



**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617  
(530) 265-1222 FAX (530) 265-9851 <http://mynevadacounty.com>

Sean Powers  
Community Development Agency Director

Brian Foss  
Planning Director

**NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memo**

---

**MEETING DATE:** December 15, 2020

**TO:** Board of Supervisors

**FROM:** Nevada County Planning Department

**SUBJECT:** Consideration of the Nevada County Planning Commission's November 12, 2020 recommendation on a 3-1 (1 absent) vote for the Gray General Plan Amendment and Rezone project including: 1) adopt the Negative Declaration (EIS20-0002); 2) Approve the Petition for Exceptions to Driveway Standards (PFX20-0002); 3) approve the General Plan Land Use Designation Map amendment from Public (PUB) to Residential (RES) (GPA20-0002); and 4) approve a Zoning District Map Amendment to rezone the site from Neighborhood Commercial (C1) to Single Family Residential (R1) (RZN20-0003) (District III).

---

**RECOMMENDATION:** The Planning Commission has recommended that the Board of Supervisors take the following actions:

- I. Approve the attached Resolution for the Negative Declaration (EIS20-0002), pursuant to Section 15074 of the California Environmental Quality Act Guidelines based on the findings contained in the Resolution (*Attachment 1*).
- II. Approve the attached Resolution for the proposed Petition for Exceptions to the Driveway Standards (PFX20-0002) to allow a 15-foot wide driveway access easement based on the findings contained with the draft Resolution (*Attachment 2*).
- III. Approve the attached Resolution for the proposed General Plan Amendment (GPA20-0002) for 13115 Ridge Road from Public (PUB) to Residential (RES) based on the findings contained within the Resolution (*Attachment 3*).

- IV. Adopt the attached Ordinance approving the Zoning District Map Amendment (RZN20-0003) to amend Zoning District Map No. 040a to rezone APN: 008-070-034 from Neighborhood Commercial (C1) to Single -Family Residential (R1) based on the findings contained within the draft Ordinance (*Attachment 4*)

**FUNDING:** No budget amendments are required.

**ATTACHMENTS:**

1. Draft Resolution: Initial Study/ Negative Declaration
2. Draft Resolution: Petition for Exceptions
3. Draft Resolution: General Plan Amendment Exhibit
4. Draft Ordinance: Zoning Map Amendment Exhibit
5. Site Plan
6. Nov. 12, 2020 Planning Commission Draft Meeting Minutes

