



# **RESOLUTION No. \_\_\_\_\_**

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

**RESOLUTION TO UPHOLD THE APPEAL FILED BY LESLIE BARBAZETTE TO OVERTURN THE PLANNING COMMISSION'S JULY 25, 2024, 2 FOR, 2 AGAINST, 1 ABSENT DENIAL OF THE WOLF CRAFT COLLECTIVE CRAFT SCHOOL AND LOW-INTENSITY CAMP, ADOPTING THE MITIGATED NEGATIVE DECLARATION (EIS23-0002), THE AQUATIC AND OAK RESOURCES MANAGEMENT PLANS (MGT23-0021 & MGT24-0004), THE PETITION FOR EXCEPTIONS (PFX24-0006) AND THE CONDITIONAL USE PERMIT (CUP23-0006) TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A CRAFT SCHOOL AND LOW-INTENSITY CAMP LOCATED AT 10743 WOLF ROAD, SOUTHERN NEVADA COUNTY, APN 057-030-011**

WHEREAS, on July 27, 2023, Leslie Barbazette ("Applicant") applied for a Conditional Use Permit to construct a craft school, low-intensity camp and event center (Project) at 10734 Wolf Road in south Nevada County; and

WHEREAS, on July 19, 2024, the Applicant submitted a request in writing to remove the events from the Project proposal based on feedback from neighbors which resulted in a reduced Project footprint and amendments to the Project's conditions of approval; and

WHEREAS, on July 25, 2024, the Planning Commission heard the Project and received public testimony and voted 2 for, 2 against, 1 absent, which resulted in a failed motion and denial of the Project and its associated entitlements; and

WHEREAS, pursuant to Nevada County Code Section 12.05.120 Appeals of the Nevada County's Zoning Ordinance any decision of the Planning Commission may be appealed within 10 days after the date of the decision; and

WHEREAS, on August 2, 2024, Leslie Barbazette, Applicant, and Robert Wood, Project Representative (together, "Appellant") filed a timely appeal of the Planning Commission's July 25, 2024 denial of the Project; and

WHEREAS, on August 20, 2024, the Board of Supervisors accepted the appeal and set the appeal hearing for October 22, 2024; and

WHEREAS, on October 22, 2024, the Board of Supervisors held a duly noticed public hearing at which the Board considered all evidence both oral and written regarding the appeal; and

WHEREAS, the Board found the Project was conditioned and mitigated to comply with the County's Zoning Ordinance and to ensure less than significant impacts to all environmental issues pursuant to the California Environmental Quality Act Sections 15073.5(c)(1), 15074 and 15097; and

WHEREAS, the Board found the Project Management Plans were found consistent for approval under the County's Resource Protection Standards pursuant to Nevada County Code Sections 12.04.217 Watercourses, Wetlands and Riparian Areas, and 12.04.215 Trees; and

WHEREAS, the Board found the Project Petition for Exceptions to Road Standards was supported by the County Department of Public Works and Office of the County Fire Marshal and found consistent for approval pursuant to Nevada County Code Section 16.10.120; and

WHEREAS, the Board found the Project was found consistent for approval under the County's Zoning Regulations for a Conditional Use Permit pursuant to Nevada County Code Sections 12.03.060 Camps, Low Intensity, and 12.05.060 Use Permits.

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

1. The facts set forth above are true and correct.
2. The proposed Mitigated Negative Declaration, provided as sub-attachment 2 of Attachment 3 of this staff report, is adequate for the project pursuant to Sections 15073.5(c)(1), 15074, and 15097 of the California Environmental Quality Act Guidelines, making Findings 2.a through 2.d:
  - a. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment; and
  - b. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Board of Supervisors; and that the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels, and
  - c. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California; and
  - d. Pursuant to Section 15073.5 of the California Environmental Quality Act Guidelines, recirculation of the project specific Initial Study/Mitigated Negative Declaration (EIS23-0002) is not required because of the modified Mitigation Measure 3.D and added Mitigation Measure 4.F as these requirements enhance the effectiveness of the original mitigation measures.
3. The aquatic resources Management Plan (MGT23-0021) allowing encroachment into the onsite aquatic resources pursuant to Title 12, Chapter 4, Section 12.04.217 of the Nevada County Code is necessary to provide project infrastructure, making findings 3.a and 3.b:
  - a. That the project has been designed to reduce the impacts to the waterways to the maximum extent possible by installing barriers to protect aquatic features, performing restorative plantings and to ensure soil and other pollutants do not enter the waterways; and
  - b. All the anticipated impacts to the resources will be minimized by the protection measures specified in the Management Plan, Conditions of Approval, and in the Mitigation Measures.
4. The oak resources Management Plan (MGT24-0004) allowing for the removal of 12 oaks within the onsite landmark oak grove, pursuant to Section Title 12, Chapter 4, Section 12.04.215 of the Nevada County Code is necessary to provide project infrastructure, making findings 4.a and 4.b:
  - a. That the project has been designed to reduce the impacts to the waterways to the maximum extent possible by installing barriers to protect aquatic features, performing restorative plantings and to ensure soil and other pollutants do not enter the waterways; and

