



**NEVADA COUNTY PLANNING COMMISSION**  
**STAFF REPORT**

**HEARING DATE:** October 27, 2022

**FILE NO:** PLN21-0311; RZN21-0004; CUP21-0006; EIS22-0009

**APPLICANT/OWNER:** County of Nevada

**REPRESENTATIVE:** Martin Wood, SCO Planning and Engineering

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**PROJECT:** The project is a combined application proposing 1) A Rezone from RA-3-PD to RA-1.5 (Residential Agriculture-1.5 acres minimum) to allow for higher density housing development, and 2) a Use Permit to allow for the development and operation of a 6-unit multifamily residential development containing six (6) one-bedroom apartments, as well as the demolition of an existing single-family residence that exists on the project site.

**LOCATION:** 16782 State Highway 49 in Nevada City, CA. The site fronts State Highway 49 and is just southeast of the intersection of Newtown Road and State Highway 49 west of Nevada City.

**ASSESSOR'S PARCEL NO(s):** 004-140-067

**PROJECT PLANNER:** Kyle Smith, Senior Planner

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|------------------------|--|--------------------|------------------------------|
| <b>General Plan:</b>   | EST  | <b>Water:</b>      | Public                       |
| <b>Region:</b>         | Rural  | <b>Sewage:</b>     | Septic                       |
| <b>Zoning:</b>         | RA-3-PD  | <b>Fire:</b>       | NCCFD                        |
| <b>Flood Map:</b>      | 0375   | <b>Schools:</b>    | Nevada City                  |
| <b>ZDM #:</b>          | 52a  | <b>Recreation:</b> | Nevada City/Grass Valley     |
| <b>Parcel Size:</b>    | 10.45 acres                                      | <b>Sup. Dist.:</b> | Supervisor Hall, District I1 |
| <b>Date Filed:</b>     | 12/14/21   | <b>Farmland:</b>   | Grazing Land                 |
| <b>Previous Files:</b> | PA02-006; LA03-001; PM08-009; U15-015; MGT16-002 |                    |                              |

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**ATTACHMENTS:**

1. Draft Resolution: Initial Study/Mitigated Negative Declaration  
Exhibit 1: Initial Study/Mitigated Negative Declaration
  2. Draft Ordinance: Zoning Map Amendment and Exhibit
  3. Draft Resolution: Conditional Use Permit  
Exhibit 1: Draft Conditions of Approval/Mitigation Monitoring and Reporting Program
  4. Project Vicinity, Zoning and Public Notice Map
  5. Site Plan
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**RECOMMENDATION:**

- I. **Environmental Action:** Recommend Approval of the Draft Resolution for the project Initial Study/Mitigated Negative Declaration (EIS22-0009) to the Nevada County Board of Supervisors.
  
  - II. **Project Action:** Recommend Approval of the Draft Ordinance for the proposed Rezone (RZN21-0004) to the Nevada County Board of Supervisors.
  
  - III. **Project Action:** Recommend Approval of the Draft Resolution for the proposed Conditional Use Permit (CUP21-0006) to the Nevada County Board of Supervisors.
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**Site Description, Project Location and Surrounding Land Uses:** The 10.45 Project site is located in unincorporated Nevada County. The subject parcel is designated as Estate by the General Plan and zoned as Residential Agriculture-3-acre minimum-Planned Development “RA-3-PD.” The subject parcel is currently developed with a County-owned single-family residence, driveway, as well as electrical transmission lines along a recently constructed Solar Farm. The site fronts State Highway 49 and is just southeast of the intersection of Newtown Road and State Highway 49 west of Nevada City.

