	NEVADA COUNTY PLANNING COMMISSION NEVADA COUNTY, CALIFORNIA
	ES of the meeting of January 9, 2025, 1:30 p.m., Board Chambers, Eric Rood Administration 050 Maidu Avenue, Nevada City, California.
MEMB]	ERS PRESENT: Chair Milman and Commissioners Garst and McAteer
MEMB	ERS ABSENT: None
	PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Aleena Church, t Planner; County Counsel, Sims Ely; Clerk to the Planning Commission, Jodeana Patterson
PUBLIC	C HEARING:
(A Rezone Application to amend Zoning District Map #87 to rezone (RZN24-0004) APN 065-090-004 from Forest-160 (FR-160) to Timberland Production Zone-160 (TPZ-160). PLN24-0156; RZN24-0004 Page 2, Line 56
STAND	ING ORDERS: Salute to the Flag - Roll Call - Corrections to Agenda.
CALL N	MEETING TO ORDER: The meeting was called to order at 1:30 p.m. Roll call was taken.
CHANG	GES TO AGENDA: None.
appearin	C COMMENT: Members of the public shall be allowed to address the Commission on items not g on the agenda which were of interest to the public and were within the subject matter jurisdiction lanning Commission, provided that no action shall be taken unless otherwise authorized by ion (6) of Section 54954.2 of the Government Code.
Chair M	ilman opened public comment at 1:30 p.m.
Seeing a	nd hearing no public comments coming forward, Chair Milman closed public comment at 1:30
p.m.	
COMM	ISSION BUSINESS: None.
CONSE	NT ITEMS:
	 Acceptance of 2024-04-11 Planning Commission Draft Hearing Minutes. Approved at hearing.
<u>'</u>	 Acceptance of 2024-04-25 Planning Commission Draft Hearing Minutes. Approved at hearing.
	3. Acceptance of 2024-10-10 Planning Commission Draft Hearing Minutes. <i>Approved at hearing.</i>
•	4. Acceptance of 2024-10-24 Planning Commission Draft Hearing Minutes. *Approved at hearing.*

PUBLIC HEARING:

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66 67 **1:30 p.m. PLN24-0156; RZN24-0004:** A Rezone Application to amend Zoning District Map #87 to rezone (RZN24-0004) APN 065-090-004 from Forest-160 (FR-160) to Timberland Production Zone-160 (TPZ-160). **LOCATION:** Near Wilderness Road, Nevada City, located in the unincorporated area of Nevada County, approximately two miles southeast of Banner Quaker Hill Road; no address.

RECOMMENDED ENVIRONMENTAL DETERMINATION: Recommend that the Board of Supervisors 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. **RECOMMENDED PROJECT ACTIONS**: Recommend that the Board of Supervisors adopt the attached Ordinance amending Zoning District Map (ZDM) #87 to rezone APN 065-090-004 from Forest-160 (FR-160) to Timberland Production Zone-160 (TPZ-160), based on the findings contained with the Ordinance. **PROJECT PLANNER**: Aleena Church, Assistant Planner.

[minutes follow as direct transcript]

