

## **CHAPTER 34B. LAND MANAGEMENT PLANNING REQUIREMENTS FOR USES AND PERMITS IN THE TIMBERLAND PRESERVE ZONE**

**SECTION 6750. USES AND PERMITS.** Timber growing and harvesting and compatible uses only are permitted in the TPZ. A proposed use which the Planning Director determines to be a compatible use and which does not constitute development as defined in Section 6710.3 shall not require a permit. Permits shall be required for all developments.

**SECTION 6751. COMMERCIAL TIMBER HARVESTING** is permitted in the TPZ under the Timber Harvesting Ordinance, Division VIII, Part 1, Regulation of Timber Harvesting, Sections 10,000 through 10,807 inclusive.

**SECTION 6752. COMPATIBLE USE DEVELOPMENT REQUIREMENTS.** All development proposed for location within the Timberland Preserve Zone shall meet the definition of compatible use set forth in Section 6710.1. Such developments, except commercial timber harvesting, shall require issuance of either a Minor Development Permit or a Major Development Permit. All developments require a Timber Management Plan (Section 6770) with sufficient details to achieve the purposes of this ordinance.

**SECTION 6753. APPLICATION PROCEDURES AND CRITERIA** for deciding between alternative development permit procedures.

1. The applicant shall submit a completed TPZ application, and a Project Description and Environmental Certification form briefly describing the proposed development.
2. The applicant shall submit a Timber Management Plan with sufficient detail to guide and coordinate the development.
3. If, after review of material submitted in 1 and 2 above, the proposed use is a compatible use allowed in the TPZ, is either listed or determined by the Planning Director to be a minor development, and is adequately coordinated by the Timber Management Plan, the Planning Director may approve a Minor Development Permit without the requirements of a public hearing.
4. If, after a review of the material submitted in 1 and 2 above, the proposed use is a compatible use permitted in the TPZ, but cannot qualify as a minor development, the application is declared to be major development and shall be reviewed according to the Major Development Permit procedures.

5. If, after review of the material submitted in 1 and 2 above, the Planning Director determines that the proposed use is not a compatible use as defined in Section 6710.1, he shall notify the applicant in writing and state his reasons.

**SECTION 6754. MINOR DEVELOPMENT PROCEDURES.** Minor development is any development which, following examination of environmental information, is qualified for a negative declaration or categorical exemption. Such development may be declared a minor development by the Planning Director. Minor developments may include, but are not limited to, the following uses:

1. Agricultural and recreational animal uses and their accessory structures including fences;
2. Single-family dwellings and their accessory structures including parking areas, driveways, and minor roadways;
3. On-site manufacture and/or sale of minor quantities of manufactured products; defined as up to 100,000 board feet, or equivalent measure, during any 12 consecutive month period;
4. Limited trailer housing, for laborer or a watchman, for not more than nine months in any one year;
5. Development and maintenance of gas, electric, water, or communications transmission facilities;
6. Stables;
7. On-premise signs;
8. Campgrounds, and overnight recreation shelters;
9. Any other use determined by the Planning Director to be a minor development which is consistent with the purposes of this ordinance, a compatible use, and which will not impair the present or potential uses of adjacent properties.

**SECTION 6755. MINOR DEVELOPMENT PERMIT.** In order for the Planning Director to issue a Minor Development Permit, the Director must declare the following requirements have been met:

1. A complete TPZ application and Project Description and Environmental Certification form have been submitted.
2. Any additional information has been submitted that the Director believes is necessary in order to evaluate adequately the impact of a development.

3. A negative declaration or a categorical exemption has been issued.
4. The proposed minor development meets all applicable design criteria contained in Section 6760 below.
5. The proposed minor development has an adequate Timber Management Plan which assures the project is consistent with the purposes of the TPZ and will not impair the present or potential uses of adjacent properties.

Appeal of the issuance or non-issuance of a Minor Development Permit, or any condition thereof, may be made by the applicant or any other person pursuant to Section 6790.

