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**NEVADA COUNTY PLANNING COMMISSION**  
**NEVADA COUNTY, CALIFORNIA**

**MINUTES** of the meeting of February 12, 2015, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

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**MEMBERS PRESENT:** Chair Duncan, Commissioners, Poulter, Aguilar, James, and Jensen.

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Assistant County Counsel, Sheri Chapman; Administrative Assistant, Janeane Martin

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**TABLE OF CONTENTS:**

**PUBLIC HEARINGS:**

1. GP13-004, Z13-006, U13-008, MGT14-003, EIS13-017 Page 2 , Line 54

**STANDING ORDERS:** Salute to the Flag - Roll Call - Corrections to Agenda.

**CALL MEETING TO ORDER:** The meeting was called to order at 1:30 P.M. Roll Call was taken.

**CHANGES TO AGENDA:** No changes.

**CONSENT ITEMS:**

1. Approval of Minutes for 2014-11-13
2. Approval of Minutes for 2015-01-08

Chair Duncan discussed approval of November minutes with Counsel Chapman. Counsel Chapman explained that the Commission can accept the November minutes as an ministerial action instead of approving them since there are only two current Commissioners that were at that meeting.

**Motion** to accept the November minutes by Commissioner Poulter, **second** by Chair Duncan.  
**Motion carried on a voice vote.**

**Motion** to approve January minutes by Commissioner Jensen, **Second** by Commissioner Poulter to approve the consent items. **Motion carried on a voice vote**

**PUBLIC COMMENT:** Members of the public shall be allowed to address the Planning Commission on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Planning Commission, provided that no action shall

47 be taken unless otherwise authorized by Subdivision (6) of Section 54954.2 of the Government  
48 Code. None.

49  
50 **COMMISSION BUSINESS:** None.

51  
52 **PUBLIC HEARINGS:**

53  
54 **GP13-004; Z13-006; MGT14-003; U13-008 & EIS13-017** A combined application proposing: 1) a  
55 General Plan Amendment for 21.62-acres, referred to as Site A, from Residential (RES) to Urban  
56 Medium Density (UMD); 2) a Zoning Map Amendment for Site A from Residential Agriculture 1.5-  
57 acre density limitation to Medium Density Residential with the Mobilehome Community and  
58 Planned Development Combining Districts (R2-MH-PD). A Zoning Map Amendment to add the  
59 Subdivision Limitation Combining District (X) to a nearby 6.22-acre parcel referred to as Site B with  
60 an existing zoning of R2 for a final zoning of R2-X; 3) a Management Plan for anticipated impacts to  
61 a landmark oak grove; and 4) a Use Permit proposing to create 62 new mobilehome tenant spaces, on  
62 Site A, as an expansion to the existing 310-unit Forest Springs Mobilehome Community.  
63 **LOCATION:** Site A: project area is located east of Shamrock Mine Court and north of Lady Jane  
64 Road, at 10084 Forest Springs Drive, Grass Valley; Site B: 15219 Beeman Lane, Grass Valley **APN:**  
65 23-230-23 (Site A, 116-acres) and 23-300-64 (Site B, 6.22-acres) **RECOMMENDED**  
66 **ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration. **PLANNER:** Tyler  
67 Barrington, Principal Planner

68  
69 Chair Duncan outlined the four components of the Forest Springs Mobilehome Project. Chair  
70 Duncan stated that Kim Hunter was the former planner for the project but Tyler Barrington is now  
71 the project Planner.

72  
73 Principal Planner Tyler Barrington, explained that this hearing is a continuation of the October  
74 23<sup>rd</sup>, 2014 hearing for the Forest Springs Mobilehome Park, Phase IV expansion. He further  
75 explained that he provided meeting minutes and the link for that meeting video to both  
76 commissioners that are new to the Commission since that time (Aguilar and James).

77  
78 Principle Planner Barrington reminded the Commissioners that at the October hearing Planning  
79 was not seeking action or recommendation from commission in light of issues with the term  
80 "transfer density". He mentioned revisions to the project description as well as additional  
81 information gathered from the applicant to address concerns that came to light during that  
82 previous hearing.

83  
84 Principal Planner Barrington presented a condensed slide show, which included project site  
85 acreage, zoning and use details (both existing and proposed). He explained that in response to  
86 comments from the previous hearing the project description was revised so that only Site A will  
87 be subject to a General Plan Amendment. The previous approach caused concern about spot  
88 zoning. The new approach will allow Site B to remain as R2 with the addition of an X  
89 combining district in order to restrict further development of that site which will maintain the  
90 integrity of the General Plan density of the area.