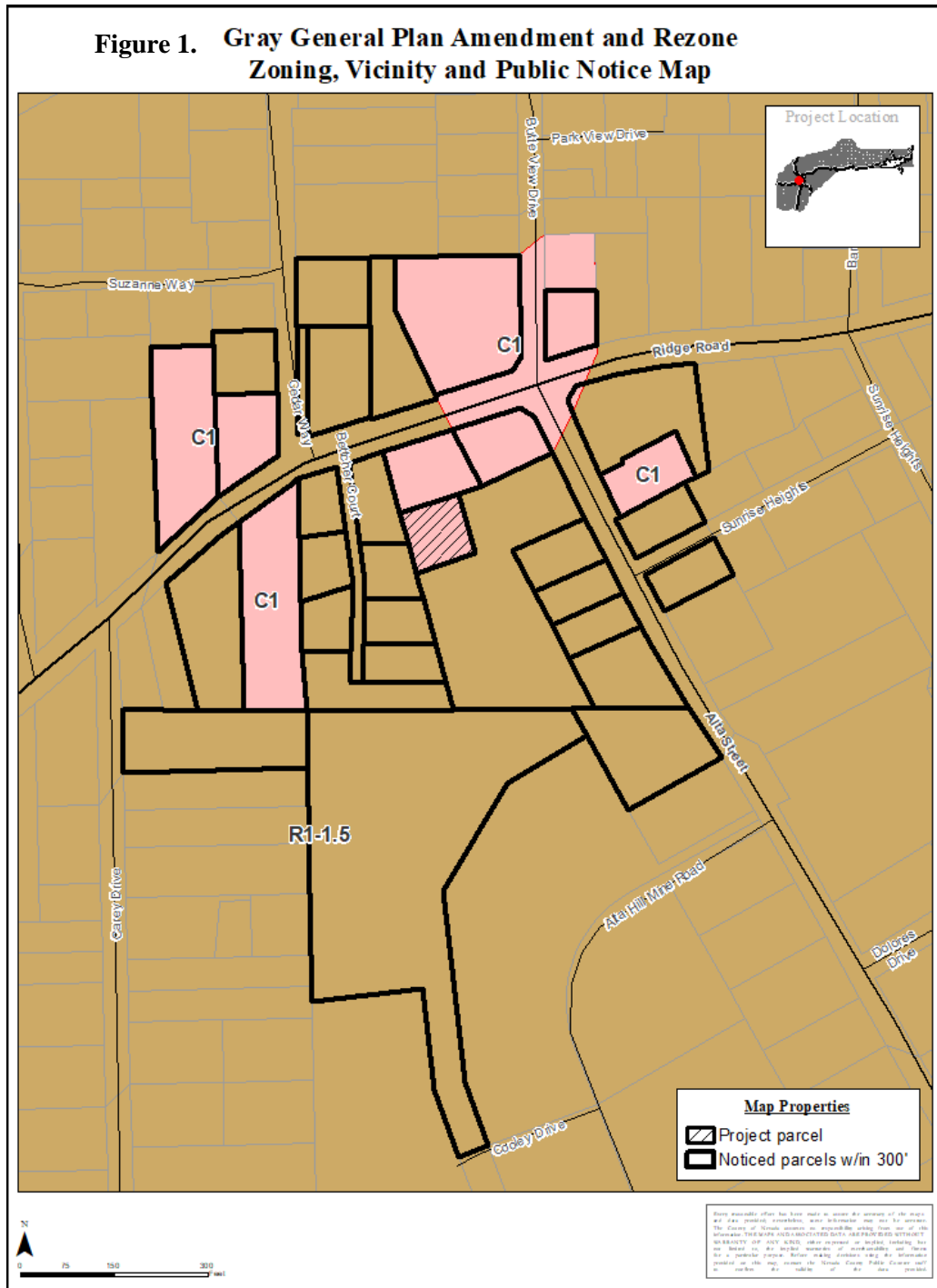
---

**BACKGROUND:** At the May 21, 2015, regular meeting of the Nevada County Consolidated Fire District's (NCCFD) Board of Directors, the NCCFD Board passed a motion to declare this former fire facility as surplus. In accordance with Government Code Section 54222, the District formally offered, for sale or lease, the facility to other government entities required under the code. No interest was received by the solicited government entities. In 2016, the County processed three projects concurrently to rezone former surplus fire station properties to allow for private use of those properties. Two of the sites were successfully amended out of the Public designation. At that time the project property was proposed to change the General Plan Land Use Designation to Neighborhood Commercial (NC) to match the existing C1 zoning, but the Board of Supervisors did not approve the rezoning and took no action on the proposal at that time. Since then, the property has been sold to a private owner, who is now seeking to convert the former fire station to a single-family residence, which requires a General Plan Amendment and Rezone to establish appropriate zoning for this use.

**PROJECT DESCRIPTION:** A proposed General Plan Land Use Map Amendment and Zoning District Map Amendment to change the privately owned former Nevada County Consolidated Fire District property, located at 13115 Ridge Road from Public (PUB)/Neighborhood Commercial (C1) to Residential (RES)/Single Family Residential (R1). The project includes the consideration of a Petition for Exception from the minimum fire safe driveway standards to allow for 15-foot wide access easement.

**Site Description, Project Location and Surrounding Land Uses:** Ridge Road is in the Long-Term Sphere of Influence for the City of Grass Valley and is developed with an approximately 2,792 metal building that was historically used by the Nevada County Consolidated Fire District as an unstaffed fire station. The site is approximately 0.23-

acres in size with approximately 90 percent of the site being impervious surface (building coverage and asphalt). Access to the project site is via an existing approximately 15-foot paved driveway through a developed C1 zoned property that has frontage on Ridge Road. The project site is zoned Neighborhood Commercial (C1) but has a Public (PUB) General Plan designation. Surrounding land uses are both commercial (C1) and residential (R1-1.5) in nature (Figure 1). Properties to the west, south and east are developed with existing single family uses.



