

# Gabelman Project

PLN24-0060; GPA24-0002; RZN24-0002; TPM24-0003; MGT24-0019; MGT24-0020; PFX24-0009; EIS24-0006

12100 Scenic Drive, Nevada City, CA, 95959

Nevada County Board of Supervisors:  
June 24, 2025

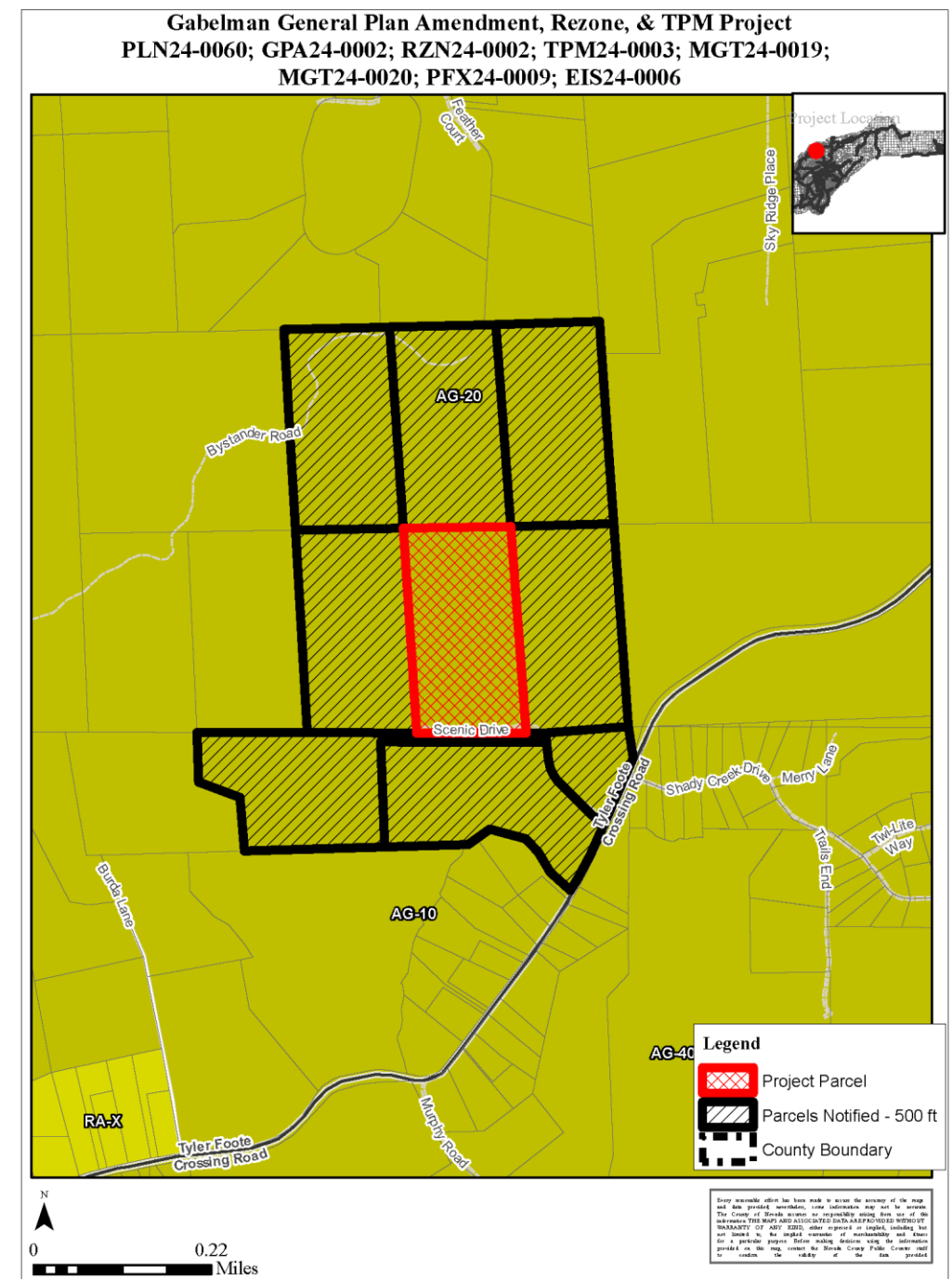
Project Planner: Zachary Ruybal





# Project Location:

- The project parcel is located at 12100 Scenic Drive.
- Approximately 1.8 miles southeast of downtown North San Juan and 6.8 miles northwest of downtown Nevada City.
- The project parcel is 21.41 acres in size.
- Unincorporated western Nevada County.
- Project parcel is accessed via Scenic Drive from Tyler Foote Crossing Road, approximately 2.2 miles northeast of State Highway 49.