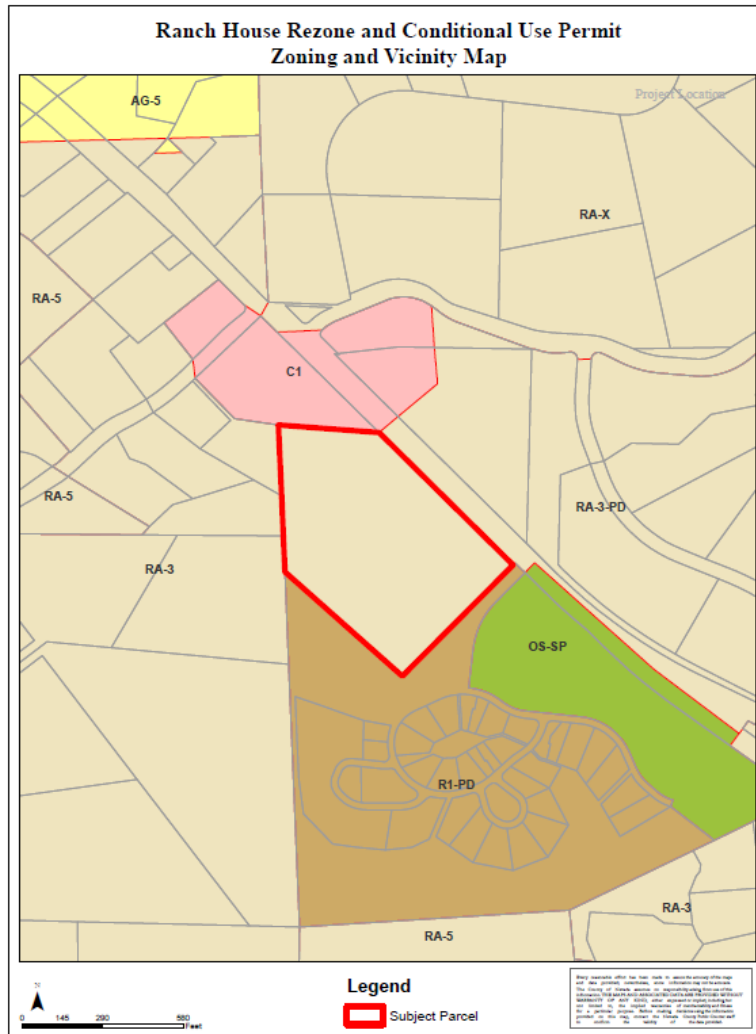


Figure 1: Zoning and Vicinity Map

The subject parcel is bounded by State Highway 49 to the northeast and surrounded by residential areas with the exception of a small Commercial node to the north and a parcel designated as Open Space to the southeast as depicted in Figure 1, above. The nearest established community is Nevada City, located approximately 2 miles east of the site. Existing roads, residences and other developments are located between the Ranch Property site and Nevada City.

**PROJECT DESCRIPTION:**

The project is a combined application proposing 1) A Rezone from RA-3-PD to RA-1.5 (Residential Agriculture-1.5 acres minimum) to allow for higher density housing development, and 2) a Use Permit to allow for the development and operation of a 6-unit multifamily residential development containing six (6) one-bedroom apartments, as well as the demolition of an existing single-family residence that exists on the project site.