**SECTION 6756. MAJOR DEVELOPMENT PERMIT.** A major development in this Chapter is any development that is permitted in the TPZ other than commercial timber harvesting or a minor development.

1. A proposed major development shall require a Development and Timber Management Plan pursuant to Section 6757.
2. The Planning Commission shall determine whether a major development is compatible with the TPZ or whether rezoning is required in order to allow the proposed use.

**SECTION 6757. DEVELOPMENT AND TIMBER MANAGEMENT (“DTM”) PLAN PROCESS AND REQUIREMENTS.** A Development and Timber Management (“DTM”) Plan shall be prepared and shall include the following elements:

1. An environmental document as required under CEQA regulations. Any environmental analysis shall include:
  - a. A brief description of the timber stand age and structure.
  - b. Site topography.
  - c. Geology.
  - d. Soil characteristics.
  - e. Hydrology.
  - f. Climate.
  - g. Vegetation.
  - h. Wildlife.

- i. Road access.
  - j. Cultural and other special features pertinent to the proposed site.
2. A Timber Management Plan (Section 6770).
3. A tabulation of proposed land uses, building types, floor areas, number of dwelling units, usable open space, land coverage, total number of acres in the proposed development, and the percent of area designated for various uses.
4. A description of the proposed development's design theme as it applies to all buildings and landscapes.
5. Elevations, site and schematic floor plans for building types at an appropriate scale as determined by the Planning Director.
6. The precise location of water, sewerage, and drainage facilities, including any utility easements.
7. A landscaping plan showing proposed landforms including walls, walks, fences, screening, and the irrigation system, in addition to the location, size, number and variety of proposed tree or plant materials to be saved or installed, or existing plant materials to be removed or relocated.
8. A development schedule that at least includes anticipated timing, duration and costs, and the anticipated priorities of each development stage, if any.
9. The proposed circulation system, including the location of, and the specifications and improvements for streets, pedestrian pathways, and other circulation facilities.
10. A plan for all proposed parking, loading and unloading, as well as service areas.
11. A grading or earth moving plan, indicating haul routes and disposal sites if necessary.
12. A planned sign program indicating quantity, location, size, and design of all proposed signs.
13. A precise lighting plan.
14. A copy of proposed private agreements, covenants, or restrictions, which govern the use, maintenance, and continuing operation of the development and any of its common areas, facilities, and services that proposed private agreements, covenants or restrictions, shall provide that payment of assessments to support the continued maintenance and operation of the development; any of its common

areas, facilities, and services shall be secured by a deed of trust on the property for the benefit of the County as well as for the benefit of any homeowners' association.

15. A Master Land Division Plan ("MLDP") which delineates how the parcel will be ultimately divided according to the maximum density of development permitted and consistent with the findings and conclusions of the environmental document (Section 6757.1). The MLDP shall indicate:
  - a. All existing and new property lines.
  - b. Proposed uses for each parcel.
  - c. Location of roads providing access to each parcel and road improvements required.

Parcels shall:

- a. Be of sufficient size to meet minimum domestic well water and on-site sewage disposal area requirements, except for the latter where it is legally possible to connect to water district lines.
- b. Be clustered in order to have the minimum amount of a stream frontage.
- c. To the extent feasible, minimize the number of roads and driveways directly accessing major roads.

An MLDP shall permit division in phases, and all future divisions occurring on the original parcel for which an MLDP has been filed shall conform to that MLDP, or an approved amendment thereto.

An MLDP shall not be required if a deed restriction, or other legally enforceable instrument, limits development rights to a total potential buildout of four (4) or fewer dwelling units on the whole parcel.

The Development and Timber Management Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Should the proposed development involve a subdivision, appropriate application will be made concurrently according to existing regulations.

Within 50 days of receipt of a DTM Plan, the Planning Director shall review it, refer it for analysis and recommendation to all interested persons and agencies, prepare a final report for the Planning Commission's consideration, and schedule a legal public hearing, following established policies.

