addressed where the operations could take place. Government Code Sections 51100-51155 contemplate that local zoning authority be exercised on those issues, and other pertinent legislation demonstrates the Legislature's intent to preserve local zoning authority over lands not designated as "timberland production zones." Neither was the ordinance preempted by implication. *Big Creek Lumber Company v. San Mateo County*, 31 Cal.App.4th 418.

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

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

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

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

History.—Added by Stats. 1982, Ch. 1489, in effect January 1, 1983. Stats. 1990, Ch. 1600, in effect January 1, 1991, added "regional economic vitality," after "opportunities" in subdivision (a); and substituted "long-term" for "long term" after "the" in both places, substituted a comma for "and" after "resource," and added ", and long-term stability of local resource-based economies" after "industry" in subdivision (c).

* Chapter 6.7 was added by Stats. 1976, Ch. 176, p. 305, in effect May 24, 1976. Secs. 20 and 21 thereof provided no payment by state to local governments because of this act.

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

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

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

(3) Discourage expansion of urban services into timberland.

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

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

History.—Added by Stats. 1982, Ch. 1489, in effect January 1, 1983. Stats. 1998, Ch. 972 (SB 989), in effect January 1, 1999, deleted "in order" after "declares that" in the first sentence and deleted "so as" after "timberland" in paragraph (1) of subdivision (a); and added "and Fire Protection" after "Forestry" in subdivision (b).

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

History.—Added by Stats. 1982, Ch. 1489, in effect January 1, 1983.

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

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

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

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

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

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

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

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

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

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

- (1) Management for watershed.
 - (2) Management for fish and wildlife habitat or hunting and fishing.
 - (3) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas.
 - (4) The erection, construction, alteration, or maintenance of gas, electric, water, or communication transmission facilities.
 - (5) Grazing.
 - (6) A residence or other structure necessary for the management of land zoned as timberland production.
- (i) "Parcel" means that portion of an assessor's parcel that is timberland, as defined.
- (j) "Anniversary date" means the anniversary of the date on which zoning is established pursuant to Section 51112 or 51113 takes effect.
- (k) "Tax rate area" means a geographical area in which there is a unique combination of tax levies.

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

History.—Stats. 1977, Ch. 853, in effect September 17, 1977, deleted "a" in subdivision (j) between "which" and "zoning". Stats. 1982, Ch. 1489, in effect January 1, 1983, renumbered the section which was formerly numbered 51100; substituted "production" for "preserve" after "timberland" in subdivisions (a) and (c); substituted "production" for "preserve" before, and added "or TPZ" after "zone" in the first paragraph, and added the second paragraph in subdivision (g); added "any of" after "limited to," in the first sentence, and added subsection (6) in subdivision (h); and added subdivision (j).

Construction.—Land is "maintained for eventual harvest for forest product purposes" and "devoted to and used for growing or harvesting timber" where it is inherently capable of being so used or maintained and has not been rendered unsuitable for forest product purposes by prior activity. The definitions of timber and timberland herein are not to be measured by any one owner's subjective intent. *Clinton v. Santa Cruz County*, 119 Cal.App.3d 927.

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Article 2. Timberland Production Zones *

- § 51110. Parcels assessed for timber; notice and hearing; procedure.
- § 51110.1. Parcels not assessed for timber; notice and hearing; procedure.
- § 51110.2. Hearing; county or city planning commission.
- § 51110.3. Petition by landowner regarding timber production zoning.
- § 51111. Adoption of list of parcels zoned as timberland production.
- § 51112. Zoning of parcels as timberland production.
- § 51113. Subsequent zoning; hearing; procedure.
- § 51113.5. Additions to timberland production lands.
- § 51114. Term of zoning of parcels as timberland production lands.
- § 51115. Restricted use of parcels zoned as timberland production lands.
- § 51115.1. Presumption; parcels zoned as timberland production.
- § 51115.2. Nonconforming use; limitation.
- § 51115.5. Timber operations not nuisance; exceptions.
- § 51116. Authority of county or city to bring court enforcement action.
- § 51117. Recording with county recorder.
- § 51118. Assessment as timberland production lands.
- § 51119. Section 21151 of the Public Resources Code not applicable.
- § 51119.5. Size of parcels zoned as timberland production lands.

51110. Parcels assessed for timber; notice and hearing; procedure. (a) On or before September 1, 1976, the assessor shall assemble a list of all parcels, regardless of size, which as of the lien date in 1976, were assessed for growing and harvesting timber as the highest and best use of the land, including all such parcels or portions thereof under agricultural preserve contracts.

(b) On or before September 1, 1976, the assessor shall notify by mail, which is certified and with return receipt requested, owners of parcels listed under subdivision (a) that their land has been included in such a list. This notice shall be substantially in the following form:

To: (name of taxpayer)

Pursuant to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, _____ County must provide for the zoning of land used for growing and harvesting timber as timberland preserve zone (TPZ).

A TPZ is a 10-year restriction on the use of land, and will replace the use of agricultural preserves (Williamson Act contracts) on timberland. Land use under a TPZ will be restricted to growing and harvesting timber, and to compatible uses approved by the county (or city). In return, taxation of timberland under a TPZ will be based only on such restrictions in use.

To initiate this zoning procedure, the assessor has assembled a list (list "A") of all those parcels assessed for property tax purposes for growing and harvesting timber as the highest and best use of the land as of March 1, 1976. The following parcels of your land have been included in this list "A":

(legal description or assessor's parcel no.)

If you have one or more parcels listed above which you believe have a highest and best use other than growing and harvesting timber, you must submit to the assessor a written affidavit describing the intended use you have

* Article 2 heading was amended by Stats. 1982, Ch. 1489, in effect January 1, 1983.

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for this parcel(s), and do so before October 1, 1976. The assessor will then designate such parcel(s) as "contested" on the final list of these parcels which is submitted to the county board of supervisors (or city council) on October 15, 1976.

A public hearing will be held prior to March 1, 1977, for the consideration of zoning your parcel(s) as TPZ. You will be given at least 20 days' notice of such hearing.

Under the Timber Yield Tax Law, all noncontested parcels included in the final list "A" will be zoned as TPZ unless the owner can demonstrate to the satisfaction of a majority of the full board (or council) that at least one of the following conditions exists:

(i) That the parcel or parcels are not capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre; or

(ii) That the current use of the parcel has changed subsequent to March 1, 1976, and that such use is no longer the growing and harvesting of timber, and is not compatible with the growing and harvesting of timber.

Parcels designated as "contested" which appear on list "A" will be zoned as TPZ unless the owner can demonstrate to the satisfaction of a majority of the full board (or council) that it would not be in the public interest for such parcels(s) to be zoned as TPZ. Parcels in list "A" not zoned as TPZ will receive an alternate zone, if no appropriate zone currently exists. "Contested" parcels not zoned as TPZ will be valued in the future on a higher and better use of the land.

Detailed information on the TPZ zoning process and the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act in general may be obtained from your county assessor's office.

(c) Upon notification pursuant to subdivision (b) owners of parcels listed pursuant to subdivision (a) may have one or more such parcels designated as "contested" in the following manner:

On or before October 1, 1976, the owner must notify the assessor in a written affidavit that such a parcel has the highest and best use which is not a compatible use for timberland, as determined by the board or council pursuant to Section 51111, and the owner shall state the intended use for such parcel.

Upon receipt of such affidavit, the assessor shall designate such parcels on the list to be submitted to the board or council pursuant to subdivision (d) as "contested". In preparing the assessment roll for the 1977-78 fiscal year and each fiscal year thereafter, the assessor shall take into account the owner's notice of higher and better use in determining the fair market value for such parcels, if such parcels are not zoned as timberland preserve.

(d) On or before October 15, 1976, the assessor shall submit to the board or council a list of all parcels, regardless of size, which as of the lien date in 1976, are assessed for growing and harvesting timber as the highest and best use of the land, including such parcels designated as "contested" pursuant to subdivision (c). This list shall be known as "list A".

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(e) On or before August 19, 1976, the State Board of Equalization shall submit to the county assessor for inclusion in list A those parcels on the board roll which are located in the county and which, as of the lien date in 1976, were assessed by the State Board of Equalization for growing and harvesting timber as the highest and best use of the land.

51110.1. **Parcels not assessed for timber; notice and hearing; procedure.** (a) On or before September 1, 1977, the assessor shall assemble a list of all parcels, which, as of the lien date in 1976, appeared in the judgment of the assessor to constitute timberland, but which were not assessed for growing and harvesting timber as the highest and best use of the land.

(b) On or before September 1, 1977, the assessor shall notify by mail, which is certified and with return receipt requested, owners of parcels listed under subdivision (a) that their land has been included in such a list. This notice shall be substantially in the following form:

To: (name of taxpayer)

Pursuant to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, _____ County must provide for the zoning of land used for growing and harvesting timber as timberland preserve zone (TPZ).

A TPZ is a 10-year restriction on the use of land, and will replace the use of agricultural preserves (Williamson Act contracts) on timberland. Land use under a TPZ will be restricted to growing and harvesting timber, and to compatible uses approved by the county (or city). In return, taxation of timberland under a TPZ will be based only on such restrictions in use.

As part of this zoning procedure, the assessor has assembled a list (list "B") of all those parcels which appear to be land used for growing and harvesting timber, but which are not assessed for property tax purposes as this being the highest and best use of the land. The following parcels of your land have been included in this list "B":

(legal description or assessor's parcel no.)

A public hearing will be held prior to March 1, 1978, for the consideration of zoning your parcel(s) as TPZ. You will be given at least 20 days' notice of such hearing.

