



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

**950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9851 <http://mynevadacounty.com>**

Sean Powers
Community Development Agency Director

Brian Foss
Planning Director

**NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo**

MEETING DATE: May 23, 2017

TO: Board of Supervisors

FROM: Brian Foss, Planning Director

SUBJECT: Consideration of the Nevada County Planning Commission's April 27, 2017, recommendation (5-0 vote) on the proposed Ananda Village Comprehensive Master Plan (CMP) Project to: 1) adopt the Mitigated Negative Declaration (EIS15-003) for the project; 2) approve the Zoning District Map Amendments (Z15-001) to alter the boundaries of the existing Rajarshi Park PD-SP zone and the existing Village Center C1-PD-SP zone, and to rezone 1.16 acres of AG-PD-SP zoning to PD-SP adjacent to the existing Village Center; and 3) approve the Development Agreement (MIS16-0009) between the County and applicant.

RECOMMENDATION:

I. Environmental Action:

- A. Approve the attached Resolution adopting a Mitigated Negative Declaration (EIS15-003) for the proposed Zoning District Map Amendments (Z15-001) and Development Agreement (MIS16-0009) for the Ananda Village project, based on the findings contained in the Resolution (*Attachment 1*).

II. Legislative Actions:

- A. Approve the attached Ordinance amending Zoning District Map 049 within Ananda Village, to 1) Amend the boundaries of the Planned Development-Site Performance (PD-SP) zone on Assessor's Parcel Number (APN) 61-180-03, located in Rajarshi Park at 18100 Rajarshi Drive, Nevada City, to better fit existing development, retaining the existing approved size of the zone (9 acres) under Z89-025 and U89-059; 2) Amend the boundaries of the Neighborhood Commercial-PD-SP (C1-PD-SP) zone on APNs 61-170-16 and 61-170-32, located in the Village Center at 16915 Village Drive, to correct a mapping error and align the zoning with existing approvals under Z89-025 and U89-059; and 3) Rezone 1.16 acres on APN 61-170-16, located immediately east

of the Village Center at 14029 Brotherhood Way, Nevada City, from Agricultural-PD-SP (AG-PD-SP) to PD-SP (*Attachment 2*).

- B. Approve the attached Ordinance approving a Development Agreement (MIS16-0009) between the County of Nevada and Ananda Church of Self-Realization of Nevada County for the 706-acre Ananda Village Comprehensive Master Plan located at 14618 Tyler Foote Road, Nevada City (*Attachment 3*).

FUNDING: No budget amendments are required.

ATTACHMENTS:

1. Resolution: Initial Study/Mitigated Negative Declaration (EIS15-003)
2. Ordinance: Zoning District Map Amendments (Z15-001)
3. Ordinance: Development Agreement (MIS16-0009)
4. April 27, 2017, Planning Commission Staff Report, with Conditions of Approval and Mitigation Measures; Vicinity, Zoning & Public Notice Map; Comprehensive Master Plan Map and Residential Site Map
5. April 27, 2017, Planning Commission Draft Meeting Minutes
6. Initial Study public comments
7. Zoning District Map Amendment Aerials

BACKGROUND:

Ananda Village is comprised of 17 adjoining parcels totaling 706 acres on the San Juan Ridge. Access to the site is from Tyler Foote Crossing Road approximately five miles east of State Route 49. Ananda Village is largely self-contained with its wide mix of uses, including residential, commercial, office, school, church, agricultural, open space, and recreational. Because the Village is open to the public during regular business hours, it also functions as a social, spiritual, and recreational hub for the San Juan Ridge community. Many of the commercial and spiritual offerings—such as the Expanding Light Retreat, Spiritual Renewal Week, the tulip garden open house—also act as community economic generators, drawing visitors from a broad geographic area.

The Ananda community was established on the project site in the late 1960s, with the first Master Plan approved in 1978 for 180 residents, 150 guests, and 4 special events per year, on 585 acres. Over the following years, Ananda added several features to the village through a series of amended Use Permits and General Plan Amendments, including a temple, kitchen, dining hall, additional residential clusters, a meditation retreat, staff housing, and school facilities. Ananda Village currently operates as a Planned Development under the approved 1990 Comprehensive Master Plan (CMP) Use Permit (U89-059) which allows 87 units on 620 acres and a variety of non-residential uses including commercial and industrial. The General Plan designation, however, has since been updated to provide for a residential density of 195 units on 683 acres, 6 acres of commercial, and 17 acres of planned development uses. Because the CMP was not simultaneously updated with the General Plan updates, the previous CMP approval of 87 single-family dwelling units remains in place.