**SECTION 6758. PLANNING COMMISSION ACTION AND FINDINGS** on the Development and Timber Management Plan.

Upon public hearing of the Plan, the Planning Commission shall take one of the following actions on the application: (1) approve, as submitted, (2) approve, subject to conditions of approval, or (3) deny.

1. Approval - If the Planning Commission finds that the DTM Plan conforms with all applicable criteria, standards and policies, and makes the specific findings listed below, it may approve the Plan. The specific plan findings are that:
  - a. The DTM Plan is in harmony with the County General Plan and the purposes of the TPZ, and can be coordinated with existing and proposed development of surrounding areas.
  - b. Any proposed residential development will constitute a residential environment of sustained desirability and stability; it will be in harmony with the character of the surrounding area; and the public facilities, such as schools, playgrounds and open space, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction.
  - c. Any proposed compatible commercial, institutional, recreational, and other non-residential uses will be appropriate in size, location, and overall planning to the purpose intended; and such development will be in harmony with the character of the surrounding areas.
2. Approve with Conditions - In approving the DTM Plan, the Planning Commission may attach reasonable conditions of approval: (1) to ensure public safety, health, and welfare; (2) to support the required findings; or (3) to ensure compliance with the content and purpose of this ordinance. Conditions of approval may include, but not be limited to, design modifications, site improvements, exactions, and supplemental information.
3. Denial - If the Planning Commission finds that the DTM Plan does not meet all applicable criteria, standards and policies, it may deny the plan, giving its reasons. The Planning Commission may grant the applicant the opportunity to amend the DTM Plan and reschedule another legal public hearing within six months.

The Planning Commission decision shall become effective ten (10) days after the decision is rendered, providing an appeal is not filed in accordance with the provisions of Section 6790.

**SECTION 6759. DEVELOPMENT DESIGN CRITERIA.** Any development shall consider several general and specific design criteria when applicable. The design criteria are outlined as follows:

**SECTION 6760. GENERAL DESIGN CRITERIA.**

1. Environmental Design Criteria. All developments shall be designed to conserve energy; to minimize air pollutants to meet County, State and Federal standards; to exclude significant levels of noxious odors; to use only biocides having no significant adverse environmental effects and to avoid discharging other chemicals which unbalance the major ecosystems; to exclude long-term noise levels; to avoid extensive change of vegetation; and to avoid adverse impacts on wildlife habitat, to minimize impacts on perennial streams and riparian habitat.
2. Site and Building Design Criteria. All developments shall:
  - a. Be properly sited to be subordinate to and compatible with their surroundings.
  - b. Fit structures with the topography without undue grading or change to existing landforms.
  - c. Develop parking in small, screened lots.
  - d. Minimize design and construction impacts on adjacent property owners due to blocked views, noises, lights, glare and odors.
  - e. Maintain soil stability on- and off-site.
  - f. Keep the profile of all structures less than the forest canopy height.
  - g. Use materials and colors that blend with surroundings.
  - h. Minimize increase in fire risk and hazard.
  - i. Minimize vegetation and tree removal.
  - j. Minimize the use of irrigation on the site by landscaping with drought-tolerant vegetation.
  - k. Be located in proximity to existing development, wherever possible.
3. Utility Design Criteria. All developments shall:
  - a. Be designed to minimize the bulk and appearance of utility structures, poles, overhead wires, and signs.

- b. Locate all utility lines underground where practicable, and use existing or locally available public water supply sources.
  - c. Have access to a satisfactory public sewer system nearby or to be suitable for septic tank installation, or other approved facility.
4. Cultural Resources Design Criteria. All developments shall be designed to avoid and maintain known archaeological sites. Any unknown sites found during construction of a development shall be cause to suspend all work until approval to continue is obtained from the Planning Director.
5. Public Safety Design Criteria. All developments shall:
- a. Be designed to provide setbacks from hazardous areas.
  - b. Avoid off-site damage to life and property.
  - c. Avoid construction of any structures on hazardous areas as defined in the County's General Plan.
  - d. Avoid use of any portion of any land that is unsuitable for use for reasons of exposure to fire, flooding, inadequate drainage, soil and rock formations with severe limitations for development, or steep slopes.
  - e. Avoid use of land with inadequate water supply or sewage disposal capabilities, or any other features harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community-at-large.