Under the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act, all parcels included in this list "B" will be zoned as TPZ unless the owner can demonstrate to the satisfaction of a majority of the full board (or council) that it would not be in the public interest for such parcel(s) to be zoned as TPZ. Parcels on list "B" not zoned as TPZ will receive an alternate zone, if no appropriate zone currently exists.

Detailed information on the TPZ zoning process and the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act in general may be obtained from your county assessors office.

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(c) On or before October 15, 1977, the assessor shall submit to the board or council a list of all parcels, which as of the lien date in 1976, appear to constitute timberland, but which are not assessed for growing and harvesting timber as the highest and best use of the land. This list shall be known as "list B".

(d) On or before August 19, 1977, the State Board of Equalization shall submit to the county assessor, for inclusion in list B, those parcels on the board roll which are located in the county and which as of the lien date in 1976, appear to constitute timberland, but which were not assessed by the State Board of Equalization for growing and harvesting timber as the highest and best use of the land.

History.—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted "parcel(s)" for "parcels" in fourth paragraph of subdivision (b).

51110.2. Hearing; county or city planning commission. The county or city planning commission shall hold a public hearing on parcels referred to it for review by the board or council pursuant to subdivision (d) of Section 51110 and subdivision (c) of Section 51110.1 according to Section 65854, and shall render its decision in the form of a written recommendation to the board or council according to Section 65855. The planning commission shall include in its recommendation to the board or council considerations as to the exact zoning boundaries to be drawn within each assessors parcel contained in list A or list B.

History.—Stats. 1983, Ch. 142, in effect January 1, 1984, deleted "of this code" after "65854" and after "65855" in the first sentence.

51110.3. Petition by landowner regarding timber production zoning. In the event that a landowner does not receive notice pursuant to subdivision (b) of Section 51110.1, such owner may prior to January 1, 1978, petition directly to the board or council to have a parcel owned by such person included on list "B". Such owner must be able to demonstrate that on each such parcel a plan for forest management has been prepared, or approved as to content, by a registered professional forester prior to October 15, 1977. Such plan shall provide for the harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

In the event that the board or council finds that the parcel does in fact have plans for forest management signed by a registered professional forester prior to October 15, 1977, the board or council shall include the parcel listed in the petition on list "B" without respect to acreage or size and shall consider these parcels under subdivision (c) of Section 51112.

History.—Added by Stats. 1977, Ch. 853, in effect September 17, 1977.

51111. Adoption of list of parcels zoned as timberland production. On or before October 1, 1976, the board or council shall adopt a list and a detailed description of additional compatible uses for parcels zoned as timberland production.

History.—Stats. 1984, Ch. 678, in effect January 1, 1985, substituted "production" for "preserve" after "timberland".

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51112. **Zoning of parcels as timberland production.** (a) On or before March 1, 1977, the board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels appearing on list A submitted by the assessor pursuant to subdivision (d) of Section 51110 which are not designated as "contest," unless it finds by a majority vote of the full body that a parcel or parcels are not devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses.

The basis for such a finding is limited to either of the following:

(1) The parcel is not in fact capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre;

(2) The use of the parcel has changed subsequent to the lien date in 1976, and that such use no longer meets the definition of timberland, or of compatible uses as defined and as adopted by the board or council pursuant to Section 51111.

(b) On or before March 1, 1977, the board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels appearing on list A which are designated as "contested" pursuant to subdivision (c) of Section 51110, except those parcels which it finds by a majority vote of the full body to be in the public interest to exclude from such a zone.

(c) On or before March 1, 1978, the board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels appearing on list B submitted by the assessor pursuant to subdivision (c) of Section 51110.1, except those parcels which it finds by a majority vote of the full body to be in the public interest to exclude from such a zone.

(d) On parcels excluded from the timberland production zone under this section, the board or council shall apply an alternate zone which is in conformance with the county general plan and whose primary use is other than timberland, if no such appropriate zone currently applies to such parcels.

(e) The owner of the land shall be given written notice at least 20 days prior to the hearing of the board or council, and notice of hearing shall be published pursuant to Section 6061 of this code, and shall include a legal description, or the assessor's parcel number, of the land which is proposed to be included within the timberland production zone.

History.—Stats. 1984, Ch. 678, in effect January 1, 1985, substituted "production" for "preserve" after "timberland" throughout the section.

51113. **Subsequent zoning; hearing; procedure.** (a) (1) An owner may petition the board or council to zone his or her land as timberland production. The board or council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, and after public hearing, shall zone as timberland production all parcels submitted to it by petition pursuant to this section, which meet all of the criteria adopted pursuant to

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subdivision (c). Any owner who has so petitioned and whose land is not zoned as timberland production may petition the board or council for a rehearing on the zoning.

(2) This section shall not be construed as limiting the ability of the board or council to zone as timberland production any parcel submitted upon petition that is timberland, defined pursuant to subdivision (f) of Section 51104, and which is in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

(b) The board or council, on or before March 1, 1977, by resolution, shall adopt procedures for initiating, filing, and processing petitions for timberland production zoning and for rezoning. The rules shall be applied uniformly throughout the county or city.

(c) On or before March 1, 1977, the board or council by ordinance shall adopt a list of criteria required to be met by parcels being considered for zoning as timberland production under this section. The criteria shall not impose any requirements in addition to those listed in this subdivision and in subdivision (d). The following shall be included in the criteria:

(1) A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned.

(2) A plan for forest management shall be prepared or approved as to content, for the property by a registered professional forester. The plan shall provide for the eventual harvest of timber within a reasonable period of time, as determined by the preparer of the plan.

(3) (A) 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 State Board of Forestry and Fire Protection for the district in which the parcel is located, or the owner must sign an agreement with the board or council to meet those stocking standards and forest practice rules by the fifth anniversary of the signing of the agreement. If the parcel is subsequently zoned as timberland production under subdivision (a), failure to meet the stocking standards and forest practice rules within this time period provides the board or council with a ground for rezoning of the parcel pursuant to Section 51121.

(B) Upon the fifth anniversary of the signing of an agreement, the board shall determine whether the parcel meets the timber stocking standards in effect on the date that the agreement was signed. Notwithstanding the provisions of Article 4 (commencing with Section 51130), if the parcel fails to meet the timber stocking standards, the board or council shall immediately rezone the parcel and specify a new zone for the parcel which is in conformance with the county general plan and whose primary use is other than timberland;

(4) The parcel shall be timberland, as defined in subdivision (f) of Section 51104.

(5) The parcel shall be in compliance with the compatible use ordinance adopted by the board or council pursuant to Section 51111.

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(d) The criteria required by subdivision (c) may also include any or all of the following:

(1) The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels of a certain number of acres, not to exceed 80 acres.

(2) The land shall be a certain site quality class or higher under Section 434 of the Revenue and Taxation Code, except that the parcel shall not be required to be of the two highest site quality classes.

History.—Stats. 1977, Ch. 853, in effect September 17, 1977, designated the first paragraph as (1) of subdivision (a) and added paragraph (2) thereof, and added the second paragraph of subdivision (c)(3) and added paragraphs (4) and (5) to the subdivision. Stats. 1982, Ch. 1489, in effect January 1, 1983, in addition to making numerous grammatical corrections throughout this section, substituted "production" for "preserve" after "timberland" wherever applicable; added "or her" after "his" in the first sentence of subdivision (a)(1) and substituted "51104" for "51100" after "Section" in subdivision (a)(2); deleted "below" after "subdivision (d)" in the second sentence of subdivision (c), substituted "shall" for "must" after "management" in the first sentence of subdivision (c)(2), deleted "such" after "signing of" in the first sentence and substituted "(commencing with Section 51130)" for "of this chapter" after "Article 4" in the second sentence of the second paragraph of subdivision (c)(3), and substituted "51104" for "51100" after "Section" in subdivision (c)(4); and substituted "80 acres" for "160 acres or one-quarter section" after "exceed" in subdivision (d)(1). Stats. 1988, Ch. 972 (SB 989), in effect January 1, 1989, deleted "After November 1, 1977" before "An owner" in the first sentence of paragraph (1), and substituted "that" for "which" after "petition" in the first sentence of paragraph (2) of subdivision (a); lettered the first paragraph of paragraph (3) as subparagraph (A), added "and Fire Protection" after "Forestry" in the first sentence and deleted "then" after "subdivision (a)," in the second sentence therein, lettered the second paragraph of paragraph (3) as subparagraph (B) and added "that" after "the date" in the first sentence therein; substituted a period for "; and" after "Section 51104" in the first sentence of paragraph (4) of subdivision (c); and substituted "not to" for "provided that such number required may not" after "acres," in the first sentence of paragraph (1) and substituted "except" for "; provided," after "Code" in the first sentence of paragraph (2) of subdivision (d).

51113.5. Additions to timberland production lands. (a) After March 1, 1977, an owner with timberlands in a timberland production zone pursuant to Section 51112 or 51113 may petition the board or council to add to his or her timberland production lands that meet the criteria of subdivisions (f) and (g) of Section 51104 and that are contiguous to the timberland already zoned as timberland production. Section 51113 shall not apply to these lands.

(b) In the event of land exchanges with, or acquisitions from, a public agency in which the size of an owner's parcel or parcels zoned as timberland production pursuant to Section 51112 or 51113 is reduced, the timberland production shall not be removed from the parcel except pursuant to Section 51121 and except for a cause other than the smaller parcel size.

History.—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted "and (g) of section 51100 and that contiguous to the timberland already zoned as timberland preserve," for "of Section 51100 or other holdings that now satisfy that section in subdivision (a)." Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after "timberland" wherever applicable, and added "or her" after "his" and substituted "51104" for "51100" after "Section" in the first sentence of subdivision (a).

