

1 **NEVADA COUNTY PLANNING COMMISSION**
2 **NEVADA COUNTY, CALIFORNIA**

3
4 **MINUTES** of the meeting of October 23, 2014, 1:30 PM, Board Chambers, Eric Rood
5 Administration Center, 950 Maidu Avenue, Nevada City, California
6

7
8 **MEMBERS PRESENT:** Chair Duncan, Commissioners, Poulter, Smith, and Jensen.

9
10 **MEMBERS ABSENT:** District IV Vacant

11
12 **STAFF PRESENT:** Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Senior
13 Planner, Kimberly Hunter; Senior Planner, Tod Herman; Deputy County Counsel, Alison
14 Barratt-Green, Secretary, Janet Hayes; Senior Office Assistant, Brenda Austin
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19 **PUBLIC HEARINGS:**

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

24
25 **CALL MEETING TO ORDER:** The meeting was called to order at 1:30 P.M. Roll Call was
26 taken.

27
28 **CHANGES TO AGENDA:** No changes.

29
30 **PUBLIC COMMENT:** Members of the public shall be allowed to address the Planning
31 Commission on items not appearing on the agenda which are of interest to the public and are
32 within the subject matter jurisdiction of the Planning Commission, provided that no action shall
33 be taken unless otherwise authorized by Subdivision (6) of Section 54954.2 of the Government
34 Code. None.

35
36 **COMMISSION BUSINESS:** None.

37
38 **CONSENT ITEMS:**

- 39 1. Approval of Minutes for 2014-07-24
40 2. Approval of Minutes for 2014-08-14
41 3. Approval of Minutes for 2014-08-28
42 4. EXT13-006 (part 2) Arashi U08-003 – Planner Tod Herman
43

44 **Motion** by Commissioner Jenson, **Second** by Commissioner Poulter to approve the consent
45 items. **Motion carried on a voice vote 4/0** (District IV vacant)
46

47 **PUBLIC HEARINGS:**

48
49 GP13-004; Z13-006; U13-008; MGT14-003 & EIS13-017 Combined application proposing an
50 expansion of the existing Forest Springs Mobilehome Community (Phase IV) through: 1) a
51 General Plan map amendment to transfer density between two non-adjacent properties by
52 changing land use designation on 21.62 acres, referenced as 'Site A' (Portion of Assessor Parcel
53 Number 23-230-23) from RES (Residential) to UMD (Urban Medium Density), and changing
54 the land use designation on 6.22 acres, referenced as 'Site B' (Assessor Parcel Number 23-300-
55 64) from UMD to RES; 2) a Rezone proposal to change the zoning on Site A from RA-1.5
56 (Residential Agriculture – 1.5 acre minimum) to R2-MH-PD (Multi-Family Medium Density
57 with the Mobilehome Parks and Planned Development Combining Districts), and changing the
58 zoning on Site B from R2 (Multi-Family Residential) to RA-X (Residential Agriculture – No
59 Further Subdivision). The General Plan and Zoning Map Amendment will result in the retention
60 of 14-dwelling units at Site A and a transfer of density of 36-dwelling units from Site B to Site
61 A; 3) an Oak Tree Management Plan to specify mitigation actions for the removal of one
62 landmark oak tree and limited disturbance of a 5-acre landmark oak grove site; and 4) a Use
63 Permit to create 62 mobilehome spaces, utilizing a 25% senior housing density bonus, and
64 related amenities intended for age restricted occupants (55 and older) on Site A as a Phase IV
65 addition to the existing Forest Springs Mobilehome Community. **LOCATION:** Site A: project
66 area is located east of Shamrock Mine Court and north of Lady Jane Road, at 10084 Forest
67 Springs Drive, Grass Valley; Site B: 15219 Beeman Lane, Grass Valley APN: 23-230-23(Site A,
68 116-acres) and 23-300-64 (Site B, 6.22-acres) **RECOMMENDED ENVIRONMENTAL**
69 **DETERMINATION:** Mitigated Negative Declaration. **PLANNER:** Kimberly Hunter, Senior
70 Planner

71
72 Senior Planner, Kimberly Hunter, not seeking action or recommendation from commission today
73 in light of recent understanding of the term “transfer density” and would like to continue a
74 review so applicant can receive further information and direction. Language changes will be
75 needed for the application, ordinances, and resolutions. Chair Duncan confirmed additional
76 information has been received and that no action will be taken today and that an additional
77 meeting will be scheduled to determine action. For today’s meeting, staff report and public
78 comment will still be heard.