**SECTION 6761. PRIMARY RESOURCE AREAS DESIGN CRITERIA.** These supplementary review criteria shall apply to developments that fall within Primary Resource Areas as designated or defined in the San Mateo County General Plan. These criteria are in addition to all other development criteria.

1. Scenic Corridors and Other Scenic Resource Areas Design Criteria. All developments shall:
- a. Be designed to protect and enhance public views within the scenic corridor defined in the San Mateo County General Plan.
  - b. Visually screen access roads and parking areas from scenic corridors.
  - c. Minimize the number of access roads to scenic corridors.
  - d. Minimize the visual impact on scenic corridors.



- e. Prohibit any use of a designated primary landscape feature.
  - f. Use native vegetation and earth berms as fencing material when screening is required.
2. Fish and Wildlife Habitat Areas Design Criteria. All developments shall:
- a. Be designed to prevent reduction or removal of habitat areas.
  - b. Ensure that any spawning and nesting areas or wetlands are not developed, altered, filled or dredged.
3. Forest Resources Design Criteria. All developments shall be designed to minimize the use of Site I, II or III soils for any use other than growing and harvesting of timber.
4. Water Resources Design Criteria. All developments shall:
- a. Be designed to maintain groundwater basins.
  - b. Not disrupt groundwater recharge.
  - c. Manage flows to maintain fish habitats.
  - d. Maintain the quality of water in any water body or source.
  - e. Avoid construction of structures and roads directly adjacent to lakes or reservoirs over 5 acres in size.
  - f. Avoid the creation of new parcels fronting perennial streams, as defined on USES topographic maps, when subdivisions are proposed.
  - g. Minimize the amount of water needed for irrigation by using drought-tolerant vegetation for landscaping.
5. Mineral Resource Areas Design Criteria. All developments shall:
- a. Be designed to enhance, reuse, and rehabilitate mineral resource land areas.
  - b. Minimize impacts to surrounding scenic and open space amenities.
  - c. Minimize impacts on water and wildlife resources.

**SECTION 6762. SPECIAL HAZARD AREAS DESIGN CRITERIA.** These supplemental design criteria shall apply to developments that fall within the Special Hazard Areas as defined in the County's General Plan.

1. Floodplain Hazard Area Design Criteria. All developments within a 100-year floodplain shall:
  - a. Be designed to maintain water quality.
  - b. Avoid construction of flood control works.
  - c. Reduce flood damage potential.
  - d. Be above the 100-year flood elevation for any given area, including the location of service facilities and utilities.
  - e. Provide storm drain facilities to store and convey water without damage to persons or property.
  - f. Avoid installations of sewage disposal facilities requiring soil absorption systems.
  - g. Avoid location of all water systems not flood proofed at or above the flood protection elevation.
  
2. Seismic Hazard Design Criteria. In all areas defined as hazard areas in the Natural Hazards Chapter of the San Mateo County General Plan, all developments shall be designed to standards which achieve the following:
  - a. Maintenance of the health, safety and welfare of County residents.
  - b. Compliance with the requirements of the County General Plan.
  - c. Consistency with the uses proposed.
  - d. Minimal likelihood of direct damage to the uses, and minimal indirect threat to public health and safety in the event of a major seismic event.
  
3. Slope Instability Hazard Area Design Criteria. Within all areas proven as highly unstable by a geotechnical report, development shall be designed to standards that have been demonstrated and will not contribute to the instability of the land. All structural proposals shall adequately compensate for soils and other subsurface conditions.

**SECTION 6763. SPECIAL HAZARD AREAS DESIGN CRITERIA.** These supplemental design criteria shall apply to developments that fall within the Special Hazard Areas defined in the Conservation and Open Space, and Seismic Safety/Safety Elements of the County's General Plan.

