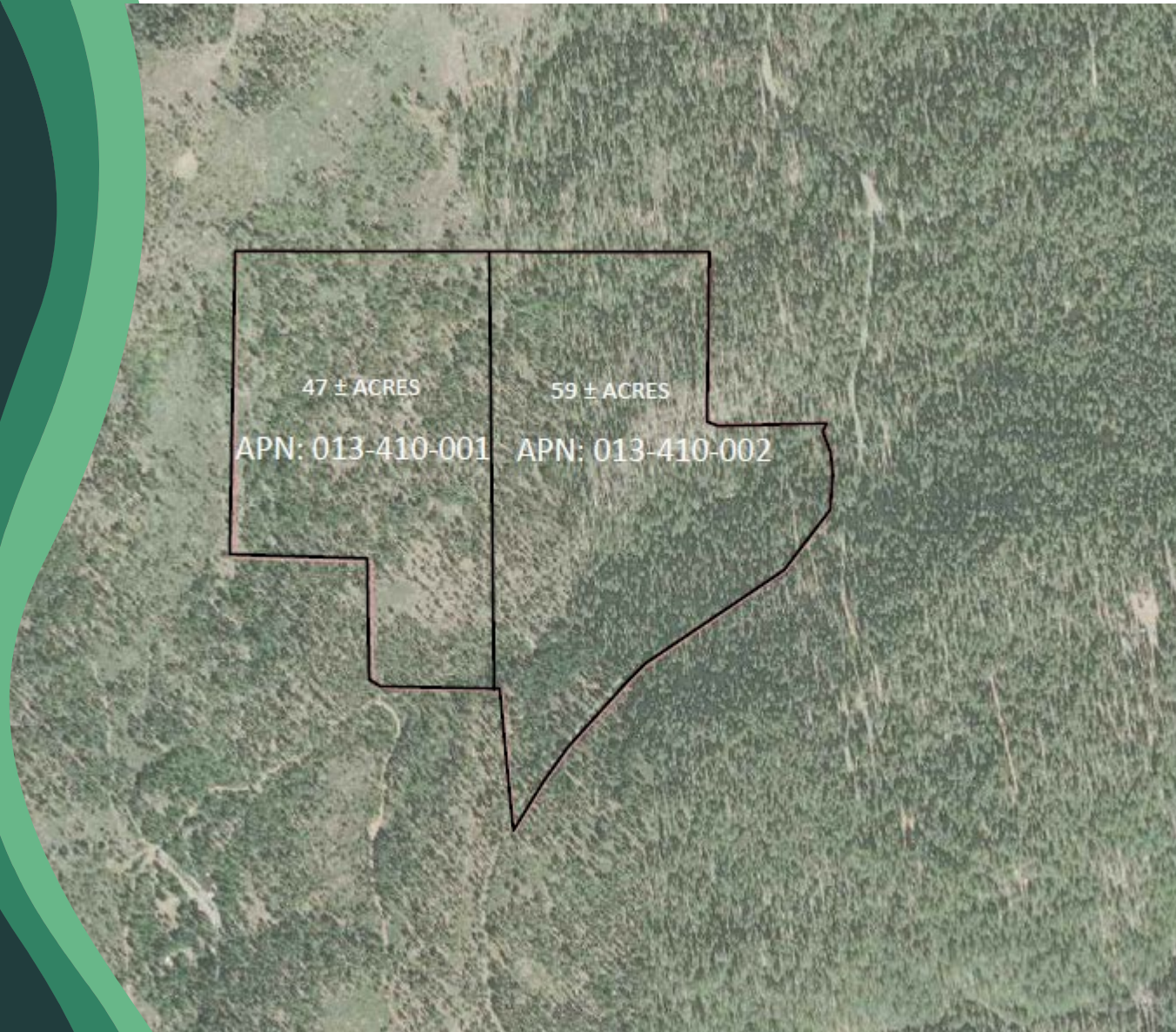


McDermott Forest to Timberland Production Zone Rezone

PLN23-0024; RZN23-0001

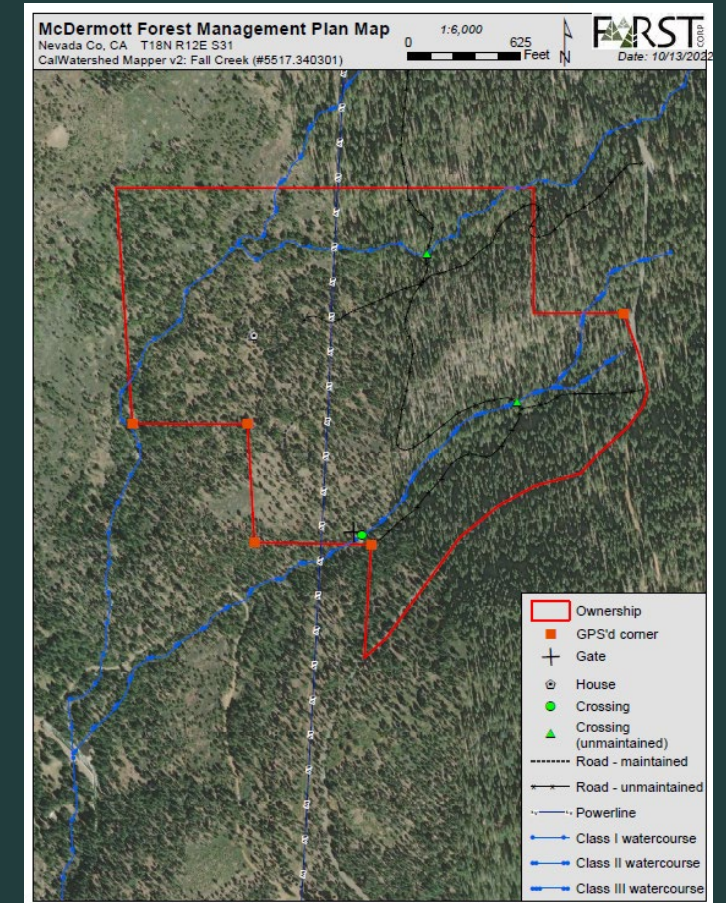
17497 and 17501 Bowman Lake Road, Nevada
City, CA

Nevada County Board of Supervisors:
July 11, 2023
Project Planner: David Nicholas



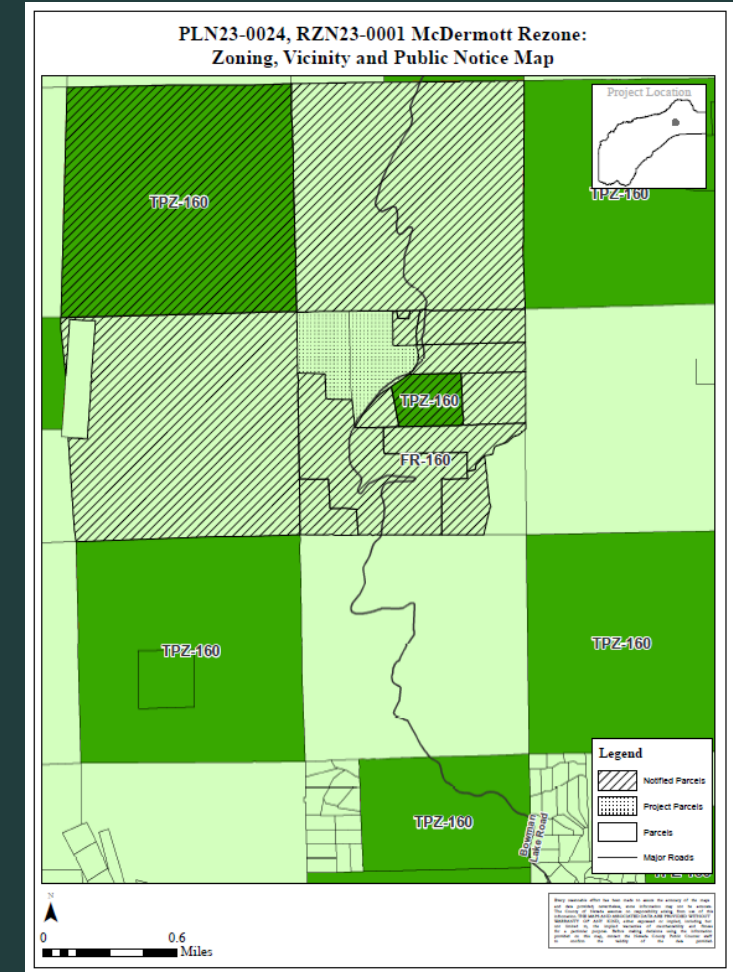
Project Description

- A request to amend the zoning designation of two contiguous parcels of 47.12 and 59.38 acres in size for timberland preservation (RZN23-0001).
- Current zoning, Forest (FR), is intended for the protection, production and management of timber and timber support uses.
- Timberland Production Zone (TPZ) is intended to provide for and encourage prudent and responsible timberland resource management.
- The TPZ district is a more restrictive zoning district with fewer potentially allowable uses than the FR zoning district.



