



**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: June 28, 2016

TO: Board of Supervisors

FROM: Nevada County Planning Department

SUBJECT: Consideration of the Nevada County Planning Commission's May 26, 2016, 3-0 (2 absent) recommendation for the Nevada County Consolidated Fire District surplus fire stations project to: 1) adopt a Negative Declaration (EIS16-004); 2) approve a General Plan Land Use Designation Map amendment for three properties (GP16-001, GP16-002, and GP16-003); and 3) approve a Zoning District Map amendment for two properties (Z16-002, Z16-003) (Districts I, II and III).

RECOMMENDATION: The Planning Commission has recommended that the Board of Supervisors take the following actions:

- I. Approve the attached Resolution for the Negative Declaration (EIS16-004), pursuant to Section 15074 of the California Environmental Quality Act Guidelines based on the findings contained in the Resolution (*Attachment 1*).
- II. Approve the attached Resolution for the proposed General Plan Amendment for: 1) GP16-001: 13115 Ridge Road from Public (PUB) to Neighborhood Commercial (NC); 2) GP16-002: 13376 Quaker Hill Cross Road from Rural Commercial (RC) to Urban Single Family (USF); and 3) GP16-003: 10085 East Lime Kiln Road from Public (PUB) to Estate (EST) based on the findings contained within the Resolution (*Attachment 2*).
- III. Adopt the attached Ordinance amending Zoning District Map 64a and 44 for: 1) Z16-002: 13376 Quaker Hill Cross Road from Public (P) to Single Family Residential with the Subdivision Limitation Combining District (R1-X); and 2) Z16-003: 10085 East Lime Kiln Road from Public (P) to Residential Agriculture

with a 3-acre Density Limitation (RA-3) based on the findings contained within the Ordinance (*Attachment 3*).

FUNDING: No budget amendments are required.

ATTACHMENTS:

1. Resolution: Draft Initial Study/Proposed Negative Declaration (EIS16-004)
 2. Resolution General Plan Land Use Map Amendment (GP16-001; GP16-002; GP16-003)
 3. Ordinance Zoning District Map Amendment (Z16-002; Z16-003)
 4. Site Plans
 5. May 26, 2016 Planning Commission Draft Meeting Minutes
-

BACKGROUND:

The Nevada County Consolidated Fire District (NCCFD) currently maintains 12 facilities, 11 fire stations and 1 administrative office. Of the 11 fire stations, 4 are staffed by career personnel 24 hours a day 7 days a week, 365-days a year. The remaining 7 fire stations are unstaffed.

All of NCCFD facilities were built by the five former independent fire districts that now make up the NCCFD. Station locations were chosen independently by each fire district based on their organizational needs. Due to consolidations, annexations, partnerships, new fire stations and closer resource dispatching, the NCCFD has determined that the three facilities associated with this project are no longer needed by the District. NCCFD has indicated that retaining these unstaffed stations results in numerous ongoing expenses and liabilities to the District.

Changes with the NCCFD's volunteer program have resulted in these facilities no longer housing independent respond apparatus from these sites. None of these sites have provided an incident response for the last ten years and they all have had the primary function of storage over this time.

The Fire Suppression Rating Schedule issued by ISO, assigns a protection classification to fire departments. Ratings are on a 1-10 scale with 1 being the best and 10 being no fire protection. The District is currently rated as a 4 in the project areas. The rating schedule has seen dramatic changes which took effect in July 2013. Several changes now give NCCFD credit for partnerships with allied agencies and other factors in which NCCFD did not previously receive recognition for. NCCFD received its most current review and rating by ISO in March of 2015. The District has consulted with ISO and found that there would be no impact to NCCFD's rating by eliminating any of these stations.

While future growth in this service area of NCCFD is possible, NCCFD does not anticipate that the change would substantiate the need for additional staffed fire stations in these locations. Four fire stations are within 1.5, 2.4, 3.7 and 4.5 miles from the Ridge Road site, three are within 2.8, 3.4 and 5.0 miles from the Quaker Hill Cross Road site and finally, two additional fire stations are within 3.7 and 3.9 miles from the East Lime Kiln Road site.

At the May 21, 2015, regular meeting of the NCCFD Board of Directors, the Board passed a motion to declare all three facilities as surplus. In accordance with Government Code Section 54222, the District formally offered, for sale or lease, the facility to other government entities required under the code. No interest was received by the solicited government entities. On November 2, 2015, the aforementioned properties were listed with a local real estate firm for sale to the general public. In preparing their application, NCCFD staff consulted with Nevada County Planning Department when seeking zoning options for these facilities and their potential use. Based on advice from the Planning Department, NCCFD is requesting to remove the Public (PUB/P) General Plan Land Use Map and Zoning designation from the three surplus properties to change those designations to be consistent with surrounding land use and zoning designations.