**STAFF COMMENT:** The project site is developed with an existing garage/workshop type metal building and is virtually all asphalt at this time. The proposed project, if approved, would take this project out of the PUB General Plan designation and C1 Zoning District and change it to the Residential (RES) General Plan designation and the Single Family Residential (R1) zoning district which is in line with both land use designations and existing development within this area. The project lot size, approximately 0.23-acres is generally consistent with other properties in the area. The applicant has indicated that if this project is approved, the existing structure will remain and be converted to a dwelling unit through appropriate building permits.

**General Plan Amendment/Rezone:** In 2016, the NCCFD unsuccessfully attempted to amend the General Plan Land Use Designation from Public (PUB) to Neighborhood Commercial (NC) for consistency with the existing Neighborhood Commercial (C1) zoning designation (County File No. GP16-001). No action was taken by the Board of Supervisors on that project, as there was concern over the compatibility with the types of uses that could be allowed within the commercial designation when the existing building was only approximately 20-feet to the nearest residence to the west. At that time, the General Plan Amendment project did not include an end use, but the Fire District had a potential buyer who wanted to establish an auto repair business on the project site. Later the property was sold to a private party who now has the burden of addressing the inconsistency between the General Plan and Zoning Designation. Further constraining the use of the property is the Public General Plan Designation which generally requires a public use.

In March 2020, the current property owner filed his request to amend both the General Plan Land Use and Zoning Designation of the site to allow for the property to be converted and used for residential purposes. As shown in Figures 2 and 3, this would align the project's General Plan and Zoning Designations with other similarly sized properties in the project vicinity.

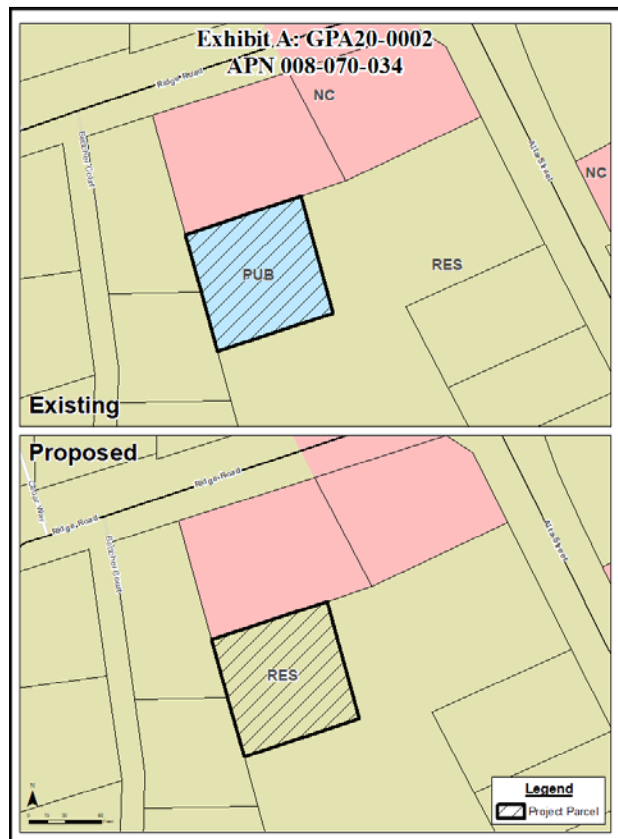
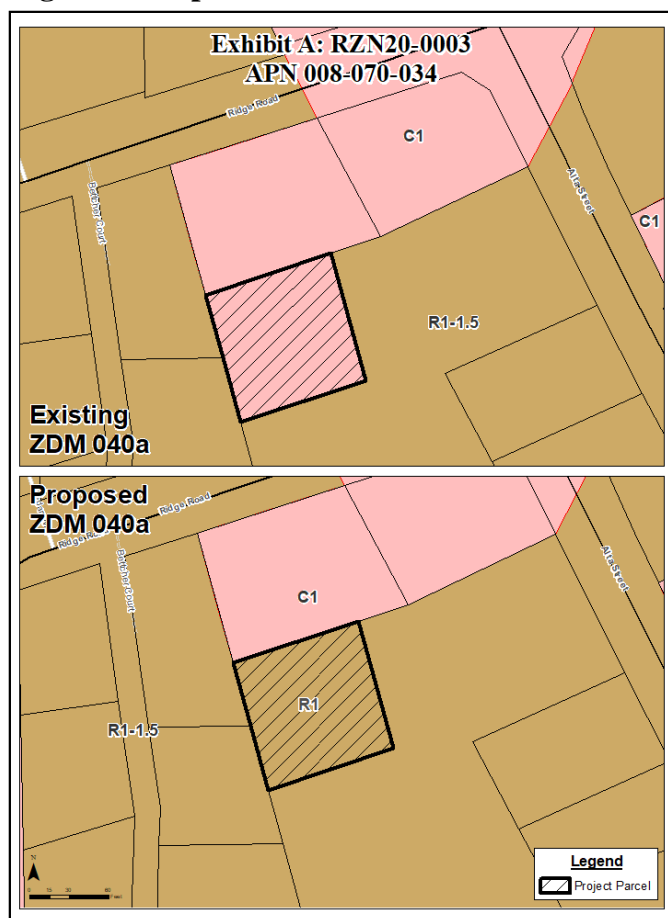


