



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

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

MEETING DATE: November 9, 2021

TO: Board of Supervisors

FROM: Nevada County Planning Department

SUBJECT: An Ordinance amending zoning district map 87 to rezone 55.04 acres (APN 065-270-005) located in the unincorporated area of Nevada County, from Forest with the subdivision limitation combining district (FR-X) to Timberland Production Zone with the subdivision limitation combining district (TPZ-X) (RZN21-0002) (Mena) (District V).

RECOMMENDATION: The Planning Commission, on August 12, 2021, voted 4-0 to recommend that the Board of Supervisors take the following actions:

- I. Environmental Action: Find that the adoption of Timberland production Zones is statutorily exempt from the requirement to prepare an EIR or Negative Declaration pursuant to CEQA Guidelines Section 15264.
- II. Project Action: Adopt the attached Ordinance (Attachment 1) amending Zoning District Map #87 to rezone APN 065-270-005 from Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone with the Subdivision Limitation Combining District (TPZ-X), based on the findings contained within the Ordinance.

FUNDING: This project would reduce the annual property tax of APN 065-270-005 from \$2,224.00 to \$267.90 (2020/2021); no budget amendments are required.

ATTACHMENTS:

1. Draft Board Ordinance: Zoning District Map Amendment (RZN21-0002)
 - a. Exhibit A: Existing and Proposed ZDM No. 87
 - b. Exhibit B: Conditions of Approval
2. Non-Industrial Timber Management Plan
3. Draft Notice of Timberland Production Zoning for Recordation
4. Zoning, Vicinity and Public Notice Map
5. August 12, 2021 Draft Planning Commission Meeting Minutes

Project Site and Surrounding Area Details: The project is located approximately 9 miles east of the City of Nevada City, between Banner Quaker Hill Road and Chalk Bluff Road. The area is predominantly comprised of large, undeveloped, forested parcels, the smallest nearby parcel being 10.12-acres. A 417-acre parcel owned by Sierra Pacific Industries shares a portion of the southerly boundary of the subject property.

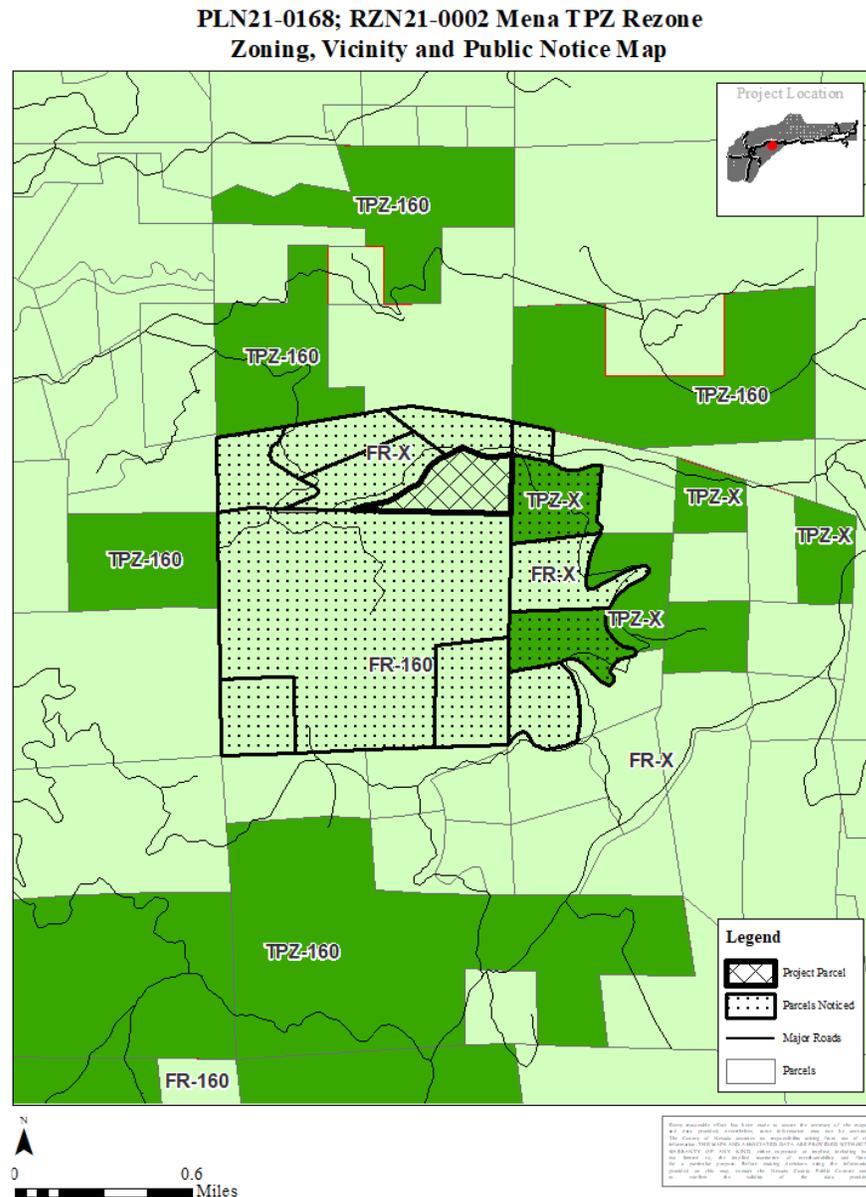
The project Forest Management Plan describes the subject parcel as 55.04-acres of mid-to young-growth, mixed conifer stands with scattered hardwood with overstory trees that are approximately 85-years old. The forest stand is comprised of white fir, incense cedar, Douglas-fir, sugar pine, ponderosa pine, and hardwoods including both black oak and tan oak. The property has elevations ranging from 4,240 feet to 4,420 feet above mean sea level, and includes moderate to steep slopes. The property is located north and west of the headwaters of Greenhorn Creek. A tributary of Greenhorn creek lies within the property boundaries. The project Forester, Peter Walden, Summit Forestry Services, describes the property as “excellent timber growing land” though the Forest Management Plan prescribes thinning of some overstocked stands in order to encourage regeneration within those areas.

