



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

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

**A RESOLUTION APPROVING THE USE PERMIT (U11-008) AND RECLAMATION PLAN TO ALLOW FOR THE BOCA QUARRY EXPANSION PROJECT AND RECLAMATION PLAN MODIFICATION (RP11-001) TO INCREASE THE TOTAL AREA OF EXTRACTION/DISTURBANCE FROM 40-ACRES TO 158-ACRES AND THE AMOUNT OF EXTRACTION FROM APPROX. ANNUAL 100,000 TONS TO ONE MILLION TONS AND ESTABLISH A MAXIMUM PROJECT-LIFE EXTRACTION OF 17 MILLION TONS OVER 30-YEARS ON PORTIONS OF ASSESSOR'S PARCEL NUMBERS 048-090-012 & 048-200-003**

WHEREAS, the proposed Use Permit was submitted to the State Clearinghouse, Nevada County DPW-Roads, Nevada County Department of Environmental Health, Nevada County Counsel, Truckee Fire Protection District, Town of Truckee, Truckee Donner Public Utility District, Nevada County Office of the Fire Marshal, Northern Sierra Air Quality Management District, Department of Fish and Wildlife, Lahontan Regional Water Quality Control Board, CalTrans, United Auburn Indian Community of the Auburn Rancheria, Native American Heritage Commission, Washoe Tribe of Nevada and California, District V County Supervisor, all Planning Commissioners, all applicable local school districts, owners of property 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 Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program (EIR11-001) and circulated it for a 45-day public comment period from May 22, 2019 to July 8, 2019 and held a public hearing before the Planning Commission to solicit comments from agencies and the public on the adequacy of the Draft EIR; and

WHEREAS, on August 22, 2019, the Planning Commission held a duly noticed public hearing on the proposed Use Permit (U11-008) and Reclamation Plan (RP11-001) (collectively "Project") in which the Commission reviewed the proposed Final EIR 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 4-0, 1 absent vote that the Board of Supervisors approve the proposed Resolution approving the Use Permit and Reclamation Plan for the Project; and

WHEREAS, the Nevada County Board of Supervisors on October 8, 2019 held a duly noticed public hearing on the proposed Project; and

WHEREAS, separate Resolutions of the Board of Supervisors approved the Project's Final EIR (EIR11-001) based on the Findings of Fact and Statement of Overriding Considerations and MMRP, and a separate Ordinance of the Board of Supervisors adopting a project specific Development Agreement; and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed use permit and Reclamation Plan, all information and evidence submitted in favor and against the proposed Use Permit, and the complete record before it, has determined that a Use Permit and Reclamation Plan is now approved to allow for the Boca Quarry Expansion Project subject to the Conditions of Approval and Mitigation Measures provided within Exhibit A, Site Map provided in Exhibit B, and the modified Reclamation Plan provided in Exhibit C, attached herein and made a part of the project action.

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

- A. This project as conditioned and mitigated is consistent with the General Plan goals, objectives and policies applicable to this project site;
- B. The proposed use is allowed within and is consistent with the purpose of the FR -160-ME zoning district within which the project is located. Grading is allowed with an approved Conditional Use Permit;
- C. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Land Use and Development Code;
- D. The design of any facilities for the proposed use are consistent with the intent of the design goals, standards and elements of this Chapter and will be compatible with the design of existing and anticipated future on-site uses and the uses of the nearby surrounding uses;
- 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 will be compatible with the design of existing and anticipated future on-site uses and the uses of the nearby surrounding area compromising site development standards;
- F. The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood;
- G. Adequate provisions exist for water and sanitation for the proposed use;
- H. Interstate-80, a federal highway, Stampede Meadow Road a County and Town of Truckee maintained Minor Collector road, and West Hinton Road a USFS and Privately maintained road are adequate in size, width, and surface type to carry the quantity and kinds of traffic generated by this project;
- I. Adequate provisions exist for emergency access to the site;
- 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;
- K. All feasible mitigation measures have been imposed upon the project;
- L. The conditions listed are the minimum necessary to protect the public's health, safety and general welfare;
- M. The project with the certification of the EIR, implementation of Conditions of Approval and the approval of the Reclamation Plan complies with the provisions of SMARA and State regulations;
- N. The Reclamation Plan and potential use of reclaimed land pursuant to the Plan are consistent with the General Plan and the provisions of Section L-II 3.22 J;

- O. The Reclamation Plan complies with SMARA Sections 2772 and 2773, applicable requirements of State regulations (CCR §3500-3505, and §3700-3713), and any other applicable provisions;
- P. The Reclamation Plan has been reviewed pursuant to CEQA and the County's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible;
- Q. The Reclamation Plan minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations;
- R. The Reclamation Plan restores the mined lands to a usable condition that is readily adaptable for alternative land uses;
- S. The Reclamation Plan restores the mined lands to a condition that creates no danger to public health or safety;
- T. The land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources; and
- U. The Reclamation Plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses consistent with the General Plan.

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 Use Permit (U11-008) and Reclamation Plan (RP11-001) for APN 048-090-012 and 048-200-003 that will allow for the Boca Quarry to Expand to increase the total area of extraction/disturbance from 40-acres to 158-acres and the amount of extraction from an approximate annual 100,000 tons to up to one million tons and establish a maximum project-life extraction of 17 million tons over 30 years.