51114. Term of zoning of parcels as timberland production lands. Parcels zoned as timberland production shall be zoned as such for an initial term of 10 years. On the first and each subsequent anniversary date of the initial zoning, a year shall be added to the initial term of 10 years, unless a notice of rezoning is given as provided in Section 51120.

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after "timberland" in the first sentence.

51115. Restricted use of parcels zoned as timberland production lands. Parcels zoned as timberland production shall be zoned so as to restrict their use to growing and harvesting timber and to compatible uses.

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The growing and harvesting of timber on those parcels shall be regulated solely pursuant to state statutes and regulations.

History.—Stats. 1982, Ch. 1561, in effect January 1, 1983, added the second sentence. Stats. 1984, Ch. 1009, in effect January 1, 1985, substituted "production" for "preserve" after "timberland", and deleted "and shall be entered as a timber preserve element of the county general plan" after "uses" in the first sentence.

Note.—Section 47 of Stats. 1984, Ch. 1009, provided no payment by state to local governments because of this act.

51115.1. Presumption; parcels zoned as timberland production.

(a) The zoning of a parcel pursuant to this chapter shall give rise to a presumption that timber operations, as defined in Section 4527 of the Public Resources Code, may reasonably be expected to and will occur on that parcel.

(b) The Legislature hereby declares that the enactment of this section is intended to make clear that the zoning of a parcel pursuant to this chapter is an indication that timber operations are expected to occur on that parcel at a future date. The Legislature further declares that this section is not intended and shall not be construed as altering any substantive or procedural requirement of Chapter 8 (commencing with Section 4511) of Part 2 of Division 4 of the Public Resources Code, or of any rule or regulation adopted pursuant thereto.

History.—Added by Stats. 1982, Ch. 1418, in effect January 1, 1983.

51115.2. Nonconforming use; limitation. (a) Changes or additions to any nonconforming use shall be limited to ordinary maintenance and repair, except that no change or addition which enlarges or tends to make more permanent any nonconforming use shall be permitted.

(b) If any nonconforming use ceases for a period of one year or more, use subsequent to the cessation shall comply with this chapter.

History.—Added by Stats. 1982, Ch. 1489, in effect January 1, 1983.

51115.5. Timber operations not nuisance; exceptions. (a) Notwithstanding any other provision of law, timber operations conducted within a timber production zone pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with Section 4511) of Division 4 of the Public Resources Code) shall not constitute a nuisance, private or public.

(b) This section is not applicable with respect to any timber operation which (1) endangers public health or public safety or (2) prohibits the free passage or use of any navigable lake, river, bay, stream, canal, or basin, or any public park, street, or highway.

(c) For purposes of this section, the term "timber operation" means the cutting, removal, or both, of timber or other wood forest products, including Christmas trees, from timberlands for commercial purposes, together with all the work incidental thereto, including, but not limited to, construction and maintenance of roads, fuel breaks, fire breaks, stream crossings, landings, skid trails, beds for falling trees, fire hazard abatement, and preparation, transportation, and delivery of timber and other wood products to market.

History.—Added by Stats. 1982, Ch. 1489, in effect January 1, 1983.

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51116. Authority of county or city to bring court enforcement action. The county or city may bring any action in court necessary to prohibit a use not permitted with respect to land zoned as timberland production including, but not limited to, an action to enforce the zoning restrictions by specific performance or injunction.

History.—Stats. 1982, Ch. 1488, in effect January 1, 1983, substituted "production" for "preserve" after "timberland".

51117. Recording with county recorder. When land is zoned as timberland production or subsequently rezoned from a timberland production zone and after exhaustion of appeals, a notice of timberland production zone status, together with a map and assessor's parcel numbers describing such land, shall be filed for record by the city or county in the recorder's office. The notice and map shall become a part of the official records of the county recorder upon its acceptance by him for filing. The filing for record of a notice of timberland production, together with a map and assessor's parcel numbers describing the land, shall impart constructive notice thereof.

History.—Stats. 1978, Ch. 1109, in effect September 26, 1978, deleted the phrase "recorded by the city or county in the recorder's office in the same manner as deeds are recorded.", and replaced it with the phrase "filed for record by the city or county in the recorder's office." and added the second sentence. Stats. 1982, Ch. 1488, in effect January 1, 1983, substituted "production" for "preserve" after each "timberland" in the first sentence, and substituted "production" for "preserve" after "timberland" and "the" for "such" after "describing" in the third sentence.

51118. Assessment as timberland production lands. Land zoned as timberland production under this chapter shall be enforceably restricted within the meaning of Section 3(j) of Article XIII of the Constitution and the restriction shall be enforced and administered by the city or county in a manner to accomplish the purposes of that section and this chapter.

History.—Stats. 1982, Ch. 1488, in effect January 1, 1983, substituted "production" for "preserve" after "timberland", and deleted "such" before and "as" after "a manner".

51119. Section 21151 of the Public Resources Code not applicable. Any action of the board or council undertaken to zone a parcel as timberland production pursuant to Section 51112 or 51113 is exempt from the requirements of Section 21151 of the Public Resources Code.

History.—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted present wording of section for "Adoption of timberland preserve zones pursuant to this chapter shall be exempt from the requirements of Section 21151 of the Public Resources Code." Stats. 1982, Ch. 1488, in effect January 1, 1983, substituted "production" for "preserve" after "timberland" and "is" for "of the Government Code shall be" after "51113".

51119.5. Size of parcels zoned as timberland production lands. Parcels zoned as timberland production under this chapter may not be divided into parcels containing less than 160 acres unless the original owner prepares a joint timber management plan prepared or approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the county recorder as a deed restriction on all newly created parcels. The deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than 10 years from the date division is approved by the board or council. The division shall be approved only by a four-fifths vote of the full board or council, and only after recording of the deed restriction.

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History.—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted present wording for "Parcels zoned as timberland preserve under this chapter may not be divided into parcels containing less than 160 acres 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 or council to manage and harvest timber on the timberland jointly, and are bound by the provisions of such management plan for a minimum period of 10 years. Such division shall be approved by a four-fifths vote of the full board or council." Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after "timberland" in the first sentence, "The" for "Such" before "deed" in the third sentence, and "The" for "Such" before "division" in the fourth sentence.

Article 3. Rezoning

§ 51120. Request of owner; notice and hearing; procedure.

§ 51121. Vote of board or council; notice and hearing; procedure.

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

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

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

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

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

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after "timberland" and deleted "of the Government Code" after "inclusive" in the first sentence of subdivision (a), substituted "production" for "preserve" after "timberland" in subdivision (c), and deleted "of this code" after "51245" in the second sentence of subdivision (d).

51121. Vote of board or council; notice and hearing; procedure.

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

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

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

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

(e) The owner may petition to be reheard.

History.—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted "intent to rezone" for "nonrenewal" in subdivision (b), deleted "Upon receipt from the owner of a written protest of the zoning change," before "the board" in subdivision (c), and deleted "date pursuant to subdivision (a), or in the case of a public hearing the date of the" before "reaffirmation" in subdivision (d).

Article 4. Immediate Rezoning

- § 51130. Purpose of article.
- § 51131. Request of owner.
- § 51132. Application; notice and hearing; procedure. [Repealed.]
- § 51133. Application for conversion required; procedure.
- § 51134. Application for conversion not required; procedure.

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

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after the first "timberland" and "production zone" for "preserve" after the second "timberland".

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

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after "timberland".

51132. Application; notice and hearing; procedure. [Repealed by Stats. 1977, Ch. 853, in effect September 17, 1977.]

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

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

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

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

(b) The board or council shall forward its tentative approval to the State Board of Forestry and Fire Protection, together with the application for immediate rezoning, a summary of the public hearing and any other

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

History.—Stats. 1977, Ch. 853, in effect September 17, 1977 designated the first sentence as subdivision (a), substituted "only if by" for "upon", added "and" after "Body", and added paragraphs (1) (2) and (3); and designated the next four sentences as subdivision (b). Stats. 1982, Ch. 1489, in effect January 1, 1983, added "State" before "Board" in four places, deleted "such" after "Upon" in the third sentence, and substituted "production" for "preserve" after "timberland" and "the" for "such" before the second "parcel" in the fourth sentence of subdivision (b). Stats. 1998, Ch. 972 (SB 989), in effect January 1, 1998, added "all of the following occur" after "body, and" in the first sentence, and added "California" before "Constitution" in the first sentence of paragraph (2) of subdivision (a); and added "and Fire Protection" after "Forestry" five times in subdivision (b) and substituted "the" for "such" after "council of" in the fourth sentence therein.

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

- (1) The immediate rezoning would be in the public interest.
- (2) The immediate rezoning does not have a substantial and unmitigated adverse effect upon the continued timber-growing use or open-space use of other land zoned as timberland production and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
- (3) The soils, slopes, and watershed conditions will be suitable for the uses proposed by the applicant if the immediate rezoning is approved.
- (4) The immediate rezoning is not inconsistent with the purposes of subdivision (j) of Section 3 of Article XIII of the Constitution and of this chapter.

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

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

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

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

History.—Stats. 1977, Ch. 853, in effect September 17, 1977, substituted "does" for "would" in subdivision (a)(2), substituted "will" for "would" and "by the applicant if the immediate rezoning is" for "if the conversion were" in subdivision (a)(3), and added subdivision (a)(4); and added "pursuant to this section" to the first sentences of subdivisions (b) and (c). Stats. 1982, Ch. 1489, in effect January 1, 1983, added "all of the following exist" after "findings that" in the first sentence of subdivision (a); deleted "and" after "interest" in subdivision (a)(1) and substituted "production" for "preserve" after "timberland" in subdivision (a)(2); and substituted "production" for "preserve" after each "timberland" in the second sentence of subdivision (b).