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Planner Church: Hi, I'm Aleena Church. I am an Assistant Planner here, and going to be presenting this project today, and happy to be here and present to you three, and happy to meet you as well. All right, I'll go ahead and just get started then. This is the Hodgen Forest-to-Timberland Production Zone Rezone project near Wilderness Road in Nevada City in front of the Planning Commission for review today. This application is to amend Zoning District Map #87 to rezone one parcel of 60 acres from Forest to Timberland Production Zoning. The project is a legislative action and does not include any development at this time. The intent is to use the parcel for timberland preservation and a future Christmas tree farm, which is allowed in TPZ [Timberland Production Zoning]. The existing zoning designation is Forest (FR), a zone meant for protection, production, and management of timber and timber-support uses. The Nevada County Timberland production zone, TPZ, is adopted pursuant to the Forest Taxation Reform Act of 1976. It's intended to provide for and encourage prudent and responsible timberland resource management. The TPZ District is a more restrictive district, with fewer potential allowable uses than the FR Zoning District, such a specific commercial and agricultural uses. The project parcel has no assigned address but is located off of Wilderness Road in Nevada City and is approximately two miles southeast of Banner Quaker Hill Road in unincorporated western Nevada County. The project parcel is in a very rural, low-density portion of Nevada County, Section 3, Township 16, North Range, 10 East. The project parcel is mostly surrounded by large Forest-160-zoned parcels with a TPZX-zoned parcel sharing the eastern property line. There are many other TPZX and TPZ-160-zoned parcels that surround the project parcel to the north and the south. The parcel to the northeast was rezoned from Forest to Timber Production Zone in 2004 by Z04-013. There is a structure built on one of the adjacent parcels. Each of the parcels in the section surrounding Section 3 are around 50 acres in size and are owned by either Sierra Pacific land, US Forest Service, and private landowners. These parcels in the surrounding sections are undeveloped. At present, the property has a small, uninhabitable cabin, but is primarily undeveloped and has access through Wilderness Road. There is a 30-inch culvert already in place on the road system at the point of the crossing and an unnamed water course which is a tributary to Green Horn Creek. The forest stand is composed of Sierra mixed conifer species. The overstory is dominated by Douglas fir, white fur, incense cedar, and minor amounts of Ponderosa and sugar pine. According to the Forest Management Plan, the property operated a timber harvest in 1993 and was harvested an unknown number of times in the 20th century. The cut that occurred around 1993 removed larger trees and provided better spacing of the residual intermediate trees left, which did maximize overall growth. The current landowners purchased the property in 2023. Between 1993 and 2023, the past land use of timber harvesting can be seen in a range of ages of the tree stumps still visible on the property. The only improvements on the land were the establishment or promotion of a road system on site. In order for the property to be considered for a TPZ District, the property must meet specific standards for the TPZ Zone. Among the requirements for the 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 that the site meets timber-stocking standards set forth in the PRC [Public Resources Code], 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 applicant's FMP does meet the requirements for

109 the inclusion into the TPZ District. Other standards include, 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 110 parcel must be a Site 4 higher quality class. There are five general [site] classes based on the ability of the 111 site to produce wood growth on trees. Site 1 is considered the most productive, Sites 2 and 3 are sites of 112 intermediate productivity, and Sites 4 and 5 are areas of low productivity. The project FMP contains the 113 required timber inventory, demonstrating that the parcel meets the requirements for the inclusion into the 114 TPZ District. The Timber Site Class of the project site is a Site 2 and 3, and the parcel exceeds the minimum 115 average point of 150 per acre. The benefit of the applicant of rezoning into a TPZ District is the reduction 116 117 in property taxes established by the reassessment of the land based on the growing and harvesting of the 118 timber. The Nevada County Assessor's Office noted that the current assessed value of APN 065-090-004 is \$200,000 as a Forest-160 property. The current taxes are \$2,653.96 annually. With the approval of the 119 requested rezone into the TPZ, it's estimated by the Nevada County Assessor's Office to reduce the assessed 120 property valuation to \$47,192.00 with the respective projected annual taxes of \$1,059. This is based on the 121 consideration of the parcel as a Site 2 inventory productivity classification, which the State Board of 122 Forestry of Equalization lists as \$93.00 per acre. As a result, the reduction in annual taxes would be 123 \$1594.69. The TPZ Zoning District is intended to provide land devoted to the growing and harvesting of 124 timber and for compatible uses that do not significantly detract from the use of land for the devoted purpose 125 through prudent and responsible forest resource management. Consistent with the attention of the district, 126 the tax reduction resulting from the reassessment of the value based on reasonable expectation of harvest 127 128 would allow continued use of the property for timber production, as prescribed in the Forest Taxation Reform Act. This request is also consistent with the 2004 Board of Supervisors' approval for the TPZ 129 zoning of the southeastern parcel, located within the same subdivision as the subject property. Staff routed 130 the project to all applicable agencies for comment, and at this time, no adverse issues were identified, and 131 all requirements for the inclusion into the TPZ District have been satisfied, as it is a legislative procedure. 132 133 Standard Conditions of Approval do apply to ensure that the rezone is consistent with the TPZ standards. Staff does advise the applicant that any future development may require verifying the legality of the parcel, 134 road standards, and a management plan. Staff recommends that the Planning Commission take the 135 following actions: recommend that the Board of Supervisors find the adoption of Timberland Preserve 136 Zone statutorily exempt from the requirement to prepare an EIR or Negative Declaration pursuant to Section 137 138 15264 of the CEQA guidelines, and recommend that the Board of Supervisors adopt the attached Ordinance amending Zoning District Map #87 to rezone APN 065-090-004 from Forest-160 to Timberland Production 139 Zone 160, based on the findings contained within the Ordinance. Thank you for your time, and I'm here to 140 141 answer any questions. 142