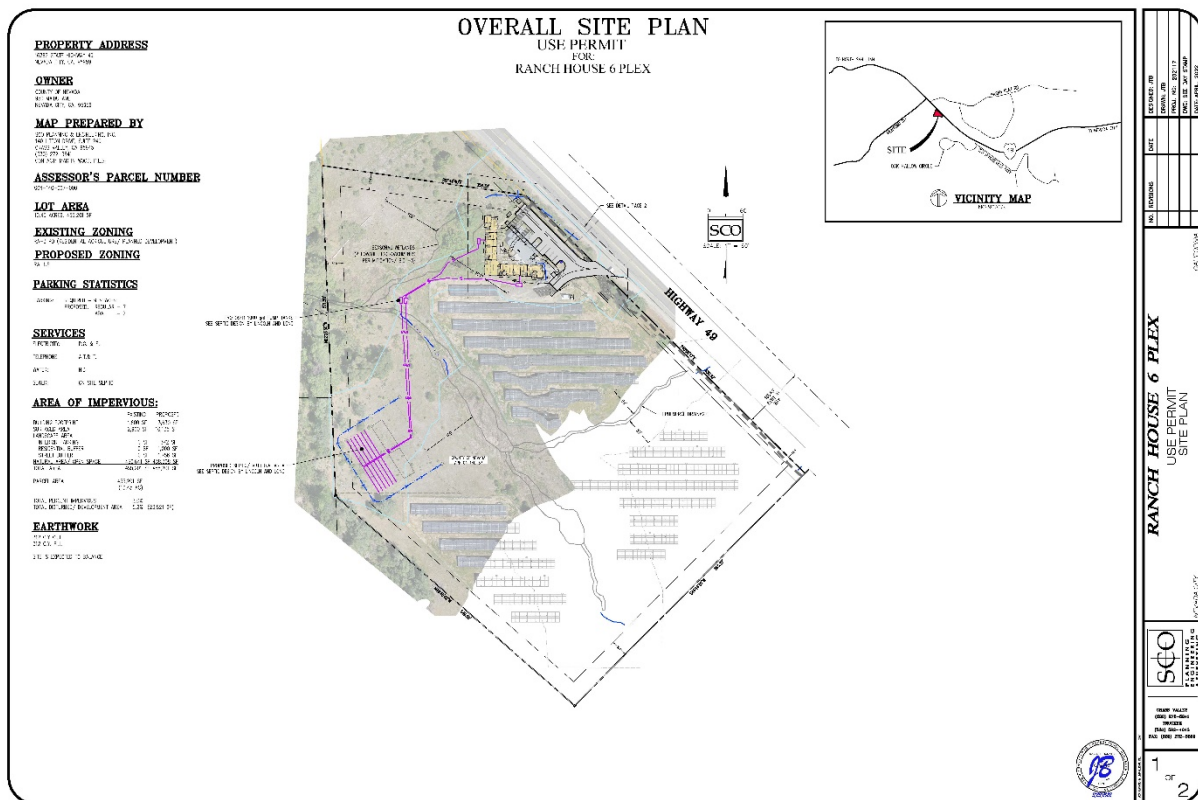


Figure 2: Site Plan

**Rezone:** The applicant proposes a Zoning Map Amendment from RA-3-PD to RA-1.5 in order to accommodate the proposed density of the 6-unit multifamily residential development containing six (6) one-bedroom apartments. The 10.45 Project site can currently support up to three (3) units given the existing maximum density of one (1) unit per every three (3) acres, per Table L-II 2.2.1.C of the Nevada County Land Use and Development Code. The proposed rezone to a maximum density of one (1) unit per every one and one-half (1.5) acres would allow for a maximum density of up to six (6) units.

**Conditional Use Permit:** The project applicant proposes a Use Permit to allow development and use of approximately 0.6-acre of the approximately 10.45-acre site as a 6-unit multifamily residential development containing six (6) one-bedroom apartments, and to demolish an existing

single-family residence on the project site. The subject parcel has a Use Permit approved in 2015 which allowed a solar farm on the County-owned parcel, which currently operates.

Access to the site is via State Highway 49, a state highway operated and maintained by the California Department of Transportation Caltrans. The proposed 6-unit multifamily residential development containing six (6) one-bedroom apartments (the Project) would have one vehicular and one pedestrian access point from State Highway 49 as shown in Figure 2, above. The Project will utilize the existing driveway connection to State Highway 49, but once into the project site will be improved to have a parking area, sidewalks, trash enclosure, mail-box cluster, and sidewalks for ADA path of travel from the proposed new building to a public way.