The property is one parcel of a thirty-one parcel subdivision recorded in 1977. All but four of these parcels are zoned Forest with the Subdivision Limitation Combining District (FR-X). The other six were changed to TPZ-X in 2003, 2004 and 2018 four of these are owned by the applicant. Outside the subdivision, nearby properties are a mix of Forest-160 and TPZ-160 zoning. See Figure 1, on the following page, which shows area zoning. As a whole, the General Plan for the area is Forest-160.

Project Discussion: The project Forest Management Plan states that the owner’s desire is to properly manage the forest and provide improved fish, wildlife and watershed benefits. The property has been logged several times and was last logged in the early 2000’s by a previous owner; the applicant purchased the property in December of 2019. This previous logging activity included removal through individual tree selection, described by the project forester as a “sanitation-salvage harvest”. The forester notes that there are no old-growth tree stands on the property as a result of the sanitation-salvage harvest. Although the property is described as “pretty well managed”, the forester recommends reducing the number of trees on the property through selective thinning and treatment of the understory to reduce fire danger.

As mentioned above, the existing zoning designation is Forest (FR); a zone meant for the protection, production and management of timber and timber support uses. The Subdivision Limitation Combining District prohibits future division of the property. The Nevada County Timberland Production Zone (TPZ) adopted pursuant to the Forest Taxation Reform Act of 1976, 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.

Figure 1



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. 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; 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 2) meets the requirements for inclusion into the TPZ District.

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, intended to protect the productivity of a timber harvest site and surrounding environment from damage. According to the California Government Code Provisions Relating to Timberland (Chapter 6.7, Article 2, Section 51115.1), there is a presumption that timber operations may reasonably be expected and will occur on lands zoned as timberland production. In the future, when the applicant wishes to sell, barter, or trade timber produced on the project site, he will need a Registered Professional Forester to prepare the THP and submit the plan to California Department of Forestry for review and approval.

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 established via a reassessment of the land value based on the growing and harvesting of the timber. As such, the property must meet specific qualifications in order to be considered for a TPZ district. These include meeting 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. According to the State Board of Equalization, Assessors must value timberland and timber based on site classification and general forest type. There are five general site classes based on ability of the site to produce wood growth on trees. Site I is considered the most productive, Sites II and III are areas of intermediate productivity and Sites IV and V are areas of low productivity. The three general forest types are: Redwood Region, Whitewood Region and Pine-Mixed Conifer Region. The project FMP contains the required timber inventory demonstrating that the parcel meets the requirements for consideration as TPZ.