91  
92 Principal Planner Barrington explained that the Use Permit details remain as presented in the  
93 October hearing. He discussed the number of units proposed (62) and the remaining density of

94 the project site. Additional density for future expansion is 67 units, however, additional CEQA  
95 analysis and Planning Commission approval would be required for any future expansion.  
96

97 Principal Planner Barrington presented a slide of the site plan, and explained it remains as  
98 originally proposed, however, new information from the applicant in response to a concern  
99 raised at the previous hearing indicated that the maximum slope of the fill area shown below  
100 Road F is approximately 23', not the 30 - 35' that is shown.  
101

102 Principal Planner Barrington mentioned the concern rose at the previous hearing about  
103 disturbance of the landmark oak grove. He explained that the biologist has now provided an  
104 exhibit and tree count and that mitigation measures have been revised accordingly.  
105

106 Principal Planner Barrington mentioned concerns rose at the previous hearing about drainage  
107 design. He explains that the applicant has revised the design to eliminate sheet flow from the  
108 detention basin to Lady Jane Road and instead route the detention flow to the east, avoiding  
109 Lady Jane Road. He further explains that Nevada County Public Works has reviewed the  
110 drainage proposal and found it to be consistent with the County's code requirements and policies  
111 for offsite drainage for new developments.  
112

113 Principal Planner Barrington explained that the revised initial study / mitigated negative  
114 declaration was routed for a 30-day public review period with no adverse comments received;  
115 potential impacts are adequately mitigated and that the proposed Mitigated Negative Declaration  
116 is appropriate for the project.  
117

118 Principal Planner Barrington outlined project consistency with zoning regulations and general  
119 plan elements, goals and policies and found that the project was an in-fill project, and provides a  
120 variety of housing opportunities for senior population.  
121

122 Principal Planner Barrington concluded his presentation with a recommendation that the  
123 Planning Commission approve the various components of the project for approval by the Board  
124 of Supervisors.  
125

126 Chair Duncan asked the commissioners if they had an opportunity to visit the site.  
127

128 Commissioner James and Aguilar indicate that they did review the materials from the previous  
129 hearing and visited the site as well.  
130

131 Commissioner Aguilar asked how hard it would be for a person to change the X-combining  
132 district zoning in the future.  
133

134 Principal Planner Barrington indicated that it would be very difficult; requiring the Commission  
135 and the Board of Supervisors to approve it.  
136

137 Commissioner Aguilar asked what the benefit was to the X-zone if was is not required.  
138

139 Principal Planner Barrington stated that the applicant could respond to that, but that since the two  
140 properties (Site A & Site B) are so close in proximity that the overall increase to the General  
141 Plan density is reduced.  
142  
143 Commissioner James asked about the X-zone as it was not something he had heard of before.  
144  
145 Principal Planner Barrington confirms that it was fairly unique to our County and that it was a  
146 common use in our County when utilizing density averaging for projects.  
147  
148 Commissioner Jensen inquired about the community wastewater system and how much capacity  
149 is has.  
150  
151 Principal Planner Barrington explained that information given to Planning indicated adequate  
152 existing capacity.  
153  
154 Chair Duncan turned the hearing over to the applicant.  
155  
156 Andy Cassano, Nevada City Engineering, and Robert Tucker, applicant presented their case. He  
157 thanked Tyler for his work. Mr. Cassano thanked neighbor Mr. Pickard for showing him the  
158 drainage areas of concern. Mr. Cassano explained that the applicant worked very hard to obtain  
159 Site B to gain the necessary density to avoid increasing the general plan density of the area. He  
160 outlined the affordable benefit of mobilehome housing to seniors.  
161  
162 Mr. Cassano asked that the oak tree replanting mitigation measure be re-worded to require the  
163 planting after the grading so as to not be out of sequence, instead it should be required before  
164 final approval of the project.  
165  
166 Chair Duncan thanked Mr. Cassano and asked if there are any questions.  
167  
168 Commissioner Jensen asked Mr. Cassano about the existing capacity of the sewer treatment  
169 facility.  
170  
171 Mr. Cassano stated that the existing park is only at just over 50% capacity with plenty of  
172 adequate extra capacity left for the proposed expansion. He explained that the original estimated  
173 flow per unit was greater than what is actually being used.  
174  
175 Commissioner Aguilar asked about the sound wall.  
176  
177 Mr. Cassano stated that the applicant is amenable to wrapping the sound wall. He also stated  
178 that the proposed chain link fencing could be limited to the lower road and RV parking area and  
179 using agricultural type fencing for the area surrounding the open space.  
180  
181 Chair Duncan mentioned several conversations with residents within the park. Will rent on  
182 existing residents be increased in order to pay for the new phase?  
183