Figure 2. Proposed GPA Exhibit

**Figure 3. Proposed ZDM Exhibit**



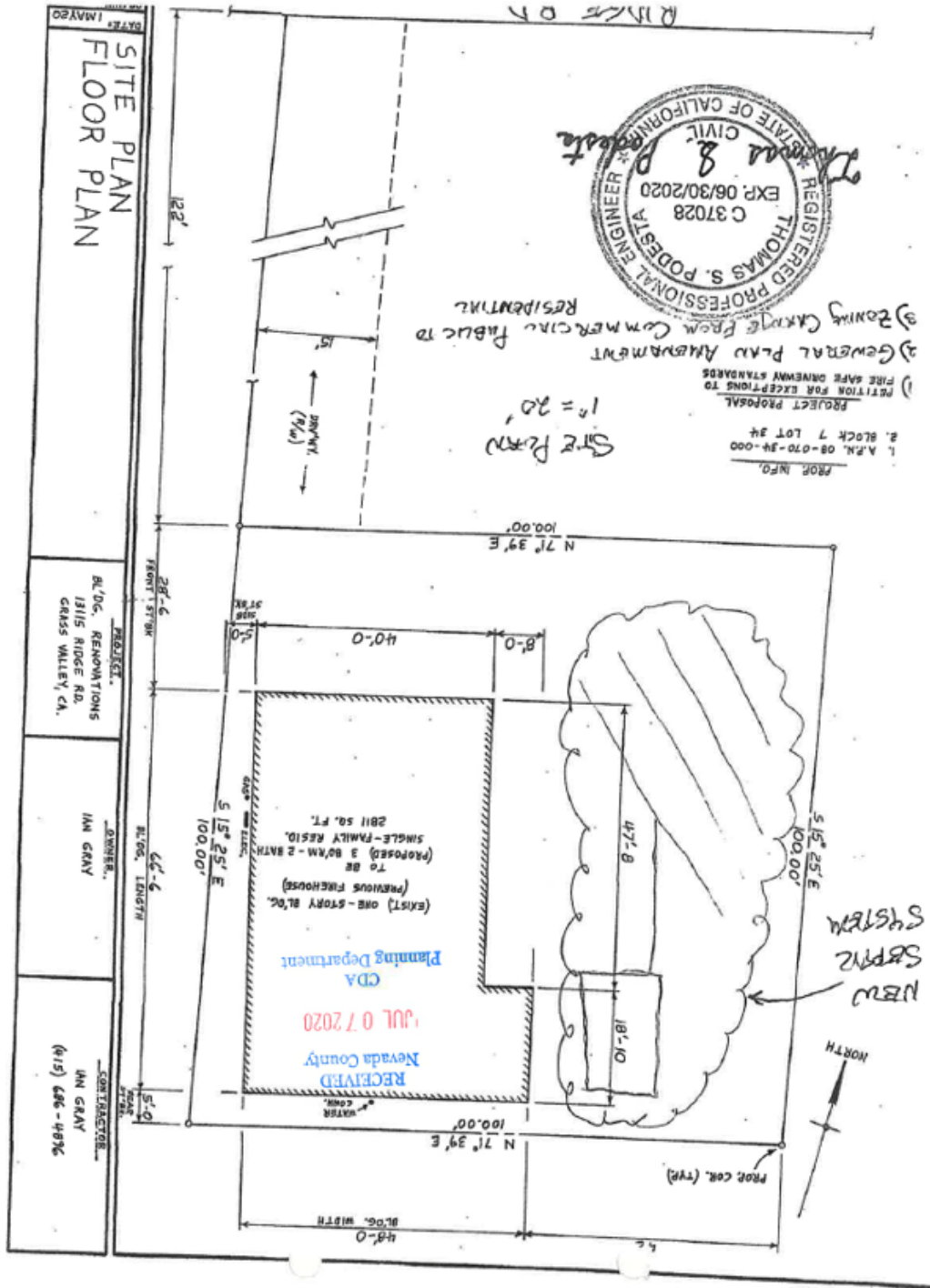
From a general land use standpoint, amending the sites General Plan and Zoning Designation would allow for a consistent use of this property with others in the area. While a very small amount of commercial zoning would be lost as a result, it was clear in 2016 that the Board did not support the concept of this property hosting a commercial business. Therefore, residential is likely the highest and best use of the property. From a future site development standpoint, the applicant will be responsible demonstrating that the project can meet the County's comprehensive site development standards when proposing to convert the structure to a residential use if the project is approved. The site is served by NID water and the applicant has submitted a preliminary septic design for a 3-bedroom 2-bath residence that has been preliminarily approved by the Department of Environmental Health