143 Chair Milman: Thank you very much. Commissioner McAteer, do you have any questions?

145 Commissioner McAteer: I'd love to hear if there's any public comment first, maybe, and then I'll ask a few questions.

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148 Chair Milman: Do we have the applicant here today?

150 Planner Church: We do.

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152 Chair Milman: But no planned presentation from the applicant?

Planner Church: No presentation from the applicant at this time, but he is here to answer any questions you may have.

Chair Milman: Excellent. Thank you. OK, then do you have questions before public comment [to Commissioner Garst]? Right. Well, then let's move forward with public comment. If there's anybody that would like to speak on this issue, please approach the microphone, and state your name and where you live, and you'll have three minutes.

Chair Milman opened public comment on hearing item at 1:42 p.m.

Public speaker Mr. Kersey: My name is Doug Kersey. I've lived in the county since 1982. Terry McAteer was my son's teacher at Bear River, did a great job.

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Commissioner McAteer: Thank you.

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Mr. Kersey: ...and I want to express my appreciation. You guys give up your time to be Commissioners and listen to testimony ad nauseam. I think I'd have to...well, it wouldn't be pretty anyway. And the young lady who did the presentation did a great job. Also, I don't know if Mary Ann Bolshee [sp?] was present or is going to be present, but she wrote the article in the Union newspaper and did a great job, which is what got me, John Q. Public, to step up and say something. I think this is an example of somebody just trying to do something with their property that's reasonable: cut some trees down, make some money creating lumber, create a job or two, and actually create something from raw materials, something that we've gotten away from in this county. When I first came to this county, it was just in the process of shutting down the lumber mills because of the spotted owl. Forty years later, we're blaming all these forest fires on global climate change, completely missing the point that we stopped almost all timber harvesting in this county for almost 40 years. This person, these people, whoever they are, are just trying to cut some trees down, make some lumber, and in the process they reduce the density in the forest. And I, as John Q taxpayer, I don't have to pay the county taxes to have the county pay to have somebody clean somebody else's property. I would ask that the Commission approve the application to rezone the property, and that the Commission would vote to not require an environmental impact study under CEQA, and I would say that this is a chance for local government to make some little, small adjustments, some gain, in people being able to do reasonable things with their own property. Thank you very much.

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187 Chair Milman: Thank you. Do we have any others?

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Public speaker Ms. Vevang: Once again, thank you for everyone being here and allowing us to have public comment. I just want to read...

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Chair Milman: Go ahead and state your name and where you live.

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Ms. Vivane: OK. Leilani Vevang, and I live in Penn Valley. I have 40 acres, and I'm concerned about protecting our county and doing my part also. So, I'd just like to agree with the fellow that spoke before me, and I think it's important that people learn to see that many of our fire problems are a result of too much fuel that's left. I've been to many meetings, and even the firefighters admit that you can throw lots of money and lots of fire equipment at this, but until we get the fuel down, we aren't going to be able to make a dent in protecting our county from these fires. So, I would advise and support that this person is allowed to come in and change their zoning to TPZ and be productive with their land. Thank you.

