



## **RESOLUTION NO. \_\_\_\_\_**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

**A RESOLUTION ADOPTING THE TENTATIVE PARCEL MAP (TPM24-0003), WATERCOURSE MANAGEMENT PLAN (MGT24-0019), OAK RESOURCES MANAGEMENT PLAN (MGT24-0020), AND PETITION FOR EXCEPTIONS TO FIRE SAFE DRIVEWAY STANDARDS (PFX24-0009) TO SUBDIVIDE THE APPROXIMATELY 21.41-ACRE PARCEL INTO TWO (2) SEPARATE PARCELS OF APPROXIMATELY 11.36-ACRES (PROPOSED PARCEL 1) AND 10.05-ACRES (PROPOSED PARCEL 2) LOCATED ON ASSESSOR’S PARCEL NUMBER 060-150-063**

WHEREAS, the proposed project application for a Tentative Parcel Map, Watercourse Management Plan, Oak Resources Management Plan, and Petition for Exceptions to Fire Safe Driveway Standards was submitted on April 8, 2024; and

WHEREAS, the proposed project application was routed 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 (EIS24-0006) and circulated it for a 31-day public comment period from March 21, 2025 to April 21, 2025, and held a public hearing before the Planning Commission to recommend approval of the IS/MND; and

WHEREAS, on April 24, 2025, the Planning Commission held a duly noticed public hearing on the proposed Tentative Parcel Map (TPM24-0003), Watercourse Management Plan (MGT24-0019), Oak Resources Management Plan (MGT24-0020), and Petition for Exceptions to Fire Safe Driveway Standards (PFX24-0009) (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 4-0 (1 absent) vote that the Board of Supervisors deny the Tentative Parcel Map, Watercourse Management Plan, Oak Resources Management Plan, and Petition for Exceptions to Fire Safe Driveway Standards; and

WHEREAS, on June 24, 2025, the Nevada County Board of Supervisors, held a duly noticed public hearing on the proposed Project in which the Board of Supervisors made a motion to direct Staff to return to the Board of Supervisors with Resolutions in support of the project at a later date to be determined, which will be noticed appropriately; and

WHEREAS, on July 22, 2025, the Nevada County Board of Supervisors, held a duly noticed public hearing on the proposed Project in which the Board of Supervisors made a \_\_\_ vote to approve the Tentative Parcel Map (TPM24-0003), Watercourse Management Plan (MGT24-0019), Oak Resources Management Plan (MGT24-0020), and Petition for Exceptions to Fire Safe Driveway Standards (PFX24-0009) for APN: 060-150-063; and

WHEREAS, the Tentative Parcel Map, Watercourse Management Plan, Oak Resources Management Plan, and Petition for Exceptions to Fire Safe Driveway Standards was determined to be consistent with the goals, objectives, policies, and implementation measures of the General Plan and the provisions of the Nevada County Code; and

WHEREAS, separate Resolutions of the Board of Supervisors adopted the Project's IS/MND (EIS24-0006) and MMRP, a separate Resolution of the Board of Supervisors adopting a General Plan Amendment of APN: 060-150-063 from RUR-20 to RUR-10, and a separate Ordinance of the Board of Supervisors adopting a rezone of APN: 060-150-063 from AG-20 to AG-10; and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed Tentative Parcel Map, Watercourse Management Plan, Oak Resources Management Plan, and Petition for Exceptions to Fire Safe Driveway Standards, all information and evidence submitted in favor and against the proposed Tentative Parcel Map, Watercourse Management Plan, Oak Resources Management Plan, and Petition for Exceptions to Fire Safe Driveway Standards, and the complete record before it, has determined that a Tentative Parcel Map, Watercourse Management Plan, Oak Resources Management Plan, and Petition for Exceptions to Fire Safe Driveway Standards is now approved.

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

- I. After reviewing and considering the proposed Tentative Parcel Map application (TPM24-0003), the Board of Supervisors hereby approves the proposed Tentative Parcel Map (TPM24-0003) to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36-acres (Proposed Parcel 1) and 10.05-acres (Proposed Parcel 2), based on the findings set forth in Title 13 Subdivisions of the Nevada County Code, shown below:
  - A. That the proposed division is consistent with the Goals, Objectives, and Policies of the Nevada County General Plan, and with the development standards of the Nevada County Land Use and Development Code; and,
  - B. That adequate public services exist within the project area and are available to serve the project, including County-maintained roads offsite, privately maintained roads onsite, and fire protection from the North San Juan Fire Protection District; and,
  - C. That the site is physically suitable for the type of development and the proposed density of development and the Resource Standards of County Zoning Regulations; and,
  - D. That the design of the proposed subdivision and its improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and,
  - E. That the design of the proposed subdivision and its improvements are not likely to cause serious public health problems; and,
  - F. That findings can be made pursuant to Government Code Section 66474 that requires project approval, as discussed above.
  
