



RESOLUTION NO. 18-505

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION AMENDING THE NEVADA COUNTY GENERAL PLAN LAND USE MAP DESIGNATIONS FOR TWO PROPERTIES (ASSESSOR'S PARCEL NUMBER 035-412-015 AND 035-412-018), WHICH IS IN ADDITION TO THE BOARD ADOPTED RESOLUTION 15-504, ADOPTED ON OCTOBER 27, 2015, TO INCREASE THE COUNTY'S URBAN HIGH DENSITY LAND USE DESIGNATION, EFFECTIVELY IMPLEMENTING THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT (NEVADA COUNTY 2014-2019 HOUSING ELEMENT PROGRAM HD-8.1.1); (GP12-002)

WHEREAS, on November 14, 1995, the County of Nevada adopted a General Plan for the County of Nevada, through Resolution 95-530; and

WHEREAS, the State of California Department of Housing and Community Development has required that the County include a Program (Program HD-8.1.1) within its 2014-2019 Housing Element update that makes the County responsible for re-designating enough lands to Urban High Density (UHD) to establish zoning for 699 high density housing units; and

WHEREAS, through the Environmental Impact Report process, the County has identified nine of seventeen candidate rezone sites that are considered to be the most suitable from an environmental and planning perspective to be re-designated for High Density Residential development; and

WHEREAS, seven of the nine sites that have been deemed most suitable for rezoning have been identified to need a General Plan Land Use designation change to ensure consistency with the proposed zoning designation of High Density Residential (R3); and

WHEREAS, this project is in connection with the subsequent rezoning of the nine sites to High Density Residential (R3) with the addition of the Regional Housing Need (RH) Combining District or just the addition of the RH Combining District for Site 11 to accommodate the State mandated Housing Element program; and

WHEREAS, the County, through RBF Consulting, prepared a site specific Draft Environmental Impact Report (EIR) and circulated it for review by responsible and trustee agencies, and submitted it to the State Clearinghouse (EIR12-002/SCH#2009072070) for review and comment by State agencies, for a comment period that ran from September 12, 2013 to November 12, 2013 (60-days). The Final EIR includes the Draft EIR, copies of all comments on the Draft EIR submitted during the comment period, the County's response to those comments, and changes made to the Draft EIR following its public circulation; and

WHEREAS, on October 9, 2014, the Planning Commission held a duly noticed Public Hearing on the proposed General Plan Land Use Map designation amendment (GP12-002) and site specific rezone (Z12-002) (collectively "Project") in which the Commission reviewed the proposed EIR together with all comments received during the public review period, and recommended certification of this same EIR before making a recommendation to the Board of Supervisors on the proposed Project; and

WHEREAS, after reviewing and considering the proposed Project, the Planning Commission recommended that the Board of Supervisors approve the proposed Resolution to amend the General Plan Land Use Map designations (GP12-002) as shown and described in Exhibit "A" attached hereto and made a part of this Resolution; and

WHEREAS, the Nevada County Board of Supervisors, held a duly noticed Public Hearing on October 27, 2015 on the proposed amendment to the General Plan Land Use Map, and re-designating those sites shown as Exhibit "A" to Board adopted Resolution 15-504 which consisted of the following Site and Assessor's Parcels Numbers (APNs): Site 12 APN 51-151-62, Site 14 APN 57-141-29; Site 16 APN 57-270-03, and Site 18 APN 11-181-03; and

WHEREAS, the Nevada County Board of Supervisors, continued the consideration of the following Site and Assessors Parcel Numbers (APNs) Site 3 APN 035-412-015, Site 5 APN 035-412-018 to November 10, 2015 and then to December 8, 2015 to work with the City of Grass Valley on an agreement for pursuing the rezoning within the City's Sphere of Influence on East Bennett Road at which the project; and

WHEREAS, the City and County reached an agreement to pursue the potential rezoning of the East Bennett Road Sites by first performing technical analysis of the property, including biological, traffic and cultural inventories; and

WHEREAS, the result of the aforementioned studies resulted in additional mitigation requirements and costs that rendered those sites infeasible for rezoning at that time; and

WHEREAS, no formal action was taken on the rezoning of the East Bennett Road sites; and