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Chair Milman: Thank you. Anybody else for public comment? OK, seeing no one, we will close public comment at this time.

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Chair Milman closed public comment on hearing item at 1:47 p.m.

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Chair Milman: Commissioner McAtee, do you have any questions?

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Commissioner McAteer: I do. Thank you. Aleena, nice to have you here in the department. How long have you been with us now?

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Planner Church: About five months.

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Commissioner McAteer: Wonderful. Well, welcome and hope to see you more in our hearings.

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216 Planner Church: Looking forward to that.

Commissioner McAteer: Thank you for your fine work on this. I have a question. Does the current zoning allow for a tree farm, a Christmas tree lot or so, to be developed on it? Would that...I'm just trying to understand, outside of the property tax issue, what's the difference between these two designations?

Planner Church: It really is the property tax value. The TPZ Zone is a more restrictive zone, and so the Christmas tree farm and the timber harvesting are allowed in both zones, but other uses such as agricultural commercial uses, are more restrictive in the TPZ Zone. I can't speak for the applicant, but if the applicant wanted to harvest for 10 or more years, it would be in their favor to have that tax reduction.

Commissioner McAteer: The dwelling on the property: was that a habitable dwelling at some point, or not, or what? You've been out there to the property?

Planner Church: I did not go out to the property, but I asked the applicant about the cabin, and they said it was very uninhabitable with bullet holes in it and mice everywhere, and so not... maybe even something they would even demolish in the future.

Commissioner McAteer: OK. And I'll also note to the audience, I'm pleased by our unanimous support of bringing back a lumber mill back in Truckee, and so we now have a lumber mill coming back to Truckee because of our foresight. So, that's the end of my questions. Thank you.

Chair Milman: Commissioner Garst, do you have something?

Commissioner Garst: I have a couple of minor questions. One, just out of curiosity, how are taxes collected on trees harvested and sold from this property?

Planner Church: I believe that when the applicant goes through the Timber Harvest Plan with Cal Fire, they would have to report their harvestings to Cal Fire. At that time, that would be evaluated through the taxes as well.

Commissioner Garst: OK, and that Timber Harvest Plan will be required for any work that they do, harvesting trees on the property?

Planner Church: Yes.

Commissioner Garst: And that does not go through the County at all? It's strictly through Cal Forestry?

254 Planner Church: Yes.

Commissioner Garst: OK. I was wondering if there were to be additional development proposed in the future, such as a residence, what does that process look like and how does that affect this new designation?

Planner Church: Residential Family Dwelling Units are allowed in the TPZ Zone. It would be kind of the same as any other building permit for a property. They would be subject to things like road standards and a Management Plan and those sorts of standards, because it is in such a rural part of the county.

Commissioner Garst: OK. And then, I heard one thing in your presentation that said that a legal access road was required for PRC Section 4561. But then the language in the Ordinance states that there is no guarantee that the parcels have legal access. Is there legal access to this parcel?

Planner Church: There is legal access to the parcel through Wilderness Road, shown in their grant deed on the property. I can take a look later at the Ordinance and see where that was misconstrued and maybe even amend it. We can fix that.

Commissioner Garst: There was another like little typo that I noticed in the Ordinance language at the very end of Section 2, that it refers to: "...the water is available or that sewage can be disposed of on either parcel, and there's no guarantee that the parcels have legal access." So, I think that just needs to be changed to singular.

Planner Church: OK, thank you so much.

Commissioner Garst: That's all I have.

Chair Milman: OK, well, you guys took some of my questions, but I guess similar to the question about the harvesting: are anticipated sales or business taxes anticipated for the County from the tree farm?

Planner Church: I would say most likely. As far as the tax taxes go, I'm not extremely familiar with how those are accrued and calculated.