Article 5. Removal From Zone

- § 51140. Certification of rezoning.
- § 51141. Recording with county recorder.
- § 51142. Immediate rezoning; tax recoupment fee.
- § 51146. Fee indicated in assessment roll; lien against parcel.

51140. Certification of rezoning. Upon rezoning, the board or council shall certify the rezoning indicating the new zone and its effective date.

51141. Recording with county recorder. A copy of the certification of rezoning together with the map and assessor's parcel numbers for the rezoned land shall be recorded by the city or county in the recorder's office in the same manner as deeds are recorded, and commencing on the lien date next following the effective date of the new zone, such land shall be assessed on the same basis as real property is assessed generally in that county. The assessor may require a description of the portion of the property rezoned as provided in Section 456 of the Revenue and Taxation Code.

51142. Immediate rezoning; tax recoupment fee. (a) Upon immediate rezoning of a parcel in a timberland production zone, a tax recoupment fee shall be imposed on the owner of the land. Within 90 days following rezoning of land in the timberland production zone the county assessor shall reassess the rezoned parcels on the basis of the value of the property in its rezoned use. The assessor shall certify this value to the owner of the land and to the county auditor. The owner may appeal this new valuation in the same manner as an assessment appeal. The application for an appeal shall be filed with the clerk no later than 60 days after the date of the mailing of the notice certifying the new valuation. Except when under an appeal, after the certification the auditor shall, in cases of immediate rezoning, within 10 days compute the tax recoupment fee and certify the amount to the tax collector. The tax collector shall notify the owner in writing of the amount and due date of the fee. Fees shall be due 60 days after mailing of notification.

(b) The tax recoupment fee shall apply only in cases of immediate rezoning and shall be a multiple of the difference between the amount of the tax last levied against the property when zoned as timberland production and

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the amount equal to the assessed valuation of the rezoned property times the tax rate of the current levy for the tax rate area, that multiple to be chosen from the following table according to subdivision (c):

| Year | Multiple |
|---------|----------|
| 1..... | 1.06000 |
| 2..... | 2.18360 |
| 3..... | 3.37462 |
| 4..... | 4.63709 |
| 5..... | 5.97332 |
| 6..... | 7.39384 |
| 7..... | 8.89747 |
| 8..... | 10.49132 |
| 9..... | 12.18080 |
| 10..... | 13.97164 |

(c) The multiple shall correspond to the number of years or fraction thereof, but in no event greater than 10, for which the land was zoned as timberland production or was subject to a contract under Chapter 7 (commencing with Section 51200).

(d) Tax recoupment fees imposed pursuant to this section shall be due and payable to the county in which the rezoning has taken place.

(e) In cases of immediate rezoning, an owner may submit a written application, requesting the waiver of tax recoupment fees and explaining the reasons therefor, to either the State Board of Equalization or, where the county board of supervisors has adopted an authorizing resolution, to the county board of supervisors. The board receiving an application pursuant to this subdivision may, if it determines that it is in the public interest, waive all or any portion of the fees.

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after "timberland" in the first sentence, "production zone" for "preserve" after "timberland" in the second sentence, and "the" for "such" before "certification" in the fifth sentence of subdivision (a); substituted "production" for "preserve" after "timberland" and "that" for "such" before "multiple" in subdivision (b); substituted "production" for "preserve" after "timberland" in subdivision (c); and, deleted "Reserve" after "Tax" and substituted "38903" for "38902" after "Section" in subdivision (d). Stats. 1994, Ch. 1222, in effect January 1, 1995, substituted "county in which the rezoning has taken place" for "State of California, and shall be placed in the Timber Tax Fund pursuant to Section 38903 of the Revenue and Taxation Code" after "payable to the" in subdivision (d); substituted "submit a" for "make" after "an owner may", substituted "requesting the waiver" for "to the State Board of Equalization requesting waiver" after "written application", and added ", to either the . . . board of supervisors" after "the reasons therefor" in the first sentence, added "receiving an application pursuant to this subdivision may" after "The board", and deleted "may" after "the public interest," and substituted "fees" for "fee" in the second sentence of subdivision (e). Stats. 2001, Ch. 407 (SB 1181), in effect January 1, 2002, added the fifth sentence in subdivision (a); deleted "such" after "under" in the former fifth sentence and substituted "mailing" for "receipt" before "of notification" in the former seventh sentence thereof; capitalized "Chapter" after "contract under" in subdivision (c); and added a comma after "application" in the first sentence of subdivision (e).

Note.—Section 12 of Stats. 2001, Ch. 407 (SB 1181), provided that notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

51146. Fee indicated in assessment roll; lien against parcel. A fee imposed under this article shall be indicated on the assessment roll and when so indicated shall become a lien against the parcel of land in the same manner as county general taxes.

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Article 6. Eminent Domain or Other Acquisition*

- § 51150. Public policy.
- § 51151. Public agency defined.
- § 51152. Location of public improvement on timberland production zone.
- § 51153. Exception of locating on timberland production zone.
- § 51154. Enforcement by mandamus.
- § 51155. Rezoning required when land zoned as timberland production zone is acquired by public agency.

51150. Public policy. It is the policy of the state to avoid, whenever practicable, the location of any state or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in timberland production zones.

History.—Stats. 1982, Ch. 1488, in effect January 1, 1983, substituted "production" for "preserve" after "timberland."

51151. Public agency defined. (a) As used in this section, Section 51152, and Section 51155, "public agency" means the state, or any department or agency thereof, and any county, city, school district, or other local public district, agency, or entity; and "person" means any person authorized to acquire property by eminent domain.

(b) Whenever it appears that land within a timberland production zone (TPZ) may be required by a public agency or person for a public use, the public agency or person shall advise the Secretary of Resources and the local governing body responsible for the administration of the land of the intention to consider the location of a public improvement within the TPZ.

Within 30 days thereafter the Secretary of Resources and the local governing body shall forward to the public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the TPZ and those comments shall be considered by the public agency or person. Failure of any public agency or person to comply with the requirements of this section shall invalidate any action by the agency or person to locate a public improvement within a TPZ. This subdivision does not apply to the erection, construction, alteration or maintenance of gas, electric, water, or communication transmission facilities within a TPZ if that TPZ was established after submission of the location of the facilities to the city or county for review or approval.

History.—Stats. 1982, Ch. 1488, in effect January 1, 1983, substituted "production" for "preserve" after "timberland" and "land" for "preserve" after "administration of the" in the first paragraph, and substituted "those" for "such" before "comments" in the first sentence, "the" for "such" after "action by" in the second sentence, and "the" for "such" after "location of" in the third sentence of the second paragraph of subdivision (b).

51152. Location of public improvement on timberland production zone. (a) No public agency or person shall locate a public improvement within a timberland production zone (TPZ) based primarily on a consideration of the lower cost of acquiring a land in a TPZ.

(b) No public agency or person shall acquire timberland zoned as timberland production pursuant to this chapter for any public improvement if there is other land within or outside the TPZ on which it is reasonably feasible to locate the public improvement.

*Added by Stats. 1977, Ch 853, in effect September 17, 1977.

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History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after "timberland" in both subdivision (a) and subdivision (b).

51153. Exception of locating on timber production zone. Section 51152 shall not apply to:

(a) The location or construction of improvements where the board or council administering the TPZ approves or agrees to the location thereof.

(b) The acquisition of easements within a TPZ by the board or council administering the TPZ.

(c) The location or construction of any public utility improvement which has been approved by the Public Utilities Commission.

(d) Public works required for fish and wildlife enhancement and preservation.

(e) Improvements for which the site or route has been specified by the Legislature in such a manner as to make it impossible to avoid the acquisition of land under contract.

(f) All state highways on routes as described in Sections 301 to 622, inclusive, of the Streets and Highways Code, as those sections read on October 1, 1965.

(g) All facilities which are part of the State Water Facilities as described in subdivision (d) of Section 12934 of the Water Code, except facilities under paragraph (6) of said subdivision (d).

(h) Land upon which condemnation proceedings have been commenced prior to July 1, 1977.

51154. Enforcement by mandamus. Section 51152 shall be enforceable only by mandamus proceedings by the local governing body administering the timberland production zone or the Secretary of Resources. However, as applied to condemnors whose determination of necessity is not conclusive by statute, evidence as to the compliance of the condemnor with Section 51152 shall be admissible on motion of any of the parties in any action otherwise authorized to be brought by the landowner or in any action against him.

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after "timberland" in the first sentence.

51155. Rezoning required when land zoned as timberland production zone is acquired by public agency. When any action in eminent domain for the condemnation of the fee title of an entire parcel of land zoned as timberland production is filed or when that land is acquired in lieu of eminent domain for a public agency or person or whenever there is any such action or acquisition by the federal government or any person, instrumentality or agency acting under authority or power of the federal government, the parcel shall be deemed immediately rezoned (pursuant to Section 51130) as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of the land, the timberland production zone (TPZ) shall be deemed never to have existed.

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Upon the termination of such a proceeding, the parcel shall be immediately rezoned for all land actually taken or acquired.

When an action to condemn or acquire less than all of a parcel of land subject to a TPZ is commenced, the parcel shall be deemed immediately rezoned as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to the TPZ will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the TPZ.

