



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**
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**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memorandum**

MEETING DATE: March 14, 2023

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: Public Hearing to consider the Meeting of Nevada County Planning Commission's January 12, 2023, unanimous vote (4-0) and recommendation to approve the Greater Higgins Area Plan, including: 1) approving a Negative Declaration (EIS22-0014); 2) approving a General Plan Text Amendment (GPA22-0002) to adopt the Area Plan and to update references to the Area Plan within Chapter 1. Land Use Element of the General Plan; 3) approving a Zoning Map Amendment (RZN22-0002) to correspond with the proposed expansion of the Area Plan boundaries to add the Site Performance (SP) Combining District zoning to specific parcels to reflect the applicability of the Area Plan, and; 4) approving a Zoning Ordinance Amendment (ORD22-3) to amend Sec. L-II 4.2.3 of the Nevada County Zoning Ordinance to update the reference to the Greater Higgins Area Plan. (District II).

RECOMMENDATION:

The Planning Commission, on January 12, 2023, voted to recommend that the Board of Supervisors take the following actions (4-0 vote):

- I. **Environmental Action:** Approve the attached Resolution for the Negative Declaration (EIS22-0014) for the Area Plan and associated actions pursuant to Section 15074 of the California Environmental Quality Act Guidelines making the findings contained within the draft Resolution.
- II. **Project Action:** Approve the attached Resolution for the General Plan Text Amendment (GPA22-0002) to adopt the Greater Higgins Area Plan and amend the General Plan

Land Use Element for internal consistency making the findings contained within the draft Resolution.

III. **Project Action:** Introduce, waive further reading and adopt the attached Ordinance for the amendments to Zoning District Maps 46, 46a, 47, 47a, and 58 (RZN22-0002) described in the project description including adding the “SP” Site Performance Combining District to parcels that have been included in the expanded Plan boundaries making the findings contained within the draft Ordinance.

III. **Project Action:** Introduce, waive further reading and adopt the attached Ordinance amending Sec. L-II 4.2.3 of the Nevada County Zoning Ordinance (ORD22-3) to update the reference to the applicability of the Greater Higgins Area Plan making the findings contained with the draft Ordinance.

FUNDING:

No budget amendments are required.

ATTACHMENTS:

1. Draft Resolution: Negative Declaration
2. Draft Resolution: General Plan Text Amendment including Area Plan
3. Draft Ordinance: Zoning Map Amendment
4. Draft Ordinance: Zoning Text Amendment
5. Plan Area for the Greater Higgins Area Plan
6. SCMAC Recommendation
7. January 12, 2023 Planning Commission Staff Report (with duplicate attachments removed)
8. January 12, 2023 Draft Planning Commission Meeting Minutes

PROJECT DESCRIPTION: The proposed project is an Area Plan for the Greater Higgins Corner area, with land use regulations focused on the Lake of the Pines Village Center as established by the County of Nevada General Plan, but also extending to the surrounding area to assist in establishing a connection from the Greater Higgins Corner area to the Southern boundary of Nevada County. The project builds upon and overhauls the existing 2000 Higgins Corner Area Plan as a comprehensive Area Plan that is more than just an update to the prior planning policy document. The Area Plan utilizes the 2020 Penn Valley Area Plan as the starting point and template for this Plan. The 2022 Greater Higgins Area Plan (Area Plan) is a focused policy and design document that supplements the Nevada County General Plan and Zoning Ordinance. It serves as the comprehensive land use and zoning plan for the community of the Greater Higgins Corner area and embodies the expressed goals of residents and business owners to help shape the future of their community. The Area Plan will provide objectives and recommendations to guide the area’s future development, access to housing, community character, and recreational opportunities. The Plan focuses on areas where future development can be focused, and which may have potential for more-compact residential and commercial development.

The Greater Higgins Area Plan is comprised of the following land use entitlements and discretionary actions:

- **General Plan Text Amendment:** To Adopt the Greater Higgins Area Plan.
- **Zoning Map Amendment:** Parcel rezoning to correspond with the proposed expansion of the Area Plan boundaries to add the Site Performance (SP) Combining District zoning to specific parcels to reflect the applicability of the Area Plan (479-parcels).
- **Zoning Ordinance Amendment:** Amending Sec. L-II 4.2.3 of the Nevada County Zoning Ordinance to add a reference to the proposed Greater Higgins Area Plan design guidelines and standards.