Planner Barrington: The County would exact property taxes, so that's where the taxes would come from, but the commercial taxing would go through whatever entity that's appropriate.

Chair Milman: OK. Is there an agency that has a preference for the TPZ over the Forest Designation?

Planner Barrington: Can't say that there is an agency or a preference. It's the applicant's will to propose the TPZ Zone, and it's the County's requirements that allows for that.

Chair Milman: I mean, generally, it seems like if you wanted to do a Christmas tree farm, that you could do it now, or you can change it to TPZ, because TPZ then gives you a nominal decrease in your property taxes. Outside of that kind of self-interest, is there any group or environmental...or, like you've said, a couple of times that it is more restrictive? Is it more restrictive in a way that there are advocates for people to move their properties towards TPZ?

Planner Barrington: Chair Milman, I'm not sure that there's an advocacy for it, but the TPZ...the reason it preserves land is, there's a semi-arduous process to go out of the TPZ Zone; essentially, they have to petition to the Board of Supervisors to remove their property from the TPZ Zone, and that starts a 10-year rollout process that...slowly, the taxes reincrease to what the prior use would have been or what they're proposing, so it's a longer-term commitment by the property owner to preserve their land for timber production and to use it for low-intensity uses and not to "up-zone" it, say, to like high-density residential or something like that. There is a long process to actually get out of the TPZ Zone.

Commissioner Garst: So, I have maybe a little bit of insight on this. The property that I brought here is zoned Timber Production Zone, so I've done some research in this category. My understanding is that that is a State designation, and that it was their intention to maintain productive forest land. There are some development restrictions, such as setbacks or 100-foot burning structure versus 30 feet, things like that that just limit the density and the scope of actual development. That's my understanding at least.

Planner Barrington: Yeah, I'd confirm that. And again, it's implemented by the County, so it's also a County zone.

Chair Milman: I initially understood TPZ as something that was more like a Land Trust kind of conservation easement, but this is actually something that sets it aside in order to make sure that there's timber for harvesting in the future. It's not so much a, like, Natural Land Conservation Zone?

Planner Barrington: That's correct. I mean, the technical term is Timber Production Zone, TPZ.

Chair Milman: My first clue. All right, well, thank you very much. Do you guys have any other questions on this?

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Motion made by Commissioner Garst to recommend to the Board of Supervisors to find the adoption of the Timberland Preserve Zones statutorily exempt from the requirements to prepare an EIR or Negative Declaration pursuant to Section 15264 of the California Environmental Quality Act guidelines.

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Second by Commissioner McAteer. Motion carried on a 3/0 vote.

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Motion made by Commissioner Garst to recommend to the Board of Supervisors to adopt the attached Ordinance amending Zoning District Map ZDM #87 to rezone APN 065-090-004 from Forest-160 to Timberland Production Zone-160, based on the findings contained within the Ordinance.

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Second by Commissioner McAteer. Motion carried on a 3/0 vote.

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Planner Barrington: And we'll note the typos in the Ordinance that we'll clean up before it goes to the Board.

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Chair Milman: Thank you. OK, this concludes the public hearing for today.

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Chair Milman closed public hearing at 1:56 p.m.

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INFORMATIONAL ITEMS & ON-GOING PROJECT UPDATES:

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Chair Milman: Thank you very much for caring enough to come out here today. I was thinking I should have asked more questions while I had a moment to ask you stuff, just because I was curious, but we'll let you go. Thank you so much. So, in spite of us trying to figure other stuff out up here, I guess, do we know, Brian, what's coming up?

