



RESOLUTION NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

A RESOLUTION DENYING THE CONDITIONAL USE PERMIT (CUP21-0006) TO ALLOW FOR THE DEVELOPMENT AND OPERATION OF A 6-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT CONTAINING SIX (6) ONE-BEDROOM APARTMENTS (FILE NOS. PLN21-0311; RZN21-0004; CUP21-0006; EIS22-0009) LOCATED ON ASSESSOR'S PARCEL NUMBER 004-140-067.

WHEREAS, the proposed project application was submitted to relevant County, State, and Federal agencies, California Native American Tribes, applicable stakeholder groups, property owners within 500-feet of the project site and other members of the public as public notice of the proposed action; and

WHEREAS, the County has prepared a project specific Draft Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (EIS22-0009) and circulated it for a 31-day public comment period from September 23, 2022 to October 24, 2022 and held a public hearing before the Planning Commission to recommend approval of the IS/MND; and

WHEREAS, on November 10, 2022, the Planning Commission held a duly noticed public hearing on the proposed Conditional Use Permit (CUP21-0006) (collectively "Project") in which the Planning Commission reviewed the proposed IS/MND together with all comments received during the public review period; and

WHEREAS, after reviewing and considering the proposed Project, the Planning Commission recommended by a 3-0 vote that the Board of Supervisors approve the proposed Resolution denying the Use Permit and the applicant redesigned the project proposal to address the Planning Commission concerns; and

WHEREAS, the Nevada County Board of Supervisors on January 24, 2023 held a duly noticed public hearing on the proposed Project; and

WHEREAS, separate Resolutions of the Board of Supervisors adopted the Project's IS/MND (EIS22-0009) and MMRP, and a separate Ordinance of the Board of Supervisors adopting a rezone of APN: 004-140-067 from RA-3-PD to RA-1.5; and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed use permit, all information and evidence submitted in favor and against the proposed Conditional Use Permit, and the complete record before it, has determined that a Use Permit is now denied to not allow for the Ranch House Project.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors for the County of Nevada hereby finds and determines:

- A. That the Conditional Use Permit requesting entitlements allow for the development and operation of a 6-unit multifamily residential development containing six (6) one-bedroom apartments is inconsistent with the Goals and Policies of the Nevada County General Plan in the following respects:
 - i. General Plan Goal 1.6/Policy 1.6.1: "Allow for growth while protecting, maintaining and enhancing communities and neighborhoods; and [e]stablish land uses which protect, enhance, and complement existing communities and neighborhoods." Given the scale of the building, its proximity to adjacent residential uses, and the building's prominence in a predominantly residential neighborhood, the proposed development would be considered incompatible with the surrounding uses and subsequently cannot be found to protect, maintain, enhance or complement this existing rural residential neighborhood, as there are no other existing residential uses or any other types of structures in this area which are of similar size, scale and mass as the proposed development.
 - ii. General Plan Goal 2.1: "Provide for a strong economic base while protecting and maintaining neighborhoods." The proposed multifamily residential development, within an established residential neighborhood is substantially larger than any existing residential structures surrounding the project site, and subsequently the proposed project would be incompatible with existing development and cannot be found to protect or maintain this established neighborhood.
 - iii. General Plan Goal MV-4.1: "Provide for the safe and efficient movement of people and goods in a manner that respects the rural character of Nevada County." The project proposes to utilize an existing permanent access on to State Route 49 that otherwise serves a single-family residence. The potential for unprotected crossings of State Route 49 by residents of the proposed development have the potential to result in impacts that would be incompatible to the rural character of this rural residential neighborhood and potentially result in safety hazards to residents of the proposed development and surrounding community.
 - iv. General Plan Goal 18.1: "Promote and provide for aesthetic design in new development that reflects existing character." The project proposes to insert a large multifamily residential building with a design that reflects a motor lodge into a community that includes older established residential neighborhoods where there are no similar examples of residential or commercial development of this size and scale or architectural style. If

approved, this project will clearly stand out and would not reflect the existing character of this community.

- B. That the site is adequate in size, shape and location to accommodate the proposed project and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising Nevada County site development standards; and
- C. The proposed use and facilities are not compatible with, and could be detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area;
- D. That this use permit, proposing a multifamily residential building, will be incompatible with the design of existing and anticipated future uses on the nearby surrounding areas as supported by the comments received during the public review period and at the Planning Commission public hearing. Since the proposed project will not blend into the existing neighborhood character as it relates to design and size/scale, in such close proximity to existing residential uses and structures, the proposed project is found to be incompatible with the rural residential character of this long established surrounding neighborhoods.

BE IT FURTHER RESOLVED that based on the foregoing findings, and the entire record before it, the Nevada County Board of Supervisors does hereby deny the Conditional Use Permit (CUP21-0006) to allow for the development and operation of a 6-unit multifamily residential development containing six (6) one-bedroom apartments on the site located on assessor's parcel number 004-140-067.