The Project consists of demolition of the existing 1,791 S.F. Ranch House and replacing it with a new 6-plex consisting of six (6) one-bedroom per unit apartment complex. The proposed new structure is 3,631 S.F. in size and would continue to be used for supportive housing. The new structure is a single-story “L” shaped building with three units on each side and a common area in the middle. Unit sizes range from 400 S.F. to 410 S.F. The new structure is basically in the same location as the existing residence.



**Figure 3: Building Elevations**

The build area for the Project is approximately 26,500 S.F. (0.6 acre). Grading/earthwork for the site involves excavating approximately 312 cubic yards of cut and fill and the site is expected to balance. Ten new parking stalls are proposed consisting of 4 standard stalls, 3 compact stalls, and 2 ADA stalls. It is anticipated the project would take approximately six to nine months to complete.

The units will be used to house participants in the County Behavioral Health Department’s Permanent Supportive Housing Project. Participants residing in the complex will receive wrap around supportive services aimed at supporting participants in achieving housing stability.

The project is primarily funded through a statewide No Place Like Home Round 2 grant award of \$1,412,000. As these funds are provided in the form of a post-construction deferred interest loan, Nevada County Health and Human Services Agency (HHSA) has committed to providing financing through the construction phase. After the project is complete, HHSA staff will submit final documents to HCD to receive NPLH funds in the form of a 55-year deferred interest loan. The loan will reimburse all County expenditures incurred for the project.

These funds will support a program that addresses housing and resource needs for eligible individuals who are homeless. This program was designed to leverage increased county-wide coordination of services, the coordinated entry system, and housing first strategies, all of which are part of the overall Nevada County Strategic Plan to address homelessness.

### **STAFF COMMENT:**

The Project site is located at 16782 Highway 49 just easterly of the intersection of Newtown Road and State Highway 49 west of Nevada City. The site is 10.46 acres in size and developed with a solar farm and has a single-family residence used for supportive housing for Nevada County. The existing residence and solar farm are both highly visible from State Highway 49 as no landscaping and minimal natural vegetation exists along this stretch of the highway. The surrounding land use consists of a local market, restaurant and rural residential to north. Residential to the south. Rural residential to the east. Rural residential to the west. The terrain consists of mild to moderate slopes “rolling foothills”.

**Rezone:** The project proposal includes a proposed rezone from RA-3-PD to RA-1.5 in order to accommodate the proposed density of the 6-unit multifamily residential development. The subject parcel is bounded by State Highway 49 to the northeast and surrounded by residential areas with the exception of a small Commercial node to the north and a parcel designated as Open Space to the southeast. The commercial node located to the north has General Plan and Zoning designations of Rural Center (RC) and Neighborhood Commercial (C1), respectively. Surrounding residential areas to the west and east have General Plan and Zoning Designations of Estate (EST) and Residential Agricultural – 3-acre minimum parcel size (RA-3). The Eden Ranch subdivision to the south has a General Plan Designation of Planned Development and Zoning Designations of Single-Family Residential-Planned Development (R1-PD) and Open Space-Site Performance (OS-SP).

The Ranch site is zoned Residential Agriculture -Three Acre Minimum (RA-3). This zoning designation established provisions for low-density single-family dwellings, as well as other dwelling unit types in keeping with the rural character of the area. For lands zoned for Residential Agriculture within the Estate land use designation such as this one, the single-family dwelling is of primary importance and agricultural uses are secondary. The minimum density/parcel size for lands in the Estate designation is three acres if public water or sewer is not available. If public water or sewer is available, the minimum density /parcel size is 1.5 acres per unit. The Ranch site is served with public water provided by the Nevada Irrigation District (NID).

The Ranch Property site is designated as Estate (EST) by the Nevada County General Plan. The Estate land use designation is intended to provide low-density residential development at a minimum lot size of 3 acres per dwelling unit in areas which are essentially rural in character but are adjacent to community regions and, therefore, are more accessible to shopping, employment, and services. Pursuant to the Nevada Compatibility General Plan Land Use Compatibility Matrix described in the Land Use Element Table 1.2, the RA zoning district is defined as consistent with

the EST General Plan Land Use designation and therefore a General Plan Amendment is not required for this project. In keeping with the rural character, agricultural operations, and natural resource-related uses, including the production of timber, are also appropriate in this designation, Nevada County General Plan Land Use Policy 1.2.4e.

