



# **RESOLUTION NO. \_\_\_\_\_**

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

**A RESOLUTION TO DENY 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) AND TO DENY THE PROPOSED AMENDMENT TO ZONING DISTRICT MAP NO. 037 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**

WHEREAS, on November 14, 1995, the County of Nevada adopted a General Plan for the County of Nevada, through Resolution 95-530; and

WHEREAS, Mr. Mike Gabelman ("Applicant") is the owner of Assessor's Parcel Number 060-150-063; and

WHEREAS, the Applicant has filed an application on April 8, 2024 to amend the 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) and amend Zoning District Map No. 37 to rezone APN: 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) for the project site; and

WHEREAS, as required by Senate Bill 12 (Burton) and Assembly Bill 52 (Gatto), the County of Nevada sent a request for consultation to the United Auburn Indian Community (UAIC), Nevada City Rancheria Nisenan Tribe, Tsi-Akim Maidu Tribal Office, and Shingle Springs Band of Miwok Indians, who in return did not request specific consultation for this project; and

WHEREAS, the County has prepared a project specific Initial Study/Mitigated Negative Declaration (IS/MND) (EIS24-0006) and circulated it for a 31-day public comment period from March 21, 2025 to April 21, 2025; and

WHEREAS, on April 24, 2025, the Planning Commission held a duly noticed public hearing on the proposed General Plan Land Use Map designation amendment (GPA24-0002), property specific rezone (RZN24-0002), 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) (collectively “Project”) in which the Commission reviewed the proposed IS/MND together with all comments received during the public review period, and recommended adoption of this same Mitigated Negative Declaration before making a recommendation to the Board of Supervisors on the proposed Project; and

WHEREAS, the proposed Amendment to the Nevada County General Plan and proposed Amendment to Zoning District Map No. 37 was determined to be inconsistent with the goals, objectives, policies, and implementation measures of the General Plan and the provisions of the Nevada County Code by creating inconsistencies with the sizes of surrounding parcels and the General Plan designation and character of the surrounding area; and

WHEREAS, the Planning Commission after reviewing and considering the proposed project on April 24, 2025, and after taking public testimony and deliberating on the project voted 4-0 (1 absent) to recommend that the Board of Supervisors deny the proposed Amendment to the General Plan Land Use Map designations (GPA24-0002) and deny the proposed Amendment to Zoning District Map No. 37 to rezone APN: 060-150-063 as shown and described in Exhibit “A” attached hereto and made a part of this Resolution; and

WHEREAS, on June 24, 2025, the Nevada County Board of Supervisors, held a duly noticed public hearing on the proposed amendment to the General Plan Land Use Map and proposed amendment to Zoning District Map No. 37 for APN: 060-150-063, to deny re-designating the subject parcel as described herein; and

WHEREAS, on June 24, 2025, a separate Resolution went before the Board of Supervisors to approve the adoption of the Project’s Mitigated Negative Declaration (EIS24-0006), and another separate Resolution went before the Board of Supervisors to deny 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); and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed amendment to the Nevada County General Plan Land Use Map and proposed amendment to Zoning District Map No. 37 for APN: 060-150-063, all information and evidence submitted in favor and against the proposed amendments, and the complete record before it, has determined that an amendment to the County’s General Plan and County’s Zoning District Map No. 37 is not warranted.

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

- A. That the proposed amendment to the Nevada County General Plan Land Use Map and proposed amendment to Zoning District Map No. 37 for APN: 060-150-063 is not consistent with the goals, objectives, policies, and implementation measures of the General Plan and the provisions of this Code, more specifically General Plan Policy 1.1.2 which has the goal of 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, and 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, because the proposed project would create an inconsistency with the sizes of all of the surrounding parcels to the north, east, south, and west of the project parcel, and would also create an inconsistency with the General Plan designation, Zoning District designation, and character of the surrounding area in relation to all of the adjacent parcels to the north, east, and west. Additionally, the proposed amendment is not consistent with General Plan Policies 2.6 and 2.7 because the project would have a negligible impact to the County's jobs housing balance and would provide a very minor positive impact on the ability to provide additional property taxes, sales taxes, and other discretionary revenues; and,
- B. That the proposed amendment to the Nevada County General Plan Land Use Map and proposed amendment to Zoning District Map No. 37 for APN: 060-150-063 will be detrimental to the public interest, health, safety, convenience, or welfare of the County, and is inconsistent with General Plan Policy EP-10.1.4 which has the goal of providing for adequate evacuation routes in areas of high fire hazard, and 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, because the project parcel is in a remote area and has challenging topography, would increase the density in area that is designated very high fire severity, and is located on a dead end road where evacuation capabilities have not been improved but would be further impacted negatively as a part of the proposed project; and,

- C. That for General Plan land use map amendment and Zoning District map amendment, the site is not physically suitable for the requested Plan designation(s) and anticipated land use development(s). Factors considered to evaluate suitability include access, provision of public facilities and utilities, compatibility with nearby land uses, and presence or absence of resources and constraints as found in the Resource Standards. The project parcel is located in a remote area on a dead end road, contains challenging topography which would not allow for fire safe standard access roads to be constructed without approval of a Petition for Exceptions to Fire Safe Driveway standards, would increase the density in an area where evacuation capabilities are already challenging, and would provide a very minimal positive economic impact, and would impact multiple environmentally sensitive areas and protected resources such as steep slopes, ephemeral drainage channels, and Landmark Oak Grove.

BE IT FURTHER RESOLVED that based on the foregoing findings, and the entire record before it, the Nevada County Board of Supervisors does hereby deny an amendment to the Nevada County General Plan Land Use Maps, re-designating the subject property from Rural with a minimum parcel size of 20-acres (RUR-20) to Rural with a minimum parcel size of 10-acres (RUR-10), and does hereby deny an amendment to Zoning District Map No. 37 for APN: 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), consistent with boundaries of said properties, as described and set forth in Exhibit A attached hereto.