184 Applicant Robert Tucker responded that there is already a tiered system depending on the when  
185 residents moved in and that the existing resident rates will not change due to the project.

186  
187 Chair Duncan mentioned that some residents are very happy with rent rates and the value of the  
188 park.

189  
190 Chair Duncan announced the Public Hearing would now be opened.

191  
192 Sherri Hawley, 10096 Woodleaf Circle, resident of the park, though not currently in her unit due  
193 to sewer backup issues. She outlined concerned for herself and other residents due to improper  
194 connections that cause sewage to backup into their units. She believed that management is  
195 responsible for these problems. She stated that overflow from at least one unit flows into a hose  
196 that is directed to the creek. She hoped that the project would be continued until the issue had  
197 been fixed.

198  
199 Steve Pickard, 10227 Lady Jane Rd. Mr. Pickard thanked Mr. Cassano for listening to his  
200 concerns regarding drainage. He wanted to ensure that experts at the County had reviewed the  
201 new drainage plan. He voiced concern about his well in regards to any ill effects from the  
202 project drainage. He was thankful for the consideration the applicant gave to his concerns and  
203 feels the fence issue had been adequately addressed.

204  
205 Kay Edmonds, 10122 Grinding Rock Drive. Ms. Edmonds asked for clarification as to how  
206 many units proposed to be added to the park.

207  
208 Principal Planner Barrington stated that 62 are still proposed.

209  
210 Jennifer and Darren Blackwell, 14957 Lady Jane Road. The Blackwells inquired as to whether  
211 or not Lady Jane Road was to be used for ingress/egress.

212  
213 Principal Planner Barrington indicated that primary access would be from LaBarr Meadows  
214 Road and through the existing park roadway system. He went on to state that gated emergency –  
215 only access is proposed for Lady Jane Road.

216  
217 Jennifer and Darren Blackwell also voiced concerns about the fence surrounding the proposed  
218 phase; additional homes in the area that could lead to further theft of their property; potential  
219 property value decreases due to an increase in mobilehome park spaces; as well as limiting  
220 wildlife access; drainage issues, erosion, creek and road paving degradation.

221  
222 Ms. Hawley indicated that she took pictures of her issues and that she had reported the park to  
223 Environmental Health and other agencies and that the park had not brought the older units up to  
224 code. She stated that extra septic tanks were brought to the park during the summer to handle  
225 excess sewage and that the park is not properly caring for the seniors. She stated that rents are  
226 increasing.

227  
228 Chair Duncan closed the public hearing.

229

230 Principal Planner Barrington responded to public comments regarding the fencing which will  
231 now be chain-link fencing nearer the RV parking area with agricultural fencing enclosing the  
232 open space area.

233

234 Commissioner Aguilar asked Staff to clarify that the agricultural fence will be setback from the  
235 boundary.

236

237 Principal Planner Barrington confirmed that it would be if the Commission wanted it so.

238

239 Chair Duncan brought up the Blackwell's concern about security and how that would apply to  
240 the park as well.

241

242 Commissioner Aguilar stated that the Blackwell concern seemed to be that additional population  
243 from the park could cause the Blackwell's further security concerns.

244

245 Chair Duncan agreed.

246

247 Andy Cassano addressed Ms. Hawley's concerns and reminded Commissioners that these issues  
248 are within the existing park and do not have to do with the proposed expansion. Mr. Cassano did  
249 not discuss this further stating that he believes there is a pending lawsuit and that as far as he and  
250 the applicant know the park is in good standing with the regulatory agencies.

251

252 Chair Duncan asked Mr. Cassano to confirm if the Housing and Community Development is the  
253 regulator for the mobilehome park.

254

255 Mr. Cassano confirmed.

256

257 Chair Duncan asked Mr. Cassano if the regulator has asked for any improvements to be made or  
258 if the Environmental Health Department has given any kind of cease and desist order.