**Conditional Use Permit:**

The project applicant proposes a Use Permit to allow development and use of approximately 0.6-acre of the approximately 10.45-acre site as a 6-unit multifamily residential development containing six (6) one-bedroom apartments, and to demolish an existing single-family residence on the project site. The subject parcel has a Use Permit approved in 2015 which allowed a solar farm on the County-owned parcel, which currently operates.

The Project consists of demolition of the existing 1,791 square foot Ranch House and replacing it with a new 6-unit multifamily housing complex consisting of six (6) one-bedroom units. The proposed new structure is 3,631 square feet in size and would continue to be used for supportive housing. The new structure is a single-story “L” shaped building with three units on each side and a common area in the middle. Unit sizes range from 400 square feet to 410 square feet. The new structure is proposed to be located in roughly the same location as the existing residence. The Project will utilize the existing driveway connection to State Highway 49, but once into the project site will be improved to have a parking area, sidewalks, trash enclosure, mail-box cluster, and sidewalks for ADA path of travel from the proposed new building to a public way. The build area for the Project is approximately 26,500 square feet (approximately 0.6-acre). Grading/earthwork for the site involves excavating approximately 312 cubic yards of cut and fill and the site is expected to balance. Ten new parking stalls are proposed consisting of 4 standard stalls, 3 compact stalls, and 2 ADA stalls.

**Site Design:** The existing residence and solar farm are both highly visible from State Highway 49 as no landscaping and minimal natural vegetation exists along this stretch of the highway. The proposed multifamily development would be visible from State Highway 49 and is proposed with a color palette of neutral colors and natural facades. Condition of Approval (COA) A.4 requires the design of the building to be in substantial conformance to that authorized in this approval.

The building frontage is proposed to be landscaped in order to obstruct views of the project along its SR 49 frontage. Pursuant to COA A.7, the landscaping plan shall be maintained consistent with the preliminary landscape plan and shall comply with the requirements of Sec. L-II 4.2.7 of the Land Use and Development Code including requirements to provide adequate shading and for all plantings and landscaping to be maintained.

The project includes a proposal for lighting on the front and sides of the building to support access and provide security, and some materials, such as the roofing, could be reflective. Given the proposed lighting and the project’s high visibility on a public thoroughfare, COA A.5 prohibits excessively bright lighting and other standards defined in the Land Use and Development Code. Further, COAs A.10 and A.11 (Mitigation Measures 1A and 1B) would minimize light and glare from lighting fixtures, as well as reflectivity from building materials.

**Access and Parking:** The subject parcel currently takes access via the existing County-owned residential driveway to State Highway 49, a state highway operated and maintained by the California Department of Transportation (Caltrans). The Project will utilize the existing driveway connection to State Highway 49, and COAs G.1 through G.9 and C.1 and C.2 have been included

by Caltrans to ensure the proposed development does not increase runoff or result in unsafe traffic movements into or off of State Highway 49.

The project site will be improved to have a parking area, sidewalks, trash enclosure, mail-box cluster, and sidewalks for ADA path of travel from the proposed new building to a public way. Ten new parking stalls are proposed consisting of 4 standard stalls, 3 compact stalls, and 2 ADA stalls. In addition, a pedestrian pathway is proposed through the subject parcel along the road frontage to provide access to neighboring parcels. COA A.8 would require all new parking stalls to meet standards defined in the Land Use and Development Code, and COA C.7 would require the applicant shall pay appropriate traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors.

