



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING THE CONDITIONAL USE PERMIT (CUP21-0006) TO ALLOW FOR THE DEVELOPMENT AND OPERATION OF A 6-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT CONTAINING SIX (6) ONE-BEDROOM APARTMENTS (FILE NOs. PLN21-0311; RZN21-0004; CUP21-0006; EIS22-0009) LOCATED ON ASSESSOR'S PARCEL NUMBER 004-140-067

WHEREAS, the proposed project application was submitted to relevant County, State, and Federal agencies, California Native American Tribes, applicable stakeholder groups, property owners within 500-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 (EIS22-0009) and circulated it for a 31-day public comment period from September 23, 2022 to October 24, 2022 and held a public hearing before the Planning Commission to recommend approval of the IS/MND; and

WHEREAS, on November 10, 2022, the Planning Commission held a duly noticed public hearing on the proposed Conditional Use Permit (CUP21-0006) (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 3-0 vote that the Board of Supervisors approve the proposed Resolution denying the Use Permit and the applicant redesigned the project proposal to address the Planning Commission concerns; and

WHEREAS, the Nevada County Board of Supervisors on January 24, 2023 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 (EIS22-0009) and MMRP, and a separate Ordinance of the Board of Supervisors adopting a rezone of APN: 004-140-067 from RA-3-PD to RA-1.5; 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 Conditional Use Permit, and the complete record before it, has determined that a Use Permit is now approved to allow for the Ranch House Project subject to the Conditions of Approval and Mitigation Measures provided within Exhibit A and Site Map provided in Exhibit A, 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 RA land use designations; and

- B. That the proposed multifamily residential development is considered an allowed use, subject to the approval of a use permit, and is consistent with the purposes of the RA-1.5 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 (Exhibit B.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

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 Conditional Use Permit (CUP21-0006) to allow for the development and operation of a 6-unit multifamily residential development containing six (6) one-bedroom apartments on the site located on assessor's parcel number 004-140-067.