The Nevada County Assessor's Office noted that the 2019/2020 assessed value of the property is \$207,000 and the annual property tax is \$2,202.18. In the current FR-X zoning district, the 2020/2021 assessed value would be \$209,144. Alternatively, approval of the requested rezone to TPZ is estimated by the Nevada County Assessor's Office to lower the assessed property value to approximately \$22,668 with a projected annual tax of \$267.90. This is based on their consideration of the parcel as a Site I classification (high productivity potential) within the Pine-Mixed Conifer Region, which the California State Board of Equalization lists at \$131.00 per acre.

GENERAL PLAN AND ZONING CONSISTENCY:

The project is consistent with the intent of the property's underlying General Plan designation – Forest (see Land Use Element Policy 1.2.4.o, below). The requested rezone is also consistent with several of the goals and policies of the County's General Plan, which are outlined below:

Land Use Element:

- Policy 1.2.4.o. describes the Forest General Plan designation in part as an area intended to provide for production and management of timber resources, including timber harvesting. The proposed rezone into the Timberland Production Zone is intended for this same purpose, forest management.

Economic Development Element:

- Policy 2.5 and 2.7 in part, seek a balance of land uses through appropriate land use designations to provide balanced job to housing ratios. This includes balancing resource management and production to support a broad range of economic development opportunities, thus promoting a balance economy. The proposed TPZ rezone is consistent with these goals, providing an appropriate land use designation for the management of timber on lands capable of producing commercial timber.

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 use of the Timberland Production Zone in Rural, Estate and Forest land use designations on lands with significant commercial timber value. The Mena property has a Forest General Plan designation, and has been deemed to be a Site I classification by the Nevada County Assessor which meets the requirement to be a Site IV or higher classification.
- 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.

Zoning District - Timberland Production Zone:

As mentioned above, 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. Consistent with the intention of the district, the tax reduction resulting from a re-assessment of value based on reasonable expectation of harvest would allow continued use of the property for timber production as prescribed by the Forest Taxation Reform Act.

This request is also consistent with the 2003 and 2004 Board of Supervisors approval for TPZ zoning of five other parcels located within the same subdivision as the subject

property. As well as a 2018 approval for another property under common ownership. Staff routed the project to all applicable agencies for comment; no adverse issues were identified and all requirements for inclusion into the TPZ District have been satisfied.

ENVIRONMENTAL REVIEW: This project is exempt from environmental review pursuant to CEQA Guidelines Section 15264, which exempts local agencies from preparing an Environmental Impact Report or Negative Declaration for adoption of Timberland Production Zones. Future harvest will be subject to the Non-Industrial Timber Management Plan, an environmental review document approved by the California Department of Forestry in 2010.

PLANNING COMMISSION ACTION: On August 12, 2021, the Nevada County Planning Commission held a duly noticed public hearing to consider the Mena TPZ Rezone project; no issues were identified and the Commission unanimously (4-0 Vote), one absent, recommended that the Board of Supervisors approve the project.

SUMMARY: The proposed TPZ rezone aligns with the landowner's desire to properly manage the forest and provide improved fish, wildlife and watershed benefits. In addition to these positive benefits, future forest management will provide jobs to 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, the general public and the environment. 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 growing and harvesting of the timber found thereon. Based on the long-term benefits to the general public and the environment, along with the project's consistency with the County General Plan and Zoning Ordinance, Staff recommends the Board of Supervisors take the project actions described below.

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

- I. **Environmental Action:** Find that adoption of Timberland Production Zones is statutorily exempt from the requirement to prepare an EIR or Negative Declaration pursuant to CEQA Guidelines Section 15264.
- II. **Project Action:** Adopt the attached Ordinance (Attachment 1) amending Zoning District Map #87 to rezone APN 065-270-005 from Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone with the Subdivision Limitation Combining District (TPZ-X), based on the findings contained within the Ordinance.

Item Initiated by: Lucas Kannall, Associate Planner

Approved by: Brian Foss, Director of Planning