WHEREAS, in September 2018, the State Department of Housing and Community Development (HCD) has threatened to commence the Housing Element decertification process should the County fail to complete the implementation of its Housing Element Rezone Program within a reasonable timeframe; and

WHEREAS, the Nevada County Board of Supervisors, held a duly noticed Public Hearing on the proposed amendment to the General Plan Land Use Map on October 27, 2015 and October 9, 2018 to re-designate those sites shown in Exhibit "A" consisting of the following Site and Assessor's Parcels Numbers (APNs): Site 3 APN 035-412-015, and Site 5 APN 035-412-018; and

WHEREAS, a separate Resolution of the Board of Supervisors certified the Project's EIR (EIR12-002) and a separate Ordinance of the Board of Supervisors adopted site specific rezoning associated with the Project (Z12-002); and

WHEREAS, pursuant to Section 15162 of the California Environmental Act Guidelines, the certified the Project EIR (EIR12-002) is adequate for the redesignation and rezoning of the project site(s) as the environmental impacts of the proposed project were disclosed, analyzed and mitigated for within the project EIR; and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed amendments to the Nevada County General Plan Land Use Map, all information and evidence submitted in favor and against the proposed amendments, and the complete record before it, has determined that an amendment to the County's General Plan is now warranted.

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

1. That the proposed amendment to the General Plan is consistent with and furthers the goals, objectives, policies, and implementation measures of the General Plan and provisions of the Nevada County Land Use and Development Code Chapter II Zoning Regulations, specifically those policies of the County General Plan Chapter 8 focused on providing adequate housing opportunities for all income and special needs segments of the County's population; and
2. That the Project sites are physically suitable for the Urban High Density (UHD) General Plan Land Use Designation, in that the Sites do not contain significant areas of excessively steep slopes or sensitive environmental resources, which cannot be avoided through appropriate site planning. The Sites have adequate access to a County maintained road or can establish access to County maintained road and subsequently will accommodate the anticipated future development of High Density residential uses; and
3. That the Sites are physically suitable for the Urban High Density (UHD) General Plan Land Use Designation, as reviewed by the September 2012 Preliminary Site Assessment and EIR (SCH#2009072070). The UHD designation is consistent with other surrounding residential uses and will accommodate the unmet housing need from the 2009-2014 Regional Housing Need Plan for Nevada County and will assist the County in meeting future Regional Housing Need Allocations; and
4. That the certified Project EIR (EIR12-002) is adequate for this General Plan Land Use Map Amendment and rezoning because the project meets the conditions for the application of State CEQA Guidelines Section 15162 and preparation of a new or subsequent Environmental Impact Report is not necessary on the basis of substantial evidence in light of the whole record, and one or more of the following:
 - (1) No changes in the proposed project that will require revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects have occurred since the certification of the Project EIR; and
 - (2) No changes have occurred with respect to the circumstances under which the project is undertaken which will require revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects have occurred since the certification of the Project EIR; or
 - (3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was adopted, that shows any of the following:
 - (A) The project will not have one or more significant effects not discussed in the previous EIR; and
 - (B) That new significant effects not previously examined will be substantially more severe than shown in the previous EIR; and
 - (C) That no new mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project have been identified, that the project proponents have declined to adopt the mitigation measure or alternative; or

(D) That no new mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR that would substantially reduce one or more significant effects on the environment have been identified, that the project proponents have declined to adopt the mitigation measure or alternative.

5. That the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

BE IT FURTHER RESOLVED that based on the foregoing findings, and the entire record before it, the Nevada County Board of Supervisors does hereby approve and adopt an amendment to the Nevada County General Plan Land Use Maps, re-designating those sites as described and set forth in Exhibit "A", (Sites 3 and 5) consistent with boundaries of said properties.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 9th day of October, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