for the purpose of this application. Subsequently, the site has access to adequate water and sewage disposal resources. Staff has identified two potential site development issues however, that the applicant will need to resolve prior to issuance of a future building permit.

The first is the fact that the site is approximately 90 percent impervious surface, when the County Land Use and Development Code allows only 40 percent in the R1 district (for reference the C1 zoning district allows for 85 percent impervious surfacing). The second issue relates to the rear setback. The project site plan shows the existing building being approximately 5-feet from the rear property line (*Figure 4/Attachment 5*), but the reduced setback for properties under 3-acres in the R1 zoning district is 20-feet (for reference the C1 zoning district allows a 0-foot rear yard setback). A potential remedy to the impervious surfacing issue is to remove the existing asphalt from much of the former parking creating more green space on the property. Regarding the setback issue, the applicant has the option of reducing the footprint of the building, obtaining a setback easement or performing a boundary line adjustment with a neighboring property. If those remedies fail, the applicant may also seek a future variance for the setback issue, but a variance is not an option for the impervious surface issue as it is not only a Zoning Code standard, but also a General Plan policy requirement. If this project is approved, the

issues above are not insurmountable and through careful consideration and capital investment, these inconsistencies can be remedied.

Figure 4. Site Plan



**Petition for Exceptions:** The project includes the consideration of a Petition for Expectations to the Fire Safe Driveway standards as the existing paved driveway is within an existing 15-foot access easement without the ability to expand it to meet defensible space requirements, however the driveway does not contain any vegetation

with the driveway alignment. Both the Office of the County Fire Marshal and NCCFD support the proposed Petition as there are no other feasibly alternatives for the project to gain access, as the driveway is constrained by developed properties on both sides.

**ZONING AND GENERAL PLAN CONSISTENCY:**

The Ridge Road property is currently zoned Neighborhood Commercial (C1) but has a Public (PUB) General Plan Land Use designation. Should this project be approved, the property's General Plan Land Use and Zoning would be changed to be consistent with the current zoning of much of the surrounding area (RES/R1). As required by General Plan Policy 2.6, the applicant has submitted an Economic Analysis which determined that the project would have a negligible impact to the County's jobs housing balance due to its overall small size (0.23-acres) and that future investment by the property owner would increase overall assessed value of the project site. In turn the increased assessed value which would result in an increase in property tax revenue to the County and an increase in sales tax revenue for local business due the needs of a typical residence in the County over the current existing vacant building. As discussed above, the site will require some work to ensure it can meet current development standards in the RES/R1 designations, but overall, the general use of the property as a residence is compatible with the area.

