



## **RESOLUTION No. \_\_\_\_\_**

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

**RESOLUTION APPROVING THE PETITION FOR EXCEPTIONS TO ROAD STANDARDS (PFX21-0006) AND CONDITIONAL USE PERMIT (CUP21-0005) TO ALLOW FOR THE 49ER SELF-STORAGE PROJECT TO INCLUDE THE DEVELOPMENT AND OPERATION OF 17 PERMANENT BUILDINGS AND 7 STORAGE CONTAINERS, AS WELL AS THE APPROVAL OF THE EXISTING AUTOMOTIVE REPAIR FACILITY LOCATED ON ASSESSOR'S PARCEL NUMBER 025-220-054.**

WHEREAS, the proposed project application was submitted 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) and Mitigation Monitoring and Reporting Program (EIS22-0003) and circulated it for a 31-day public comment period from April 8, 2022 to May 9, 2022 and held a public hearing before the Planning Commission to recommend approval of the IS/MND; and

WHEREAS, on May 26, 2022, the Planning Commission held a duly noticed public hearing on the proposed Petition for Exceptions to Road Standards (PFX21-0005) and Conditional Use Permit (CUP21-0003) (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 40- (1 absent) vote that the Board of Supervisors approve the proposed Resolution approving the Use Permit and Petition for Exceptions to Road Standards for the Project; and

WHEREAS, the Nevada County Board of Supervisors on June 28, 2022 held a duly noticed public hearing on the proposed Project; and

WHEREAS, separate Resolutions of the Board of Supervisors adopted the Project's IS/MND (EIS22-0003) and MMRP, and a separate Ordinance of the Board of Supervisors adopting a rezone of APN: 025-220-054 from Commercial Highway (CH) to Neighborhood Commercial (C1); 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 Conditional Use Permit, and the complete record before it, has determined that a Use Permit and Petition for Exceptions to Road Standards is now approved to allow for the 49er Self-Storage and Auto Repair Facility Project subject to the Conditions of Approval and Mitigation Measures provided within Exhibit A and Site Map provided in 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 CH land use designations; and
- B. That the proposed self-storage facility and automotive repair facility is considered an allowed use, subject to the approval of a use permit, and is consistent with the purposes of the C1 zoning district, in which this project site would be located; and
- C. That the uses and facilities, existing, proposed and as conditioned, will meet all applicable provisions of the Land Use and Development Code or a same practical effect of those provisions, including design and siting to meet the intent of the Site Development Standards mitigating development impact on environmentally sensitive resources; and
- D. That the proposed improvements are consistent with the intent and design goals of the County General Plan and Zoning Ordinance, which will ensure the future project will be compatible with the surrounding areas; and
- E. That the site is adequate in size, shape and location to accommodate the proposed project and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising Nevada County site development standards; and
- F. That the uses and facilities, existing, proposed and as conditioned, 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; and
- G. That adequate provisions exist for water and sanitation for the proposed use; and
- H. That adequate provisions exist for emergency access to the site as conditioned by the Nevada County Consolidated Fire District and Nevada County Fire Marshal; and
- I. That based on the comments received and conditions applied from the Nevada County Departments of Public Works, Planning, Environmental Health, Building Department and the Nevada County Consolidated Fire District, adequate public services exist in the immediate area to support the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare; and
- J. That all feasible Mitigation Measures and Conditions of Approval (Attachment 1) have been imposed upon the project to offset the impacts this project may have on aesthetics, agriculture/forestry resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas emissions, hydrology/water quality, noise, tribal cultural resources, and utilities/service systems, and the applicant has agreed to those measures; and
- K. That the conditions listed are the minimum necessary to protect the public health, safety and general welfare; and

- L. That there are special circumstances or conditions affecting said property requiring a Petition for Exception to Road Standards and both the Nevada County Department of Public Works and Nevada County Consolidated Fire District are supportive of the Petition for Exception as proposed;
- M. That the exception is necessary for the preservation of a substantial property right of the petitioner;
- N. That the granting of the exception will not be detrimental or injurious to other property in the territory in which said property is located;
- O. That the granting of the exceptions will not constitute a grant of special privileges inconsistent with the limitations upon similar properties.

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 Petition for Exceptions to Road Standards (PFX21-0005) Conditional Use Permit (CUP21-0003) to allow for the development and operation of 17 permanent buildings and 7 storage containers, as well as the approval of an existing automotive repair facility located on assessor's parcel number 025-220-054.