PROJECT DESCRIPTION:

GP16-001 (Ridge Road): A proposed General Plan Land Use Map Amendment to change the Nevada County Consolidated Fire District surplus property located at 13115 Ridge Road from Public (PUB) to Neighborhood Commercial (NC). The site is already zoned Neighborhood Commercial (C1).

GP16-002; Z16-002 (Quaker Hill Cross Road): A proposed General Plan Land Use Map Amendment to change the Nevada County Consolidated Fire District surplus property located at 13376 Quaker Hill Cross Road from Rural Commercial (RC) to Urban Single Family (USF) and a Zoning District Map Amendment (ZDM #64a) from Public (P) to Single Family Residential with the Subdivision Limitation Combining District (R1-X) consistent with existing surrounding land use and zoning designations in this area.

GP16-003; Z16-003 (East Lime Kiln Road): A proposed General Plan Land Use Map Amendment to change the Nevada County Consolidated Fire District surplus property located at 10085 East Lime Kiln Road from Public (PUB) to Estate (EST) and a Zoning District Map Amendment (ZDM #44) from Public (P) to Residential Agriculture with a 3-acre density limitation (RA-3) consistent with existing surrounding land use and zoning designations in this area.

SITE DESCRIPTION/LAND USE JUSTIFICATION:

GP16-001 (Ridge Road): 13115 Ridge Road is in the Long-Term Sphere of Influence for the City of Grass Valley and is developed with an approximately 2,792 metal building that was historically used by the Nevada County Consolidated Fire District as an unstaffed fire station/training center. The site is approximately 0.23-acres in size with

approximately 92 percent of the site being impervious surface (building coverage and asphalt). Access to the project site is provided by an existing paved driveway via an access easement through a developed C1 zoned property that has frontage on Ridge Road. The project site is zoned Neighborhood Commercial (C1) but has a Public (PUB) General Plan Land Use Map designation.

Factors that lead to the proposal for a Neighborhood Commercial (NC) General Plan Land Use designation, include the site's existing C1 zoning, the potential for the 2,792 square foot existing metal garage type building on the site to be converted to a commercial use, the fact that approximately 92 percent of the 0.23-acre property is impervious surfacing (asphalt/building), the small size of the lot, and the historic commercial use of the property that is located between Ridge Road and this site.

GP16-002; Z16-002 (Quaker Hill Cross Road): 13376 Quaker Hill Cross Road is located in a rural residential area of unincorporated Nevada County on Banner Mountain. The site is approximately 0.80-acres with 20% of the site being impervious surface. The site contains an existing approximately 1,664 square foot garage/workshop building that formerly housed fire apparatus and is surrounded primarily with existing developed single family residential uses and zoning. Access is taken directly from Quaker Hill Cross Road and a portion of Timberline Court passes through the southwest corner of the property. The site is currently designated as Rural Commercial (RC) by the General Plan and has a Public (P) Zoning Designation. Immediately adjacent to the project site to the east is a single parcel of approximately 1.29-acres in size that is zoned Neighborhood Commercial (C1). Properties to the north and northwest are designated and zoned Rural-5/Residential Agricultural- 5-acre density limitation (RUR-5/RA-5) and uses west, southwest, south and southeast are designated as Urban Single Family (USF) by the General Plan Land Use Maps and are zoned Single Family Residential with the Subdivision Limitation Combining District (R1-X).

Factors that lead to the proposal for the USF/R1-X designation, include primarily the existing land uses that surround the project site, the design/style of the existing garage/workshop building, and the availability of infrastructure to serve the property including public water and the existing septic system that has been deemed to be the equivalent to a 3-bedroom septic.

GP16-003; Z16-003 (East Lime Kiln Road): 10085 East Lime Kiln Road is located in a rural/estate residential area of unincorporated Nevada County south of the Alta Sierra Subdivision approximately 400-feet east of the State Highway 49/Lime Kiln Road intersection. The property is approximately 0.61-acres in size with approximately 30% of the property being impervious surfacing. Access to the site is provided directly from East Lime Kiln Road. The site contains an existing approximately 2,640 square foot garage/workshop building that formerly housed fire apparatus and is surrounded primarily with existing developed single family residential uses and zoning. The site is currently being used by local residents as a de-facto park and ride type facility. The

project site is surrounded on all four sides with properties that are designated as Estate (EST) by the General Plan Land Use Maps and are zoned Residential Agriculture with a 3-acre density limitation (RA-3).

Factors that lead to the proposal for the EST/RA-3 designation include primarily the existing surrounding zoning and established land uses, but also the fact that there are similar sized properties in the vicinity of the project (0.61-acres) that are zoned RA-3, because none of the public agencies that were offered the property, including CalTrans, were interested in purchasing or leasing the property to continue a public use on the site and because basic infrastructure (septic/public water) are available to serve the future use of this site for residential purposes.

