



NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memorandum

MEETING DATE: July 22, 2025

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: Continued Public Hearing pursuant to a motion passed by the Board of Supervisors at the June 24, 2025 Board of Supervisors Public Hearing for the Gabelman Project to adopt the attached Resolution adopting a Mitigated Negative Declaration for the proposed Gabelman Project, adopt the attached Resolution to approve the proposed Amendment to the Nevada County General Plan Land Use Map designation from Rural with a minimum parcel size of 20 acres (RUR-20) to Rural with a minimum parcel size of 10 acres (RUR-10) (GPA24-0002) for Assessor's Parcel Number (APN) 060-150-063, introduce, waive further reading and adopt the attached Ordinance to approve the proposed Amendment to Zoning District Map No. 37 to rezone Assessor's Parcel Number 060-150-063 from General Agricultural with a minimum parcel size of 20 acres (AG-20) to General Agricultural with a minimum parcel size of 10 acres (AG-10) (RZN24-0002) for Assessor's Parcel Number (APN) 060-150-063, and adopt a Resolution approving the Tentative Parcel Map (TPM24-0003), Watercourse Management Plan (MGT24-0019), Oak Resources Management Plan (MGT24-0020), and Petition for Exceptions to Fire Safe Driveway Standards (PFX24-0009) to subdivide the approximately 21.41-acre parcel into two (2) separate parcels of approximately 11.36 acres (Proposed Parcel 1) and 10.05 acres (Proposed Parcel 2) located on Assessor's Parcel Number 060-150-063.

RECOMMENDATION:

The Board of Supervisors, on June 24, 2025, passed a motion to continue the Public Hearing to a later date to take action on the following project:

- I. **Environmental Action:** Adopt the attached Resolution, adopting the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan pursuant to Sections 15074 and 15097 of the California Environmental Quality Act Guidelines, making the findings contained within the attached Resolution (*Attachment 1*).
- II. **Project Action:** Adopt the attached Resolution, approving amending the General Plan Land Use Map Designation from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) (GPA24-0002) of APN: 060-150-063, based on the findings contained with the draft Resolution (*Attachment 2*).

- III. **Project Action:** Introduce, waive further reading and adopt the attached Ordinance amending Zoning District Map No. 37 to rezone Assessor's Parcel Number 060-150-063 from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10) (RZN24-0002), based on the findings contained within the draft Ordinance (*Attachment 3*).
- IV. **Project Action:** Adopt the attached Resolution, approving the proposed Tentative Parcel Map (TPM24-0003), Watercourse Management Plan (MGT24-0019), Oak Resources Management Plan (MGT24-0020), and Petition for Exceptions to Fire Safe Driveway Standards (PFX24-0009) based on the findings contained with the draft Resolution (*Attachment 4*).

FUNDING: No budget amendments are required.

ATTACHMENTS:

1. Draft Resolution and Draft Initial Study/Mitigated Negative Declaration
2. Draft Resolution: General Plan Amendment
3. Draft Ordinance: Zoning Map Amendment
4. Draft Resolution: Tentative Parcel Map, Watercourse Management Plan, Oak Resources Management Plan, and Petition for Exceptions to Fire Safe Driveway Standards
5. Draft Conditions of Approval

PROJECT DESCRIPTION:

A General Plan Amendment (GPA) and Zoning District Map Amendment (Rezone), Tentative Parcel Map (TPM), Management Plans for both Oak Resources and Watercourses (MGT), and Petition for Exceptions to Driveway Standards (PFX). The General Plan Amendment (GPA24-0002) proposes to change the land use designation for the project parcel from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) and includes a corresponding Rezone (RZN24-0002) to amend Zoning District Map No. 37 from General Agriculture with a minimum parcel size of 20.00 acres (AG-20) to General Agriculture with a minimum parcel size of 10.00 acres (AG-10). Pending approval of the proposed GPA and Rezone, the Tentative Parcel Map (TPM24-0003) proposes to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36 acres (Parcel 1) and 10.05 acres (Parcel 2). Proposed Parcel 1 is partially developed with an existing well and an OSSE was recently completed by Dundas Geomatics, Inc. In order to achieve the clustering requirements pursuant to rural regions, proposed Parcel 1 includes two proposed building envelopes in the northern portion of the proposed parcel, one for a primary residence and one for either an accessory dwelling unit (ADU) or other accessory structures. Proposed Parcel 2 is currently developed with an existing residence, existing well, and existing PG&E connection, and an OSSE was completed by Dundas Geomatics, Inc. for this parcel as well. The existing driveway will be widened in the applicable areas to meet Nevada County private driveway construction standards.

