



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**
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Trisha Tillotson
Community Development Agency Director

Brian Foss
Planning Director

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

MEETING DATE: April 26, 2022

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: Resolution Repealing Resolution No. 22-073 and 22-074 and an Ordinance Repealing Ordinance 2502 for the Murty and Law General Plan Amendment and Rezone project (District V).

RECOMMENDATION:

Staff has recommend that the Board of Supervisors take the following actions:

- I. **Project Action:** Approve the attached Resolution repealing Resolution No. 22-073 and Resolution No. 22-074 to re-establish the previous General Plan Land Use Designation of Assessor Parcel Number 034-160-001 of Rural-5 (RUR-5) and deletion of any adoption of a Negative Declaration prepared in conformance with the California Environmental Quality Act and making the findings contained within the attached Resolution (*Attachment 1*).
- II. **Project Action:** Introduce, waive further reading and adopt the attached Ordinance Repealing Ordinance No. 2502 approving the Zoning District Map Amendment to re-establish the Residential Agricultural - 5 (RA-5) with Planned Development (PD) of Assessor Parcel Number 034-160-001 and making the findings contained within the attached Ordinance (*Attachment 2*).

FUNDING: No budget amendments are required.

ATTACHMENTS:

1. Draft Resolution: Repeal of Resolution approving General Plan Amendment and Initial Study/ Negative Declaration

2. Draft Ordinance: Repeal of Resolution approving Zoning Map Amendment
 3. Resolution No. 22-073 and Resolution No. 22-074
 4. Ordinance No. 2502
 5. Project Vicinity and Zoning Map
 6. January 25, 2022 Board of Supervisors Meeting Minutes
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BACKGROUND:

The Board of Supervisors, at their January 25, 2022 regular meeting, held a public hearing and voted 4 – 1 and approved an Resolution (Resolution No. 22-074) to consider a General Plan Land Use Map Amendment (GPA21-0001) to change the subject project site, located at 10460 Harmony Ridge Road (Assessor Parcel Number 034-160-001) from Rural (RUR) – 5 to Rural (RUR) – 20 and an Ordinance (Ordinance No. 2502) to consider a Zoning District Map Amendment (RZN21-0001) to change the Zoning District from Residential Agricultural (RA) – 5 with Planned Development (PD) to General Agricultural (AG) – 20. Furthermore, as part of the approval, the Board of Supervisors also approved a Resolution (Resolution No. 22-073) to consider a Negative Declaration (EIS21-0002), pursuant to Section 15074 of the California Environmental Quality Act Guidelines. The project as proposed did not include a proposal to develop the subject parcel and only proposed to change the General Plan Land Use Map and Zoning District Map.

After the approval of the proposed project, a petition for writ of mandate was filed on February 24, 2022 (Case No. CU22-086276) with the Superior Court of California, which challenged the approval of the General Plan Amendment, Zoning District Map and Negative Declaration. The applicant has determined that they no longer wish to pursue the proposed General Plan Land Use Map and Zoning District Map Amendment due to changes in their financial situation and they have requested that Resolution No 22-073 and Resolution No. 22-074 along with Ordinance No. 2502 be repealed, thereby re-establishing the previous General Plan Land Use Designation and Zoning District for the subject parcel. Therefore, Staff recommends the Nevada County Board of Supervisors take the actions described below.

RECOMMENDATION: Staff has recommended that the Board of Supervisors take the following actions:

- I. Project Action: Approve the attached Resolution repealing Resolution No. 22-073 and Resolution No. 22-074 to re-establish the previous General Plan Land Use Designation of Assessor Parcel Number 034-160-001 of Rural-5 (RUR-5) and

deletion of any adoption of a Negative Declaration prepared in conformance with the California Environmental Quality Act and making the findings contained within the attached Resolution (*Attachment 1*).

- II. Project Action: Introduce, waive further reading and adopt the attached Ordinance Repealing Ordinance No. 2502 approving the Zoning District Map Amendment to re-establish the Residential Agricultural - 5 (RA-5) with Planned Development (PD) of Assessor Parcel Number 034-160-001 and making the findings contained within the attached Ordinance (*Attachment 2*).

Item Initiated by: Matt Kelley, Senior Planner

Approved by: Brian Foss, Planning Director