ZONING AND GENERAL PLAN CONSISTENCY:

Pursuant to General Plan Policy 2.6, the applicant submitted an economic justification statement and fiscal impact analysis for all three properties. The zoning/general plan justification statement concludes that under the provisions of the “Public” designation, the facilities could only be used by a public occupant and as discussed above there was no interest by any of the public agencies that were solicited when these properties were determined to be surplus. The fiscal impact analysis statement concludes that this project would return the subject properties to the tax rolls. Under the law, a publically owned parcel owned by a public entity is exempt from paying property tax. With the change in ownership to a private party, the Assessor will reassess the property to determine fair market value of the property and the new private owner will be taxed as any other private property owner resulting in a net positive economic impact. For the Ridge Road property, the fiscal impact analysis concludes that the re-designation of that site could also provide employment opportunities, which would be a positive impact on the County housing/jobs balance.

GP16-001 (Ridge Road): The Ridge Road property is currently zoned Neighborhood Commercial (C1) but has a Public (PUB) General Plan Land Use designation. Should this project be approved, the property’s General Plan Land Use designation would be changed to be consistent with the current zoning of the site. This property is in an area that is predominately residential, but does have pockets of C1 zoning and uses. Some of those C1 zoned properties are currently being used for residential purposes. The current use of the C1 property that is between this property and Ridge Road is “the Garage” which is a small thrift store, but the existing building on that site has been used in the past for an auto repair business.

Other commercial uses in the area include the Alta Street “Express Mart” Market at the corner of Alta Street and Ridge Road and Mustang Fire Arms on Alta Street. Farther away is A to Z Supply west of the project site and Ridge Feed east of the project site. The former fire site is accessed through the C1 zoned property where “the Garage” thrift store is located via an approximately 15-foot access easement and an existing paved driveway. The easement language on the property deed states that the easement is for

access to this property, but does not restrict access to a fire station or any other specific use. Since this site is within an area of mostly residential use and due to the proximity of residential structures to this site, future use of this site for commercial purposes will require careful consideration of potential land use compatibility criteria, such as noise, lighting and screening.

GP16-002; Z16-002 (Quaker Hill Cross Road): The Quaker Hill Cross Road property has a Rural Commercial (RC) General Plan Land Use Map designation but is in the Public (P) Zoning District. The site is immediately adjacent to a single undeveloped property designated/zoned as Rural /Neighborhood Commercial. The predominate General Plan Land Use and Zoning in the area however, is Urban Single Family (USF)/Single Family Residential (R1-X) and Rural (RUR)/Residential Agriculture (RA-5). The proposed project intends to match this property up with other like General Plan Land Use and Zoning in the area as well as the primary uses that surround this property, which are residential. Future use of this site for residential purposes would be consistent with other uses in vicinity of the project site.

GP16-003; Z16-003 (East Lime Kiln Road): The East Lime Kiln property has a Public (PUB/P) General Plan Land Use Map and Zoning designation. Since it has been historically used as a fire station, it is an island of public zoning surrounded but Estate (EST)/Residential Agriculture (RA-3) Land Use and Zoning designations. The site is approximately 0.61-acres in size which is below the density limitation of the proposed zoning designation, but the site has access to public water provided by Nevada Irrigation District and there is an existing septic system that serves the site. Further, there are other properties in the immediate vicinity of this site that are the same size as this property. The proposed project intends to match this property up with other like General Plan Land Use and Zoning in the area as well as the primary uses that surround this property, which are residential. Future use of this site for residential purposes would be consistent with other uses in vicinity of the project site.

ENVIRONMENTAL REVIEW (EIS16-004):

The proposed project is a Rezone/General Plan Amendment only for the three former fire station sites. The project does not include any development associated with this proposed legislative action. The proposed General Plan Land Use and Zoning designations were chosen to match other existing designations in the area where each property is located. Future development of these properties will be subject to applicable local, state and federal codes, standards, permitting requirements and regulations that are applicable to the type of redevelopment that might be proposed. The Planning Department prepared a draft Initial Study for the project and found that this legislative project will not result in a significant physical change to the environment. The draft Initial Study made some assumptions for the future use of the properties based on the proposed land use and zoning designations (i.e. a potential commercial use will likely occur on the Ridge Road property and residential uses will likely occur on the Quaker Hill Cross Road/East Lime Kiln properties) and made a good faith effort to disclose anticipated future impacts of the

redevelopment of these sites. The draft Initial Study however did not attempt to comprehensively analyze and mitigate the potential development of these sites, because at this time the type, size and scope of what might be developed on this sites is still undetermined.