**ENVIRONMENTAL REVIEW:**

Future development of this property will be subject to applicable local, state and federal codes, standards, permitting requirements and regulations that are applicable to the type of redevelopment that might be proposed. 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 Negative Declaration was circulated for public comment between October 7 and October 27, 2020 (*Attachment 1*). The Notice of Availability/Notice of Intent to adopt a Negative Declaration was sent to several local and state responsible agencies as well as surrounding property owners. No adverse comments were received as a result of this outreach. Since this project will not result in the physical disturbance to the environment and will make the General Land Use and Zoning for the subject property consistent with other surrounding land uses, staff has determined that a Negative Declaration is the appropriate document for this project. The Planning Commission therefore recommended that the Board of Supervisors approve the Resolution adopting the draft Initial Study/proposed Negative Declaration for this project.

**PLANNING COMMISSION ACTION:**

On November 12, 2020, the Nevada County Planning Commission held a duly noticed public hearing to consider the proposed project including the draft Negative Declaration, Petition for Exceptions to the Driveway Standards, the General Plan Land Use Map Amendment and the Zoning District Map amendment associated with this project. No Public comments were made at the Planning Commission meeting. After deliberating on the project, the Planning Commission voted 3-1 (1 absent, District V) to recommend

approval of the project. The dissenting vote was made by the District I Planning Commissioner who expressed concern over the potential of losing the Public (PUB) Designation of this 0.23-acre parcel. The District I Commissioner felt the project would be better suited for a public use, such as a park or low-income housing. The project applicant is the second private owner for this parcel and the majority of the Planning Commission, determined that this was the highest and best use of this property based on the project history and the surrounding land uses. The Chair of the Commission (District III) also outlined that the NCCFD Board of Directors followed the appropriate process to surplus their land, including giving first right to purchase the land to public agencies as required by law and no public entities were interested at that time.

**SUMMARY:**

The applicant is seeking to establish a Residential General Plan Land Use Designation and a Single-Family Residential Zoning District on the site to convert the existing former fire station into a single-family residential property. While some potential issues have been outlined regarding conflicts with site development standards within this staff report, the proposal to go to residential is considered the highest and best use of this property, based on the direction received by the Board of Supervisors when the Board elected to take no action on the 2016 General Plan Amendment (GP16-0001) proposal to retain the C1 zoning and change the properties General Plan Designation to Neighborhood Commercial (NC). The Planning Commission has reviewed the proposed changes and found that no significant physical environmental impacts would occur as a result of this action. Therefore, the Planning Commission on November 12, 2020 recommended that the Board of Supervisors approve the project as provided for below.

---

**RECOMMENDATION:** The Planning Commission has recommended that the Board of Supervisors take the following actions:

- I. Approve the attached Resolution for the Negative Declaration (EIS20-0002), pursuant to Section 15074 of the California Environmental Quality Act Guidelines based on the findings contained in the Resolution (*Attachment 1*).
- II. Approve the attached Resolution for the proposed Petition for Exceptions to the Driveway Standards (PFX20-0002) to allow a 15-foot wide driveway access easement based on the findings contained with the draft Resolution (*Attachment 2*).
- III. Approve the attached Resolution for the proposed General Plan Amendment (GPA20-0002) for 13115 Ridge Road from Public (PUB) to Residential (RES) based on the findings contained within the Resolution (*Attachment 3*).



- IV. Adopt the attached Ordinance approving the Zoning District Map Amendment (RZN20-0003) to amend Zoning District Map No. 040a to rezone APN: 008-070-034 from Neighborhood Commercial (C1) to Single -Family Residential (R1) based on the findings contained within the draft Ordinance (*Attachment 4*)

**Item Initiated by:** Tyler Barrington, Principal Planner

**Approved by:** Brian Foss, Director of Planning