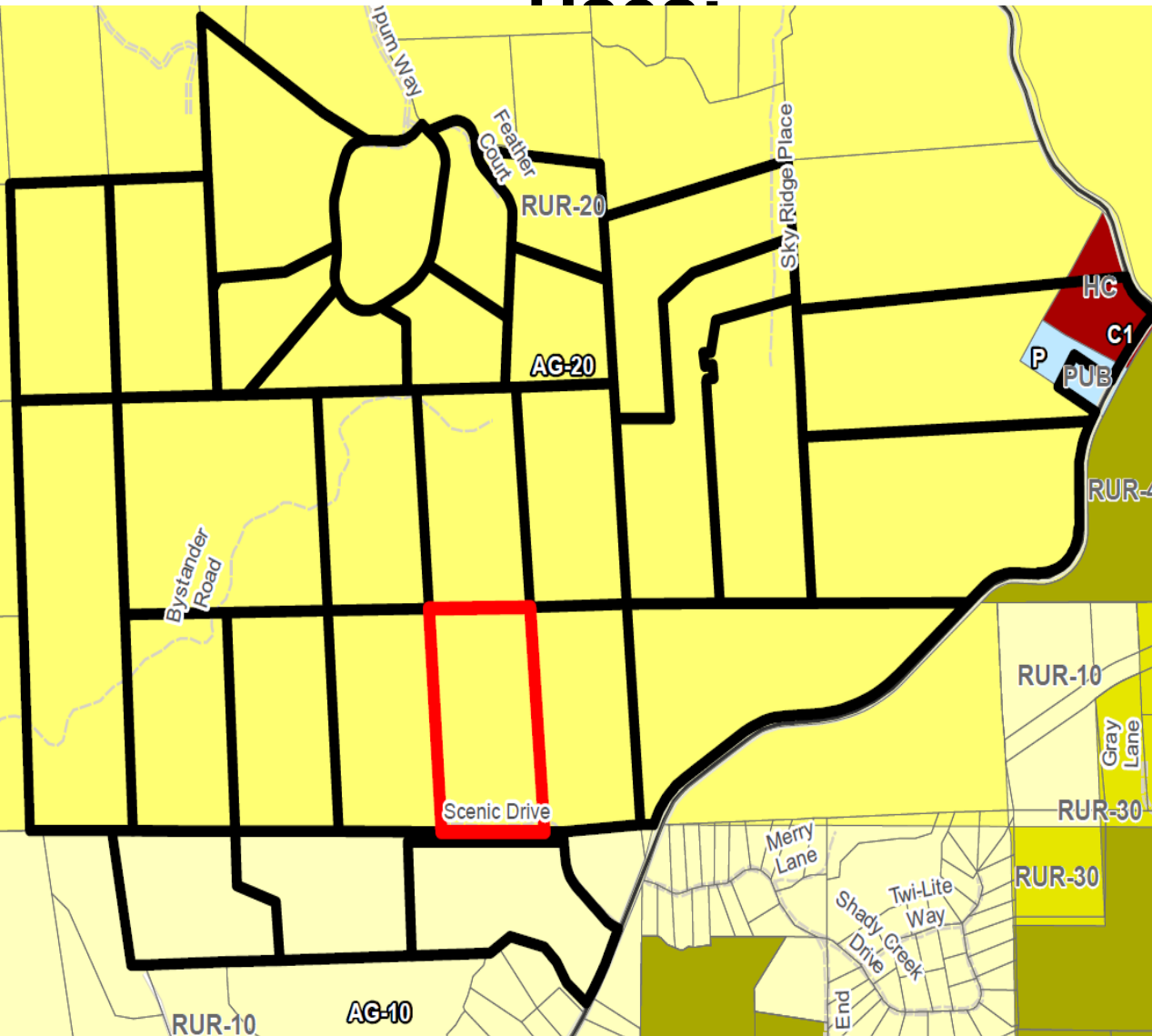


# Background:

- Project parcel originally delineated in 1977 pursuant to Recorded Parcel Map 76-132, found in Book 12 of Parcel Maps at Page 32.
- A Steep Slopes Management Plan was approved on July 22, 2020.
- A Pre-Application Review was completed on July 13, 2023) for a General Plan Amendment, Rezone, and Tentative Parcel Map.
- Pre-Application Letter stated the Planning Department is unlikely to support a General Plan Amendment, Rezone, and Tentative Parcel Map.



# Existing & Surrounding Land



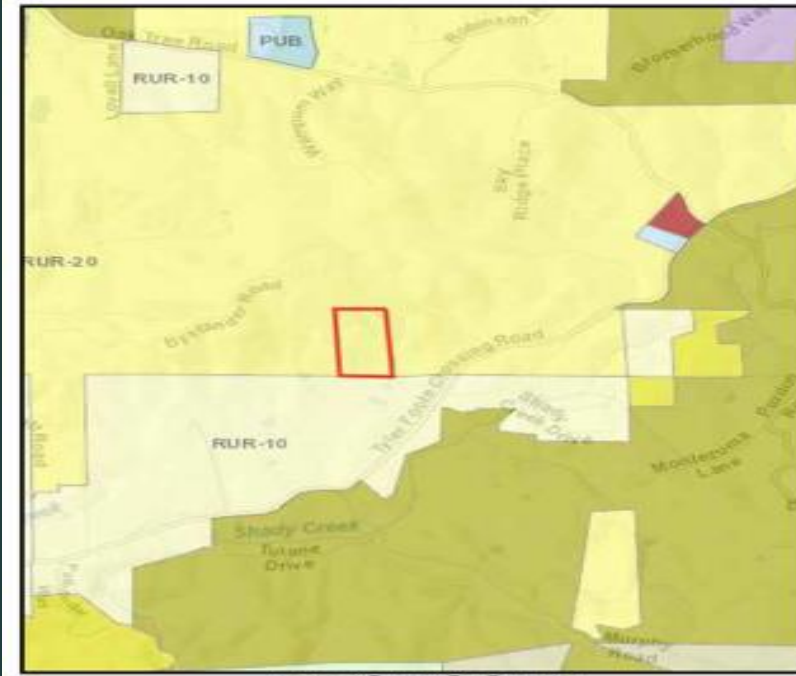
- Project parcel is zoned AG-20 and has a RUR-20 General Plan designation.
- Directly bordered by five (5) parcels zoned AG-20/RUR-20 to the north, east, and west, and three (3) parcels zoned AG-10/RUR-10 to the south.
- There is an existing single-family residence, a detached residential accessory structure, two (2) private wells, on-site septic, and PG&E for electricity.
- All eight (8) of the parcels directly surrounding the project parcels have been developed with residential, rural, and accessory structures.



