



**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

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Sean Powers  
Community Development Agency Director

Brian Foss  
Planning Director

**NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memo**

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**MEETING DATE:** May 23, 2017

**TO:** Board of Supervisors

**FROM:** Brian Foss, Director of Planning

**SUBJECT:** Public Hearing to consider the Nevada County Planning Commission's April 27, 2017, (5-0 Vote) recommendation for the McDonagh General Plan Land Use Amendment and TPZ Rezone Project to: 1) find the adoption of timberland preserve zones statutorily exempt from CEQA pursuant to Section 15264; 2) approve the General Plan Amendment to change the land use designation of APN 17-020-17 from Rural-10 acre minimum (RUR-10) to Forest-40 acre minimum (FOR-40) (GPA17-0001); and 3) approve the corresponding amendment to Zoning District Map (ZDM) #129 to change the parcel's zoning from General Agricultural-10 acre minimum-Planned Development Combining District (AG-10-PD) to Timberland Production Zone-40 acre minimum (TPZ-40) (RZN17-0001) (District V).

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**RECOMMENDATION:** The Planning Commission recommends the Board of Supervisors take the following actions:

- I. Environmental Action: Find that the adoption of timberland preserve zones is statutorily exempt from the requirement to prepare an EIR or Negative Declaration pursuant to Section 15264 of the State CEQA Guidelines.
- II. Project Actions:
  1. General Plan Land Use Amendment (GPA17-0001): Adopt the attached Resolution for the General Plan Amendment to change the land use designation of APN 17-020-17 from Rural-10 acre minimum (RUR-10) to Forest-40 acre minimum (FOR-40), based on the findings contained in the Resolution (*Attachment I*).

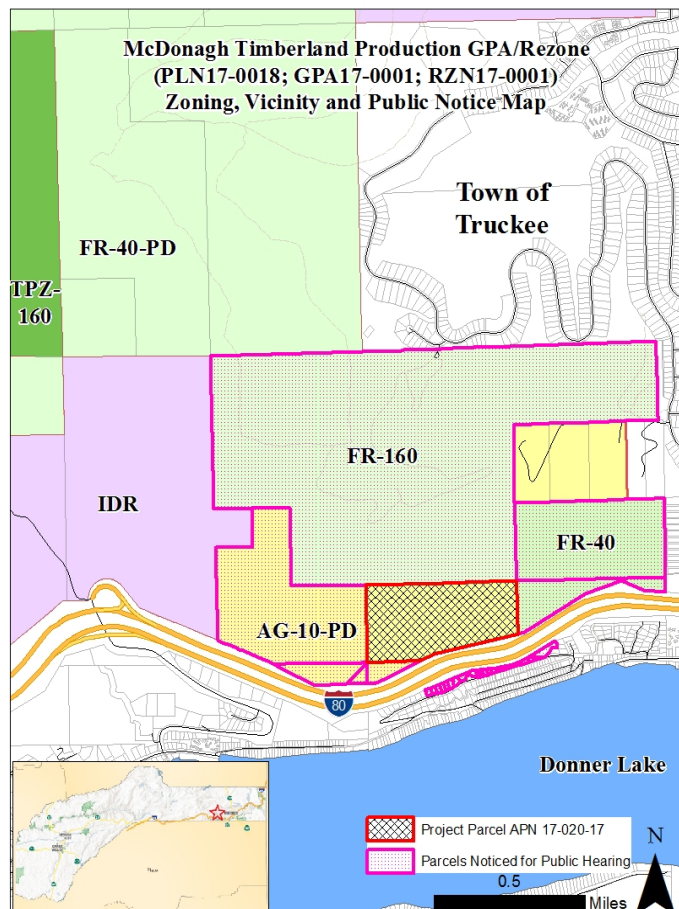
2. Zoning Districts: Adopt the attached Ordinance amending Zoning District Map (ZDM) #129 to rezone APN 17-020-17 from General Agricultural-10 acre minimum-Planned Development Combining District (AG-10-PD) to Timberland Production Zone-40 acre minimum (TPZ-40), based on the findings contained with the Ordinance (*Attachment 2*).

**FUNDING:** This project would reduce the annual property tax of APN 17-020-17 from \$1,431 (current) to \$192 (projected), no budget amendments are required.

**ATTACHMENTS:**

1. Resolution: General Plan Land Use Amendment (GPA17-0001)
2. Ordinance: Zoning District Amendment (RZN17-0001)
3. Forest Management Plan – Donner Property Tree Farm
4. Timberland Production Zoning Notice for Recordation
5. Zoning, Vicinity and Public Notice Map
6. April 27, 2017 Draft Planning Commission Meeting Minutes

**SITE DESCRIPTION:**



The 70.35-acre property is vacant and contains approximately 50 acres of existing forested land area including Jeffery Pine, White fir, Ponderosa pine, and Incense Cedar conifer groupings. The property is located on the north side of Interstate 80 with elevations ranging from 6,240 feet to 6,920 feet above mean sea level, and includes slopes from 10 percent to 55 percent. There are numerous small springs and seeps on the property. Tree mortality has resulted in a snag density of approximately 15 trees per acre and contributed to a buildup of deep and extensive duff layers that could fuel a tree-killing ground fire. Surrounding properties and uses include: Tahoe Donner Association forested open space to the north; U. S. Forest Service forested open space to the east; State of California Interstate 80 to the south; and private property, and Tahoe Donner Land Trust

forested areas to the west.

