



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

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

**MEETING DATE:** March 26, 2019

**TO:** Board of Supervisors

**FROM:** Nevada County Planning Department

**SUBJECT:** Public Hearing to consider the Nevada County Planning Commission's February 28, 2019, (5-0 Vote) recommendation for the Mena 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) #97 to change APN 065-280-001 zoning from Forest, with the Subdivision Limitation Combining District (FR-X), to Timberland Production Zone, with the Subdivision Limitation Combining District (TPZ-X), (RZN18-0001) (District V).

**RECOMMENDATION:** The Planning Commission, on February 28, 2019, voted 5-0 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 #97 to rezone APN 065-280-001 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 065-280-001 from \$1,571.18 to \$50.20 (projected 2019/2020); no budget amendments are required.

**ATTACHMENTS:**

1. Planning Ordinance: Zoning Map Amendment (RZN18-0001)
2. Forest Management Plan – Summit Forestry Services
3. Timberland Production Zoning Notice for Recordation
4. Zoning, Vicinity and Public Notice Map

## 5. February 28, 2019 Draft Planning Commission Meeting Minutes

**SITE DESCRIPTION:** The 54.38-acre Mena property is located roughly 10 miles east of the City of Nevada City, west of the Greenhorn Creek headwaters. Greenhorn Creek and two of its tributaries traverse the property. The property is undeveloped except for logging roads. The project Forest Management Plan (FMP) (*Attachment 2*) describes the property as mid- to young-growth, white fir dominated forest; overstory trees are approximately 85-years old. The forest stand consists of white fir, incense cedar, sugar and ponderosa pines, Douglas-fir, and hardwoods including black and tan oak. Property elevation ranges from 4,100 to 4,350 feet above mean sea level, with moderate to steep slopes. The property is one parcel of a 31-parcel subdivision (1977); all but five of these are zoned FR-X. The other five were re-zoned to TPZ-X in 2003 and 2004. Other nearby properties are a mix of FR-160 and TPZ-160 zoning. The area is comprised of large, forested parcels, mostly undeveloped; the smallest parcel is 28-acres. A 417-acre parcel owned by Sierra Pacific Industries lies at the westerly property boundary.

**DISCUSSION:** The owner's desire is to properly manage the forest and provide fish, wildlife and watershed benefits. Proper forest management will improve wildlife habitat by increasing solar exposure at the forest floor and will improve water quality by reducing the threat of wildfire and the associated threat of sediment and ash entering watercourses through erosion. Previous owners have logged the property several times, most recently, about 10-years ago. This included removal through individual tree selection, described by the project forester as a "sanitation-salvage harvest". In 2016, mastication of a portion of the property included understory tree thinning and hazardous fuel removal, resulting in an improvement to fire safety and to the health of the forest.

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 Forest Management Plan (FMP) prepared by a registered professional forester. The FMP 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. The FMP meets these requirements, demonstrating that the site is appropriate for TPZ zoning.

The reduction in property taxes, based on an assessment of the land value for growing and harvesting timber, is determined by general forest type and site productivity potential, with valuation set annually by the State Board of Equalization. In the current FR-X zoning district, the 2018/19 assessed value is \$149,753 with an annual tax amount

of \$1,571.18. Approval of the requested rezone is anticipated to lower the 2019/20 assessed property value to approximately \$4,785 with a projected annual tax of \$50.20.

**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 a Timber Harvest Plan, an environmental review document approved by the California Department of Forestry.

**PLANNING COMMISSION ACTION:** On February 28, 2019, 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 (5-0 Vote) recommended that the Board of Supervisors approve the project.

**SUMMARY:** Marcus Mena has requested his property be rezoned to TPZ. 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.

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**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 #97 to rezone APN 065-280-001 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