# General Plan Amendment (GPA):

- Not consistent with the goals, objectives, policies, and implementation measures of the Nevada County General Plan.
- Would create an inconsistency with the general surrounding parcels.
- Has the potential to alter the existing character of the neighborhood and increase the overall density of the area.
- Not in the public interest and has the potential to adversely impact the health, safety, convenience, and welfare of the County.
- Nevada County General Plan has been updated a handful of times throughout past few decades, and each time, the General Plan designation of the general project area, including the project parcel, was not modified.
- Numerous environmentally sensitive areas (ESAs) would be impacted to receive such a minor increase in potential tax revenue.

EXISTING



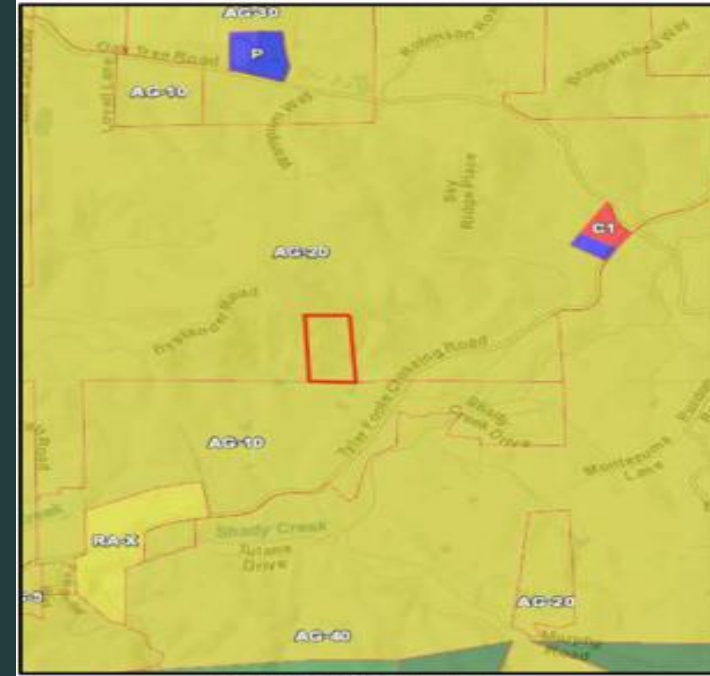
PROPOSED



# Rezone:

- Located within a Rural District, where the purpose is to preserve the existing open, pastoral character of rural areas.
- Not consistent with the provisions and would create an inconsistency with the general surrounding parcels and character of the area.
- Not in the public interest and has the potential to create adverse impacts to the health, safety, convenience, and welfare of the County.
- Not physically suitable for the requested and rezone and anticipated land use development(s).
- Throughout the past few decades, the Nevada County Zoning District Map designations have been updated a handful of times.
- Existing Zoning District designation of AG-20 was accurate and the correct designation for the overall area due to the remoteness of the area, the difficult topography, and presence of environmentally sensitive resources.