**Biological Resources:** The proposed project is not anticipated to negatively affect water quality standards or waste discharge requirements, nor is it anticipated to contribute amounts that could exceed drainage system capacity or alter existing drainage patterns. The 2015 Management Plan prepared by ESA and the 2021 Biological Memorandum prepared by Greg Matuzak both confirm that the project site contains seasonal wetlands and an intermittent stream channel. The Project design proposes to avoid all direct impacts to the seasonal wetland through avoidance, although required improvements for the proposed septic system would cross an area mapped as ephemeral channel by ESA and Greg Matuzak. Although the project would propose impacts within the 50-foot setback from the intermittent stream as defined by the Nevada County Land Use and Development Code, a new management plan was not required as the impacts from installing the septic line were determined to essentially be the same as those impacts that were identified in the 2015 Solar farm project for underground electrical transmission lines and management plan (MGT16-0002) and the recommendations in the form of BMPs is carried forward through COA A.15 (Mitigation Measure 4C) for this project and therefore the adoption of a new management plan is not required for this project.

The project biologist has concluded in the 2021 Biological Memorandum prepared by Greg Matuzak that direct impacts to the intermittent watercourse would be avoided through the encasement of proposed septic line connections. In order to avoid direct impacts, the project proposes extending casing for the proposed septic line at least 20-feet on either side of the intermittent water course and identifying the setback for the proposed septic line to prevent accidental disturbance. However, demolition and construction activities could have minor and temporary impacts to the identified resources and downstream aquatic resources if proper Best Management Practices (BMPs) are not installed and construction workers appropriately trained to prevent erosion and sedimentation from the site. As a result, COA A.15 (Mitigation Measure 4C) is required in order to ensure that BMPs are properly installed. In addition, COA A.13 (Mitigation Measure 4A) would require environmental awareness training for all construction workers and COA A.16 (Mitigation Measure 4D) would require all environmentally sensitive areas to be delineated on the ground to facilitate identification to further ensure indirect impacts do not impact the resources.

Pursuant to General Plan Policy 3.19C, the applicant will be required to maintain all drainage facilities and associated drainage system constructed as part of the project through a permanent, legally enforceable mechanism. Specifically, a Condition of Approval C.5 has been included, requiring that: “the applicant shall provide final grading and drainage plans with an accompanying analysis prepared by a registered civil engineer that demonstrate no net stormwater runoff from the proposed project.”

**ZONING AND GENERAL PLAN CONSISTENCY:**

The subject parcel is zoned Residential Agriculture-3-acre minimum-Planned Development “RA-3-PD” and has an Estate (EST) General Plan Land Use designation. Should this project be approved, the property’s Zoning would be changed to allow for denser development to RA-1.5. The Rezone would also be consistent with the Nevada County General Plan because Table 1.2 of the Land Use Element defines 1.5-acre minimum parcel size within the RA zoning districts as compatible with the EST General Plan designation.

As discussed above, the proposed project will require satisfactory completion of the Conditions of Approval and Mitigation Monitoring and Reporting Program to ensure it can meet current development standards in the RA Zoning and EST General Plan Land Use designations, but overall, the use of the property as a multifamily development is compatible with the area.

Further, the project is consistent with several of the goals and policies of the County’s General Plan, specifically:

**Land Use Element Goals & Policies:**

- Policy 1.2.4.e which is intended to provide for development of compatible uses within a rural setting including rural residential in areas which are essentially rural in character, but are adjacent to Community boundaries or near Community Regions and therefore are more accessible to shopping, employment and services. In keeping with the rural character, agricultural operations and natural resource related uses, including the production of timber, are also appropriate in this designation.

**Public Facilities & Services Element Policy:**

- Policy MV-4.2.5 requires the County to consider the effect of proposed discretionary development on the area wide transportation network along with the effect of the proposed development on the road network and transportation facilities in the immediate vicinity of the project. Consistent with this policy, the Nevada County Department of Public Works and Caltrans performed this review for the project and found that the amount of traffic generated by the addition of these residential units is not anticipated to result in significant impacts to traffic flow near the project.

