



RESOLUTION NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

A RESOLUTION TO DENY THE APPEAL FILED BY DONALD B. MOONEY ON BEHALF OF FRIENDS OF PROSSER TRUCKEE AND TO UPHOLD WITH MODIFICATIONS THE DECISION OF THE PLANNING COMMISSION TO ADOPT A MITIGATED NEGATIVE DECLARATION (EIS24-0004) AND APPROVE A CONDITIONAL USE PERMIT (CUP23-0004) FOR THE CONSTRUCTION AND OPERATION OF A MIXED-USE DEVELOPMENT INCLUDING A FORESTRY MANAGEMENT AND MATERIAL PROCESSING FACILITY SUPPORTED BY A WOOD FIRED BOILER AND ASSOCIATED STRUCTURES AND SIX RESIDENTIAL DWELLING UNITS FOR STATE-REGULATED EMPLOYEE HOUSING IN THREE DUPLEXES LOCATED AT 10375 SILVERADO WAY, TRUCKEE, APN 016-530-031

WHEREAS, on April 25, 2023, David Mercer, Managing Member, Hundred Acre Wood, LLC submitted an application for a Conditional Use Permit to construct a management and material processing facility and six residential dwelling units for State-Regulated Employee Housing (Project) at 10375 Silverado Way, Truckee; and

WHEREAS, on August 8, 2024, the Planning Commission heard the Project and received public testimony and approved a Mitigated Negative Declaration and Conditional Use Permit for the construction of the Project on a 5-0 vote; and

WHEREAS, approval of the Project was conditioned and mitigated to comply with the County's Zoning Ordinance and to ensure less than significant impacts to all environmental issues pursuant to the California Environmental Quality Act Sections 15073.5(c)(1), 15074 and 15097; and

WHEREAS, the Project was found consistent for approval under Conditional Use Permit for natural resource development and processing facilities pursuant to Nevada County Code Section 12.05.060 Use Permits; and

WHEREAS, pursuant to Nevada County Code Section 12.05.120 Appeals of the Nevada County's Zoning Ordinance any decision of the Planning Commission may be appealed within 10 days after the date of the decision; and

WHEREAS, on August 16, 2024, Donald B. Mooney on behalf of Friends of Prosser Truckee, "Appellant" filed a timely appeal of the Planning Commission's August 8, 2024, conditional approval of the Mitigated Negative Declaration and Use Permit; and

WHEREAS, on September 10th, the Board of Supervisors accepted the appeal filed by Mr. Donald B. Mooney on behalf of Friends of Prosser Truckee and set the appeal hearing for October 8, 2024; and

WHEREAS, on October 8, 2024, the Board of Supervisors held a duly noticed public hearing at which the Board considered all evidence both oral and written regarding the appeal and denied the

appeal, upholding that the decision of the Planning Commission to approve the Mitigated Negative Declaration and Conditional Use Permit with Conditions of Approval and the Mitigation Monitoring & Reporting Plan (MMRP) for the Project; and

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

1. The facts set forth above are true and correct.
2. The proposed Project is consistent with the intent of the goals, standards, and elements of the County's General Plan and Zoning Ordinance.
3. There is no substantial evidence in the whole record (including but not limited to the Initial Study / Mitigated Negative Declaration, the Conditions of Approval & MMRP dated August 12, 2024, all written evidence and testimony provided to the Board of Supervisors and Planning Commission by County staff, members of the public, the Project applicant, and appellant) supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment. Pursuant to Section 15073.5 of the California Environmental Quality Act Guidelines, recirculation of the project specific Initial Study / Mitigated Negative Declaration (EIS24-0004) is not required because of the modified Mitigation Measure 13.B and added clarification in Public Service Section, as these minor language changes provide clarification of the intent of the original requirements for the project.
4. The Initial Study / Mitigated Negative Declaration reflects the County's independent judgment and analysis.
5. Adequate facilities and 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 utility service and fire protection.
6. The conditions provided in the Project Conditions of Approval and MMRP dated August 12, 2024, as modified by the Board of Supervisors including ongoing maintenance of the vegetation at Klondike Flat and State Highway 89 intersection and the construction of an earthen berm along Klondike Flat, are deemed necessary to protect the public health, safety, and general welfare.
7. The location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby denies the appeal filed by Donald B. Mooney on behalf of Friends of Prosser Truckee and upholds with modifications the decision of the Planning Commission to approve a Mitigated Negative Declaration (EIS24-0004) and Conditional Use Permit (CUP23-0004) to construct a management and material processing facility and six residential dwelling units for State-Regulated Employee Housing based on the findings as set forth herein and adoption of the Conditions of Approval and MMRP dated August 12, 2024 as modified by the Board of Supervisors.