



RESOLUTION NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION OF THE COUNTY OF NEVADA CERTIFYING THE ADEQUACY OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE HOUSING ELEMENT REZONE PROGRAM IMPLEMENTATION PROJECT (SCH NO. 2009072070) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND MAKING CERTAIN FINDINGS CONCERNING ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND ALTERNATIVES TO THE PROJECT, ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, IN CONNECTION WITH APPROVAL OF THE SITE SPECIFIC GENERAL PLAN AND ZONING DISTRICT MAP AMENDMENTS CONTEMPLATED BY THE FINAL ENVIRONMENTAL IMPACT REPORT

WHEREAS, on May 10, 2010, the Board of Supervisors adopted the Nevada County 2009-2014 Housing Element update (Resolution 10-202) which contained two Programs that required the County to rezone sufficient lands to accommodate for an unmet Regional Housing Need of 1,270-units; and

WHEREAS, on July 1, 2010, the State of California Department of Housing and Community Development certified the Nevada County 2009-2014 Housing Element update finding the County must complete the required rezoning by August 30, 2010; and

WHEREAS, the County of Nevada is the Lead Agency pursuant to Public Resources Code Section 21067, as it has principal and legislative authority to approve General Plan Land Use Map and Zoning District Map amendments; and

WHEREAS, based on the nature of the Project, including the potential for new significant environmental impacts as a result of the proposed Project, the County determined that an Environmental Impact Report (EIR) was required for the Project foregoing the preparation of individual site specific initial study documents; and

WHEREAS, after going through the Request for Proposal process, the County exercised its independent judgment in accordance with Public Resources Code Section 20182.1(c), in retaining the independent consulting firm RBF Consulting to prepare the Final Environmental Impact Report, and RBF Consulting prepared the Final EIR under the supervision and direction of the Planning Department and Community Development agency; and

WHEREAS, on September 21, 2012, the County, as Lead Agency, published a Notice of Preparation (NOP) of an EIR for the proposed Project; and

WHEREAS, the NOP provided notice of the County's determination, and solicited public input on the proposed scope and content of the EIR for the proposed Project; and

WHEREAS, the County, through RBF Consulting, prepared the Draft EIR and circulated it for review by responsible and trustee agencies, the public and submitted it to the State Clearinghouse for review and comment by State agencies, for a comment period that ran from September 12, 2013 to November 12, 2013 (60-days). The Final EIR includes the Draft EIR, copies of all comments on the Draft EIR submitted during the comment period, the County's response to those comments, and changes made to the Draft EIR following its public circulation; and

WHEREAS, during the 60-day public comment period, the County hosted four public meetings to take public comment and answer Project specific questions, including a duly noticed public hearing at the Nevada County Planning Commission on October 10, 2013, and three publicly noticed town hall style meetings in the impacted jurisdictions including at the Veteran's Hall in the City of Grass Valley on October 24, 2013, at the Higgins Lions Community Center in the Lake of the Pines Area on October 28, 2013 and the Seventh Day Adventist Church in Penn Valley on October 29, 2013; and

WHEREAS, during the 60-day public comment period the County received 131 letters and numerous public testimonials; and

WHEREAS, RBF Consulting, with direction and guidance from the County prepared written responses to all written comments received on the Draft EIR, said responses being contained in the Final Environmental Impact Report (FEIR) for the proposed Project, which the FEIR was prepared pursuant to Section 15089 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, on June 24, 2014, the Board of Supervisors adopted the Nevada County 2014-2019 Housing Element update (Resolution 14-319). This update included a single Program that required the County to rezone sufficient lands to accommodate for an unmet Regional Housing Need of 699-units; a reduction of 571-units; and

WHEREAS, on July 17, 2014, the State of California Department of Housing and Community Development conditionally certified the Nevada County 2014-2019 Housing Element update finding that the County must complete the required rezoning to provide adequate zoning for 699-units by June 30, 2015 in order for the Element to remain in compliance; and

WHEREAS, after receiving certification for the State, the County determined that the original Draft EIR was sufficient for implementing the revised rezone Project, and that it was unnecessary to completely overhaul the document to reflect that the rezoning requirement was now 699-units instead of 1,270-units as this change was a reduction in the overall intensity of the Project; and

WHEREAS, the FEIR was published and distributed on September 19, 2014, and consists of the Draft EIR, a list of commenters and copies of all written comments received, responses to those comments that raised environmental issues, and any revisions to the text of the Draft EIR made in response to the comments or as staff-initiated changes, as required by Section 15132 of the CEQA Guidelines; and