The proposed improvements to the existing driveway passes through an existing seasonal drainage and landmark oak grove and therefore require the approval of a Watercourse Management Plan (MGT24-0019) and Oak Resources Management Plan (MGT24-0020). The proposed Watercourse Management Plan has been developed for the proposed project seeking approval to develop within the 50-foot non-disturbance buffer to the centerline

of the drainages being crossed by the access road within the project area on the subject parcel, and the proposed Oak Resource Management Plan has been developed for the proposed total area of landmark grove canopy to be potentially removed by the upgrades to the proposed and existing access roads. A maximum of 0.3 acres of native oak and other hardwood trees pertaining to those mapped landmark groves will be removed as part of the proposed project.

Additionally, the project proposes a Petition for Exceptions to Driveway Standards for driveway slopes exceeding 16% due to the topography of the project site being steep in nature with slopes ranging from up to 50%. Scenic Drive is a private road with an existing 60' right-of-way connecting to Tyler Foote Crossing Road, and each parcel is located less than the 2,640 feet dead end road length. The proposed driveway improvements are required to be consistent with Nevada County private driveway construction standards, and the proposed grading will cut into areas that currently have a grade in excess of 16%. While the proposed design and driveway layout for the project avoids areas with more than 30% slope wherever possible, the proposed driveway will need to increase to a maximum 20% slope in order to minimize site disturbance, large cut/fill areas, and impact to oak trees. A Steep Slopes Management Plan (MGT20-0041) was previously approved in July of 2020 for the grading of an access road constructed on slopes exceeding 30% slope. The Planning Department recognizes this Steep Slopes Management Plan, and the mitigation measures associated with the approved Steep Slopes Management Plan, which will be carried forward as a part of this proposed project to protect and reduce the potential risk of erosive impacts as a part of the project.

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 proposed project on the project site. The draft initial study/proposed Mitigated Negative Declaration was circulated for public comment between March 21, 2025 and April 21, 2025 (*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. Based on the technical information submitted with this application, review of pertinent policy and regulatory documents, and consultation with appropriate local, state, and federal agencies, all of the potential impacts that were identified have been mitigated below levels of significance; therefore, staff has determined that a Mitigated Negative Declaration is the appropriate document for this project. The Planning Commission provided a 3-1 (1 absent) recommendation to the Board of Supervisors to adopt the draft Initial Study/proposed Mitigated Negative Declaration for this project.

PLANNING COMMISSION ACTION:

At the Meeting of April 24, 2025, the Planning Commission held a duly noticed public hearing to consider the proposed project including the draft Initial Study/Mitigated Negative Declaration, General Plan Amendment, Zoning District Map Amendment, Tentative Parcel Map, Watercourse Management Plan, Oak Resources Management Plan, and Petition for Exceptions to Fire Safe Driveway Standards. After taking public testimony, hearing the project representative's presentation and applicant's presentation, and deliberating on the project, the Planning Commission, in considering the environmental action before them, voted 3-1 (1 absent) and recommended that the Board of Supervisors adopt the Initial Study/Mitigated Negative Declaration (EIS24-0006).