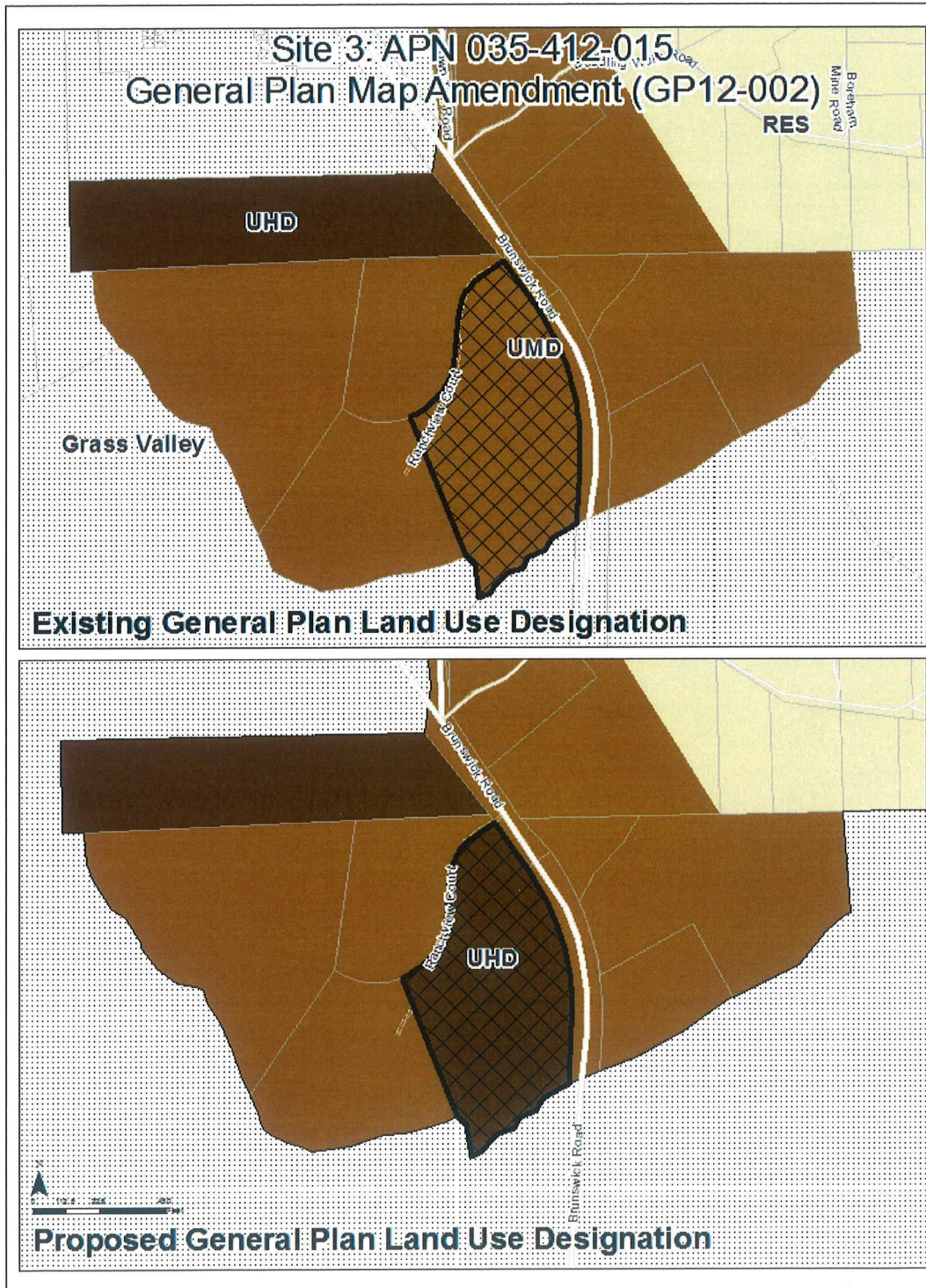
JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 