259

260 Mr. Cassano replied that no such request or notice has been given.

261

262 Commission James stated that it seemed that the individual house connections were the issue.

263

264 Applicant Tucker stated that park management has explained that the backup was within the  
265 resident's area of responsibility. He explained that another unit had an issue that was less clear  
266 as to the area of responsibility within which the problem occurred. That issue was resolved to  
267 everyone's satisfaction. He stated that there are no ongoing issues.

268

269 Chair Duncan asked Applicant Tucker to confirm whether or not there were any violation  
270 notices.

271

272 Applicant Tucker stated no.

273

274 Commissioner Jensen asked about Ms. Hawley's statement about the septic tanks and whether or  
275 not there are individual septic systems.

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Mr. Cassano said no.

Applicant Tucker added that State Water Board periodically asks for maintenance type work to be done, but not in relation to any violation.

Commissioner Aguilar asked if Ms. Hawley's coach was on a low spot.

Applicant Tucker, with some discussion from Ms. Hawley, confirmed that, yes, it is.

Mr. Cassano addressed Mr. Pickard's concern about the well. He stated that no contamination of the well would be expected. He further addressed the Blackwell's concern about the use of Lady Jane Road, reiterating that it will only be used in an emergency with no day-to-day traffic there.

Chair Duncan stated that the park has legal access to use Lady Jane Road.

Mr. Cassano confirmed that. Mr. Cassano stated that ample setbacks are provided to try to alleviate any negative property value issues. He said that erosion is regulated by County and State in order to ensure that the project does not result in erosion issues. He talked about the fencing and would like Staff to revise the condition of approval to allow the agricultural fencing near the perimeter for aesthetic reasons for the neighbors as well as for wildlife travel.

Principal Planner Barrington reminded the Commission that Commissioner Aguilar asked the sound wall to be wrapped. He stated that Staff could modify the sound wall condition to require that. He further stated that the applicant requested a modification in the condition relative to timing of the oak tree planting and stated that Staff was in agreement with that change and prepared to modify that as well.

Chair Duncan asked if the Commissioners were ready to make a motion.

**Motion by Commissioner Aguilar** to recommend approval of the environmental document (EIS13-017), as modified, to the Board of Supervisors. **Second by Commissioner Jensen. Motion carried on voice vote 5/0.**

**Motion by Commissioner Aguilar** to recommend approval of the General Plan Amendment (GP13-004), to the Board of Supervisors. **Second by Commissioner Jensen. Motion carried on voice vote 5/0.**

**Motion by Commissioner Aguilar** to recommend adoption of the ordinance approving the Rezone (Z13-006), to the Board of Supervisors. **Second by Commissioner James. Motion carried on voice vote 5/0.**

**Motion by Commissioner Aguilar** to recommend approval of the Management Plan and Use Permit (MGT14-003, U13-008), as modified, to the Board of Supervisors. **Second by Commissioner Jensen. Motion carried on voice vote 5/0.**

322 Chair Duncan thanked the audience.

323

324 **Discussion of upcoming Planning Commission meetings**

325

326 Planning Director Brian Foss stated that there are no projects planned for February 26<sup>th</sup> or for  
327 March 12<sup>th</sup>, though the March 12<sup>th</sup> meeting is still a possibility.

328

329 Principal Planner Barrington mentioned that the Lake Wildwood Association has submitted an  
330 application for a new clubhouse; an eleven lot subdivision for Pilot Peak has been submitted; and  
331 a thirty lot subdivision near Lee Lane and Greenhorn Road has also been submitted. He also  
332 mentioned that the Koslin approval has been appealed to the Board of Supervisors.

333

334 Commissioner Poulter asked when the Housing Element would be done.

335

336 Principal Planner Barrington stated that an outside counsel had been retained to review the draft  
337 EIR for the element, but that he didn't have a timeline for when it will come before the  
338 commission.

339

340 **Motion by Commissioner Poulter, Second by Commissioner James to adjourn.**

341 **Motion carried on voice vote 5/0**

342

343 There being no further business to come before the Commission, the meeting was adjourned at  
344 2:53 p.m. to the next meeting to be held at a date and time yet to be determined in the Board  
345 of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

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352 Passed and adopted this            day of            , 2015.

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Brian Foss, Ex-Officio Secretary