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May 3, 2022

**Board of Forestry and Fire Protection**

**Less Than 3-acre Conversion Maintenance 2022**

**Title 14 of the California Code of Regulations**

**Division 1.5, Chapter 4, Subchapter 7, Article 7**

**Amend § 1100**

**§ 1100. Definitions.**

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

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(g) (1) “Timberland Conversion” means:

~~(1)~~ (A) Within non-TPZ Timberland, transforming Timberland to a nontimber growing use through Timber Operations where:

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

~~(B)~~ (ii) Stocking requirements of the applicable district forest practice Rules will not be met within five years after completion of Timber Operations; or

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

~~(2)~~ (B) Within TPZ lands, the immediate rezoning of TPZ lands, whether Timber Operations are involved or not, except as exempt from a Timberland conversion permit under 14 CCR § 1104.1. For exemptions pursuant to 14 CCR § 1104.1 on TPZ lands, the definition in paragraph (1) shall apply to those TPZ lands.

 (2) “Timberland Conversion” does not include the cutting or removal of trees that facilitate nontimber growing uses of a parcel if each of the following are satisfied:

 (A) A Timberland Conversion, as defined in Paragraph (1), has been completed on that parcel previously during the same ownership. The Timberland Conversion must have been completed pursuant to 1104.1, 1104.2, or under a Timberland Conversion Permit as described within this Article.

 (B) The parcel is not designated as TPZ land.

(C) The parcel is less than three acres in size.

(D) The existing nontimber growing use of the parcel is residential or commercial, as evidenced by a permanent residential or commercial building constructed on the parcel. The nontimber growing use resulting from the cutting or removal of trees shall not eliminate or displace the existing residential or commercial use of the parcel. For purposes of this paragraph, the following definitions apply:

1. “Residential building” means a building used or intended to be used for human habitation in which all domestic functions may be carried on.

2. “Commercial building” means a building occupied by a business engaged in the purchase, sale, or exchange of commodities or services and which is open to the public.

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Note: Authority cited: Section 4621, Public Resources Code. Reference: Sections 700, 701, 4526, 4621, 4622, 4623, 4624, 4624.5, 4625, 4626, 21062, 21063, 30103 and 30243, Public Resources Code; and Sections 51100, 51111 and 51134(b), Government Code.