



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

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

**A RESOLUTION TO DENY 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, the Tentative Parcel Map, Watercourse Management Plan, Oak Resources Management Plan, and Petition for Exceptions to Fire Safe Driveway Standards was determined to be inconsistent with the goals, objectives, policies, and implementation measures of the General Plan and the provisions of the Nevada County Code by creating inconsistencies with the sizes of surrounding parcels and the General Plan designation and character of the surrounding area; 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, the Nevada County Board of Supervisors on June 24, 2025 held a duly noticed public hearing on the proposed Project; and

WHEREAS, on June 24, 2025, a separate Resolution went before the Board of Supervisors to adopt the Project’s IS/MND (EIS24-0006) and MMRP, and another separate Resolution went before the Board of Supervisors to deny a General Plan Amendment of APN: 060-150-063 from RUR-20 to RUR-10 and to deny 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 should now be denied.

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

- I. After reviewing and considering the proposed Tentative Parcel Map application (TPM14-0003), the Board of Supervisors hereby denies 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 not 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, because the parcel is only 21.41 acres and

size and contains a General Plan designation of RUR-20 and a Zoning District designation of AG-20, which would require that the project parcel be a minimum of 40.00 acres to be eligible for the land division; and

- B. That adequate public services do not exist within the project area and are not 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, because due to the location of the proposed building envelopes and M.U.S.D.As shown on the Tentative Parcel Map, significant grading and construction activities will be needed to provide adequate public services to these areas. Additionally, the remoteness of the project area and being within a very high fire severity zone, challenging topography, evacuation capability challenges due to being located on a private, dead end road, and the requirement for a Petition for Exceptions to Fire Safe Driveway standards due to the slope of the proposed access roads would cause negative impacts on the ability to provide fire protection; and
- C. That the site is not physically suitable for the type of development and the proposed density of development and the Resource Standards of County Zoning Regulations, evidenced by the proposed project parcel being located in a remote area on a dead end road, containing challenging topography which would not allow for fire safe standard access roads to be constructed without approval of a Petition for Exceptions to Fire Safe Driveway standards, increasing the density in an area where evacuation capabilities are already challenging, providing a very minimal positive economic impact, and by impacting multiple environmentally sensitive areas and protected resources such as steep slopes, ephemeral drainage channels, and Landmark Oak Grove; and
- D. That the design of the proposed subdivision and its improvements would cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because the proposed project proposed multiple construction activities that are proposed to occur in multiple areas that contain designated ephemeral drainage channels and Landmark Oak Grove, which would all be completely avoided by not amending the General Plan or Zoning District designations; and
- E. That the design of the proposed subdivision and its improvements are likely to cause serious public health problems, as evidenced by the remoteness of the project area, lack of evacuation capabilities in the event of a fire or other natural disaster, being located within a very high fire severity zone on a dead end road, challenging topography the requirement for a Petition for Exceptions to Fire Safe Driveway standards due to the slope of the proposed access roads; and
- F. That findings can be made pursuant to Government Code Section 66474 that requires project denial, as discussed above.

- II. After reviewing and considering the proposed Watercourse Management Plan application (MGT24-0019), the Board of Supervisors hereby denies 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 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, and that significant loss of resource value has the potential to occur on the project parcel as a part of the proposed project due to the increased density associated with the proposed amendment and rezone that would cause unnecessary impacts on the this sensitive resource area that would be completely avoided if the proposed General Plan and Zoning District amendment were to be denied, as pursuant to Title 12, Chapter 4, Section 12.04.201, avoidance of impacts to environmentally sensitive resources and natural site constraints is the primary, preferred approach; and
  - B. That there are 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, which would impact additional ephemeral drainage channel areas that are not necessary due to having sufficient area towards the front areas of the project parcel that would limit the amount of construction activities within these protected resources, compared to other areas of the project parcel. Additionally, due to the thick existing vegetation and challenging topography, the project Biologist, Greg Matuzak with Greg Matuzak Environmental Consulting, LLC, determined that avoidance and minimization were not possible, and that the only feasible mitigation would be to implement Best Management Practices (BMPs); however, all impacts to this environmentally sensitive resource would be completely avoided if the proposed General Plan and Zoning District amendment were to be denied.
- III. After reviewing and considering the proposed Oak Resources Management Plan application (MGT24-0020), the Board of Supervisors hereby denies 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 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, and that significant loss of resource value has the potential to occur on the project parcel as a part of the proposed project due to the increased density associated with the proposed amendment and rezone that would cause unnecessary impacts on the this sensitive resource area that would be completely avoided if the proposed General Plan and Zoning District amendment were to be denied, as pursuant to Title 12,

Chapter 4, Section 12.04.201, avoidance of impacts to environmentally sensitive resources and natural site constraints is the primary, preferred approach; and

- B. That there are 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, which would impact additional Landmark Oak Grove that is not necessary due to having sufficient area towards the front areas of the project parcel that would limit the amount of construction activities within these protected resources, compared to other areas of the project parcel. Additionally, due to the thick existing vegetation and challenging topography, the project Biologist, Greg Matuzak with Greg Matuzak Environmental Consulting, LLC, determined that avoidance and minimization were not possible, and that the only feasible mitigation would be to make a payment of an in-lieu fee to the approved BYLT compensatory mitigation fund for protected oak resources; however, all impacts to this environmentally sensitive resource would be completely avoided if the proposed General Plan and Zoning District amendment were to be denied.

IV. After reviewing and considering the proposed Petition for Exceptions to Fire Safe Driveway Standards application (PFX24-0009), the Board of Supervisors hereby denies 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 not special circumstances and conditions which affect the subject parcel, as all of the surrounding parcels are similar in size, configuration, and have similar challenging topography throughout the area and are approximately sized and zoned to minimize potential adverse impacts. Additionally, the surrounding parcels have environmentally sensitive areas within them similar to the project parcel, and therefore the same circumstances and conditions apply to not just the subject parcel; and
- B. That this exception is not 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. The subject property is located in a partially developed area with similar challenging topography and environmentally sensitive areas as the surrounding parcels that are in the approximate same size and configuration of the surrounding parcels; and
- C. That the granting of this exception will be detrimental or injurious to other property in the local area because amending both the General Plan and Zoning District designations will cause the need for additional exceptions to Nevada County Code standards due to the challenging topography, the remoteness, and the lack of improvement of emergency evacuation on a dead end road, which has the potential to cause complications for the surrounding parcels; and

- D. That the granting of this exception will constitute a grant of special privilege that is inconsistent with the limitations upon other similar properties, because the topography of the project parcel consists mainly of steep slopes in excess of 30% and the proposed project would further impact drainage channels and Landmark Oak Grove through the required paving and vegetation clearance required due to the access roads being greater than 16% slope throughout; and
- E. That this exception will not provide the same practical effect of the fire protection and is not 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, because the proposed project would increase density in the area that is already designated as a very high fire severity zone and being located on a dead end road without adequate evacuation improvement.

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 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.