



RESOLUTION NO. 23-494

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION AMENDING THE NEVADA COUNTY GENERAL PLAN CHAPTER 1: LAND USE ELEMENT POLICY 1.2.1.b, POLICY 1.2.4.b, AND POLICY 1.7.2 (GPA23-0001)

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

WHEREAS, the Board of Supervisors has directed the Planning Department through Resolution 21-018 to implement projects funded as part of the Local Government Planning Support Grants Program, Regional Early Action Planning Grant (hereinafter referred to by the Department as the Regional Early Action Planning Grant program or REAP) accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing need assessment; and

WHEREAS, the County desires to make modifications to the General Plan to address urban medium density maximum residential density requirements within incorporated spheres of influence as identified through community input to reduce barriers to housing production; and

WHEREAS, the County desires to make modifications to the General Plan to address residential mixed use maximum residential density requirements within Community Regions as identified through community input to reduce barriers to housing production; and

WHEREAS, the Land Use Element of the County General Plan (Chapter 1) includes several references to maximum residential density that require updating; and

WHEREAS, on June 22, 2023, the Planning Commission held a duly noticed public hearing on the proposed General Plan text amendments (GPA23-0001), and the Zoning Ordinance text amendments (ORD23-1) (collectively "Project") in which the Commission reviewed the proposed Project together with all comments received during the public review period, and made 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 text (GPA23-0001) as shown and described in Exhibit "A" attached hereto and made a part of this Resolution; and

WHEREAS, on September 12, 2023, the Nevada County Board of Supervisors, held a duly noticed public hearing on the Project, which includes the proposed text amendments to the General Plan; and

WHEREAS, a separate Ordinance of the Board of Supervisors adopted Zoning Ordinance text amendments (ORD23-1); and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed text amendments to the Nevada County General Plan, 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 amendments to the General Plan are 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; and
2. That the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, because the site development standards of the County's Zoning Code will ensure future projects conform to applicable regulations to ensure that the future development does not negatively impact the public interest, health, safety, convenience, or welfare of the County, and that the sites will accommodate the anticipated future development of the various proposed primary uses; and
3. That the Project sites are physically suitable for the various proposed General Plan land use designations, because the site development standards of the County's Zoning Code will ensure future projects conform to applicable regulations to ensure that the sites will be compatible with surrounding development. In addition to site development standards, future project specific conditions and mitigation measures will ensure that adequate infrastructure, including sewer, water, access and emergency services will be available to serve the sites at the time of development.

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 the text amendments to the Nevada County General Plan set forth in Exhibit "A".

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 12th day of September, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward C. Scofield, Chair

Exhibit A

Chapter 1: Land Use Element

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Policy 1.2.1.b. Urban Medium Density Residential (8 dwelling units per acre maximum within incorporated area's spheres of influence; 6 units per acre maximum elsewhere)

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Policy 1.2.4.b. Urban Medium Density Residential (UMD) is intended to provide for residential uses, including affordable single family dwellings on smaller lots, and multi-family housing types at moderate densities, of up to 8 dwelling units per acre, in locations with convenient access to transportation facilities (including arterial and major collector roads and public transit), shopping and services, employment, recreation and other public facilities. Areas of Urban Medium Density Residential use may provide locations appropriate for the development of affordable housing through clustering of single-family residences or other design techniques. Locations which are adjacent to or in close proximity to Community Commercial, Business Park or Industrial areas are considered appropriate for this designation, as are locations which create a transition between higher density and lower density residential development, and locations which have good accessibility, but which are located within or adjacent to areas of environmental constraints.

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Policy 1.7.2 The General Plan shall provide for the following densities in the respective land use designation based upon the maximum number of dwelling units or persons per acre for the minimum parcel area per dwelling.

The densities shown are the maximum provided for in the respective General Plan designations. The maximum density may not be achieved for all development, either in the short term or in the long term, due to site specific conditions.

Table 1.3 - Maximum Densities In Respective Land Use Designations

<i>General Plan Designation</i>	<i>Max. Units Per Acre</i>	<i>Min. Acres Per Unit</i>	<i>Max. Persons Per Acre</i>
Urban High Density Residential (1)	15/20		36/48
Urban Medium Density Residential (4)	6/8		14.4
Urban Single Family Residential	4		9.6
Residential	2/3	1.5	1.584
Estate	1/3	3	0.792
Rural-5 (5 acre minimum parcel size)	1/5	5	0.48
Rural-10 (10 acre minimum parcel size)	1/10	10	0.24
Rural-20 (20 acre minimum parcel size)	1/20	20	0.12
Rural-30 (30 acre minimum parcel size)	1/30	30	0.0792
Rural-40 (40 acre minimum parcel size)	1/40	40	0.06
Rural-160(160 acre minimum parcel size)	1/160	160	0.015
Neighborhood Commercial(5)	4/6		9.6
Community Commercial(5)	4/6		9.6
Highway Commercial(5)	4/6		9.6
Service Commercial(5)	4/6		9.6

Rural Commercial(5)	4/6		9.6
Office-Professional(5)	4/6		9.6
Business Park(5)	4/6		9.6
Industrial(5)	4/6		9.6
Recreation	4		9.6
Forest-40	1/40	40	0.06
Forest-80	1/80	80	0.03
Forest-160	1/160	160	0.015
Forest-640	1/640	640	0.0038
Public	NA		NA
Open Space	NA		NA
Water Area	NA		NA
Special Development Area	(2)		(2)
Planned Development	(2)		(2)
Planned Residential Community	4		9.6
Continuing Care Retirement Community	(3)	(3)	(3)

NOTES: NA - Not applicable

- (1) 20 dwelling units per acre maximum within incorporated area's spheres of influence; 15 units per acre elsewhere.
- (2) Population and dwelling units density within Special Development Areas and Planned Developments shall conform to the densities for the land use designations shown on the General Plan Land Use Maps for each specific Special Development Area or Planned Development.
- (3) Maximum CCRC density shall not exceed 2 units/acre in *Rural Regions* and 6 unites/acre in *Community Regions*. CCRC's shall have a maximum of 400 living units. Nursing Care and/or Memory Care beds shall be included in the overall project density calculations at a ratio of 4 beds/1 and 1 kitchen per living unit. Maximum number of persons per acre to be determined in conjunction with processing of Use Permits.
- (4) 8 dwelling units per acre maximum within incorporated area's spheres of influence; 6 units per acre elsewhere.
- (5) 6 dwelling units per acre maximum within *Community Regions*; 4 units per acre elsewhere.

In addition to the densities allowed in the above table, an increased number of dwelling units for housing for lower income and senior citizen households through the density bonus provision of Policy HD-8.1.6 may be allowed.

Cluster developments in rural areas may employ flexible lot sizes subject to health minimums.