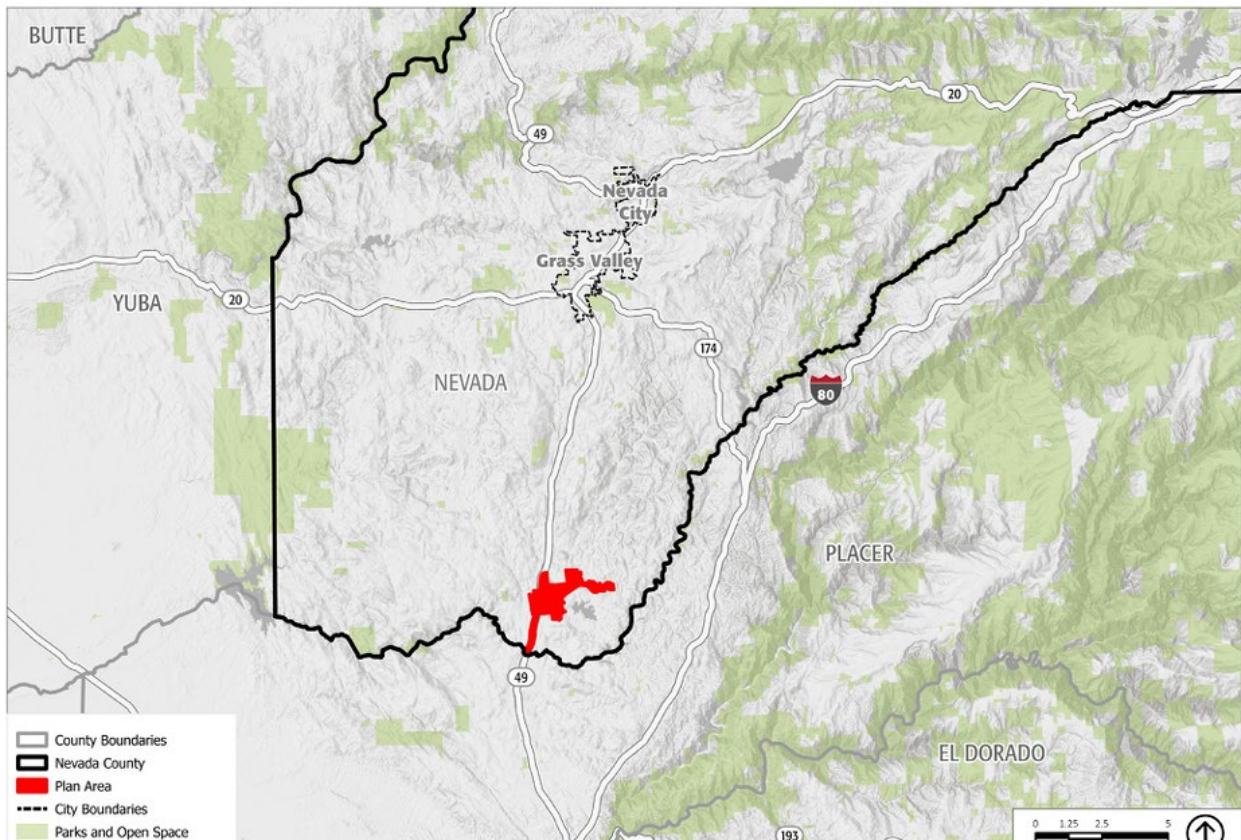


Figure 1: Regional Context Map

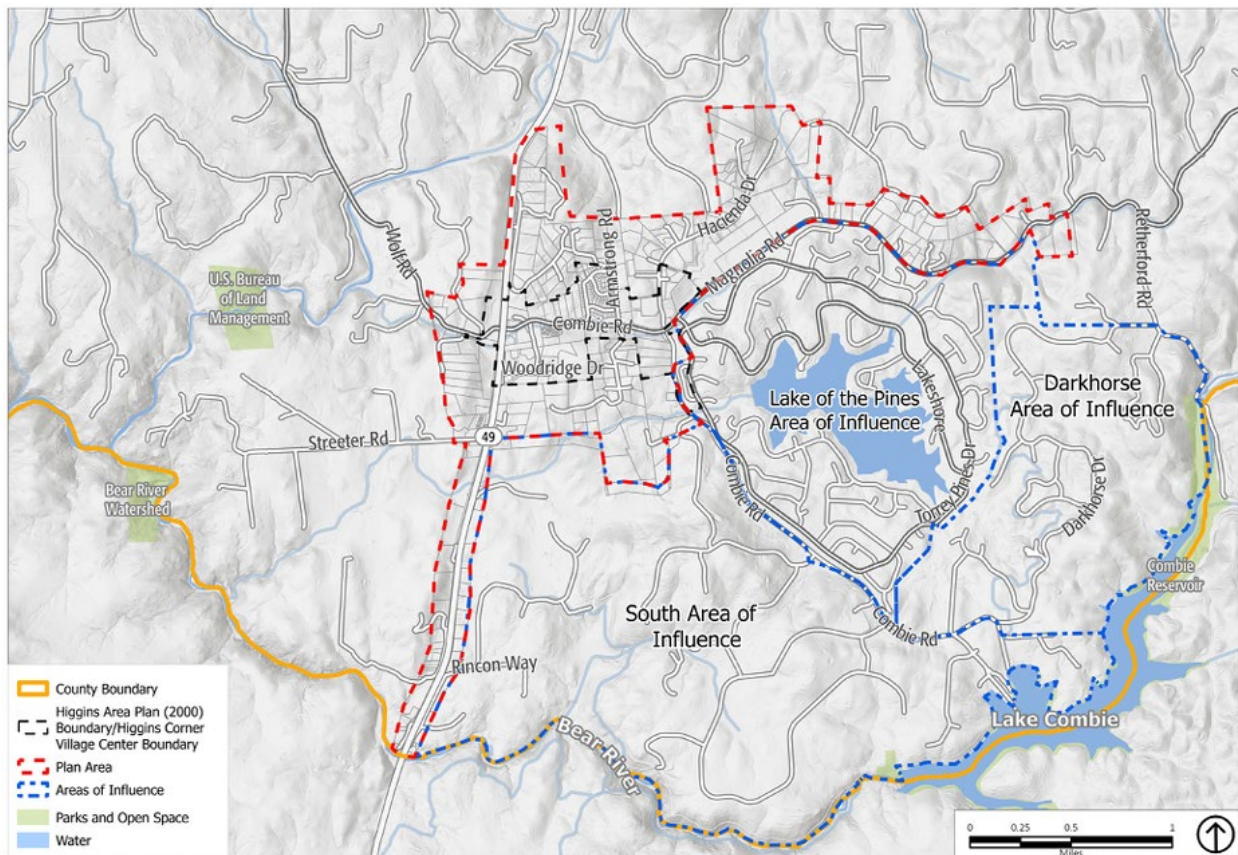
THE AREA PLAN: The County has prepared the Area Plan with collaboration from the Greater Higgins community, which includes those who live in the Plan Area and just outside of the Plan Area, including the communities of Lake of the Pines, Darkhorse, Lake of the Pines Ranchos, and more.

The South County Area Municipal Advisory Council (SCMAC) served as a key partner in the development of the Plan, meeting monthly to discuss the project and providing comments on product deliverables to incorporate ideas and recommendations into the Plan. Their roles included advising and informing on issues in and around the Plan Area,

ensuring the Area Plan promotes the community’s vision, engaging the community in an inclusive participatory process, and promoting public workshops.

As previously mentioned, this Area Plan is an update and expansion to the County’s Higgins Area Plan, adopted in 2000, whose study area was specifically delineated by the General Plan land use map and encompassed approximately 246 acres extending from the village area along Combie Road to the entrance to Bear River High School, as well as the Lake of the Pines subdivision (see Figure 2). After 20 years, many of the concepts and policies in the Higgins Area Plan are still relevant, but some have been eclipsed by new development and new community needs.

PLAN AREA: The Plan Area is an expansion of the 2000 Higgins Area Plan’s study area. Both plan areas include parcels fronting Combie Road areas, but this Plan Area also includes peripheral residential and public institutional areas, as well as a portion of scenic Highway 49 that extends from the northern end of the Plan Area to the southern County boundary.



Source: Nevada County, 2021; PlaceWorks, Inc. 2021.

Figure 2: Plan Area for the Greater Higgins Area Plan