~~When an action to condemn or acquire an interest which is less than the fee title of an entire parcel or any portion thereof, of land subject to a TPZ is commenced, the parcel shall be deemed immediately rezoned as to that interest and for the purpose of establishing the value of that interest only shall be deemed never to have existed, unless the remaining interests in any of the land subject to the TPZ will be adversely affected, in which case the value of that damage shall be computed without regard to the TPZ.~~

~~The land actually taken shall be removed from the TPZ. Under no circumstances shall land be removed that is not actually taken, except that when only a portion of the land or less than a fee interest in the land is taken or acquired, the parcel may be immediately rezoned with respect to the remaining portion or interest upon petition of either party, and pursuant to the provisions of Article 4 (commencing with Section 51130).~~

For the purposes of this section, a finding by the board or council that no authorized use may be made of the land if the TPZ is continued on the remaining portion or interest in the land may satisfy the requirements of subdivisions (a), (b), and (c) of Section 51134, and subdivisions (a), (b), and (c) of Section 4621.2 of the Public Resources Code.

History.—Stats. 1982, Ch. 1489, in effect January 1, 1983, substituted "production" for "preserve" after each "timberland" and added "section" before "51130" in the first paragraph; and deleted "of this chapter" after "51130" in the second sentence of the fifth paragraph. Stats. 1983, Ch. 1281, in effect September 30, 1983, deleted "such" after "when" in the third and fourth paragraphs, substituted "that" for "such" before the second and third "interest" in the fourth paragraph, and deleted "subdivision (a) of Section 51132" after "requirements of" in the sixth paragraph.

NATURAL RESOURCES CONSERVATION

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FPC 3.2

Date: 1/4/2005 10:52A

Filed by: FIRST-AMERICAN TITLE COMPANY

Filed & Recorded in Official Records

of COUNTY OF DEL NORTE

VICKI L. FRAZIER

COUNTY CLERK-RECORDER

Fee: \$75.00

Recording requested by and mail tax statements to:

James R. Baskin and Julia L. Green
1717 Russ Street
Eureka, CA 95501

When recorded return to:

Siskiyou Land Conservancy
P.O. Box 157
Orleans, CA 95526

126-180-27

AFNIE

For Recorder's Use Only

Documentary Transfer Tax is \$ N/A
___ Computed on full value of interest or property conveyed or
___ Full value of liens or encumbrances remaining at the time of sale.

**DEED AND COVENANTS FOR
NATURAL RESOURCES CONSERVATION EASEMENT**

THIS DEED AND COVENANT FOR A NATURAL RESOURCES CONSERVATION EASEMENT ("the Easement") is made by JAMES RUSSELL BASKIN and JULIA LYNN GREEN, husband and wife as joint tenants ("the Grantors"), to SISKIYOU LAND CONSERVANCY, a California nonprofit public benefit corporation ("the Grantee").

WITNESS THAT:

WHEREAS, Grantors are the owners in fee simple of that certain real property Del Norte County, California, known as Assessor's Parcel No. 126-180-27, and more particularly described in Exhibit One attached hereto and incorporated herein by this reference ("the Property"); and,

WHEREAS, the Property possesses timberland, agricultural, open space and scenic values of great importance to Grantors, the people of Del Norte County, and the people of the State of California; and,

WHEREAS, Grantors and Grantee intend that the Property be maintained in very low density rural residential/agricultural/woodlot mixed uses compatible with the Property's setting adjacent to a Designated Reach of the Wild and Scenic Smith River, as a private in-holding within the boundaries of the Smith River National Recreational Area, and as part of the Big Flat Rural Community Area of the County of Del Norte, State of California, by the maintenance of the timberland and agricultural values thereof, and that the open space and scenic values of the Property be preserved by eschewing development of the Property to the greatest density and intensity permitted under the land use and zoning provisions of the County of Del Norte and all applicable State and Federal law.

WHEREAS, the County of Del Norte supports the protection and preservation of timberland and agricultural land uses, timberland and agricultural land, and open land through Objectives, Policies, and Implementation Programs as expressed in the Natural Resources/Conservation, and Land Use & Community Development Elements of the Del Norte General Plan, including, among others, the

permanent protection of rural lands for timberland, agricultural, and compatible rural residential uses by acquisition of perpetual land conservation easements (Policy A-1.5); and

WHEREAS, Grantors intend, as owners of the Property, to convey to Grantee the right to preserve and protect the timberland and agricultural, and to the extent consistent with timberland, agricultural, very low density rural residential, open space, and scenic values of the Property in perpetuity; and

WHEREAS, Grantee intends, by acceptance of the grant made hereby, forever to honor the intentions of Grantors to preserve and protect the timberland, agricultural, very low density rural residential, space, and scenic values of the Property in perpetuity;

NOW, THEREFORE, for good and valuable consideration, in consideration of the mutual covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of California including, among others, Sections 815-816 of the California Civil Code, Grantors do hereby voluntarily grant to Grantee a Natural Resources Conservation Easement in gross in perpetuity over the Property of the nature and character and to the extent hereinafter set forth (the "Easement"),

1. Purpose. It is the purpose of this Easement to enable the Property to remain in forestry, agricultural, and very low density rural residential uses (as defined in Exhibit Two, Section 2), by preserving and protecting in perpetuity its relevant natural resource values and character, uses and utilities, and by preventing any use or condition of the Property that would significantly impair or interfere with its timberland, agricultural, and very low density rural residential values, character, uses or utilities. To the extent that the preservation of the open space and scenic values of the Property is consistent with such use, it is within the purpose of this Easement to protect those values.

2. Affirmative Rights and Interests Conveyed. To accomplish the purpose of this Easement, the following rights and interests are conveyed to Grantee by this Easement:

- (a) To identify, to preserve and to protect in perpetuity the timberland and agricultural values, character, use and utility, including the timberland and agricultural productivity, vegetation, soil and water quality, and the open space and scenic values of the Property. (The timberland and agricultural values, character, use and utility, and the open space and scenic values of the Property are hereinafter referred to collectively as "the Protected Values".)
- (b) To enter upon, inspect, observe, and study the Property for the purposes of: (i) identifying the current condition of, uses and practices thereon, and the baseline condition thereof; and (ii) monitoring the uses and practices to determine whether they are consistent with this Easement. Such entry shall be permitted upon prior notice to Grantors, and shall be made in a manner that will not unreasonably interfere with Grantors' use and quiet enjoyment of the Property. Said notice shall be in writing and mailed to Grantors at their last known address, at least five (5) days in advance of the scheduled date of inspection, as maintained by the County Assessor's Office, or delivered personally three (3) days in advance of the scheduled inspection date.

- (c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement, and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent condition, activity or use. However, it is the intention of this Easement not to limit Grantors' discretion to employ their choices of sustainable forestry, farm, and ranch uses and management practices so long as those uses and practices are consistent with the purpose of this Easement.
- (d) Subject to Grantors' consent, to erect and maintain a sign or other appropriate marker in a prominent location on the Property, visible from a public road, bearing information indicating that the Property is protected by Grantee. The wording of the information shall be determined by Grantee, but shall clearly indicate that the Property is privately owned and not open to the public. Grantee shall be responsible for the costs of erecting and maintaining such sign or marker.

3. Uses and Practices. Grantee and Grantors intend that this Easement shall confine the uses of the Property to forestry, agriculture, very low-density rural residential use associated with the agricultural use of the Property, and the other uses which are described herein. Examples of uses and practices which are consistent with the purpose of this Easement and which are hereby expressly permitted, are set forth in Exhibit Two, attached hereto and incorporated herein by this reference. Examples of uses and practices which are inconsistent with the purpose of this Easement, and which are hereby expressly prohibited, are set forth in Exhibit Three, attached hereto and incorporated herein by this reference. The uses and practices set forth in Exhibits Two and Three are not necessarily exhaustive recitals of consistent and inconsistent activities, respectively. They are set forth both to establish specific permitted and prohibited activities, and to provide guidance in determining the consistency of other activities with the purpose of this Easement.

4. Baseline Data. In order to establish the present condition of the Protected Values, Grantee has examined the Property and prepared a report (the "Baseline Documentation Report") containing an inventory of the Property's relevant features and conditions, its improvements and its natural resources (the "Baseline Data"). A copy of the Baseline Documentation Report has been provided to Grantors, and another shall be placed and remain on file with Grantee. The Baseline Documentation Report has been signed by Grantors and Grantee, and thus acknowledged to represent accurately the condition of the Property at the date of the conveyance of this Easement. The parties intend that the Baseline Data shall be used by Grantee to monitor Grantors' future uses of the Property, condition thereof, and practices thereon. The parties further agree that, in the event a controversy arises with respect to the condition of the Property or a particular resource thereof, the parties shall not be foreclosed from utilizing any other relevant document, survey, or report to assist in the resolution of the controversy. Grantors and Grantee recognize that changes in economic conditions, in forestry and agricultural technologies, in accepted farm and ranch management practices, in construction technologies related to the development of low density rural residential improvements, and in the situations of Grantors may result in an evolution of the timberland, agricultural, and very low density rural residential uses of the Property, provided such uses are consistent with this Easement.

5. Reserved Rights. Grantors reserve to themselves, and to their personal representatives, heirs, successors, and assigns, all rights accruing from their ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not prohibited

herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved: (i) all right, title, and interest in and to all tributary and non-tributary water, water rights, and related interests in, on, under, or appurtenant to the Property, provided that such water rights are used on the Property in a manner consistent with the purpose of this Easement and in accordance with applicable law; and (ii) all right, title, and interest in subsurface oil, gas and minerals; provided that the manner of exploration for, and extraction of any oil, gas or minerals shall be only by a subsurface method, shall not damage, impair or endanger the Protected Values, shall be in accordance with applicable law, and shall be approved by Grantee prior to its execution.