1. Floodplain Hazard Area Design Criteria. All developments within a 100-year floodplain shall: (a) be designed to maintain water quality; (b) avoid construction of flood control works; (c) reduce flood damage potential; (d) be above the 100-year flood elevation for any given area, including the location of service facilities and utilities; (e) provide storm drain facilities to store and convey water without damage to persons or property; (f) avoid installations of sewage disposal facilities requiring soil absorption systems; (g) avoid location of all water systems not flood proofed at or above the flood protection elevation.
2. Seismic Hazard Design Criteria. In all areas defined in the Seismic Safety/Safety Element as hazard areas, all development shall be designed to standards which achieve the following: (a) maintenance of the health, safety and welfare of County residents; (b) compliance with the requirements of the Seismic Safety/Safety Element; (c) consistency with the uses proposed; (d) minimal likelihood of direct damage to the uses, and minimal indirect threat to public health and safety in the event of a major seismic event.
3. Slope Instability Hazard Area Design Criteria. Within all areas proven as highly unstable by a geotechnical report, development shall be designed to standards which have been demonstrated will not contribute to the instability of the land. All structural proposals shall adequately compensate for soils and other subsurface conditions.

**SECTION 6770. TIMBER MANAGEMENT ("TM") PLAN.** A Timber Management ("TM") Plan is required for all developments. Failure to follow the TM Plan shall be cause for rezoning of the land.

The TM Plan shall include the following and any additional information the Planning Director may require to achieve the purposes of this ordinance:

1. The Plan shall be sufficiently detailed and specific to achieve the intent and purpose of this ordinance and to coordinate and integrate the uses, and shall be prepared and/or approved by a licensed forester.
2. The Plan shall indicate volume, rotation and cutting cycle, vegetation types, other resources and resource development and utilization.
3. The Plan shall show existing and planned road and major skid road locations, and permanent stream crossings; sequence of harvesting, timing of harvesting (if relevant) and method of avoiding conflicts with timber uses. The Planning Director must be notified and may, for reasons, approve minor changes in the

Plan. Substantial changes in the rotation, cutting cycle, and uses shall require approval of the Planning Commission.

4. The Plan shall include a topographic map with scale of at least one inch equals 1,000 feet (1:12,000), which includes the significant information from the Plan.
5. The Plan shall define a reasonable harvest time. This may require growth and cost estimates and financial maturity calculations or estimates, as well as other estimates or other calculations showing that the timing and amount of cutting would be feasible.

**SECTION 6775. DEVELOPMENT REVIEW TIME REQUIREMENTS.** The Planning Director shall establish and maintain administrative policies that set the review time for Development and Timber Management Plan processing review, and scheduling for hearing.

**SECTION 6780. DENSITY DETERMINATION.** A maximum number of dwelling units permissible on any parcel shall be determined by the following density determination system.

**SECTION 6781. MAXIMUM DENSITY ACCUMULATION** shall be allowed for any segment of a parcel for which any criterion listed below applies.

**SECTION 6782. THE SUM OF THE DWELLING UNITS ACCRUED** through density calculations under all applicable criteria shall constitute the maximum number of dwelling units permissible for a parcel. If the fractional portion of the number of dwelling units allowed is equal to or greater than .5, the total number of dwelling units allowed shall be rounded up to the next whole dwelling unit. If the fraction is less than .5, the fractional unit shall be deleted. Clustering of units is encouraged.

**SECTION 6783. THE GENERAL DENSITY FOR PARCELS ZONED TPZ** shall allow one dwelling unit per 5 acres except in the following circumstances listed below. In these circumstances, the densities listed shall supersede the above one unit per 5 acres density:

1. On lands identified as Special Flood Hazard Areas in accordance with the provisions of Chapter 35.5 of this Part and using the documents identified in Section 6824.2 of that Chapter, as appropriate, dwelling units may be accumulated at a maximum of one unit per 40 acres. Where previous actions have eliminated such flood areas, the provisions of this subsection shall not apply.
2. For remote lands, defined as those lands over one mile from an existing all-weather through public road, density accumulation shall be limited to one dwelling unit per 40 acres.