- II. After reviewing and considering the proposed Watercourse Management Plan application (MGT24-0019), the Board of Supervisors hereby approves the proposed watercourse Management Plan, prepared by Greg Matuzak with Greg Matuzak Environmental Consulting, LLC, to allow ground disturbance within the non-disturbance buffers of multiple existing drainage channels, making findings A-B, shown below:
  - A. That while construction activities are proposed to occur in multiple areas that contain designated ephemeral drainage channels identified by the Watercourse Management Plan prepared by Greg Matuzak with Greg Matuzak Environmental Consulting, LLC, a Nevada County Pre-Qualified Biologist, these sensitive resource areas will be substantially protected through recommendations in the Watercourses, Wetlands, and Riparian Areas Management Plan, prepared by Greg Matuzak with Greg Matuzak Environmental Consulting, LLC, and made Conditions of Approval, and no significant loss of resource value is anticipated to occur; and
  - B. That there are no feasible alternatives because the area proposed for the proposed building envelopes and M.U.S.D.As are located to the rear of the property in areas that would best avoid further

impacts. With the implementation of the avoidance and minimization measures described in this Watercourses, Wetlands, and Riparian Areas Management Plan, ongoing management of the subject parcel will minimize effects from watercourse buffer encroachment, will avoid future disturbance within setbacks, and will minimize potential impacts to special-status species.

- III. After reviewing and considering the proposed Oak Resources Management Plan application (MGT24-0020), the Board of Supervisors hereby approves the proposed Oak Resources Management Plan, prepared by Greg Matuzak with Greg Matuzak Environmental Consulting, LLC, to allow ground disturbance and tree removal within areas designated as existing Landmark Oak Grove, making findings A-B, shown below:
- A. That while construction activities are proposed to occur in multiple areas designated as being Landmark Oak Grove identified by the Oak Resources Management Plan prepared by Greg Matuzak with Greg Matuzak Environmental Consulting, LLC, a Nevada County Pre-Qualified Biologist, these sensitive resource areas will be substantially protected through recommendations in the Oak Resources Management Plan, prepared by Greg Matuzak with Greg Matuzak Environmental Consulting, LLC, and made Conditions of Approval, and no significant loss of resource value is anticipated to occur; and
  - B. That there are no feasible alternatives because impacts to Landmark Oak Grove are inevitable, and the area proposed for the proposed building envelopes and M.U.S.D.As are located to the rear of the property in areas that would best avoid further impacts. With the implementation of the avoidance and minimization measures described in this Oak Resources Management Plan, ongoing management of the subject parcel will minimize effects from Landmark Oak Grove encroachment, will avoid future disturbance within setbacks, and will minimize potential impacts to special-status species.
- IV. After reviewing and considering the proposed Petition for Exceptions to Fire Safe Driveway Standards application (PFX24-0009), the Board of Supervisors hereby approves the proposed Petition for Exceptions to Fire Safe Driveway Standards to allow the proposed access roads to exceed 16% grade while staying under 20% grade, based on the findings A through E set forth in Title 4, Chapter 3, Section 4.03.040 of the Nevada County Code, shown below:
- A. That there are special circumstances and conditions which affect the subject parcel; and,
  - B. That this exception is necessary for the preservation of the substantial property right of the owner, including the construction of residential driveways to access the proposed building envelope and M.U.S.D.A areas; and,
  - C. That the granting of this exception will not be detrimental or injurious to other property in the local area; and,

- D. That the granting of this exception will not constitute a grant of special privilege that is inconsistent with the limitations upon other similar properties; and,
- E. That this exception will provide the same practical effect of the fire protection and is supported by the County of Nevada Office of the Fire Marshal and the North San Juan Fire Protection District, who are responsible for assuring compliance with Public Resources Code Section 4290.

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 the Tentative Parcel Map (TPM24-0006), Watercourse Management Plan (MGT24-0019), Oak Resources Management Plan (MGT24-0020), and Petition for Exceptions to Fire Safe Driveway Standards (PFX24-0009) to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36-acres (Proposed Parcel 1) and 10.05-acres (Proposed Parcel 2) on the site located on Assessor's Parcel Number 060-150-063.