- b. All the anticipated impacts to the resources will be minimized by the protection measures specified in the Management Plan, Conditions of Approval, and in the Mitigation Measures.
5. The Petition for Exception to Road Standards (PFX24-0006) to allow for a short portion of the onsite road to exceed 16% in slope pursuant to Nevada County Code Title 16, Chapter 10, Section 16.10.120, is necessary to provide for safe ingress and egress to all the project improvements making findings 5.a through 5.e:
- a. That there are special circumstances and conditions which affect the proposed parcel including steep slopes, watercourses and wetlands, ponds and landmark oak trees; and
  - b. That this exception is necessary for the preservation of the property right of the owner, who is allowed to seek a Use Permit for the proposed use; and
  - c. That the granting of this exception will not be detrimental or injurious to other property in the local area because it was approved by the County with specific input and conditions from the Nevada County Department of Public Works and has been conditioned to provide the same overall practical effect as strict compliance with the Road Standards; and
  - d. That the granting of this exception will not constitute a grant of special privilege that is inconsistent with the limitations upon other similar properties; and
  - e. That this exception will provide the same practical effect of fire protection and is supported by the Nevada County Office of the Fire Marshal/CalFire, which is responsible for assuring compliance with California Code of Regulations Title 14, Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles 1-5.
6. The Conditional Use Permit to allow for the construction and operation of a craft school and low-intensity camp is consistent with Nevada County Code Title 12, Chapter 3, Section 12.03.060, subject to the Mitigation Measures and Conditions of Approval provided for in Exhibit A, making findings 6.a through 6.k pursuant to Nevada County Zoning Regulations Title 12, Chapter 5, Section 12.05.050 and 12.05.060:
- a. That this project as conditioned and mitigated is consistent with the General Plan goals, objectives and policies, and with the Rural General Plan land use map designation; and
  - b. The proposed use is allowed within and is consistent with the purposes of the “AG” zoning district within which the project is located, which allows social event facilities and low-intensity camps; and
  - c. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Land Use and Development Code or a same practical effect of those provisions, because the project meets the setbacks and other standards of the Site Development and Resource Protection Standards, mitigating the impact of the project on environmentally sensitive resources; and
  - d. The design of proposed facilities is consistent with the intent of the design goals, standards, and elements of the Land Use and Development Code and will be compatible with the design of existing and anticipated future onsite uses and the uses of the nearby surrounding area; and
  - e. The site for the proposed use is adequate in size, shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards, because the parcel is 15.77-acres in size; and

- f. The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, including agricultural uses, and it is not detrimental to abutting property and in the nearby surrounding neighborhood or area with the implementation of the conditions and mitigation measures, and due to the site having vegetation to provide screening from public views, and mitigation of potential project impacts; and
  - g. That adequate provisions exist for water and sanitation for the proposed use as reviewed and conditioned by the Environmental Health Department; and
  - h. Roads on and near the site are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use, which has been determined by the Department of Public Works, Office of the County Fire Marshal and Caltrans, and adequate provision has been made for project specific impacts by including mitigation to installing a new left hand turn lane, signage, and a payment of development impact mitigation fee shall be imposed for additional trips generated by the project; and
  - i. Adequate public facilities and public services exist within the project area which will be available to serve the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare; and
  - j. All feasible mitigation measures have been imposed on the proposed project as provided in Exhibit A or as may be modified at the public hearing; and
  - k. The conditions provided Exhibit A are deemed necessary to protect the public health, safety, and general welfare.
7. The proposed Project is consistent with the intent of the goals, standards, and elements of the County's General Plan and Zoning Ordinance, including protection of environmental resources.
8. There is no substantial evidence in the record supporting a fair argument that the proposed Project, as mitigated and conditioned, might have any significant adverse impact on the environment.
9. Adequate facilities and services exist within the Project area which will be available to serve the Project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare, including utility service and fire protection.
10. The conditions provided in the Project Conditions of Approval as provided in Exhibit A of this Resolution are deemed necessary to protect the public health, safety, and general welfare.
11. The location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby upholds the appeal filed by Leslie Barbazette, overturning the decision of the Planning Commission to deny the Project and its associated entitlements and approves the Project allowing for the construction and operation of a craft school and low-intensity camp subject to the conditions of approval and mitigation monitoring and reporting plan provided in Exhibit A attached herein.