79
80 Senior Planner, Kimberly Hunter presented the staff report via a slide show. 1st component Land
81 Use Amendment Site A from RES to UMD and Site B from UMD to RES; Site A rezone from
82 RA-1.5 to R2-MH-PD; Site B rezone from R2 to RA-X; 2nd component is the Oak Tree
83 Management Plan for removal of 25 Black Oak trees for construction of drainage swale; Use
84 Permit for Site A only; if project is approved HCD will hold jurisdiction over further
85 development and operation; Phase 4 site plan expansion map was shown showing the open space
86 at the southern end of the parcel site; Use permit allows for RV parking, guest parking, and
87 recreational pathways; intent to rezone Site B is to ensure overall potential of density does not
88 increase but allows for higher density for Site A; 25% density bonus has been requested by
89 applicant per CA government and county code which would add 12 additional units to make a
90 total of 62 total units; environmental review was completed; mitigation measures included
91 removal and replacement plantings; protection of preserved black oak within open space during
92 construction; removal and control noxious weeds; extensive grading will occur on the 13 acres,

93 mitigation measures have been proposed to minimize impact on the soil and vegetation; proper
94 notice was given to all parties; staff has reviewed project and found it to be consistent with the
95 Land Use Policy;

96
97 No questions or comments from staff

98
99 Andy Cassano and Janine, Nevada City Engineering and Robert Tucker, applicant presented
100 their case. He thanked Kimberly for all her work and wanted to clarify his idea of density
101 transfer which refers to the entire desired effect of all proposed plans; he feels this type of
102 housing is important as it is affordable when area houses are not; the park is well managed; it is
103 long overdue for new units to be added; property is unusually level; landscaping and matching
104 sound wall is proposed; surrounding area is already used as mobile home parks; sewage disposal
105 is to existing plant; will agree to setback of fence but fence is needed for security; project will
106 have emergency gate only at Lady Jane Rd;

107
108 Chair Duncan asked if this project will result in an increase in rent.

109
110 Applicant Robert Tucker responded that no rent increase is slated and no direct impact on
111 existing residents.

112
113 Chair Duncan asked if there will be a two tiered rent system for the newer site.

114
115 Applicant Robert Tucker responded that there is already a many tiered system depending on the
116 location and age of each individual site. Nothing has been finalized on what the new site will be
117 charged for rent.

118
119 No other comments or questions.

120
121 Chair Duncan announced the Public Hearing would now be opened.

122
123 Steve Pickard, 10227 Lady Jane Rd thinks his property might be most affected by project. He
124 stated that he has had excess issues with water runoff from the Hwy 49 project. He wants to
125 know where the water is going to go with this project. The slope of the Forest Springs property
126 tends to flow down to Lady Jane Rd. His culverts overflow now and can't handle anymore water
127 runoff. The current swale is right above his property and his well and wants to know what affect
128 this project will have on the well. Because of the current water runoff, he has had to repair his
129 road twice since Hwy 49 project. He does not want to see a chain link fence and the density
130 seems a bit higher than what was originally said.