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Director Foss: Thank you, Chair Milman, and Happy New Year, Commissioners. Happy 2025. At this point, we do not have anything scheduled for an upcoming hearing with the Planning Commission, so it will not be in January for sure. It probably will likely be more of a March timeframe for a potential project, which may be a subdivision map or potentially the gas station down in South County in District 2. Those are still undergoing environmental review, and I believe the map is still incomplete. So, at this time, we don't have anything scheduled, but we'll certainly keep you updated as things come along. I would give an update that we do hope to have two new Commissioners, obviously, by our next meeting, sooner rather than later. I believe Supervisor Tucker has made a selection that will be appointed next Tuesday, and Supervisor Hoek in Fourth District is conducting interviews, I believe this week, with a couple of perspective candidates, which will hopefully be selected and appointed. So, we'll have a full five-person Commission at our next hearing date, once I get their names and information, I'll be reaching out to them and introducing them to you as well, at least through e-mail communication, if not in person, if we have an opportunity before that. I also will note that an item that the Planning Commission voted on, the Tiny Homes on Wheels Ordinance, is also scheduled for the Board hearing on Tuesday, so in five days, and they will be hearing your recommendation with a couple of modifications that your Planning Commission made to the Ordinance. We look forward to their consideration and hopefully adoption of the Ordinance. Other

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Commissioner McAteer: And Brian, the Cannabis Ordinance: could you give me an update on the changes that were approved there?

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Director Foss: The Cannabis Ordinance was approved by the Board of Supervisors in December. I think

it was December; it's all blurring together. Based on your recommendations, I think they accepted all of the proposed changes. In terms of the recommendations that the Planning Commission made, it does allow two dispensaries, retail dispensaries, in the County: in North San Juan and Soda Springs locations, as well as made some minor amendments to the other restrictions in the Ordinance, which I'm forgetting the details now, but basically accepted all the recommendations of the Planning Commission, I believe. And, so that's in effect currently and our cannabis staff is working on the selection process in creating the selection committee in order to review prospective applications for a dispensary, once we open up that RFP or that process, if you will.

Commissioner McAteer: And then how about your staff? I know you've lost some and all, so where are you currently on your staffing?

Director Foss: Currently we are almost completely full. We have one senior planner opening, and thank you, that's a good segue. We have two of our newest planners. Other than Aleena, whom you met, Justine Queeley is in the back, and she is a new assistant planner. And then Steve Geiger is our new senior planner, and we're excited to have them on board. They just recently started within the last few weeks, so we're pretty close to being fully staffed at this point.

395 Chair Milman: Well, welcome you guys.

Commissioner Garst: I have two questions. If, at the next meeting, we approve the appointments, are those new Commissioners able to then sit in on the remainder of the meeting?

Director Foss: Yes

Commissioner Garst: OK. And then, is it possible to get an update on projects that are in the pipeline and the statuses of them, just as we have in the past?

Director Foss: Yes, we are updating that list currently, and we can send that out to you as soon as it's completed, which should be in the next day or two. And then moving forward, we will include that in your packets. So, applogize for the oversight on that.

Commissioner McAteer: And one other item, that you and I chat about, Brian, is having something of a workshop when these new two new members come on, so there's some "team building" and knowledge shared, because the knowledge base up here is, not to denigrate our group, but shallow in history. We lost our greatest historian, so that would be appreciated.

Director Foss: Right. We will look for opportunities to kind of have a "meet and greet" and integrate that. We will also be doing a Brown Act training and kind of a new Commissioner training that we typically do at the beginning of each year. We didn't do it at today's hearing, because we were hoping that we'd have two new Commissioners real shortly. So, hopefully at the next meeting, County Counsel Office will be kind of giving a just a refresher course on the Brown Act and Commissioner "What's in Your Purview," those types of things. We'll have that in addition to maybe more of an informal "meet and greet." That's all for my report. If anybody has any questions, I'm happy to answer them.

Chair Milman: I think you've done us in. All right, I think this concludes our meeting at 2:03.

Chair Milman adjourned the meeting at 2:03 p.m.

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There being no further business to come before the Commission, the meeting was adjourned at 2:03 p.m. to the next meeting, to be held on a date to be determined, in the Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California.

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432 Passed and accepted this day of , 2025.
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435 Brian Foss, Ex-Officio Secretary