**BACKGROUND:** The property was last logged between 2002 and 2005 and harvested forest products included saw-logs, firewood and biomass. Since that time there has been no timberland management practiced on the property. The applicants' overarching objectives are to produce marketable forest products and to enhance the other resource values of the area. The existing zoning designation of General Agricultural-10 acre minimum-Planned Development Combining District (AG-10-PD) would potentially allow subdividing the property for low-density residential and agricultural uses. The purpose of the existing Planned Development Combining District (PD) is to allow flexible development standards that encourage clustering development, and is a remnant from a previous owner who had considered developing the property, along with other surrounding parcels, as part of a planned community. However, due to the steep topography, limited access and the lack of utilities (e.g., electricity, developed water supply, sewage treatment, gas service, fire hydrants and communication infrastructure), the associated cost of development would be very expensive, and the current owner does not have goals to develop the property, therefore the PD Combining District is no longer appropriate.

Land approved for the TPZ Zoning District will be restricted to TPZ standards for a minimum of 10 years. After such time it will continue in perpetuity on an annual basis. The benefit to the applicant of rezoning into TPZ is a reduction in property taxes based on a reassessment of the land value for growing and harvesting timber, and as such, the property must meet specific qualifications in order to be considered for a TPZ District. For 2016/17 the property has an assessed value of \$115,464 and the annual property tax is \$1,431. Should the TPZ rezone be approved preliminary estimates would change the assessed property value, as determined by the California Board of Equalization, to approximately \$4,631 with a projected annual tax of \$192.

Nevada County's Timberland Production Zone (TPZ) was adopted pursuant to the Forest Taxation Reform Act of 1976. It is intended to provide for and encourage prudent and responsible timberland resource management. Among the requirements for inclusion into the TPZ District is the preparation and approval of a Forest Management Plan (FMP) prepared by a registered professional forester which includes: a timber inventory (meeting timber stocking standards set forth in PRC Section 4561); proof of regular commercial harvesting operations; proof of legal and physical access; disease and/or insect control; a thinning and slash disposal program; a fire protection program; and an erosion control program. The applicants' FMP (*Attachment 3*) meets all of the requirements for inclusion into the TPZ District and has been approved by the California Department of Forestry and Fire Protection (CDF).

A FMP is not a Timber Harvest Plan (THP). An FMP is a written plan to provide landowners information about their property and the ecological, economic and legal environment around it. This knowledge helps owners determine how best to manage their forested property. A THP is an environmental review document, the functional equivalent of an Environmental Impact Report, and is intended to protect the productivity of a

timber harvest site and surrounding environment from damage. If, in the future, the applicants' wish to sell, barter, or trade timber produced on the project site, they would need a Registered Professional Forester to prepare the THP and submit the plan to CDF for review and approval.

**GENERAL PLAN AND ZONING CONSISTENCY:**

Approval of this application is consistent with Goal 15.1, and Policies 15.4, 15.5 and 15.6, of the Forest Element of the 1995 General Plan, which recognizes the benefits of Nevada County's forests and encourages the use of the TPZ Zone District to preserve forest land. The property is located within the long-term sphere of influence of the Town of Truckee and based on consultation with the Town's Planning Department, Truckee has no objection to the proposed General Plan Land Use and zoning amendments. All applicable agencies and stakeholders have been asked to comment and no adverse issues have been identified, and all requirements for inclusion into the TPZ District have been satisfied.

**ENVIRONMENTAL REVIEW:**

This project is exempt from CEQA pursuant to Section 15264 of CEQA Guidelines, which exempts local agencies from preparing an Environmental Impact Report (EIR) or Negative Declaration for adoption of Timberland Preserve Zones.

**PLANNING COMMISSION ACTION:**

On April 27, 2017, the Nevada County Planning Commission held a duly noticed public hearing to consider the proposed McDonagh GPA/TPZ Rezone project. There were no issues identified and the Commission unanimously (5-0 Vote) recommended the Board of Supervisors approve the project.

**SUMMARY:**

The proposed General Plan Amendment and TPZ rezone aligns with the landowner's forest management goals of improving timber production by planting areas not currently supporting conifer production; improving wildlife habitat by increasing solar exposure reaching the forest floor; improving water quality by reducing the threat of wildland fire and the associated threat of sediment and ash entering watercourses through erosion; and protecting soils from reduced wildfire risk. In addition to these positive benefits, the future forest management projects will provide jobs to many different contractors who specialize in timber extraction, fire hazard reduction, forestry and natural resource management. Managing the property's forest resources and maintaining undeveloped open space is cost effective and provides long-term benefits to surrounding properties, general public and the environment, therefore the Planning Commission recommends the Board of Supervisors approve the project.

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**Item Initiated by:** Patrick Dobbs, Senior Planner

**Approved by:** Brian Foss, Director of Planning