



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

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 <http://mynevadacounty.com>

Sean Powers
Community Development Agency Director

Brian Foss
Planning Director

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

MEETING DATE: May 26, 2020

TO: Board of Supervisors

FROM: Nevada County Planning Department

SUBJECT: Public Hearing to consider the Nevada County Planning Commission's April 23, 2020, (4-0 Vote) recommendation for the Swope Medical Group, Inc. (FBO Brent McDermott, MD) TPZ Rezone Project to: 1) find the adoption of Timberland Production Zones statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15264; and 2) approve the corresponding amendment to Zoning District Map (ZDM) #87 to change APN 065-270-003 zoning from Forest, with the Subdivision Limitation Combining District (FR-X), to Timberland Production Zone, with the Subdivision Limitation Combining District (TPZ-X), (RZN20-0002) (District V).

RECOMMENDATION: The Planning Commission, on April 23, 2020, 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 065-270-003 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 065-270-003 from \$1,607.94 to \$37.35 (2019/2020); no budget amendments are required.

ATTACHMENTS:

1. Draft Board Ordinance: Zoning District Map Amendment (RZN20-0002)
 - 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. April 23, 2020 Draft Planning Commission Meeting Minutes

SITE DESCRIPTION: The 40.47-acre Swope Medical Group, Inc. (FBO McDermott) property is located roughly 9 miles east of the City of Nevada City. The property is undeveloped. The project Non-Industrial Timber Management Plan (FMP) (*Attachment 2*) describes the property as Sierran Mixed Conifer Forest with overstory trees that are approximately 120 to 140-years old; the site lacks characteristics of a Late Succession Forest Stand. The forest stand is comprised of white fir, incense cedar, sugar and ponderosa pines and Douglas-fir. The understory includes hardwood trees such as black oak and madrone with other understory species including ceanothus, dogwood and manzanita. Property elevation ranges from 4,200 to 4,360 feet above mean sea level, with gentle to moderate slopes. The property is one parcel of a 31-parcel subdivision (1977); all but six of these are zoned FR-X. The other six were re-zoned to TPZ-X in 2003 and 2004 and 2019. Other nearby properties are a mix of FR-160 and TPZ-160 zoning. The area is predominantly comprised of large, undeveloped parcels, the smallest adjacent parcel being 35.57 acres. A 417-acre parcel owned by Sierra Pacific Industries shares a portion of the southerly boundary of the subject property.

DISCUSSION: The owner purchased the property in 2009. In 2010 a Non-Industrial Timber Management Plan (NTMP) was approved by the California Department of Forestry as the owner's permanent forest plan document. The NTMP states that the plan objective is to provide a periodic source of income while maintaining the character of the native forest, the productivity of the soil and to protect the beneficial uses of the site through periodic timber harvesting operations. Proper forest management through a selective harvest method will also provide watershed protection by eliminating clearcutting and lessens the fire hazard by reducing dense forest stand areas.

Under the approved NTMP, the owner logged the property in 2014. This logging activity was a harvest through individual tree selection, described by the project forester as a selection-silviculture method. As outlined in the NTMP, future harvests, anticipated on an eleven to fifteen year cutting cycle, would also utilize this method. Before each harvest a Registered Professional Forester will mark the stand, selecting uneven aged trees for removal. This allows removal of a full range of tree sizes so that the forester can target denser parts of the stand, while retaining some snags and damaged trees to preserve onsite habitat values. Removal within denser parts of the stand is also intended to create optimal spacing for remaining trees to allow for their healthy growth and to allow natural regeneration within the new openings.

The existing Forest zoning designation (FR), while meant for the protection, production and management of timber, also potentially allows many commercial activities. The Subdivision Limitation Combining District (X) prohibits division of the property; and

would remain in place. Nevada County's TPZ district, adopted pursuant to the 1976 Forest Taxation Reform Act, was intended to provide for and encourage responsible, prudent timberland resource management, with the incentive of a reduction in taxes in exchange for the restrictive zoning. For TPZ Zoning District consideration, land must meet specific qualifications and will be held to TPZ standards for a minimum of 10 years, rolling annually. Inclusion into the TPZ District requires a plan for timber management prepared by, or approved by, a registered professional forester. At a minimum, the plan must: demonstrate that the site meets timber stocking standards; include proof of regular commercial harvesting and proof of legal and physical access; and, include several forest health programs. Timber stocking standards are demonstrated through site classifications. Classifications are based on productivity potential with Site I being the highest of 5 classifications. Site IV is the minimum classification allowable for inclusion into a TPZ district. The property is classified as a Site II by the Nevada County Assessor's Office, which is defined as having intermediate productivity potential. As discussed above, the property is under a CDF approved Non-Industrial Timber Management Plan (NTMP) that includes all required components and demonstrates that the site is appropriate for TPZ zoning.

The resultant reduction in property taxes due to placement of property into TPZ zoning is based on an assessment of the land value for growing and harvesting timber. The assessment is determined by general forest type, Pine-Mixed Conifer, and site productivity potential, Site II classification. Valuation based on forest type and classification is set annually by the State Board of Equalization. In the current FR-X zoning district, the 2019/20 Proposition 8 assessed value is \$153,300 with an annual tax amount of \$1,607.94. Approval of the requested rezone is anticipated to lower the 2019/20 assessed property value to approximately \$3,561 with a projected annual tax of \$37.35.

GENERAL PLAN CONSISTENCY: Approval of this application is consistent with Goal 15.1 and Policies 15.4, 15.5 and 15.6, of the 1995 General Plan Forest Element, which recognizes the benefits of forests and encourages the use of the TPZ Zone District to preserve forestland. The existing Forest General Plan designation is appropriate for the proposed TPZ zoning. Applicable agencies were asked to comment, no adverse issues were identified, and requirements for inclusion into the TPZ District have been met.

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 April 23, 2020, the Nevada County Planning Commission held a duly noticed public hearing to consider the McDermott TPZ

Rezone project; no issues were identified and the Commission unanimously (4-0 Vote) recommended that the Board of Supervisors approve the project.

SUMMARY: Dr. Brent McDermott has requested his property be rezoned to TPZ-X. Properly managed forests provide benefits to fish, wildlife and watersheds. In addition, forest management projects provide jobs to contractors who specialize in forestry and natural resource management. Managing forest resources is cost effective and provides long-term benefits to surrounding properties, the public and the environment, therefore the Planning Commission has recommended that the Board of Supervisors approve the project.

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 065-270-003 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: Janeane Martin, Associate Planner

Approved by: Brian Foss, Director of Planning