Project Site Description

- The project is located approximately seven miles north of California State Highway 20, off of Bowman Lake Road.
- At present, the property has a cabin, horse corral, and a well-developed network of maintained and unmaintained roads, skid trails, and landing areas.
- The forest stand is composed of Sierra mixed conifer species. The overstory is dominated by white fir and incense cedar, but also includes ponderosa pine, sugar pine, red fir, and scattered black oak.



Background

- According to the Forest Management Plan, the property was clear cut in around 1900 and was harvested an unknown number of times in the 20th century.
- The current landowners purchased the property in 1996 and operated a Less Than 10% Dead, Dying, and Diseased exemption on 10 acres in 1997.
- In 2008, the Fall Fire burned through about 75% of the property during May and June with low intensity.
- The landowner and the Bear Yuba Land Trust entered into a conservation easement in 2012. The conversation easement allows for the commercial harvest of timber and has the stated conservation values “generally defined as timber productivity, wildlife and plant habitat, and water resources that the Property currently possess”.

TPZ Criteria

- The FMP must include a timber inventory that demonstrates the site meets timber stocking standards set forth in PRC Section 4561, proof of regular commercial harvesting operations, disease and/or insect control, a thinning and slash disposal program, a fire protection program, and an erosion control program.
 - The applicant's FMP (Attachment 2) meets the requirements for inclusion into the TPZ District.
- A property must 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. Additionally, the parcel shall be a Site IV or higher quality class.
 - The timber site class of the project site is Site II and the parcel exceeds the minimum average point count of 150 per acre and exceeds the minimum average residual basal area of 50 square feet per acre as shown in Section III.3.i of the FMP.

Taxation

- The benefit to the applicant of rezoning into TPZ is a reduction in property taxes established via a reassessment of the land value based on the growing and harvesting of the timber.
- Approval of the requested rezone to TPZ is estimated by the Nevada County Assessor's Office to result in a \$1,684 reduction in annual taxes between the two properties.
- 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.

Zoning/General Plan Consistency/Environmental Review

Zoning District - Timberland Production Zone:

- The TPZ zoning district is intended to provide land devoted to the growing and harvesting of timber, and for compatible uses that do not significantly detract from the use of the land for the devoted purpose, through prudent and responsible forest resource management.

Forest Element Goals & Policies:

- Goal 15.1 seeks to identify and maintain sustainable timberlands and resources, consistent with the intended result of this TPZ rezone.
- Policy 15.4 recognizes Forest land use designations as one of the major timber-producing land use designations. This rezone would allow continued use of the property as a timber producing parcel.
- Policy 15.5 encourages providing for the use of the Timberland Production Zone in Rural, Estate, and Forest land use designations on lands with significant commercial timber value. The McDermott property has a Forest General Plan designation, and the Forest Management Plan states the project area is has Site II production capability, which is moderately high timber productivity.
- Policy 15.6 recognizes the benefits of Nevada County's forests and encourages the use of the TPZ zoning district to provide an efficient and cost-effective means of harvesting and using forestlands.

Environmental Review:

- CEQA Statutory Exemption 15264 Timberland Preserves states that Local agencies are exempt from the requirement to prepare an EIR or Negative Declaration on the adoption of timberland preserve zones.

Recommendations

The Planning Commission, on May 25, 2023, voted 3-0 (2 absent) that the Board of Supervisors take the following actions:

- Environmental Action: Find the adoption of timberland preserve zones statutorily exempt from the requirement to prepare an EIR or Negative Declaration pursuant to Section 15264 of the California Environmental Quality Act (CEQA) Guidelines.
- Project Action: Zoning District Map Amendment (RZN23-0001): Adopt the attached Ordinance amending Zoning District Map (ZDM) #151 to rezone APN 013-410-001 and APN 013-410-002 from Forest-160 (FR-160) to Timberland Production Zone-160 (TPZ-160), based on the findings contained with the Ordinance.