6. Mediation. If a dispute arises between the parties concerning the consistency of any proposed use or activity with the purpose of this Easement, and Grantors agree not to proceed with the use or activity pending resolution of the dispute, either party may refer the dispute to mediation by request made in writing upon the other. Within thirty (30) days of the receipt of such a request, the parties shall select a single trained and impartial mediator. If the parties are unable to agree on the selection of a single mediator, then the parties shall, within fifteen (15) days of receipt of the initial request, jointly apply to the American Arbitration Association for the appointment of a trained and impartial mediator with relevant experience in real estate, and conservation easements. Mediation shall then proceed in accordance with the following guidelines:

(a) Purpose. The purpose of the mediation is to: (i) promote discussion between the parties; (ii) assist the parties to develop and exchange pertinent information concerning issues in the dispute; and (iii) assist the parties to develop proposals which will enable them to arrive at a mutually acceptable resolution of the controversy. The mediation is not intended to result in any express or de facto modification or amendment of the covenants, terms, conditions, or restrictions of this Easement.

(b) Participation. The mediator may meet with the parties and their counsel jointly or individually. The parties agree that they will participate in the mediation process in good faith and expeditiously, attending all sessions scheduled by the mediator. Representatives of the parties with settlement authority will attend mediation sessions as requested by the mediator.

(c) Confidentiality. All information presented to the mediator shall be deemed confidential and shall be disclosed by the mediator only with the consent of the parties or their respective counsel. The mediator shall not be subject to subpoena by any party. No statements made or documents prepared for mediation sessions shall be disclosed in any subsequent proceeding or construed as an admission of a party.

(d) Time Period. Neither party shall be obligated to continue the mediation process beyond a period of ninety (90) days from the date of the selection or appointment of a mediator or if the mediator concludes that there is no reasonable likelihood that continuing mediation will result in mutually agreeable resolution of the dispute.

(e) Costs. The cost of the mediator shall be borne equally by Grantors and Grantee; the parties shall bear their own expenses, including attorney's fees, individually.

7. Grantee's Remedies. If Grantee determines that Grantors are in violation of the terms of this Easement or that a violation is threatened. Grantee shall give written notice to Grantors of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use, condition or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. If Grantors fail to cure the violation within thirty (30) days after receipt of notice thereof from Grantee, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fails to begin curing such violation within the thirty (30) day period, or fails to continue diligently to cure such violation until finally cured. Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement or injury to any Protected Values, including damages for any loss thereof, and to require the restoration of the Property to the condition that existed prior to any such injury. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Protected Values, Grantee may pursue its remedies under this section without waiting for the period provided for cure to expire. Grantee's rights under this section apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantors agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

8. Costs of Enforcement. Any costs incurred by Grantee in enforcing the terms of this Easement against Grantors, including, without limitation, costs of suit and attorneys' fees, and any costs of restoration necessitated by Grantor violation of the terms of this Easement, shall be borne by Grantors. If Grantors prevail in any action to enforce the terms of this Easement, Grantors' costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee.

9. Grantee's Discretion. Any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any term of this Easement by Grantors shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantors shall impair such right or remedy or be construed as a waiver.

10. Acts Beyond Grantors' Control. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantors for any injury to or change in the Property resulting from causes beyond Grantor control, including, without limitation, fire, flood, storm, and earth movement, covert trespass or unlawful detainer by others, or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to any person or to the Property resulting from such causes.

11. Costs and Taxes. Grantors retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property. Grantors shall

pay any and all taxes, assessments, fees and charges levied by competent authority on the Property or on this Easement. It is intended that this Easement constitute an enforceable restriction within the meaning of Article XIII, Section 8 of the California Constitution and that this Easement qualify as an enforceable restriction under the provisions of California Revenue and Taxation Code Section 402.1.

12. Hold Harmless. Grantors shall hold harmless, indemnify, and defend Grantee and its directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: (a) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, except to the extent of the adjudicated proportionate fault of any of the Indemnified Parties; and (b) the obligations specified in section 8.

13. Grantee Not Operator. Nothing in this Easement shall be construed as giving any right or ability to Grantee to exercise physical or managerial control of the day-to-day operations of the Property, of Grantors' activities on the Property, or otherwise to become an operator with respect to the Property within the meaning of the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, or the Carpenter Presley Tanner Hazardous Substance Account Act, California Health and Safety Code sections 25300-25395, or any other federal, state, or local law or regulation making operators of property responsible for remediation of contamination.

14. Access. No right of access by the general public to any portion of the Property is conveyed by this Easement.

15. Development Rights. The parties acknowledge that under currently applicable zoning regulations of the County of Del Norte the Property is so classified that upon receipt of required government approvals the Property could be developed to a density of up to Seven and Forty-one one-hundredths (7.41) single-family residential dwelling units ("the Development Rights"), and, further, that under certain circumstances the Development Rights may be transferred to and utilized on other property or properties. The parties agree to deal with the Development Rights as follows:

(a) Grantors retain Four and no one-hundredths (4.00) of the Development Rights associated with the Property. The Development Right retained by Grantors shall apply and relate to future residential improvements on the Property. Grantors reserve the right to maintain, use, repair, and replace the improvements developed on the Property pursuant to this Easement with approval of appropriate governmental agencies and in conformity with Section 3 of Exhibit Two and all other applicable provisions of this Easement. The Development Right retained by Grantors shall not be used to support or enable the creation of any additional residential uses or units on the Property except as expressly provided in Section 3 of Exhibit Two hereto.

(b) The balance of the Three and Forty-one one-hundredths (3.41) Development or similar Rights associated with the Property, and any other development or similar rights that may be or become associated with the Property are hereby extinguished.

(c) Neither Grantors nor Grantee shall use or receive the benefit from any increase in allowable development or similar rights associated with the Property resulting from future zoning changes or otherwise.

16. Conveyance of Separate Parcels: Grantors acknowledge that the Property currently consists of one legal parcel (Assessors Parcel Number 126-180-27) which under existing law and regulations requires that the Property might only be sold or conveyed as one (1) lot of land. It is agreed that the sale or conveyance of parcels separate or apart from the others except as expressly provided in Section 3 of Exhibit Two hereto, is inconsistent with the purpose of this Easement. Therefore, Grantors covenants and agrees: (a) Grantors shall not apply for and/or pursue to completion an application to the County of Del Norte for lot line adjustments of adjoining lands without consolidation or merger of such parcels of land with the Property into one legal parcel; and (b) except as expressly provided in Section 3 of Exhibit Two hereto, upon any request to Grantee for consent to a separate sale, alienation or conveyance of either parcel, such consent may be granted, withheld or conditioned by Grantee in the exercise of its sole discretionary judgment regarding the consistency or inconsistency of the proposed transaction with the purpose of this Easement, which judgment exercised in good faith will be final and binding.

17. Extinguishment. Grantor and Grantee hereby state that it is their intention that conveyance of this Easement be in perpetuity. If circumstances do arise in the future such as to render the purpose of this Easement impossible to accomplish, for example, in the case of inverse condemnation acquisition of the property by a government entity for public purposes, or if both Grantor and Grantee were to be subject to litigation that would require monetary settlement to the prevailing party necessitating sale of the property at full, unencumbered market value, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and the amount of the compensation to which Grantee shall be entitled from any sale, exchange, or involuntary conversion of all or any portion of the Property subsequent to such termination or extinguishment, shall be determined, unless otherwise provided by California law at the time, in accordance with Section 18.

18. Compensation. This Easement constitutes a non-possessory real property interest immediately vested in Grantee. For the purpose of Section 17, the parties stipulate that the value of this Easement shall be determined by calculating 10% of the current appraised value of the Property. Appraised value shall be determined by the parties' selection of a mutually agreeable appraiser. In the event a mutually agreed appraiser cannot be agreed upon, each party may retain their own appraiser, and the current appraised value shall be the average of the two appraisals. In no event shall the value of the Easement exceed \$50,000.00. The current appraised value of the Property shall exclude any amounts attributable to improvements made to the Property subsequent to Grantors acquisition.

19. Condemnation. Should all or part of the Property be taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by the Easement, Grantors and Grantee shall join in appropriate actions at the time of such taking to recover the full value of the taking and all incidental or direct damages resulting from the taking, which proceeds shall be divided in accordance with the proportionate values of Grantors' and Grantee's interests as specified in Section 18, unless otherwise provided by applicable law. All expenses incurred by Grantors and Grantee in such action shall be first paid out of the recovered proceeds.

20. Assignment of Grantee's Interest. Grantee may assign its interest in this Easement only: (a) upon obtaining the written consent of Grantors; and (b) to a "qualified organization", within the meaning of Section 170(h) of the Internal Revenue Code, as amended, or any successor provision, and which is authorized to acquire and hold conservation easements under California law.

21. Executory Interest. If Grantee shall cease to exist for any reason, or to be a qualified organization under Section 170(h) of the Internal Revenue Code, as amended, or to be authorized to acquire and hold conservation easements under California law, then Grantee's rights and obligations under this Easement shall become immediately vested in a non-profit land trust of Grantee's choosing.

22. Amendment of Easement. This Easement may be amended only with the written consent of the Grantors and the Grantee. Any such amendment shall be consistent with the purposes of this Easement and with the Grantee's easement amendment policies, and shall comply with Section 170(h) of the Internal Revenue Code, or any regulations promulgated in accordance with that section, and with Section 815 et seq. of the Civil Code of California, or any regulations promulgated there under. No amendment shall diminish or affect the perpetual duration and the Purpose of this Easement, nor the rights of the Grantee under the terms of this Easement.