131
132 David Stitt, 10175 Lady Jane Rd; confirmed a Wildlife Tunnel exists; concerned about increase
133 of density which will increase traffic flow into the nearest shopping center; water table will be
134 affected; not enough public transportation to support new older residents; wants a good
135 compassionate development for the residents;

137 Cliff Bruce, 10432 Lady Jane Rd; concerned about water on the road and his well; what happens
138 if his well goes bad because of this new development; can they direct water away from Lady
139 Jane Rd;

140
141 Laura Raper, 10161 Braemer Rd, only received notice yesterday; how will she be affected with
142 rezoning; needs clarity on the rezoning changes; did not receive enough information and support
143 with the Hwy 49 project; concerned about safety of construction traffic flow; requests copies of
144 everything being looked at

145
146 Chair Duncan did not end this discussion; all those concerned should verify staff has correct
147 names and addresses; further public notices will be sent out for new meeting

148
149 Commissioner Smith presented the following concerns: 1) Is there a tentative map required?
150 Planner Hunter responded with no. 2) Oak Tree has no mapping and should. 3) Potential water
151 flow and cause root rot. 4) 90' grading will cause a visual change. 5) Open space should be
152 marked on the plan. 6) Worried that Spot Zoning might be created. 7) What is the maximum
153 number of homes and planned future developments? 8) What about just rezoning Site A? 9)
154 What about the impact on current residents? Will the availability of amenities be decreased if
155 too many people are using them? 10) Transfer of development rights? County has no ordinance
156 in place and feels it is an open door to other developers to transfer development rights from one
157 end of the county to another.

158
159 Commissioner Poulter visited site along with Commissioner Smith and Planner Hunter; thinks
160 Commissioner Smith's concerns are valid and should be addressed before going forward with
161 project; is in favor of "mushing" it; slope is too extreme; concerned about drainage into open
162 space which should be preserved; be less units and change the way drains are being done.

163
164 Chair Duncan asked staff if problems of drainage were known to staff; Planner Hunter said no, it
165 was recent information by email on 10/17

166
167 Chair Duncan asked if DPW was informed of the current problems; Planner Barrington was not
168 sure but will pass the information on and confirmed that new projects cannot increase any
169 current problems.

170
171 Chair Duncan asked for any responses from staff and/or applicant to the above questions and
172 concerns.

173
174 Planner Barrington would like to take these concerns back for discussion before addressing any
175 responses to the public.

176
177 Andy Cassano thought Mr. Pickard provided good photos of the current problems. He said the
178 current drainage swale is designed to collect large amounts of water and release it slowly over
179 time. He does feels drainage may need to change to avoid further water flow down to Lady Jane
180 Road. He doesn't see how there will be any impact on wells and on any of Ms. Raper's concerns
181 There is no rezoning happening for her property. He responded to Commissioner Smith's
182 concerns and will provide further documentation for review. Grading will be revegetatedso

183 swale will actually be a pretty spot to walk through. He feels spot zoning is a matter of opinion
184 and is all for density transfers. He verified that no further development is proposed and is
185 available at Nevada City Engineering for questions and concerns

186
187 Planner Hunter asked for further questions of staff.

188
189 Chair Duncan expressed her appreciation for the public's input and that everyone will be notified
190 of continuance.

191
192 Planning Director Brian Foss stated that staff will work with applicant and get the project back to
193 the Commission as soon as possible.

194
195 Chair Duncan excused the audience

196
197 **Discussion of upcoming Planning Commission meetings**
198 The next meeting is scheduled for November 13, 2014 and the Yuba River Charter School
199 Project will be heard. The initial study has been revised and staff will ask Planning Commission
200 to recommend action for the board. Because of the holidays, one meeting scheduled for
201 November 2014 and one for December 2014.

202
203 **Announcements (Informational Items Only)**
204 Janet Hayes is retiring and all Commissioners wished her well. Planning Director Brian Foss
205 presented her a Certificate of Recognition and welcomed Brenda Austin, Interim Administrative
206 Assistant. No appointment has been made yet for District IV.

207
208 **Motion by Commissioner Jensen, Second by Commissioner Smith to adjourn.**
209 **Motion carried on voice vote 4/0 (District IV vacant)**
210 There being no further business to come before the Commission, the meeting was adjourned at
211 2:51 p.m. to the next meeting to be held on November 13, 2014, in the Board of Supervisors
212 Chambers, 950 Maidu Avenue, Nevada City.

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215
216 Passed and adopted this 23rd day of October, 2014.

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218 
219 Brian Foss, Ex-Officio Secretary