The current Ananda Village CMP Update (U15-002) seeks to bring the CMP residential density into conformance with the General Plan density, allow for the development of approximately 47,000 square feet of new non-residential uses (30,000 square feet of new worship and guest retreat facilities at the Expanding Light Retreat, and 17,000 square feet

of new office, commercial, and maintenance uses in the Rajarshi Park business park area and Village Center), and allow continued events in the Village. A Petition for Exception to Road Standards (MI15-005), Wetland Habitat Management Plan (MGT15-004), Oak Habitat Management Plan (MGT15-005), Steep Slopes Management Plan (MGT17-00004), and two Lot Line Adjustments (LLA16-0014 and 16-0008) are additional project entitlements needed in order to conform with the County's development and resource protection standards. All new development would be served by a community water system and community septic systems, and project mitigation includes an adaptive groundwater management program to monitor and manage water supply and demand as the project builds out. Secondary access for new development would be provided from Almora Way to Sages Road.

On April 27, 2017, the Nevada County Planning Commission held a duly noticed public hearing to consider the proposed project. Many members of the public, including residents and neighbors of Ananda, expressed support of the project. Some expressed concerns and requested additional time to review the project and more information on the project's impacts related to cultural resources, traffic, fire danger, groundwater pumping, and the spread of Scotch broom (*Attachment 5*). Staff addressed these concerns during the staff presentation and the public comment portion of the hearing. After hearing public testimony and staff's responses, the Planning Commission approved the non-legislative entitlements for the Ananda Village CMP, and adopted an IS/MND for the proposed project (EIS15-003) and IS/MND for the previously approved school uses (EIS08-009). These entitlements are contingent on the approval of the associated Zoning District Map Amendments and Development Agreement, which the Board is taking action on today. The Planning Commission voted 5-0 to recommend approval of these legislative actions to the Board.

PROJECT ANALYSIS:

Environmental Review: The Planning Department prepared a draft Initial Study and Mitigated Negative Declaration (IS/MND) for the proposed project. The IS/MND was circulated for public distribution for a period of 30 days through the State Clearinghouse, from March 13 to April 11, 2017. No comments regarding the Zoning District Map Amendments or Development Agreement were received. Two standard form letters were received from the Regional Water Board and United Auburn Indian Community (UAIC) (*Attachment 6*). Staff had twice sent the UAIC the requested cultural resources reports and attempted to coordinate with UAIC representatives to conduct a site visit, but UAIC did not respond. No changes to the IS/MND are needed as a result of public comments.

Staff made minor modifications to the IS/MND after it was circulated and before the Planning Commission hearing to provide clarifications on two points. These are discussed in the Planning Commission staff report (*Attachment 4*) and shown in the Initial Study (*Attachment 1*). They did not result in any new significant impacts or revised analysis, but served to clarify the IS/MND and enhance implementation of the mitigation measures. No recirculation was therefore needed.

Typical construction impacts can be mitigated by the application of standard measures such as dust and erosion control, pre-construction nesting surveys, and appropriate disposal of construction waste. Other environmental impacts are addressed through the project's resource management plans (wetland, oak habitat, and steep slope). The project would impact up to 35.5 acres of landmark oak groves, but would provide 54 acres of

dedicated oak habitat enhancement area (13 acres more than required with the applied mitigation ratios). Environmental impacts related to viewsheds, California red-legged frogs, groundwater supply, traffic, noise, air quality and greenhouse gases, and fire safety required site-specific mitigation. All impacts would be mitigated to a less than significant level with the mitigation measures outlined in the IS/MND. Staff therefore recommends the adoption of an MND for the Zoning District Map Amendments and Development Agreement.