23. Applicable Law. All uses, practices, specific improvements, construction or other activities permitted under this Easement shall be in accordance with applicable law and any permits or approvals required thereby.

24. General Provisions.

(a) Controlling Law. The laws of the State of California shall govern the interpretation and the performance of this Easement.

(b) Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purpose of this Easement and the policy and purpose of the California Conservation Easement Act of 1979, as amended. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) Severability. If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(d) Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged herein.

(e) No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantors' title in any respect.

(f) Joint Obligation. The obligations imposed by this Easement upon Grantors shall be joint and several.

(g) Successors. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

(h) Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

(i) Future Conveyance. Grantors agree that reference to this Easement will be made in any subsequent deed or other legal instrument by means of which Grantors convey any interest in the Property (including but not limited to a leasehold interest).

(j) Not Governmental Approval. No provision of this Easement shall constitute governmental approval of any specific improvements, construction or other activities that may be permitted under this Easement.

IN WITNESS WHEREOF, Grantors have executed this Deed and Covenants for a Natural Resource Conservation Easement, on this 23rd day of December, 2004.

James Russell Baskin

Julia Lynn Green

By: James Russell Baskin
Grantor

By: Julia Lynn Green
Grantor

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EXHIBIT ONE
PROPERTY DESCRIPTION

Real property in the unincorporated area of the County of Del Norte, State of California, described as follows:

The Southeast Quarter of Section 24, Township 15 North, Range 2 East, Humboldt Base Line and Meridian.

EXCEPTING THEREFROM that portion thereof conveyed to Samuel F. Finley and wife by Deed recorded April 14, 1961 in Book 73 of Official Records, page 255 and re-recorded August 10, 1973 in Book 173 of Official Records, page 38, Del Norte County Records.

APN 126-180-27.

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**EXHIBIT TWO
PERMITTED USES AND PRACTICES**

The following uses and practices, though not necessarily an exhaustive recital of consistent uses and practices, are expressly permitted as set forth herein.

1. Very Low Density Rural Residential Use. To reside on the Property at a permanent residential density of no more than one (1) dwelling per forty (40) acres. No more than two (2) such dwellings shall be constructed on any legally created parcel. The total aggregate building site for the main residential structure and all accessory and ancillary structures for any such residential use shall not exceed one thousand, five hundred (1,500) square feet, or entail a cleared and enclosed curtilage of two (2) acres.

2. Non-commercial Forestry. To engage in non-commercial forestry uses on the Property in accordance with sound, generally accepted silvicultural practices that do not threaten or degrade significant natural resources. For the purposes of this Easement "non-commercial forestry uses" shall be defined as: the cutting or firewood or saw timber solely for use on the Property and for the enhancement of standing timber stocks, provided that the processing, storage, and use of any such forest products shall require the consent of Grantee; further provided, however, that such non-commercial forestry uses shall not result in significant soil degradation, significant pollution or degradation of any surface or subsurface waters, and that all uses and activities are consistent with applicable laws.

3. Non-commercial Extraction of Natural Materials. To engage in the extraction of cobble, rock, sand, aggregate and soil materials for use in the construction, repair, and maintenance, of roads, fences, silvicultural activities, agricultural production, residential structures, landscaping, and recreational use trails.

4. Agriculture. To engage in agricultural uses of the Property in accordance with sound, generally accepted agricultural practices that do not threaten or degrade significant natural resources. All agricultural practices are to conform, now and in perpetuity with currently existing (as of March 31, 2004) organic standards as written by the California Certified Organic Farmers Association (CCOF standards"). For the purposes of this Easement "agricultural uses" shall be defined as: breeding, raising, pasturing, and grazing livestock of every nature and description for the production of food and fiber, with the exception of those prohibited in Exhibit Three; breeding and raising bees, fish, poultry, and other fowl; planting, raising, harvesting, and producing agricultural, aqua cultural, and horticultural crops and products of every nature and description; and the processing, storage, and sale of crops and products harvested and produced principally on the Property, provided that the processing, storage, and sale of any such crops or products that are not food or fiber shall require the consent of Grantee; further provided, however, that such agricultural uses shall not result in significant soil degradation, significant pollution or degradation of any surface or subsurface waters, and that all uses and activities are consistent with applicable laws.

5. Improvements and Facilities. (a) Maintenance and Repair of Existing Improvements and Facilities. To maintain and repair existing structures, housing, fences, corrals, roads and other improvements and facilities on the Property. (b) Construction of Additional Improvements and

Facilities. Additional improvements and facilities accessory to the residential use of the Property, and additional structures, housing, roads, and other improvements and facilities reasonably necessary to the forestry, agricultural, and very low density rural residential uses of the Property other than as provided for in Sections 1, 2, and 3, above, shall be permitted, provided that Grantors obtain the express written approval of Grantee for the construction of structure, housing, road, or other improvements and facilities, including the size, function, capacity and location, which consent should not be unreasonably withheld, and that such construction is made in accordance with applicable laws. Grantors shall provide Grantee written notice of Grantors' intentions to undertake any such construction, together with information on its size, function, capacity and location, not less than forty-five (45) days prior to the commencement thereof. Additional fencing and corrals deemed by Grantors to be reasonably necessary to forestry, ranching, agricultural, or very low density rural residential activities may be constructed without Grantee's consent. (c) Replacement of Improvements and Facilities. In the event of destruction, deterioration or obsolescence of any structures, housing, fences, corrals, roads, or other improvements and facilities, whether existing at the date hereof or constructed subsequently pursuant to the provisions of this section, Grantors may replace the same with structures, housing, fences, corrals, roads, or other improvements and facilities of similar size, function, capacity and location.

6. Water Resources and Impoundments. To develop and maintain such water resources on the Property as are necessary or convenient for forestry, ranching, agricultural, irrigation, and very low density rural residential uses in a manner consistent with the purpose of this Easement, provided that the creation, alteration or enlargement of any water impoundment shall not damage, impair or interfere with the Protected Values and that all such water resources shall be developed in accordance with applicable laws. Surface water extractions from the unnamed tributary on the property shall utilize a single intake pipe of no larger than one (1) inch in diameter per parcel.

7. Agrichemicals. Except as specifically prohibited within Exhibit Three, to use agrichemicals, including, but not limited to, fertilizers and biocides, in those amounts and with that frequency of application necessary to accomplish reasonable forestry, grazing and agricultural, and residential landscaping purposes are disallowed excepting those allowed under currently existing (as of March 31, 2004) "organic" CCOF standards. Such use shall be carefully circumscribed near surface waters and during periods of high ground water.

8. Predator Control. Except as specifically prohibited in Exhibit Three, to control predatory and problem animals by the use of selective control techniques with particular emphasis on employing Integrated Pest Management approach.

9. Non-commercial Recreational Uses. To utilize the Property for recreational or educational purposes, including, without limitation, aerobic and passive exercise, hiking, horseback riding, hunting and fishing, geo-cacheing and orienteering, meditation, and nature study, that, other than the creation of minor trail facilities, observation enclosures or deck areas of less than one hundred, twenty (120) square feet, involving minimal ground disturbances and requiring no surface alternation or other development of the land.

10. Commercial Recreational Uses: To utilize the Property for commercial visitor-serving facilities, including but not limited to transient accommodations, eco-tourism-based lodging, retreats, and conferences, provided the density of use and the development of associated support facilities are

compatible with and do not result in damage, impairment or endangerment of the Protected Values, and are permitted and operated in accordance with applicable law.

11. Land Divisions. To subdivide the Property into no more than a total of two (2) parcels with no resulting parcel being smaller than forty (40) acres in size.

12. Recreational Vehicles. The use of self-contained motorized recreational vehicles, including but not limited to camping cars, coaches, or travel trailers, except by Grantors or others under Grantors' control, for use as habitation during guest stays or seasonal occupation, not to exceed fourteen (14) consecutive days. No more than three (3) such recreational vehicles may be so utilized concurrently at any time without expressed permission of Grantee. Recreational vehicle power generators are prohibited.

**EXHIBIT THREE
PROHIBITED USES AND PRACTICES**

The following uses and practices, though not necessarily an exhaustive recital of inconsistent uses and practices, are inconsistent with the purposes of this Easement and are expressly prohibited upon or within the Property:

1. Impairment of Protected Values. The impairment of the Protected Values, except as otherwise provided herein.
2. Commercial or Industrial Use. The establishment and conduct of commercial or industrial uses or the construction, placing, or erection of any signs or billboards; provided, however, that neither forestry, ranching, agriculture, nor the production or processing of food and fiber products or other uses as contemplated by the provisions of Exhibit Two, shall be considered prohibited commercial or industrial uses. Further provided, however, that Grantee shall have the right in its sole discretion to approve the establishment and conduct of non-agricultural commercial and industrial uses or activities which are compatible with the Protected Values of the Property and which are ancillary and subordinate to the forestry, agricultural, and very low density rural residential uses of the Property. Notwithstanding the prohibition above on the placing or erecting of signs, Grantee, in its sole discretion, may also approve signs related to any such commercial or industrial uses approved by Grantee.
3. Construction. The construction, reconstruction, or replacement of structures, housing, roads and other improvements and facilities except as provided in Section 11, subsection (a) of this Easement and Exhibit Two.
4. Power Generation. Except as provided in Sections 5 and 12 of Exhibit Two, or directly related to the supplying of electrical power tools utilized in the construction of structures permitted by this Easement, Grantors shall not utilize any gasoline- or diesel-powered portable electrical generators as the primary source of electricity for powering the permanent uses on the Property.
4. Subdivision. The division, subdivision, or de facto subdivision of the Property except as provided in Section 11, of Exhibit Two, provided, however, that this section shall not prohibit a lease of a portion of the Property for agricultural use.
5. Motorized Vehicles. The use of motorized vehicles, except by Grantors or others under Grantors' control for direct ingress and egress to the Property, forestry, agricultural, or ranching activities, grounds maintenance directly associated with the attendant residential use of the Property, or as provided in Section 12 of Exhibit Two. Any use of motorized vehicles off of roadways is prohibited except when necessary for forestry, agricultural and ranching purposes.
6. Tree Cutting. The harvesting or removal of trees; provided, however, that Grantors shall have the right to: (i) cut or collect firewood for the heating of ranch and residential facilities on the Property; (ii) cut or remove trees as reasonably necessary to control insects and diseases, prevent personal injury and property damage, provide for defensible space around structures for wildfire

protection, and to allow construction or repair of residential or agricultural facilities; (iii) selectively cut or remove trees for view shed enhancements from any dwellings constructed or erected pursuant to this Easement, provided such cutting or removal does not significantly alter the character of the property or allow improvements on the site to become dominant features within the Big Flat Rural Community Area, as viewed from any public road or vantage point; and (iv) cut or remove trees associated with accepted sustainable forestry silvicultural practices not associated with a commercial timber harvest or timberland conversion, including but not limited to thinning, pruning, and stump removal. Grantors may also develop and, with the express prior written approval of Grantee, implement a long-range plan for the growing and/or commercial harvesting of trees in a manner that is consistent with the purpose of this Easement, and revenues from such commercial harvesting are applied to natural resources conservation, restoration, and enhancement projects conducted on the Property and not otherwise retained as income by Grantors. Utmost care to be taken to protect the following species:

- Redwood;
- Port Orford cedar;
- White oak; and
- Yew.

7. Use of Phenoxy Herbicides, Organophosphate Insecticides, and Other Toxic Compounds.

The application and use of phenoxy herbicides, organophosphate or carbamate pesticides, agents appearing as known or suspected carcinogens on the State of California Proposition 65 registry, or reproductive toxins, nerve toxins, or metabolic disruptors, subject to the regulatory authority of the California Department of Pesticide Regulation, California Office of Environmental Hazard Assessment, or the United States Environmental Protection Agency. Any substance prohibited by currently existing (as of March 31, 2004) CCOF "organic" standards.

8. Dumping. The dumping or other disposal of wastes, refuse or debris on the Property, except for organic material generated by permitted forestry, agricultural, and very low density rural residential uses on the Property; provided, that any such dumping or disposal of organic material shall be in accordance with applicable law and generally accepted forestry and agricultural management practices and residential health and safety standards. No trash, refuse, vehicle bodies or parts, rubbish, debris, junk, waste, or hazardous waste shall be placed, stored, dumped, buried, or permitted to remain on the Property, except as reasonably required for the use of the Property for forestry, agricultural, and very low density rural residential purposes, and in accordance with applicable law.

9. Soil Degradation. Forestry, ranching, agricultural or other uses, otherwise permitted under this Easement, which result in significant degradation of soil quality.

10. Water Quality Degradation. Forestry, ranching, agricultural or other uses, otherwise permitted under this Easement, which result in significant degradation of water quality.

11. Surface Alteration or Excavation. Commercial mining and any significant alteration of the general topography or natural drainage of the Property including, without limitation, the excavation or removal of soil, sand, rock, or gravel, except as provided for in Section 3 of Exhibit Two, or as may be required for uses on the Property incidental to forestry, ranching and agricultural uses

permitted herein, provided that such materials are taken only from locations and in amounts approved by Grantee.

12. Exterior Lighting. All exterior lights, including any lights attached to the outside of any structures developed on the property pursuant to this Easement, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the dwelling's curtilage. No exterior lighting shall be allowed to illuminate any environmentally sensitive area (i.e., wetland, riparian corridor, nesting trees, or rare plant habitat) at an intensity greater than two (2) lumens per square meter."

13. Predator Control. Poisons are specifically prohibited. Intentional killing of the following species is prohibited unless animal directly threatens human safety:

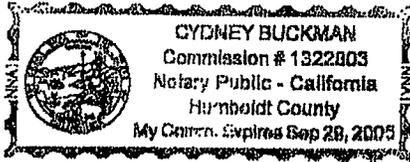
- Bears;
- Mountain lions;
- Coyotes;
- All non-game avian species; and
- All species protected under local, state and/or federal statutes.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Humboldt } ss.

On December 23, 2004, before me, Cydney Buckman, Notary Public
Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared James Russell Baskins + Julie Lynn Green
Name(s) of Signer(s)

- [] personally known to me
[] proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Cydney Buckman
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document Deed and Covenants Form
Title or Type of Document: Natural Resources Conservation Easement

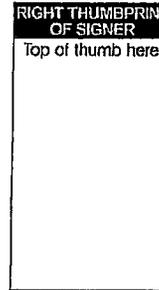
Document Date: December 23, 2004 Number of Pages: 10 plus Acks

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer

- Signer's Name:
[] Individual
[] Corporate Officer — Title(s):
[] Partner — [] Limited [] General
[] Attorney in Fact
[] Trustee
[] Guardian or Conservator
[] Other:

Signer Is Representing:





**COUNTY OF DEL NORTE
BOARD OF SUPERVISORS**

981 "H" Street, Suite 200
Crescent City, California 95531

Phone
(707) 464-7204

Fax
(707) 464-1165

December 1, 2011

Dear Property Owner:

Please be advised that by the enclosed "Notice of Public Hearing" the Del Norte County Board of Supervisors will be conducting a public hearing to consider the project(s) listed on the back of this page.

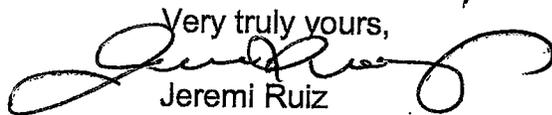
TIME OF HEARING: 10:30 A.M.
DATE OF HEARING: December 13, 2011
PLACE OF HEARING: Board of Supervisors Chambers
981 H Street, Crescent City, CA 95531

The Board of Supervisors would like to take this opportunity to invite you to submit input either by personal appearance before them at the public hearing, or in the form of a letter containing your comments for presentation during the public hearing.

If you should choose to submit a letter, please address it as follows: BOARD OF SUPERVISORS, 981 H Street, Suite 200, Crescent City, CA 95531.

If you should have any questions relative to the hearing and the effect it will have on your property, contact the Del Norte County Community Development Department at (707) 464-7254.

Thank you for your time and cooperation.

Very truly yours,

Jeremi Ruiz
Clerk of the Board of Supervisors

cc: CDD, Assessor

**NOTICE OF PUBLIC HEARING
BY
DEL NORTE COUNTY
BOARD OF SUPERVISORS**

The Board of Supervisors of the County of Del Norte will hold a Public Hearing to consider the following Rezone:

James Baskin and Julia GreenRezone 148.13 Acres, APN 126-180-27, from TPZ (Timber Preserve Zone — 160 Acre minimum lot size) zone designation to AF (Agriculture Forestry - 40 Acre minimum lot size). The parcel has a General Plan land use designation of Timberland. The parcel is located on the north east side of the Gasquet-Orleans Road approximately 1 and 1/2 miles from the intersection of the South Fork Road. The AF zoning designation is consistent with the Timberland Land Use Designation. The parcel has been zoned TPZ since the inception of the Timberland legislation of 1976.

TIME OF HEARING: 10:30 A.M.
DATE OF HEARING: December 13, 2011
PLACE OF HEARING: Board of Supervisors Chambers
981 H Street, Suite 100
Crescent City, CA 95531

All persons interested are invited to appear at the aforementioned time, date and place to let your views be heard.



Jeremi Ruiz
Clerk of the Board of Supervisors
County of Del Norte
State of California

DATED: December 1, 2011
PUBLISH: December 3, 2011



COUNTY OF DEL NORTE

OFFICE OF THE ASSESSOR

981 "H" Street, Suite 120
Crescent City, California 95531

Phone (707) 464-7200
Fax (707) 464-3115

November 30, 2011

Mr. James Baskins/Mrs. Julia Green
1454 Hilfiker Drive
Arcata, CA 95521-5113

RE: Rezoning APN 126-180-27

Dear Mr. Baskins and Mrs. Green:

The Del Norte County Assessor has initiated a Rezoning of your parcel APN 126-180-27, containing 148.13 acres. It has been determined that with the recording of your "Deed and Covenants for Natural Resources Conservation Easement" has violated the Timberland Protection Zoning (TPZ) by restricting the Harvesting and Growing of timber with a reasonable expectation of harvest for a long term stability of local resource-based economies.

We have asked the County Board of Supervisors to set December 13, 2011, for a Public Hearing. We have also asked that the new zoning designation be "Agriculture-Forestry". The private property owners within one mile of your parcel will be notified that your parcel will be rezoned.

In addition, your parcel will be "Immediately Rezoned" per Government Code (GC) Section 51155, GC Section 51130 and GC Section 51142. You will be required to pay a tax recoupment fee which will be calculated after the rezone has been affirmed by the County Board of Supervisors. The Assessor will certify to you the new value in the rezoned use within 90 days of the rezone. There will also be escaped assessments for those years that the property has been restricted by the Easement for those years allowed by the statute of limitations.

If you should have questions prior to the Public Hearing, you may call me at (707) 464-7200.

Sincerely,

Louise Willson
Assessor
County of Del Norte