3. For areas within any of the three least stable categories (Categories V, VI and L) as shown on the USGS Map MF 360, "Landslide susceptibility in San Mateo County," density accumulation shall be limited to one dwelling unit per 40 acres.
4. All areas located within the rift zone or zone of fractured rock of an active fault as defined by the USGS and mapped on USGS Map MF 355, "Active faults, probable active faults, and associated fracture zones in San Mateo County," shall be limited to a maximum density accumulation of one dwelling unit per 40 acres.
5. That portion of a parcel which has a slope in excess of 50% shall have density accumulation limited to one dwelling unit per 40 acres; that portion of a parcel having a slope in excess of 30% but not exceeding 50% shall have density accumulation limited to one dwelling unit per 20 acres; that portion of a parcel having a slope in excess of 15% but not exceeding 30% shall have density accumulation limited to one dwelling unit per 10 acres. Slope is determined by dividing the change in elevation between contours (lines of equal elevation) by the horizontal distance between the respective contours.
6. Lands within the adopted Skyline State Scenic Highway corridors shall be limited to a density accumulation of one dwelling unit per 10 acres.

**SECTION 6784.** Any maps referenced in this section can be challenged for accuracy. When maps referenced in this section can be proved inaccurate by more detailed study, the precise number of units calculated shall be allowed.

**SECTION 6790. APPEALS.** The applicant, or any other person, who is aggrieved by the issuance or non-issuance of a permit or any conditions thereof may appeal in the following manner. A statement by the appellant shall be required indicating how the appellant is aggrieved or adversely affected by the decision. At the time the appeal is heard, the Planning Commission shall rule upon the appellant's standing as an aggrieved party. If the Planning Commission rules that the appellant is not aggrieved, all further proceedings shall be stayed except that the appellant may appeal the Planning Commission decision on standing to the Board of Supervisors as herein provided.

1. Permits considered and acted upon by the Planning Director may be appealed to the Planning Commission by filing a written protest with the Secretary of the Planning Commission within ten (10) working days of issuance or denial of said permit. The appellant shall state specifically the grounds for appeal, and where there was error or contravention of County policy or how the decision is contrary to the public health, safety, or welfare, or contrary to constitutional or property rights. The Planning Commission shall hear such appeal within thirty (30) days of the date of filing of the written protest. The Planning Commission shall render a decision on the appeal within fifteen (15) days of public hearing.

2. Permits considered and acted upon by the Planning Commission may be appealed to the Board of Supervisors by filing a written protest with the Clerk of the Board of Supervisors within ten (10) working days from the decision of the Planning Commission. The appellant shall state how he is aggrieved or adversely affected by the decision of the Planning Commission. The appellant shall state specifically the grounds for appeal and where there was an error or contravention of County policy, or how the decision is contrary to the public health, safety, or welfare, or contrary to constitutional or property rights.
3. Following the denial of an application for development within the TPZ, the applicant may not resubmit the same plan within one year of the date of denial of application.

(Chapters 34, 34A, 34B - Sections 6700 through 6790 - Added by Ordinance No. 2420 - January 25, 1977)

(Section 6710.1(k) - Added by Ordinance No. 2863 - December 17, 1983)

(Section 6710.1(l) - Added by Ordinance No. 3038 - June 18, 1985)

(Section 6710.1(13), 6710.1(14), 6710.1(15), 6710.1(16) - Added by Ordinance No. 3451 - December 15, 1992)

(Sections 6750, 6753, 6756, 6759, 6761, 6763, 6770, 6775 - Amended by Ordinance No. 3876 - January 19, 1999)

(Sections 6757, 6761 and 6762 - Amended by Ordinance No. 2836 - June 14, 1983)

(Section 6783, Paragraph 1 - Amended by Ordinance No. 3002 - July 3, 1984)

(Section 6790 - Amended by Ordinance No. 4158 - February 25, 2003)

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