While not a part of the Plan Area, there are several “Areas of Influence” to the southeast of the Plan Area. These Areas of Influence are made up primarily of established residential neighborhoods, including Lake of the Pines (a gated community), Darkhorse, and Lake of

the Pines Ranchos (within the South Area of Influence). Lake of the Pines, Darkhorse, and Lake of the Pines Ranchos have their own Homeowners Associations. Furthermore, Lake of the Pines has its own planning document, the 2019 Lake of the Pines Long-Range Strategic Plan. The Plan Area and Areas of Influence are generally surrounded by agricultural land. In addition to residents of the Plan Area, residents of the Areas of Influence are considered those who use or would use existing and future services within the Plan Area. These residents were part of the engagement process that shaped this Plan, and the views of these residents should also be considered when reviewing future development proposals within the Plan Area. All new development should also consider the impacts of development on the Areas of Influence around the Plan Area. Together, the Plan Area and Areas of Influence make up the Greater Higgins community.

ZONING AND GENERAL PLAN CONSISTENCY: The Greater Higgins Area Plan supports, furthers and augments the Nevada County General Plan. It is drafted to help support the economic and social well-being of the Greater Higgins Area and surrounding community as it grows overtime. It is intended to act as a policy guide for which future development projects will be tested for consistency with the Area Plan goals and policies. The Nevada County General Plan has several goals that are directly applicable to the Higgins Corner/Lake of the Pines Village Center, Community Center, and Rural Region. These goals are supported and implemented through a series of policies and programs that are contained within the individual chapters of the General Plan.