EXISTING

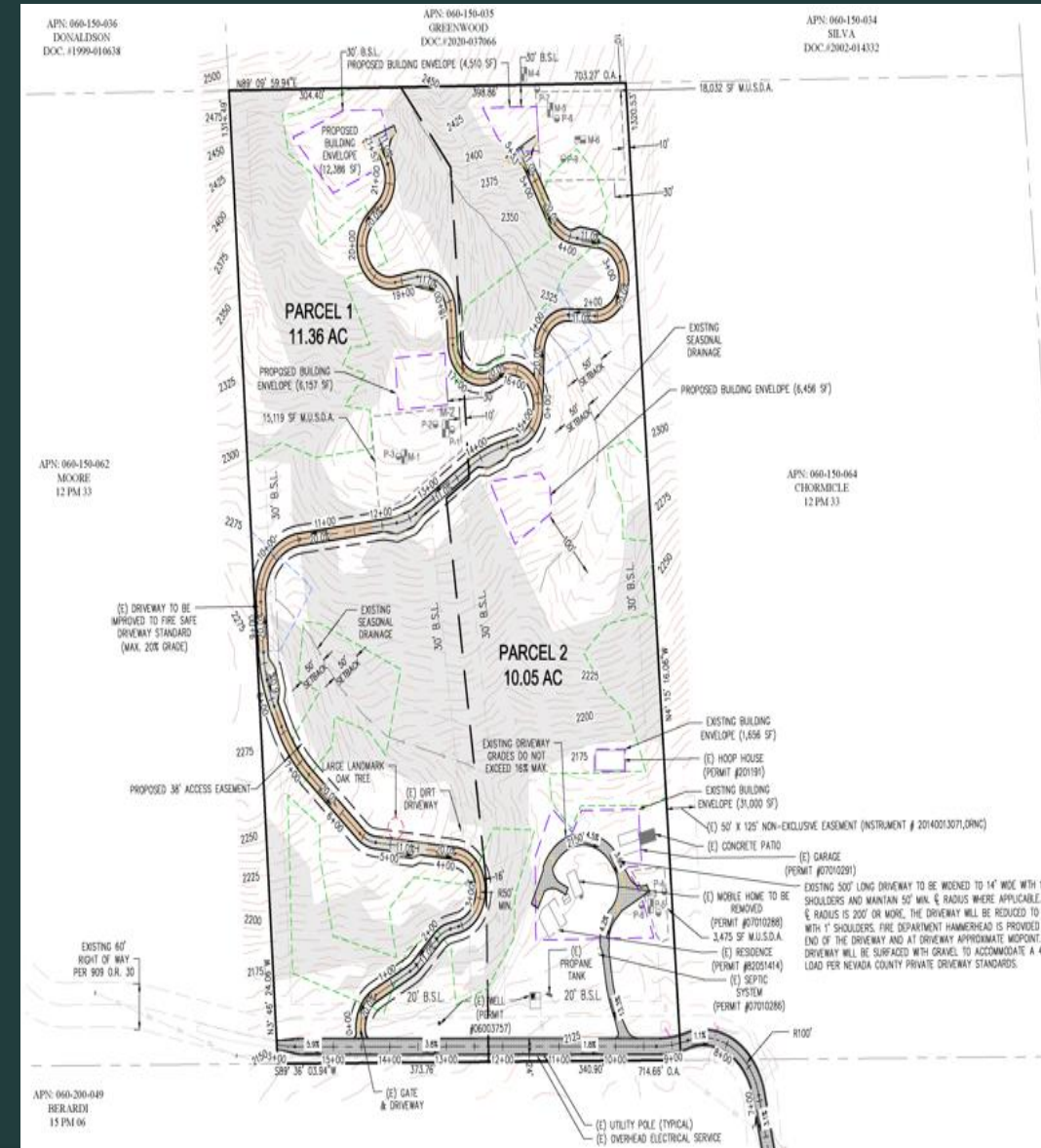


PROPOSED



## Tentative Parcel Map:

- Recorded Parcel Map found in Book 12 of Parcel Maps at Page 33 created parcels of relatively the same size and same configuration.
- Has been in place through numerous General Plan and Zoning Ordinance updates over the past few decades.
- The project site is not physically suitable for the land division:
  - Remote area on a dead-end road with challenging topography.
  - Petition for Exceptions to Fire Safe Driveway standards inevitable.
  - Increases the density in the area
  - Evacuation capabilities are already challenging.
  - Would impact multiple environmentally sensitive areas and protected resources.





# Watercourse Management Plan:

- There are aquatic resources within the project area, including natural drainage areas within the southern and central sections of the subject parcel that are subject to the 50-foot non-disturbance requirements of the Nevada County Code.
- Upgrades to existing culverts will be required and the existing access roads will need to be widened as part of the proposed project.
- Crossing these drainages would be inevitable to provide access to the proposed building envelopes and M.U.S.D.As.
- Impacts to drainage channels would be completely avoided if the proposed project were to be denied.





# Oak Resources Management Plan:

- The subject parcel includes protected oak resources, including multiple areas of Landmark Oak Grove and a single Landmark Oak tree which are considered environmentally sensitive areas (ESAs).
- A total of 6.8 acres of landmark grove occur within the project area and 0.3 acres of native oak and other hardwood trees would be potentially removed by the upgrades to the access roads.
- Grading required for the access roads would cut directly through multiple areas designated as Landmark Oak Grove, which would be completely avoided if the proposed project were to be denied.





# Petition for Exceptions to Fire Safe Driveway Standards:

- Proposed project proposes a Petition for Exceptions (PFX) to Driveway Standards for driveway slopes exceeding 16% for the access roads.
- A Steep Slopes Management Plan (MGT20-0041) was previously approved in June of 2020 for the grading of an access road and proposed grading in areas with slopes greater than 30%.
- The PFX and a previously approved Steep Slopes Management Plan are being utilized to best attempt to prevent negative impacts to existing soil conditions, slope stability, and erosion due to the grading in areas that exceed 30%,
- These potential impacts would be completely avoided if the proposed project were to be denied.







## Environmental Review:

- The Planning Department prepared a draft Initial Study and proposed Mitigated Negative Declaration (IS/MND) for the proposed project (EIS24-0006).
- The Initial Study was available for a public review period of 31-days (March 21, 2025 through April 21, 2025 at 5:00 p.m.).
- 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.