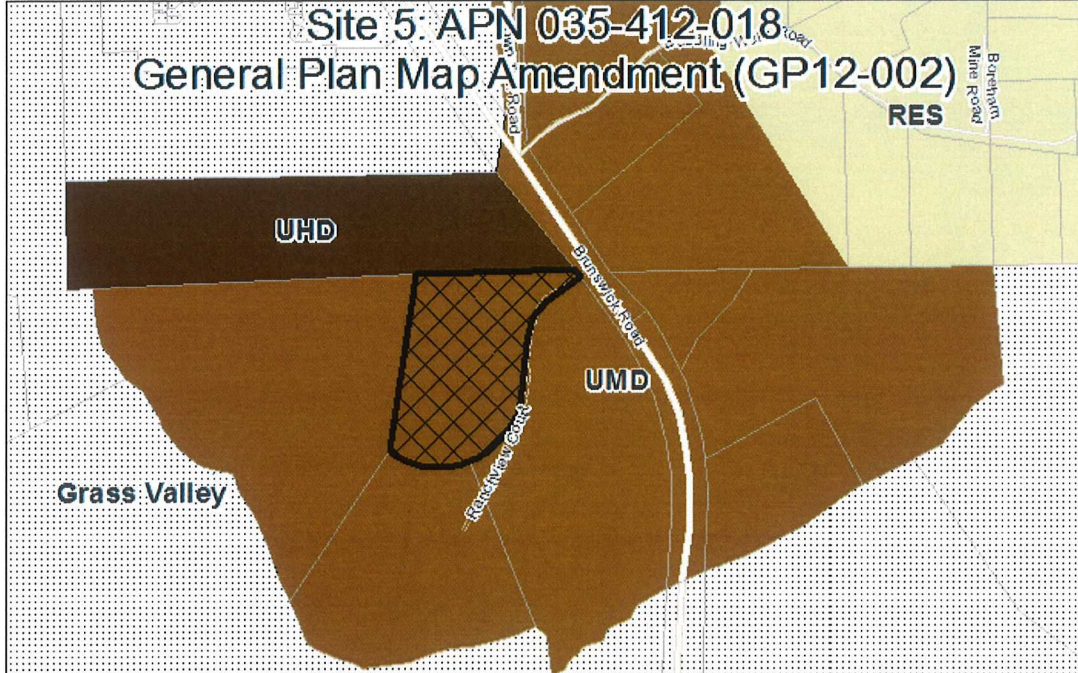


Edward Scofield, Chair

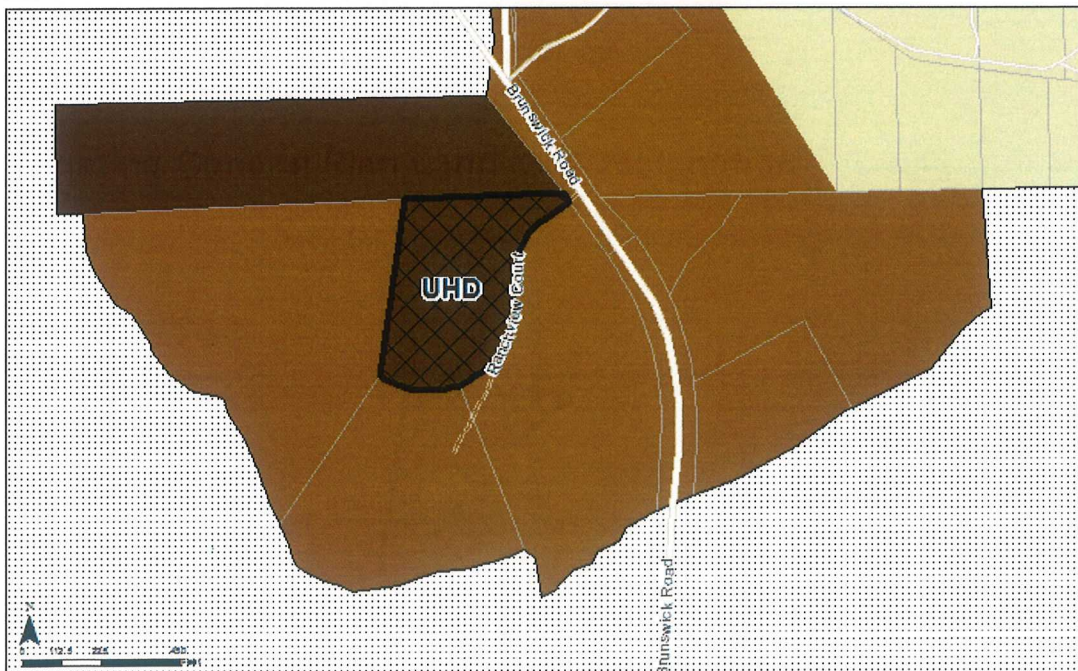
Exhibit A



Site 5: APN 035-412-018
General Plan Map Amendment (GP12-002)



Existing General Plan Land Use Designation



Proposed General Plan Land Use Designation