To ensure consistency with the General Plan and Zoning Regulations proposed amendments are a part of the project to ensure internal consistency. These include removing references to the 2000 Area Plan within Chapter 1: Land Use Element of the General Plan that are contained within the Planning Supporting Documents (Volume I – Page 1-4), Polices 1.3.13 (Volume I – Page 1-26), 1.4.3 (Volume I – Page 1-29), and Section L-II 4.2.3: Design Guidelines of the Land Use and Development Code. The approach taken for the proposed General Plan Text Amendment, as shown in Attachment 2 is to remove all date specific references to all Area Plans so when future Area Plans are updated or adopted it will not require additional General Plan policy or text amendments. These sections and policies of the Land Use Element still include a reference to the Area Plan and its applicability, but no longer include a specific date for when they were adopted. For the Zoning Text Amendment, staff took a more surgical approach and only addressed the Higgins Corner Area Plan, by removing the reference name and date to the year 2000.

ENVIRONMENTAL REVIEW: The Greater Higgins Area Plan and its associated actions were reviewed in compliance with the California Environmental Quality Act Guidelines. A draft Initial Study and proposed Negative Declaration were prepared for the project and routed for public review between September 23, 2022, and January 3, 2022. The draft CEQA document is intended to provide a program-level review of the Greater Higgins Area Plan while disclosing any foreseen environmental impacts that may occur as a result of the project's General Plan Land Use Map and Zoning District map amendments. The analysis determined that the project would not result in a negative environmental

impact because the project does not issue any entitlements or authorize physical disturbance of the environment. Future project-level environmental review within the Plan boundaries would be based on consistency with the County General Plan, Land Use and Development Code, applicable local, state and federal laws and regulations and the Greater Higgins Area Plan. No specific development projects are proposed at this time or were analyzed as a part of this project. Subsequently staff has determined that the proposed Negative Declaration (EIS22-0014) is the appropriate level of environmental review for this project.

PLANNING COMMISSION HEARING: At the regular Meeting on January 12, 2023, the Planning Commission held a duly noticed public hearing to consider the proposed project including the draft Negative Declaration, General Plan Text Amendment, Zoning District Map Amendment, and Zoning District Text Amendment. The South County Municipal Advisory Council (SCMAC) Chair, Erin Sullivan provided comment regarding community engagement and the plan development process and requested the Planning Commission recommend approval of the Area Plan. MAC Member Gary Baker also provided comment regarding the plan development process and encouraged the Planning Commission to adopt the plan they put forth. A resident of Lake of the Pines provided comment regarding notification procedures for the planning process and requested the Planning Commission provide the community a meaningful opportunity to participate in shaping the community. After taking public testimony and deliberating on the project, the Planning Commission unanimously recommended the Board of Supervisors adopt the Greater Higgins Area Plan.

SUMMARY: The proposed Greater Higgins Area Plan was developed based on a community input provided through series of interviews and public community meetings held in 2021 and 2022. The Plan serves as the comprehensive land use and zoning plan for the Greater Higgins Corner region and surrounding community. It embodies the expressed goals of residents, business owners, and elected officials and establishes concrete and achievable actions. The drafting of the Area Plan is a tool to advance the goals and policies for the Nevada County General Plan while benefitting the local community. The South County Municipal Advisory Council held public meetings to review and provide feedback on the draft Area Plan, ultimately recommending the adoption of the Area Plan. The Nevada County Planning Commission held a duly noticed public meeting on January 12, 2023 and after reviewing and considering the plan and taking public testimony, voted 4-0 recommending that the Board of Supervisors adopt the Plan and approve the project's associated actions.

RECOMMENDATION: The Planning Commission has recommended that the Board of Supervisors take the following actions:

- I. **Environmental Action:** Approve the attached Resolution for the for the Negative Declaration (EIS22-0014) for the Area Plan and associated actions pursuant to Section

15074 of the California Environmental Quality Act Guidelines making the findings contained within the draft Resolution.

II. Project Action: Approve the attached Resolution for the General Plan Text Amendment (GPA22-0002) to adopt the Greater Higgins Area Plan and amend the General Plan Land Use Element for internal consistency making the findings contained within the draft Resolution.

III. Project Action: Introduce, waive further reading and adopt the attached Ordinance for the amendments to Zoning District Maps 46, 46a, 47, 47a, and 58 (RZN22-0002) described in the project description including adding the “SP” Site Performance Combining District to parcels that have been included in the expanded Plan boundaries making the findings contained within the draft Ordinance.

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Item Initiated by: Kyle Smith, Senior Planner

Approved by: Brian Foss, Planning Director