



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

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

**RESOLUTION APPROVING THE DEVELOPMENT PERMIT (DVP24-2) AND OAK RESOURCES MANAGEMENT PLAN (MGT24-0011) TO ALLOW FOR DEVELOPMENT AND OPERATION OF A 30,711-SQUARE-FOOT GROCERY STORE INCLUDING AN APPROXIMATE 750 SQUARE-FOOT INTERIOR AREA FOR A STARBUCKS COFFEE RESTAURANT AND OUTDOOR SEATING AREA ON A 5.5 ACRE PARCEL, LOCATED ON ASSESSOR'S PARCEL NUMBER 051-240-014**

WHEREAS, the proposed project application for a Development Permit and Oak Resources Management Plan was submitted on May 20, 2024; and

WHEREAS, the proposed project application was routed to relevant County, State, and Federal agencies, California Native American Tribes, applicable stakeholder groups, property owners within 300-feet of the project site and other members of the public as public notice of the proposed action; and

WHEREAS, the County has prepared a project specific Draft Initial Study/Mitigated Negative Declaration (IS/MND) including a Mitigation Monitoring and Reporting Program (EIS24-0007) and circulated it for a 30-day public comment period from October 17, 2025 to November 17, 2025, and held a public hearing before the Planning Commission to recommend approval of the IS/MND; and

WHEREAS, on December 2, 2025, the Planning Commission held a duly noticed public hearing on the proposed Development Permit (DVP24-2) and Oak Resources Management Plan (MGT24-0011) (collectively "Project") in which the Planning Commission reviewed the proposed IS/MND together with all comments received during the public review period; and

WHEREAS, after reviewing and considering the proposed Project, the Planning Commission recommended by a 5-0 vote that the Board of Supervisors approve the Development Permit and Oak Resources Management Plan; and

WHEREAS, on February 17, 2026, the Nevada County Board of Supervisors, held a duly noticed public hearing on the proposed Project in which the Board of Supervisors made a \_\_\_\_\_ vote to approve the Development Permit (DVP24-2) and Oak Resources Management Plan (MGT24-0011) for APN: 051-240-014; and

WHEREAS, the Development Permit and Oak Resources Management Plan were determined to be consistent with the goals, objectives, policies, and implementation measures of the General Plan and the provisions of the Nevada County Code; and

WHEREAS, separate Resolutions of the Board of Supervisors adopted the Project's IS/MND (EIS24-0007) including a Mitigation Monitoring and Reporting Program, a separate Resolution of the Board of Supervisors adopted a General Plan Amendment of APN: 051-240-014 increasing the amount of land designated Neighborhood Commercial (NC) from approximately 1.9 acres to approximately 4.3 acres and decreasing the amount of land designated Industrial (IND) from approximately 3.6 acres to approximately 1.2 acres, and a separate Ordinance of the Board of Supervisors adopted a rezone of APN: 051-240-014 to increase the amount of land zoned C1-SP from approximately 1.9 acres to approximately 4.3 acres and decrease the amount of land zoned M1-SP from approximately 3.6 acres to approximately 1.2 acres; and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed Development Permit and Oak Resources Management Plan, all information and evidence submitted in favor and against the proposed Development Permit and Oak Resources Management Plan, and the complete record before it, has determined that a Development Permit and Oak Resources Management Plan should be approved.