Zoning District Map Amendments: The proposed Zoning District Map Amendments include both applicant-proposed modifications and County-initiated corrections necessary to rectify County mapping errors. Ananda's zoning districts, originally approved with their 1990 Master Plan, were modified at some point after the original approvals without an enacting Ordinance or other approval of the County. These modifications were likely a result of staff mapping errors during the Countywide rezoning that followed the 1995 General Plan Update. The PD-SP zone covering Rajarshi Park was shifted to the south and reduced in size from the approved 9 acres to 6 acres. The C1-PD-SP zone covering the Village Center was reconfigured, shifted to the south, and reduced in size from the approved 3 acres to 1.5 acres.

The proposed rezone for Rajarshi Park would alter the boundaries of the existing PD-SP zoning area to better fit the existing and proposed development areas and would increase the PD-SP size to the area already approved in the 1990 Master Plan. These would not increase the previously approved 9-acre size and would fit the existing disturbed area better, resulting in a beneficial environmental impact.

The proposed Village Center rezone would revert the C1-PD-SP boundaries back to their approved location and configuration as approved in the 1990 Master Plan, and within which all existing Village Center commercial development is located. Correcting the C1-PD-SP zoning is a necessary remedy for a County error, and will result in consistency with approved zoning and development.

Ananda is requesting to rezone 1.16 acres of AG-PD-SP adjacent to the Village Center to PD-SP in order to accommodate existing and planned development that consists of maintenance and equipment storage areas, recycling and solid waste storage, and vehicle repair. The proposed rezone is consistent with the existing General Plan designations on the site, which allow up to 17 acres of PD-SP (there would be 10.1 acres of PD-SP with the requested rezone). The new 1.16-acre PD-SP area would also not result in substantial new disturbance because it would encompass an existing disturbed area.

The proposed Zoning District Map Amendments would align the zoning with existing use areas and approvals (*Attachment 7*). Staff therefore recommends that the Board of Supervisors approve the proposed Zoning District Map Amendments.

Development Agreement: A Development Agreement is a contract between a developer and lead agency that offers certainty to the developer and benefits to both the public and developer. Given that 85 units have been constructed in Ananda's 50-year history, it is evident that Ananda Village has a slow growth rate compared with typical Nevada County subdivisions. The proposed Development Agreement therefore includes an extended development timeline of 15 years with the potential for two 5-year extensions. Also proposed are customized sewage disposal inspection fees and a customized administrative process for future development consistent with the CMP: residential units

would be constructed with building permits, and non-residential structures would require an Administrative Development Permit to ensure that detailed landscaping, lighting, signage, parking, and utility plans are reviewed by the County prior to development. Benefits to the public provided by the applicant include the following:

- Provision of a fire engine garage or other fire protection benefit reasonably satisfactory to the North San Juan Fire Protection District;
- The maintenance of fire protection and preparedness features onsite such as defensible space, a helicopter landing site, and water storage;
- Maintenance of the Village Center as a Red Cross emergency center;
- Construction of an emergency access route prior to any residential development;
- Offer of an easement to neighbors to reroute Sages road north of the intersection of Salmon Mine Road to allow an alignment that meets Fire Safe Standards;
- Offer of 54 acres of open space preserve managed for oak woodland habitat; and
- Maintenance of a recycling drop-off point for the community.

The Development Agreement meets the criteria set forth in Land Use and Development Code (LUDC) Sec. L-II 5.18, which requires specific information in the Agreement pertaining to the duration of the agreement, the permitted uses of the property, the reservation of land for public purposes, and provisions for a tiered amendment review procedure for minor and major changes. The Development Agreement complies with the goals, objectives, policies and applicable land use designations of the Nevada County General Plan, including open space and fire safety policies. It is in the public interest to enter into the Development Agreement with the benefits offered, and it will not adversely affect the persons residing or working in the surrounding area. Staff therefore supports the Development Agreement and recommends its approval.

Summary: The proposed project will conform to all of the applicable development standards set forth in the Land Use and Development Code, and the project is consistent with the Nevada County General Plan. The project has been reviewed by multiple agencies and each of those commenting agencies supports the proposal with the project Conditions of Approval. In keeping with the Planning Commission's recommendation to the Board of Supervisors, staff recommends that the Board adopt the IS/MND (EIS15-003) for the proposed rezone and Development Agreement, and approve the Zoning District Map Amendments (Z15-001) and Development Agreement (MIS16-0009) in order to finalize approval of the Ananda Village CMP Update.

Item Initiated by: Jessica Hankins, Project Manager

Approved by: Brian Foss, Director of Planning