**Housing Policies:**

- Policy HD-8.1.10 requires the County to investigate and, where deemed eligible, apply for State and Federal monies for direct support of low-income housing construction and rehabilitation. The Regional Housing Authority and the Health and Human Services Agency will continue to assess potential funding sources, such as, but not limited to the Community Development Block Grant (CDBG), HOME, Low-income Housing Tax Credits, Proposition 46 bond funds, State Housing Finance Agency, Federal Rural Development Service and AB 2034 programs.

**Air Quality Element Policies:**

- Policy 14.1 encourages cooperation with the local air quality management district (NSAQMD) during discretionary permits review. Project processing included this cooperation in that NSAQMD reviewed the project and found it likely to have less than significant impacts.



**Cultural Resources Element:**

- Policy 19.6 requires discretionary projects to include a review prepared by a qualified archaeologist, or entity such as the North Central Information Center (NCIC). The project includes records search results from NCIC, and review by the United Auburn Indian Community of the Auburn Rancheria and the Shingle Springs Band of Miwok Indians. While no sensitive cultural resources were identified onsite, a standard condition of approval requires consultation with appropriate tribal and County representatives if there is a discovery during construction.

With the adherence to proposed conditions of approval, the project has been found to be compliant with both the Zoning Regulations and the County General Plan.

**ENVIRONMENTAL REVIEW:**

The Planning Department prepared a project specific draft Initial Study for the project and found that this project will not result in a significant physical change to the environment. The draft Initial Study made a good faith effort to disclose anticipated future impacts of the redevelopment of this site. The draft initial study/proposed Mitigated Negative Declaration was circulated for public comment between September 23, 2022 and October 24, 2022 (*Attachment 1*). The Notice of Availability/Notice of Intent to adopt a Mitigated Negative Declaration was sent to several local and state responsible agencies as well as surrounding property owners. As of this writing, no adverse comments were received as a result of this outreach. Since this project will not result in the significant impacts to the environment and will make the Zoning designation for the subject property consistent with other surrounding land uses, staff has determined that a Mitigated Negative Declaration is the appropriate document for this project. Staff therefore recommends that the Planning Commission provide a recommendation to the Board of Supervisors to adopt the draft Initial Study/proposed Mitigated Negative Declaration for this project.

**SUMMARY:**

The applicant is seeking a Rezone from RA-3-PD to RA-1.5 (Residential Agriculture-1.5 acres minimum) to allow for higher density housing development, and 2) a Use Permit to allow for the development and operation of a 6-unit multifamily residential development containing six (6) one-bedroom apartments, as well as the demolition of an existing single-family residence that exists on the project site. The Planning Department has reviewed the proposed changes and found that no significant physical environmental impacts would occur as a result of this action and that the proposal to go to the RA-1.5 Zoning Designation would be consistent with the Nevada County General Plan and other similar surrounding uses of the subject parcel. Therefore, the Planning Department is recommending that the Planning Commission make a recommendation to the Board of Supervisors to approve the Zoning District Map amendment and Conditional Use Permit as provided for below.

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**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

- I. Recommend that that Board of Supervisors adopt the attached Resolution for the Negative Declaration (EIS22-0009), pursuant to Section 15074 of the California Environmental Quality Act Guidelines, based on the findings contained with the draft Resolution (*Attachment 1*).

- II. Recommend the Board of Supervisors adopt the attached Ordinance approving the Rezone to amend Zoning District Map No. 52a to rezone Assessor Parcel Number: 004-140-067 (from RA-3-PD to RA-1.5 (RZN21-0004)) based on the findings contained within the draft Ordinance (*Attachment 2*).
- III. Recommend the Board of Supervisors approve the Conditional Use Permit (CUP21-0006) based on the findings contained with the draft Resolution (*Attachment 1*).

Respectfully Submitted,

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Brian Foss  
Director of Planning