# General Plan Policy Inconsistencies

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- **General Plan Policy 1.1.2:**
  - Which has the goal of promoting and encouraging growth in Community Regions while limiting growth in Rural Regions by limiting the type of growth in Rural Regions to those types and densities of development which are consistent with the open, rural lifestyle, pastoral character and natural setting and surrounding land use patterns which exists in these areas.
- **General Plan Policy 1.6.1:**
  - Which allows for growth while protecting, maintaining and enhancing communities and neighborhoods by establishing land uses which protect, enhance, and complement existing communities and neighborhoods.
- **General Plan Policy EP-10.1.4:**
  - Which has the goal of providing for adequate evacuation routes in areas of high fire hazard.
- **General Plan Policy SF-10.6.3:**
  - Which has the goal of providing land use patterns and development standards that shall minimize hazards resulting from wildfire, flooding, earthquake, slope failure, avalanche, and other natural occurrences.
- **General Plan Policy 13.9:**
  - Which has the goal of ensuring development in the vicinity of significant oak groves of all oak species shall be designed and sited to maximize the long-term preservation of the trees and the integrity of their natural setting.



# Recommendations:

- 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.
  
- II. Project Action: Adopt the attached Resolution, denying 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) and denying 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) of APN: 060-150-063, based on the findings contained with the draft Resolution.
  
- III. Project Action: Adopt the attached Resolution denying 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.

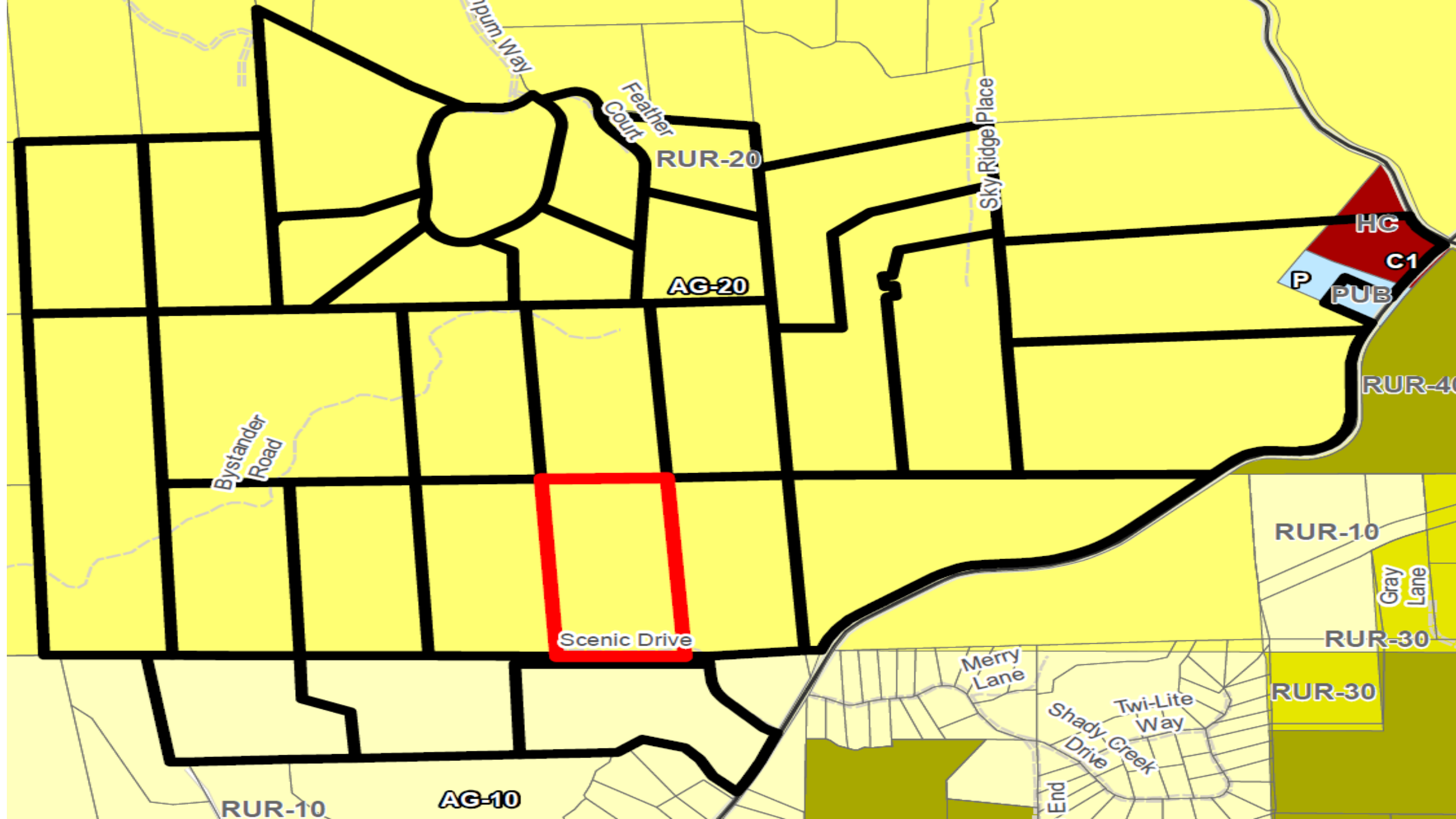
# Board Recommendation for Approval:

- Should the Board choose to go a different direction than the recommendation made by the Planning Commission for denial and choose to approve the proposed project, a motion shall be made by the Board to direct Staff to return to the Board of Supervisors with Resolutions in support of the project at a later date to be determined, which will be noticed appropriately.