Additionally, in considering all of the project actions before them and after deliberation, the Planning Commission concurred with the recommendations provided by the Planning Department that supported the action of denial of

the proposed project, and voted 4-0 (1 absent) to recommend that the Board of Supervisors make the following actions: 1) Deny the General Plan Amendment to amend the General Plan designation from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) (GPA24-0002); 2) Deny the Zoning District Map Amendment to rezone the subject parcel from General Agricultural with a minimum parcel size of 20.00 acres (AG-20) to General Agricultural with a minimum parcel size of 10.00 acres (AG-10) (RZN24-0002); 3) Deny the Tentative Parcel Map to subdivide the approximately 21.41-acre parcel into two parcels of approximately 11.36 acres (Proposed Parcel 1) and 10.05 acres (Proposed Parcel 2) (TPM24-0003); 4) Deny the Watercourse Management Plan to allow ground disturbance within the non-disturbance buffers of multiple existing drainage channels (MGT24-0019); 5) Deny the Oak Resources Management Plan to allow ground disturbance and tree removal within areas designated as existing Landmark Oak Grove (MGT24-0020); and, 6) Deny the Petition for Exceptions to Fire Safe Driveway Standards to allow the proposed access roads to exceed 16% grade while staying under 20% grade (PFX24-0009).

BOARD OF SUPERVISORS ACTION:

At the Meeting of June 24, 2025, the Board of Supervisors held a duly noticed public hearing to consider the proposed project including the draft Initial Study/Mitigated Negative Declaration, General Plan Amendment, Zoning District Map Amendment, Tentative Parcel Map, Watercourse Management Plan, Oak Resources Management Plan, and Petition for Exceptions to Fire Safe Driveway Standards. After taking public testimony, hearing the Staff's presentation, hearing the project representative's presentation and applicant's presentation, and deliberating on the project, the Board of Supervisors passed a motion to continue the Public Hearing to a future later date and provided the Planning Department direction to come back at a later date with project actions to support approval of the proposed Gabelman project. Pursuant to the motion made by the Board of Supervisors for Staff to come back at a later date with project actions to support approval of the proposed Gabelman project, the attached draft Resolutions, draft Ordinance, and draft Conditions of Approval have been included as Attachments 1-5.

SUMMARY:

The applicant is seeking a General Plan Amendment from Rural with a minimum parcel size of 20.00 acres (RUR-20) to General Agricultural with a minimum parcel size of 10.00 acres (RUR-10), a Rezone from General Agricultural with a minimum parcel size of 20.00 acres (AG-20) to General Agricultural with a minimum parcel size of 10.00 acres (AG-10), a Tentative Parcel Map (TPM24-0003), an Oak Resources management Plan (MGT24-0019), a Watercourse Management Plan (MGT24-0020), and a Petition for Exceptions to Fire Safe Driveway Standards (PFX24-0009) to subdivide the existing approximately 21.41-acre parcel into two (2) parcels of approximately 11.36 acres (Proposed Parcel 1) and 10.05 acres (Proposed Parcel 2). Based on the direction provided by the Board of Supervisors on the June 24, 2025 public hearing to consider the Gabelman Project, Staff has amended the associated draft Resolutions, draft Ordinance, and draft Conditions of Approval to support approval of the proposed project. The attached draft Resolutions, draft Ordinance, and draft Conditions of Approval have been included as Attachments 1-5.

RECOMMENDATION: Staff recommends that the Board of Supervisors take the following actions:

- I. **Environmental Action:** Adopt the attached Resolution, adopting the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan pursuant to Sections 15074 and 15097 of the California Environmental Quality Act Guidelines, making the findings contained within the attached Resolution (*Attachment 1*).

- II. Project Action: Adopt the attached Resolution, approving amending the General Plan Land Use Map Designation from Rural with a minimum parcel size of 20.00 acres (RUR-20) to Rural with a minimum parcel size of 10.00 acres (RUR-10) (GPA24-0002) of APN: 060-150-063, based on the findings contained with the draft Resolution (*Attachment 2*).
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Item Initiated by: Zachary Ruybal, Associate Planner

Approved by: Brian Foss, Planning Director