



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

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

**A RESOLUTION AMENDING NEVADA COUNTY GENERAL PLAN LAND USE MAP DESIGNATION FOR ASSESSOR'S PARCEL NUMBER (APN) 034-160-001 FROM RURAL – 5 (RUR-5) TO RURAL-20 (RUR-20) (GPA21-0001).**

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

WHEREAS, Dylan Murty and Dana Law (“Applicant”) are the owner of Assessor’s Parcel Number 034-160-001; and,

WHEREAS, the Applicant has requested that the General Plan Land Use Map designation be amended for the project site; and,

WHEREAS, the land use re-designation from Rural - 5 (RUR-5) to Rural – 20 (RUR-20) will allow for the future residential use or potential commercial agricultural uses of the subject project site; and,

WHEREAS, the General Plan Land Use Map amendment is necessary for the private use of this property; and,

WHEREAS, notices of the proposed action amending the General Plan Land Use Map were submitted to the applicable responsible agencies and adjacent property owners; and,

WHEREAS, as required by Senate Bill 12 (Burton) and Assembly Bill 52 (Gatto), the County of Nevada sent a request for consultation to the United Auburn Indian Community who in return did not request specific consultation for this project; and,

WHEREAS, the County has prepared a project specific Initial Study/ Negative Declaration (IS/ND) (EIS21-0002) and circulated it for a 20-day public comment period from October 8, 2021 to October 27, 2021; and,

WHEREAS, on November 17, 2021, the Planning Commission held a duly noticed public hearing on the proposed General Plan Land Use Map designation amendment (GP21-0001), property specific rezone (RZN21-0001), (collectively “Project”) in which the Commission reviewed the proposed IS/ND together with all comments received during the public review period, and recommended adoption of this same Negative Declaration before making a recommendation to the Board of Supervisors on the proposed Project; and,

WHEREAS, the Planning Commission after reviewing and considering the proposed project at their Special Meeting of November 17, 2021, and after taking public testimony and deliberating on the project voted 3-1 (1 abstention) to recommend that the Board of Supervisors approve the proposed Resolution to amend the General Plan Land Use Map designations (GP21-0001) 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 the proposed amendment to the General Plan Land Use Map, re-designating the subject parcels as described herein; and,

WHEREAS, separate Resolutions of the Board of Supervisors approved the Project’s Negative Declaration (EIS21-0002) and by separate Ordinance of the Board of Supervisors adopted the site specific rezoning associated with the Project (RZN21-0001); and,

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed amendment 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:

- A. That the proposed amendment re-designating the land use designation from Rural – 5 (RUR-5) to Rural – 20 (RUR-20) is consistent with and furthers the goals, objectives, policies and program of the General Plan and the provisions of the Nevada County Land Use and Development Code; and,
- B. That the Site is physically suitable for the Rural – 20 (RUR-20) General Plan Land Use Designation, in that the site does not contain significant areas of slopes or sensitive environmental resources, which cannot be avoided through appropriate site planning. The site has adequate access to a adequately maintained road and subsequently will accommodate the anticipated development of a potential single-family residential building and potential resultant commercial agricultural uses; and,
- C. That the land use re-designation of the project site is conforming with the other lands surrounding the project parcels; and,
- D. That the project is found to be consistent with the General Plan Goals and Policies that promote the creation of sustainable economy and protection of environmental resources; and,
- E. 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 the project site from Rural – 5 (RUR-5) to Rural - 20 (RUR-20), consistent with boundaries of said properties, as described and set forth in Exhibit A attached hereto.