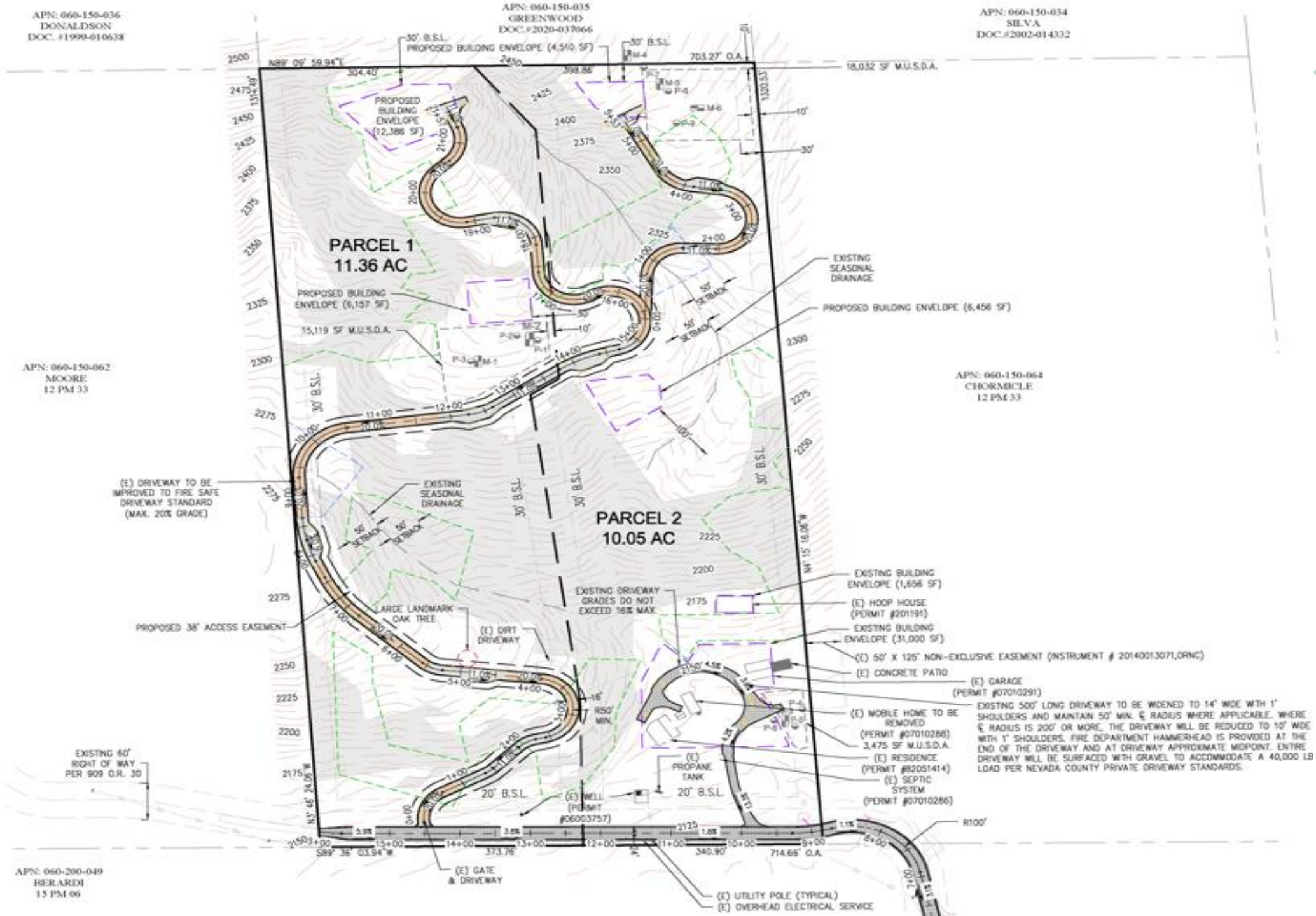


**NEVADA COUNTY**  
**CALIFORNIA**



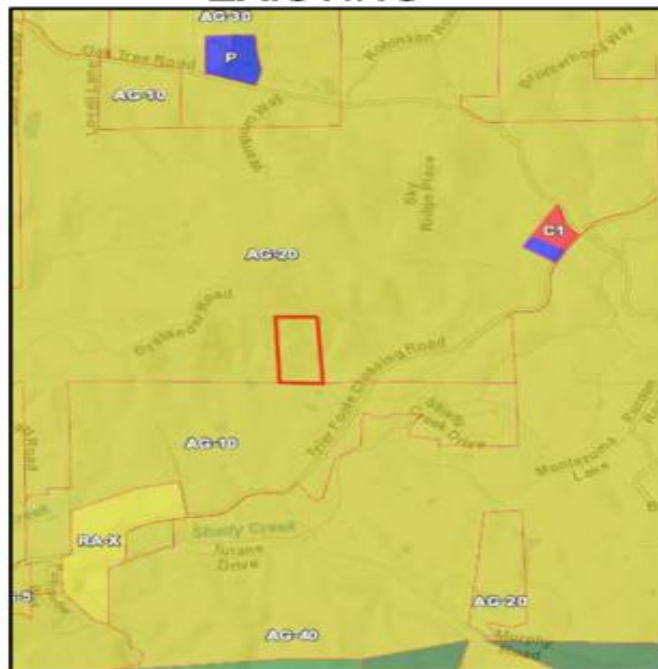




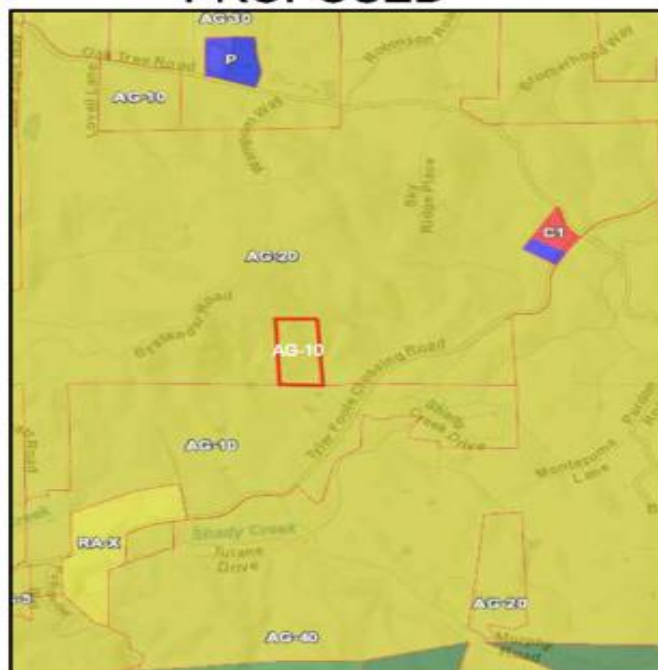




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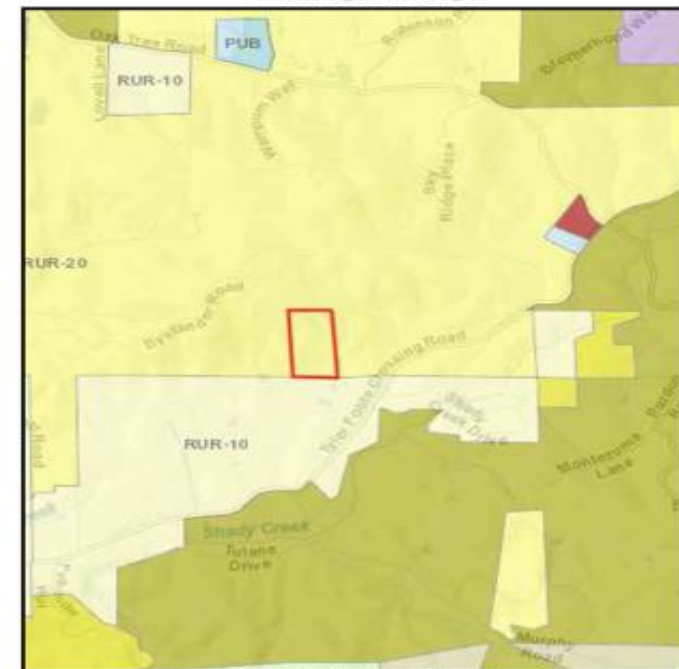
## PROPOSED



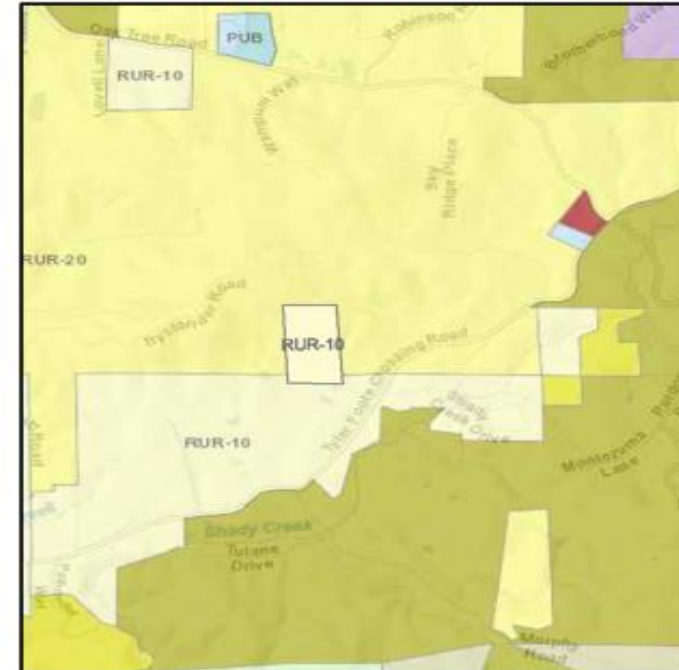
## LEGEND

ZONING	GENERAL PLAN
GENERAL AGRICULTURE 20 ACRE (AG-20)	RURAL 20 ACRE (RUR-20)
GENERAL AGRICULTURE 10 ACRE (AG-10)	RURAL 10 ACRE (RUR-10)
NEIGHBORHOOD COMMERCIAL (C1)	HIGHWAY COMMERCIAL (HC)
PUBLIC (P)	PUBLIC (PUB)
RESIDENTIAL AGRICULTURAL (RA)	RURAL 40 ACRE (RUR-40)

