

# Walking the Legal Tightrope on Timberland Zoning

by Bob Johnson

Amidst charges of "political payoffs," the new majority of the board of supervisors opened the door Tuesday for a potentially massive reduction in the lands of the Timberland Preserve Zone.

The board adopted a swift process to hear appeals from property owners who do not want their land included in the TPZ. Last month, Supervisor Dan Forbus suggested the board consider making TPZ optional for property owners.

But the county counsel's office informed the board such a move would be in violation of state law and Forbus "changed his mind somewhat." The new majority found legal space for a process that will allow property owners to begin rapid appeals that their land was designated TPZ "in error."

The California Forest Taxation Reform Act of 1976 required the county to designate a zone for special protection as a timberland preserve.

The purpose of the 1976 act was to prevent conversion of valuable and scarce timberlands. Land zoned TPZ is subject to severe restrictions designed to insure that all development is compatible with the primary purpose of producing

timber and timber products.

Under the 1976 act, property owners are granted substantial tax breaks in exchange for the restrictions on the use of their land.

Earlier this year, the old board adopted a list of 80,000 acres, or 30 per cent of the land in the county, for inclusion in the TPZ.

Many property owners complain their land was included by mistake in the rush to meet deadlines imposed on the county by state law.

Aptos resident Charles Crawford told the board Tuesday his entire 44-acre parcel was zoned TPZ even though less than 30 per cent of the property contained timber.

Crawford was involved in the process of splitting his property for a combination of apple growing, timber farming and home building when he received a letter informing him the land had been zoned into the TPZ. He had spent more than \$10,000 for studies and permit fees on the land in the last five years.

Frustrated by a five-year nightmare with the planning process, Crawford told the board Tuesday, "I am stuck in TPZ and I want to get out."

The board adopted a procedure which will allow

all owners of TPZ land to have their protests that the property was zoned "by mistake" heard by the planning commission next month. Supervisor Gary Patton voted against the appeals process, charging it was a veiled "political payoff" of financial supporters of the June recall campaign.

Property owners who were angry that the old board of supervisors put their land into the TPZ were prominent among the donors to the massively financed recall campaign.

The first speaker at Tuesday's public hearing was an attorney representing massive recall donor Telford Smith. A parcel of Smith's land in Corralitos was zoned TPZ and attorney Robert Haight asked for "a chance to again present evidence that land should not be in TPZ."

That evidence will eventually be heard by a board of supervisors constituted by the recall election. Smith gave nearly \$10,000 of his own money to aid the recall campaign.

When Patton charged the board was engaging in political payoffs, Telford Smith rose to the microphone to join in the fray.

But board chairperson Cecil Smith banged down the gavel on Patton's charges of political favoritism as an inappropriate matter for public discussion by the board.

Debate over the appeals process adopted Tuesday could be far from over. State authorities indicate the new process might be illegal.

Department of Forestry, wrote the board that "any TPZ rezoning must follow the requirements of the California Environmental Quality Act including an environmental impact report or a negative declaration."

Despite Bennett's letter, the board adopted a process that does not require an EIR for rezoning out of the Timberland Preserve. □

## New \$9100 Jail Study

The plan to convert the old county hospital building on Emeline Street into a jail is moving full speed ahead. A \$9100 contract for a "feasibility report and a preliminary cost estimate" of the project was approved Tuesday by the board of supervisors.

The county has long faced financial roadblocks to proceeding with the plan to construct a \$7 million jail. The novel suggestion of converting the "hospital" into a jail has been a long time in the making.

Patton was joined in opposition to the feasibility study by Supervisor Dan Forbus, who believes the state will withdraw its \$1.2 million in jail assistance money if the county moves forward with the novel conversion plan.

But board chairperson Cecil Smith is convinced the new plan could save up to \$3 million from the costs of constructing a new jail, and was able to convince a majority for going ahead with the study.