



RESOLUTION NO. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING THE OAK TREE MANAGEMENT PLAN (MGT14-003) AND THE USE PERMIT (U13-008) TO ALLOW FOR THE EXPANSION OF EXISTING FOREST SPRINGS MOBILEHOME PARK COMMUNITY BY 62-UNITS ON A 21.62-ACRE PORTION OF ASSESSOR'S PARCEL 23-230-23

WHEREAS, Forest Springs, LLC. has elected to pursue a General Plan Amendment (GP13-004) in connection with a site specific rezone (Z13-006), Oak Tree Management Plan (MGT14-003), and Use Permit (U13-008) to facilitate future Mobilehome Park and open space uses on the Site; and

WHEREAS, the proposed Use Permit was submitted to the State Clearinghouse, Nevada County DPW-Roads and Sanitation and Transit Services, Nevada County Department of Environmental Health, Nevada County County Counsel, Nevada County Sheriff's Department, Local Area Formation Commission, Nevada Irrigation District, Nevada County Consolidated Fire Protection District, Nevada County Office of the Fire Marshal, Northern Sierra Air Quality Management District, Department of Fish and Wildlife, Central Valley Water Quality Control Board, Rural Quality Coalition, CalTrans, United Auburn Indian Community of the Auburn Rancheria, Native American Heritage Commission, the County Supervisors of District II and III, the Planning Commissioners, and owners of property within 300 feet of the project site, as public notice of the proposed action was sent to the applicable local school districts; and

WHEREAS, an Oak Tree Management Plan has been prepared that accompanies the proposed Use Permit in accordance with Section L-II 4.3.3.C of the Land Use and Development Code to mitigate potential biological impacts to a 5-acre Landmark Oak Grove and two Landmark Oak Trees as a result of this project (Exhibit A); and

WHEREAS, the County has prepared a project specific Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (EIS13-017) and circulated it for a 30-day public comment period from September 8, 2014 to October 8, 2014, which was revised and recirculated for public comment between January 6, 2015 to February 7, 2015; and

WHEREAS, on October 23, 2014, the Planning Commission held a duly noticed public hearing on the proposed General Plan Land Use Map designation amendment (GP13-004), site specific rezone (Z13-006), Oak Tree Management Plan (MGT14-003), and Use Permit (U13-008) (collectively "Project") in which the Commission reviewed the proposed IS/MND together with all comments received during the public review period, and continued the consideration of 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 project's storm drainage design and an inventory of oaks to be removed for the construction of the drainage swale; and

WHEREAS, on February 12, 2015, the Planning Commission held a duly noticed public hearing on the proposed project, as revised; 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 proposed Resolution approving the Management Plan and the Use Permit for a 62-unit age-restrict (55 and over) Mobilehome Park which will expand the existing Forest Springs Mobilehome Community at this site; and

WHEREAS, the Nevada County Board of Supervisors on March 10, 2015 held a duly noticed public hearing on the proposed Project; and

WHEREAS, separate Resolutions of the Board of Supervisors approved the Project's Mitigated Negative Declaration (EIS13-017), General Plan Amendment (GP13-004), and a separate Ordinance of the Board of Supervisors adopted site specific rezoning associated with the Project (Z13-006); and

WHEREAS, the Board of Supervisors, after reviewing and considering the recommendations of the Nevada County Planning Commission regarding the proposed use permit, 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 is now approved to allow for the development of the site as a Mobilehome Park subject to the Conditions of Approval and Mitigation Measures provided within Exhibit B, 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. That the project is consistent with the Goals and Policies of the Nevada County General Plan, and specifically with the General Plan Land Use Maps, including the Residential land use designation;
- B. That the proposed Mobilehome Park is considered an allowed use, subject to the approval of a use permit, and is consistent with the purposes of the Multi-Family Medium Density District, and the Mobilehome Parks and Planning Development Combining Districts, which this project site located;
- C. That the proposed Management Plan (MGT14-003) (Exhibit A) will provide for adequate protection of the 5-acre Landmark Oak Grove, including provisions for replanting lost oak trees;
- C. That the design of the proposed Mobilehome Park meets all required setbacks, parking, open space and other development standards required by Chapter II of the Nevada County Land Use and Development Code;
- D. That the proposed Mobilehome Park is consistent with the intent and design goals, which will ensure the future project will be compatible with both the surrounding areas;
- E. That the 21.62-acre project site, which is a portion of the 116-acre Assessor's Parcel (APN 23-230-23), is adequate in size and shape to accommodate the proposed Mobilehome Park expansion, without compromising the Nevada County site development standards;
- F. That adequate public services exist within the project area and are available to serve the project, including treated public water from the Nevada Irrigation District, and adequate onsite small-community wastewater disposal systems that are permitted through the Waste Discharge Requirements program which is administered by the Central Valley Regional Water Quality Control Board;
- H. That the proposed Mobilehome Park will not adversely impact La Barr Meadows Road and State Route 49, which are not required to be improved, and will be adequate in width and pavement type to carry the quantity and kinds of traffic generated by this use;

- I. That adequate public services exist within the project area and are 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;
- J. That all feasible mitigation measures and Condition of Approval (Exhibit B) have been imposed upon the project to offset the impacts this project may have on aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise, and utilities and service systems and the applicant has agreed with those measures; and
- K. That based on the comments received and conditions applied from the Nevada County Departments of Public Works, Planning, Environmental Health, the Office of the Fire Marshal, and the Nevada County Consolidated Fire District, Central Valley Regional Water Quality Control Board, Department of Fish and Wildlife, and the Nevada Irrigation District, adequate public services exist in the immediate area to support the project including adequate roads, fire flow, wastewater disposal, protection of biological resources, domestic water service; and
- L. That the conditions listed are the minimum necessary to protect the public health, safety and general welfare.

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 a the Oak Tree Management Plan (MGT14-003) and the Use Permit (U13-008) for APN 23-230-23 that will allow for the development of a Mobilehome Park to expand the existing Forest Springs Mobilehome Park Community by 62 age-restricted (55 and over) units.