



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

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Sean Powers  
Community Development Agency Director

Brian Foss  
Planning Director

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

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**MEETING DATE:** October 9, 2018

**TO:** Board of Supervisors

**FROM:** Nevada County Planning Department

**SUBJECT:** Continuation of the October 27, 2015 Housing Element Rezone Implementation Project (GP12-002; Z12-002; EIR12-002) Public Hearing Regarding Sites 3 and 5.

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**RECOMMENDATION:**

- I. Environmental Action: Find that the Final Environmental Impact Report (EIR12-002/ SCH2009072070) certified by the Board of Supervisors on October 27, 2015, Board Resolution No. 15-503 is adequate for this action.
- II. Project Action:
  1. General Plan Amendment: Approved the attached Resolution for General Plan Amendment GP12-002 to re-designate Sites 3 and 5 to Urban High Density (*Attachment 1*).
  2. Zoning Amendment: Introduce, waive further reading and adopt the attached Ordinance for Zoning Map Amendment Z12-002 to amend Zoning District Map No. 52c to change existing zoning of Sites 3 and 5 sites to High Density Residential (R3) including adding the Regional Housing Need (RH) Combining District (*Attachment 2*).

**FUNDING:** This project impacts the General Fund for staff time. No budget amendments are required.

**ATTACHMENTS:**

1. Draft Resolution: General Plan Amendments

## 2. Draft Planning Ordinance: Zoning District Map Amendments

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### **BACKGROUND:**

On October 27, 2015, the Board of Supervisors after certifying the project specific Environmental Impact Report (EIR12-002/SCH2009072070) (Board Resolution No. 15-502), approving a Resolution amending the General Plan Land Use Designation of Sites 12, 14, 15 and 16 to Urban High Density (Board Resolution No. 15-504), and adopting an Ordinance amending specific Zoning District Maps to change the zoning of Sites 6, 11, 12, 14, 15 and 16 to high density residential or the equivalent of high density residential including adding the Regional Housing Need Combining District (Ordinance No. 2401), continued the consideration of Sites 3 and 5 within the Grass Valley Sphere of Influence to allow the County and City an opportunity to develop an agreement that would essential shift the anticipated units from Sites 3 and 5 to properties on East Bennett Road in the City Sphere of Influence (APNs 009-560-033 and 009-560-005).

Following this direction, the County, in coordination with the City of Grass Valley, completed a traffic analysis, biological inventory and cultural survey for the alternative sites on East Bennett Road. Based on the findings of these technical reports, it was determined that rezoning the East Bennett Road properties would result in additional potentially significant environmental impacts that were not otherwise analyzed in the County's Housing Element EIR as well as significant additional cost and time to prepare the required environmental analysis to support the required rezoning. Most recently, the State Department of Housing and Community Development (HCD) has contacted the County regarding the remaining unmet rezoning need; threatening to commence the Housing Element decertification process should the County not follow through with finalizing the implementation of the County's Housing Element Rezone Program (HD-8.1.1) within a reasonable timeframe. If decertification occurs the County would be disqualified from receiving CDBG, CSBG and HOME funding. Future NPLH competitive funding applications (along possibly with HEAP and CESH funds as these also flow thru HCD) would not receive high scoring with a decertified Housing Element. Additionally, decertification would invalidate the County's General Plan and any land use project approved could be challenged due to the fact that the County does not have a valid policy document to govern and regulate land use. The State could also place a prohibition on the County from issuing building permits of any kind due to noncompliance.

The East Bennett Road property has been determined to be infeasible at this time and Sites 3 and 5 remain viable to complete the implementation of the County's State Mandated Housing Element Rezone program. Sites 3 and 5 were recommended for rezoning by the County Planning Commission on August 27, 2015 and therefore, a Resolution and Ordinance is attached for the Board of Supervisors consideration and final action. Should the Board of Supervisors take the recommended actions below, it will

complete the County's State Mandated rezoning requirements addressing the County's unmet Regional Housing Need Allocation per General Plan Housing Element Policy HD-8.1.1 and avoid decertification of the Housing Element.

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**RECOMMENDATION:** Staff recommends that the Board of Supervisors take the following actions, as recommended by the Nevada County Planning Commission on August 27, 2015 on a 3-1 (1 recusal) vote:

- I. **Environmental Action:** Find that the Final Environmental Impact Report (EIR12-002/ SCH2009072070) certified by the Board of Supervisors on October 27, 2015, Board Resolution No. 15-503 is adequate for this action.
  
- II. **Project Action:**
  1. **General Plan Amendment:** Approved the attached Resolution for General Plan Amendment GP12-002 to re-designate Sites 3 and 5 to Urban High Density (*Attachment 1*).
  
  2. **Zoning Amendment:** Introduce, waive further reading and adopt the attached Ordinance for Zoning Map Amendment Z12-002 to amend Zoning District Map No. 52c to change existing zoning of Sites 3 and 5 sites to High Density Residential (R3) including adding the Regional Housing Need (RH) Combining District (*Attachment 2*).

**Item Initiated by:** Tyler Barrington, Principal Planner

**Approved by:** Brian Foss, Director of Planning