The draft initial study/proposed Negative Declaration was circulated for public comment between May 5 and May 25, 2016. The Notice of Availability/Notice of Intent to adopt a Negative Declaration was sent to several local and state responsible agencies as well as applicable property or home owners associations. No adverse comments were received as a result of this outreach. Since this project will not result in any physical disturbance to the environment and will make the General Land Use and Zoning for the subject property's consistent with other surrounding land uses, staff determined that a Negative Declaration is the appropriate document for this project.

PLANNING COMMISSION ACTION:

On May 26, 2016, the Nevada County Planning Commission held a duly noticed public hearing to consider the proposed General Plan Land Use and Zoning District Map amendments associated with this project. Public testimony was provided from a few members of the public and focused primarily on the Ridge Road proposal. Concern was expressed over the use of the existing driveway to serve a commercial use when currently it is not being used on a regular basis and some suggestions were provided for the future use of this property, such as a community center or emergency shelter. Other questions were asked regarding what happens to the money from the sale of the property and whether or not there were existing offers on the properties.

Regarding the property access, there is an existing approximately 15-foot wide access easement with an existing paved driveway that serves the property. The deed for this property does not specify a specific use that can be served by this easement and subsequently the access is for general purposes. The NCCFD and one of their real estate agents responded to the other questions. According to NCCFD, the money from the sale of these properties would go into the District's facilities fund for improvements to other existing stations and all three properties have pending offers on them with each buyer intending to use the property for a use that would be consistent with the proposed land use and zoning designations. During the public hearing, NCCFD's real estate agent indicated that the Ridge Road property had a potential buyer who was interested in converting the property to an auto repair business.

Staff confirmed that the Planning Department had received inquiries into the potential use of the Ridge Road property as an auto repair business and subsequently disclosed this within the draft initial study and proposed Negative Declaration finding that future use of this site for any commercial business would require special consideration to potential land use compatibility issues. Yet at the time of the processing of this application however, a formal application for this use had not been submitted and was not currently being considered as a part of this application. Based on the potential use of this site as an

auto repair business, the Planning Commission expressed significant concern over the potential for this type of commercial use to occur so close to existing residential uses. Staff highlighted the other potential commercial uses that could also be permitted in the C1 zoning district (which is the current zoning for the site), the development nature of this small project site (2,792 metal building and 92% impervious surfacing) and reiterated that an auto repair business was not a part of this application proposal. Further, as discussed above there are other commercial zoning and uses in the vicinity of the project, so this area is not solely a residential area like the Quaker Hill Cross Road and East Lime Kiln Road areas. After additional discussion, the Planning Commission on a 3-0 (2 absent) vote recommended that the Board of Supervisors approve the proposed General Plan Land Use and Zoning District Map Amendments as proposed by NCCFD.

SUMMARY:

The Nevada County Consolidated Fire District Board of Directors has deemed the three subject properties as surplus. Prior to putting these properties on the open market, the District first offered them to government entities for purchase or lease and did not receive any interest from those entities solicited. Therefore the District is now pursuing the re-designation of each of these properties to a use type that would facilitate future private investment. The Planning Department has reviewed the proposed changes and found that no significant physical environmental impacts would occur as a result of this action. The proposed changes were presented to the Planning Commission on May 26, 2016, where the Planning Commission took public testimony and after deliberating on the proposed amendments recommended that the Board of Supervisors approve the proposed Negative Declaration, and the General Plan Land Use and Zoning District Map amendments as provided for below.

RECOMMENDATION: The Planning Commission has recommended that the Board of Supervisors take the following actions:

- I. Approve the attached Resolution for the Negative Declaration (EIS16-004), pursuant to Section 15074 of the California Environmental Quality Act Guidelines based on the findings contained in the Resolution (*Attachment 1*).
- II. Approve the attached Resolution for the proposed General Plan Amendment for:
1) GP16-001: 13115 Ridge Road from Public (PUB) to Neighborhood Commercial (NC); 2) GP16-002: 13376 Quaker Hill Cross Road from Rural Commercial (RC) to Urban Single Family (USF); and 3) GP16-003: 10085 East Lime Kiln Road from Public (PUB) to Estate (EST) based on the findings contained within the Resolution (*Attachment 2*).

- III. Adopt the attached Ordinance amending Zoning District Map 64a and 44 for: 1) Z16-002: 13376 Quaker Hill Cross Road from Public (P) to Single Family Residential with the Subdivision Limitation Combining District (R1-X); and 2) Z16-003: 10085 East Lime Kiln Road from Public (P) to Residential Agriculture with a 3-acre Density Limitation (RA-3) based on the findings contained within the Ordinance (*Attachment 3*).

Item Initiated by: Tyler Barrington, Principal Planner

Approved by: Brian Foss, Director of Planning