



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

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

MEETING DATE: November 14, 2017

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: Resolution designating the Planning Director to review less than three acre conversion exemption applications received from the California Board of Forestry and Fire Protection

RECOMMENDATION: Approve the Resolution designating the Planning Director to review less than three acre conversion exemption applications received from the California Board of Forestry and Fire Protection.

FUNDING: No funding or budget amendments are required.

ATTACHMENTS:

1. Resolution
2. Letter from the California Board of Forestry and Fire Protection

BACKGROUND: CALFIRE recently sent a letter to the County requesting that the Board of Supervisors appoint a designee to review applications for less than 3 acre timber conversions (attached). CALFIRE enforces the laws that regulate logging on privately-owned lands in California under the rules of the Forest Practice Act (FPA) that was enacted in 1973. These rules apply to all commercial harvesting operations ranging from landowners with small parcels, to ranchers owning hundreds of acres, and to large timber companies owning thousands of acres.

The FPA does contain several exemptions from its requirements. Once such exemption allows a landowner a one-time conversion exemption of up to 3 acres of forested land to be converted to another land use, such as a home site or an agricultural use. As part

of the exemption application process (application form attached) CAL FIRE reviews the proposed exemption for certain standards and if these standards are met the exemption is granted. Within this process is the opportunity for the County to review these exemption applications to verify that the timbered area is being converted in a manner consistent with the property's zoning regulations. If a county does not have an authorized designee, the county relinquishes this opportunity.

Assuming that the Board appoints the Planning Director as the authorized designee, the review process would be relatively straight forward. Once an application has been received, the Planning Department would review the proposed conversion to confirm that it meets the property's zoning requirements and staff would provide written confirmation back to CAL FIRE.

In other counties (Trinity and Siskiyou for example), these conversions have created a significant issue as many of the converted parcels have ended up being utilized as cannabis grows. A county's review process in itself cannot prevent a land owner from utilizing the parcel in violation of its zoning requirements once the land is converted. However, the review process does at least allow for a discussion with the land owner pertaining the zoning regulations and documents the stated compliance and provides a record for parcels in the County that have been converted from forest land.

Approved by: Brian Foss, Planning Director