



RESOLUTION NO. 15-109

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (EIS13-017) IN CONNECTION WITH THE APPROVAL OF A RESOLUTION FOR A GENERAL PLAN LAND USE MAP DESIGNATION AMENDMENT (GP13-004) FOR A 21.62-ACRE PORTION OF APN 23-230-23; A CORRESPONDING ORDINANCE AMENDING ZONING DISTRICT MAP NO. 043 (Z13-006) FOR PARCELS NUMBERED 23-230-23 AND 23-300-64; AN OAK TREE MANAGEMENT PLAN (MGT14-003); AND A USE PERMIT ALLOWING FOR A 62-UNIT EXPANSION OF THE EXISTING FOREST SPRINGS MOBILEHOME PARK (U13-008) FOR PARCEL NUMBERED APN 23-230-23

WHEREAS, Forest Springs, LLC is proposing a General Plan Land Use Map Designation amendment (GP13-004) and a Zoning District Map amendment (Z13-006) for a 21.62-acre portion of Assessor's Parcel 23-230-23 and 23-300-64, which are located in the unincorporated area of Nevada County; and

WHEREAS, an Oak Tree Management Plan (MGT14-003) has been prepared for this project to minimize the impacts of development on an identified 5-acre Landmark Oak Grove and two Landmark Oak Trees located on Site A; and

WHEREAS, Forest Springs, LLC. is also proposing a Use Permit (U13-008) for a 21.62-acre of APN 23-230-23 for the use of a Mobilehome Park which will add 62 age-restricted residential spaces to the existing Forest Springs Mobilehome Community; and

WHEREAS, on September 8, 2014, the Planning Department staff prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for the Project (EIS13-017); and

WHEREAS, the IS/MND was submitted directly to affected local, regional and state agencies, including the State Clearinghouse and was released for a 30-day public review period, commencing on September 8, 2014 and ending October 8, 2014; and

WHEREAS, the IS/MND analyzed all of the potential environmental impacts of the proposed Project and found that as mitigated no significant impacts would result from the approval of the Project; and

WHEREAS, the County has prepared a reporting and monitoring program in accordance with Government Code Section 15074(d) which is outlined in the IS/MND which were made Conditions of Approval to either mitigate or avoid potentially significant environmental impacts; and

WHEREAS, on October 23, 2014, the Planning Commission held a public hearing on the proposed Project in which the Commission reviewed the proposed IS/MND together with all comments received during the public review period, and continued the project at the request of the Planning Department to allow the reconsideration of the project's proposed density transfer and for additional information on the removal of oak trees and the design of the project's storm drainage swale; and

WHEREAS, on January 6, 2015, the Planning Department staff completed revisions to the original IS/MND for the Project (EIS13-017), a copy of which is attached to this Resolution as Exhibit A; and

WHEREAS, the IS/MND was submitted directly to affected local, regional and state agencies, including the State Clearinghouse and was released for a 30-day public review period, commencing on January 6, 2015 and ending February 7, 2015; and

WHEREAS, the IS/MND analyzes all of the potential environmental impacts of the proposed Project and found that as mitigated no significant impacts would result from the approval of the Project; and

WHEREAS, the County has prepared a reporting and monitoring program in accordance with Government Code Section 15074(d) which is outlined in the IS/MND which have been made Conditions of Approval to either mitigate or avoid potentially significant environmental impacts; and

WHEREAS, on February 12, 2015, the Planning Commission held a public hearing on the proposed Project in which the Commission reviewed the proposed revised 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 on the proposed Project.

NOW, THEREFORE, BE IT RESOLVED, that the Nevada County Board of Supervisors has reviewed and considered the recommendation of the Planning Commission and has independently reviewed the Initial Study and proposed Mitigated Negative Declaration (EIS13-017), together with all comments received during the public review period, and hereby finds and determines as follows:

- A. The above recitals are true and correct.
- B. On the basis of the whole record before the Board of Supervisors, there is no substantial evidence that the proposed Project as revised by incorporation of the mitigation measures, which have been made by or agreed to by the applicant, will have a significant effect on the environment.
- C. The IS/MND reflects the Board's independent judgment and analysis.
- D. The documents and materials constituting the record of the proceedings on which this decision is based are located and in the custody of the Nevada County Planning Department at 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS13-017) for the General Plan Land Use and Zoning District Map amendment, the Oak Tree Management Plan and Use Permit Project (GP13-004, Z13-006, MGT14-003 and U13-008).

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to file a Notice of Determination pursuant to CEQA Guidelines Section 15075 within five working after adoption of this resolution and approval of the proposed Project.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 10th day of March, 2015, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson.


Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Interim Clerk of the Board of Supervisors

By:  _____

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Edward C. Scofield, Chair

3/10/2015 cc: Planning*
NCE
FSLLC*