WHEREAS, the County proposes to approve and adopt the proposed General Plan Land Use Map and Zoning District Map Amendments for a finite number of the selected rezone candidate sites as analyzed by the FEIR; and

WHEREAS, recommendation of certification of the FEIR and approval of the proposed Project were scheduled for hearing before the Planning Commission on August 27, 2015, in the Board of Supervisors Chambers located at 950 Maidu Avenue, Nevada City, California, at which date and time evidence both oral and documentary was received and considered by the Planning Commission; and

WHEREAS, a recommendation of certification of the FEIR and approval of the proposed Project was made by the Planning Commission on August 27, 2015, to the Board of Supervisors on a vote of 3-1, 1 recusal; and

WHEREAS, certification of the FEIR and approval of the proposed Project were scheduled for hearing by the Board of Supervisors on October 27, 2015, in the Board of Supervisors Chambers located at 950 Maidu Avenue, Nevada City, California at which date and time evidence both oral and documentary was received and considered by the Board; and

WHEREAS, the County Planning Commission and the Board of Supervisors have received and considered the FEIR for the proposed Housing Element Rezone Program Implementation Project (SCH. NO. 2009072070) which analyzes the potential environmental effects of the proposed Project; and

WHEREAS, the County Planning Commission recommended the Board of Supervisors certify the EIR and adopt the Findings set forth in Exhibit "A" attached hereto; and

WHEREAS, CEQA requires that, in connection with the certification of a FEIR, the decision-making agency make certain written findings.

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

1. The above recitals are true and correct.
2. The FEIR has been completed in compliance with CEQA.
3. The FEIR has been presented to the Board of Supervisors and the Board has reviewed and analyzed the FEIR and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearing on the FEIR.
4. That the Findings set forth in Exhibit "A" and incorporated by this reference are hereby adopted as the County's findings under the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000, et. seq., and the CEQA Guidelines, Title 13, sec. 15000, et. seq., relating to the Project. The Findings provide the written analysis and conclusions of the Board regarding the Project's environmental impacts, mitigation measures and alternatives to the Project.
5. That pursuant to Public Resources Code Section 21091 and CEQA Guidelines Sections 15091, et. seq., the Board of Supervisors hereby adopts and makes the Statement of Considerations as set forth in Section V of Exhibit "A" attached hereto and incorporated by this reference, regarding the remaining significance and unavoidable impacts of the Project and the anticipated environmental, economic, legal, social, technological, and other benefits of the Project. The significant and unavoidable impacts identified in the FEIR cannot be avoided or substantially reduced by feasible changes or alterations to the Project, other than the changes or alterations already adopted.
6. The Mitigation Monitoring and Reporting Program (MMRP) for the FEIR is contained in the FEIR and is attached to this resolution as Exhibit "B", incorporated by reference. The MMRP identifies impacts of the Project, corresponding mitigation, which candidate rezone site each mitigation measure applies too, designation of responsibility for mitigation implementation, and the agency responsible for monitoring the action. The Board hereby adopts the MMRP.

7. The FEIR contains additions, clarifications, modifications and other information in its responses to comments on the Draft EIR for the Project and also incorporates information obtained by the County since the Draft EIR was issued. The Board hereby finds and determines that such changes and additional information are not significant new information as that term is defined under the provisions of CEQA, because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the proposed Project and do not reflect any substantial increase in the severity of any environmental impact; no feasible mitigation measure considerably different from those previously analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the proposed project. Accordingly, this Board hereby finds and determines that recirculation of the FEIR for further public review and comment is not warranted.
8. The Board of Supervisors does hereby designate the Planning Department at 950 Maidu Avenue, Nevada City, California 95959 as the custodian of documents and record of proceedings on which this decision is based.
9. The Board of Supervisors does hereby make the foregoing findings with the stipulations that all information in these findings is intended as a summary of the full administrative record supporting certification of the FEIR, which the full administrative record should be consulted for the full details supporting these findings, and that any mitigation measures and/or alternatives that were suggested by commenters to the Draft EIR and were not certified as part of the FEIR are hereby expressly rejected for the reasons stated in the responses to the comments set forth in the FEIR and elsewhere in the record.
10. The FEIR and all findings contained herein represent the independent judgment of the County of Nevada; and

BE IT FURTHER RESOLVED by the Board of Supervisors that it hereby certifies the Final Environmental Impact Report for the Housing Element Rezone Program Implementation project (SCH No. 2009072070), a copy of which is available in the Office of the County Clerk of the Board of Supervisors.