## EXISTING

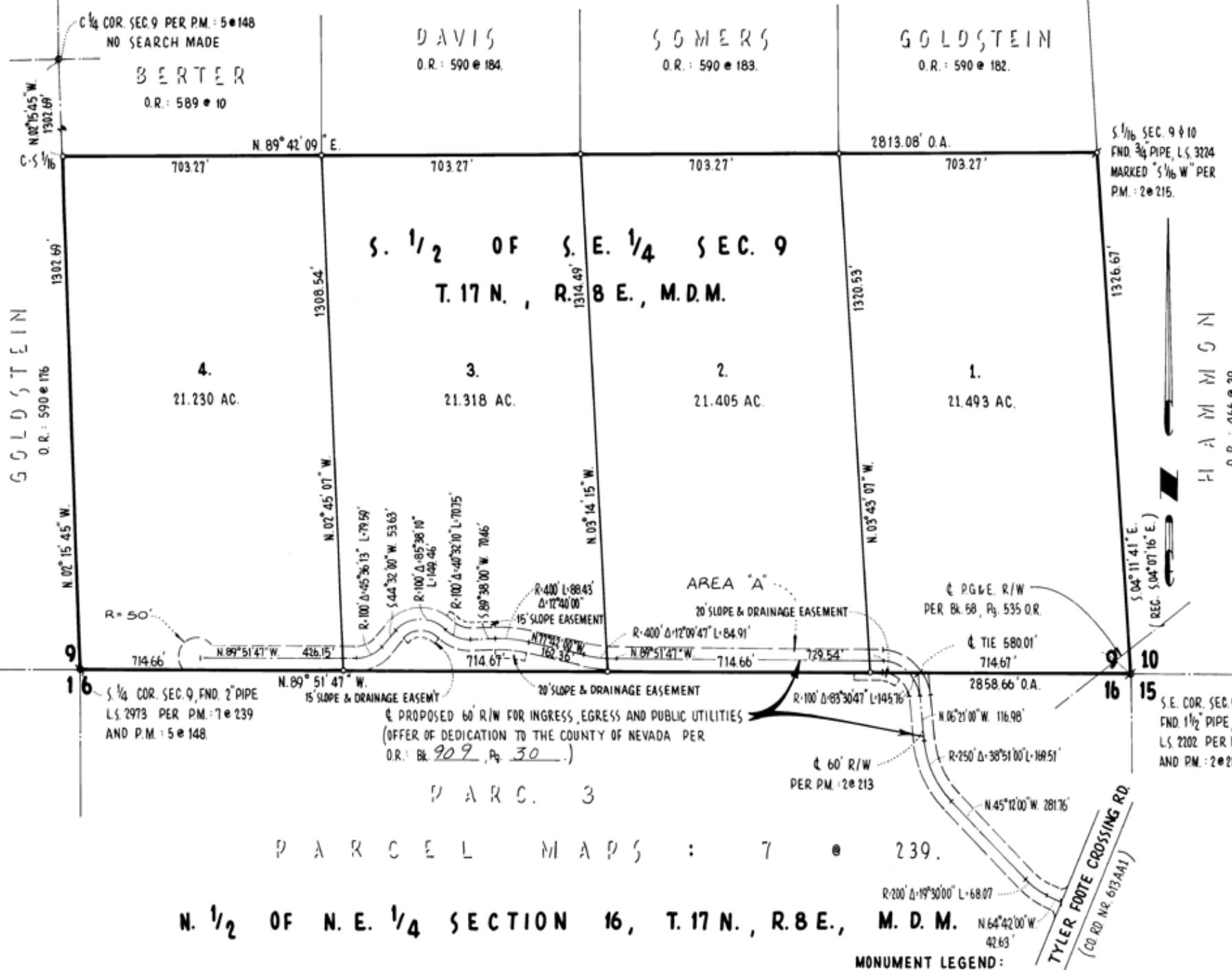


## PROPOSED









COUNTY SURVEYOR'S CERTIFICATE:  
This map conforms with the requirements of the Subdivision Map Act and local ordinances.  
Dated: 11/15/77  
33427  
Wesley W. Zachary, R.E. 19284  
Deputy County Surveyor

RECORDER'S CERTIFICATE:  
Filed this 15<sup>th</sup> day of November, 1977 at 4:30 P.M., in Book 12 of Parcel Maps at Page 33, at the request of B. Burda.  
\$ 5.00  
M. J. Polglase  
County Recorder  
By Marilyn Carroli

BASIS OF BEARING:  
All bearings in this record are based upon monuments found along the south line of the subject property as established in Book 7 of Parcel Maps at Page 239, Nevada County, California.

- NOTES:
1. Any further divisions will require improvements in accordance with Nevada County Variable Road Standards.
  2. Zoning: U unclassified, the Nevada County Planning Department should be contacted for land use and zoning information.
  3. There is no guarantee that water is available on any parcel on this map.
  4. There is no guarantee that sewage can be disposed of on any parcel of this map.
  5. An adequate supply of potable water must be demonstrated prior to the issuance of a sewage disposal permit. The Health Department requires an on-site inspection prior to construction to determine if the proposed use meets current sewage disposal requirements of Ordinance 703 or latest adopted ordinance.

PARCEL MAP 76-132 FOR  
**B. BURDA**  
BEING THE  
**S. 1/2 OF S. E. 1/4 SEC. 9, T. 17 N., R. 8 E., M.D.M.**  
IN THE UNINCORPORATED TERRITORY OF  
**NEVADA COUNTY, CALIFORNIA**  
SCALE: 1" = 200'  
JUNE, 1976