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

- I. After reviewing and considering the proposed Development Permit application (DVP24-2), the Board of Supervisors hereby approves the proposed Development Permit to allow for development and operation of a 30,711-square-foot grocery store including an approximate 750 square-foot interior area for a Starbucks coffee restaurant and outdoor seating area on a 5.5 acre parcel, subject to the attached recommended Conditions of Approval and Mitigation Monitoring and Reporting Program and pursuant to the Nevada County Zoning Regulations, making findings A-L, shown below:
  - A. That this project as conditioned and mitigated is consistent with the General Plan goals, objectives, and policies, with the Neighborhood Commercial (NC) and Industrial (IND) General Plan land use map

designations applicable to this project, and the Penn Valley Area Plan; and

- B. The proposed use is allowed within and is consistent with the purpose of the C1-SP zoning district (within which the project is located), which allows for “Retail sales conducted indoors” with an approved Development Permit; and
- C. The proposed use and any facilities, as conditioned and mitigated, will meet all applicable provisions of the Zoning Regulations or a same practical effect of those provisions, including design and siting to meet the intent of the Site Development Standards and Resource Standards mitigating the impact of development on environmentally sensitive resources; and
- D. The design of proposed facilities, as conditioned and mitigated, is consistent with the intent of the design goals, standards, and elements of the Zoning Regulations, and will be compatible with the design of existing and anticipated future onsite uses and the uses of the nearby surrounding area including being consistent with the design standards outlined in the Western Nevada County Design Guidelines as refined by the Penn Valley Area Plan; and
- E. The site for the proposed use is adequate in size, shape, and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards, because the parcel is approximately 5.5-acres in size, and there is adequate space for the proposed facilities, including meeting impervious surface coverage and setback requirements; and
- F. The proposed use and facilities, as conditioned and mitigated, are compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area with the implementation of the conditions and mitigation measures; and
- G. Adequate provisions exist for water and sanitation for the proposed use as reviewed, conditioned, and mitigated by the Nevada County Department of Sanitation (sewer) and the Nevada Irrigation District (water); and
- H. Highways, streets, and roads on and near the site are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use, which has been determined by the

Department of Public Works, Office of the County Fire Marshal and Caltrans, and adequate provision has been made for project specific impacts and the cumulative effect traffic generated by the proposed use so that it will not create or add to an identified problem before construction of needed improvements for which a development fee has been established and imposed upon the project; and

- I. Adequate provisions have been made for emergency access to the site; and
  - J. Adequate public facilities and public services exist within the project area which will be available to serve the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare, including public roads, public utilities, and fire service; and
  - K. All feasible mitigation measures, as provided in Exhibit A, have been imposed upon the project; and
  - L. The conditions provided in Exhibit A are deemed necessary to protect the public health, safety, and general welfare.
- II. After reviewing and considering the proposed Oak Resources Management Plan application (MGT24-0011), the Board of Supervisors hereby approves the proposed Oak Resources Management Plan, prepared by Madrone Ecological Consulting (Biological Resources Assessment, May 2024) and Greg Matuzak Environmental Consulting, LLC, to allow removal of Landmark Groves and Landmark Trees, making findings A-B, shown below:
- A. That construction activities are proposed to occur within areas designated as Landmark Oak Groves and Landmark Oak Trees as identified in the Oak Resources Management Plan, resulting in a loss of oak tree resources. To address this impact, the applicant will be required to mitigate through payment into the in-lieu mitigation fund administered by the Bear Yuba Land Trust (BYLT). Based on the per acre mitigation fee for Landmark Groves and the separate mitigation fee for each DBH inch of Landmark Trees removed, the applicant's mitigation fee to be paid is approximately \$100,779; and
  - B. There are no feasible alternatives available as the project site contains a large area of Landmark Oak Groves and Landmark Oak Trees. The applicant is proposing to leave the eastern portion of the site undeveloped, which will result in three (3) of the eight (8) identified Landmark Oak Trees to remain on the site.

BE IT FURTHER RESOLVED that based on the foregoing findings, and the entire record before it, the Nevada County Board of Supervisors does hereby approve the Development Permit (DVP24-2) and Oak Resources Management Plan (MGT24-0011), to allow for development and operation of a 30,711-square-foot grocery store including an approximate 750 square-foot interior area for a Starbucks coffee restaurant and outdoor

seating area on a 5.5 acre parcel, located on Assessor's Parcel Number 051-240-014, subject to the attached conditions of approval.