

NEVADA COUNTY PLANNING COMMISSION
STAFF REPORT

FILE NOS: GP13-004, Z13-006,
MGT14-003, U13-008, EIS13-017

HEARING DATE: February 12, 2015

APPLICANT/OWNER: Forest Springs, LLC

PROJECT: A combined application proposing: 1) a General Plan Amendment for 21.62-acres, referred to as Site A, from Residential (RES) to Urban Medium Density (UMD); 2) a Zoning Map Amendment for Site A from Residential Agriculture 1.5-acre density limitation to Medium Density Residential with the Mobilehome Community and Planned Development Combining Districts (R2-MH-PD). A Zoning Map Amendment to add the Subdivision Limitation Combining District (X) to a nearby 6.22-acre parcel referred to as Site B with an existing zoning of R2 for a final zoning of R2-X; 3) A Management Plan for anticipated impacts to a landmark oak grove; and 4) a Use Permit proposing to create 62 new mobilehome tenant spaces, on Site A, as an expansion to the existing 310-unit Forest Springs Mobilehome Community.

LOCATION: Site A: the project area is located east of State Route 49 and north of Lady Jane Road at 10084 Forest Springs Drive, Grass Valley, California.
Site B: 15219 Beeman Lane, approximately 1,000 feet south of Site A, Grass Valley, California.

ASSESSOR PARCEL NO.: Site A: 23-230-23 (Project site is approximately 21.62-acres of the 116-acre parcel); and, Site B: 23-300-64 (6.22-acres)

ORIGINAL PROJECT PLANNER: Kimberly Hunter, Senior Planner

REVISED PROJECT PLANNER: Tyler Barrington, Principal Planner

SITE A:

General Plan: Residential (RES)

Zoning: Residential Agricultural with a 1.5-acre minimum (RA-1.5)

Parcel Size: 21.62-acre portion of an approximately 116-acre property

Water: Nevada Irrigation District (NID)

Sewage: Existing Small Community Wastewater System

Sup. Districts: II, III

Prev. File Nos.: NOM14-003, PA07-004, U87-13, Z87-18, U85-056, Z85-11, U70-29 & U70-30, U69-19

SITE B:

General Plan: Urban Medium Density (UMD)

Zoning: Multi-Family Medium Density (R2)

Parcel Size: 6.22-acres
Water: Private Wells
Sewage: Private Septic System
Sup. District: II
Prev. File Nos.: LA04-036, LA 93-031

BOTH SITES:

Region/Center:	Grass Valley	Fire:	NCCFD
Flood Map:	Panel #0650 Zone X	Schools:	Grass Valley/NJUHSD
ZDM No.:	043	Recreation:	Grass Valley-Nevada City
Date Filed:	August 27, 2013	Receipt No.:	610021047

ATTACHMENTS: Strikeout shows attachments that were removed for the Board Report

1. ~~Draft Board Resolution. Revised Initial Study and Proposed Mitigated Negative Declaration (EIS13-017)~~
2. ~~Draft Board Resolution. General Plan Land Use Map Amendment (GP13-004)~~
3. ~~Draft Ordinance. Zoning Map Amendment (Z13-006)~~
4. ~~Draft Resolution. Oak Tree Management Plan (MGT14-003) and Use Permit (U13-008)~~
 - 4.A. ~~Exhibit A. March 5, 2014 Management Plan for the Forest Springs Mobilehome Community Phase IV and December 1, 2014 Addendum/Oak Tree Replanting.~~
 - 4.B. ~~Exhibit B. Project Mitigation Measures and Conditions of Approval~~
5. December 2014 Revised Preliminary Drainage Report for the Forest Springs Mobile Home Community Phase IV.
6. October 23, 2014 Planning Commission Staff Report with Duplicate Attachments Removed
7. October 23, 2014 Planning Commission Memo
8. Public/Agency Comments on the Revised Project Description

RECOMMENDATION: Staff recommends the Planning Commission make the following actions:

Environmental Action:

- I. Recommend the Board of Supervisors approve the attached Resolution for the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (EIS13-017) (*Attachment 1*).

Project Action:

- II. Recommend the Board of Supervisors approve the attached Resolution for the General Plan Amendment (GP13-004) (*Attachment 2*).

- III. Recommend the Board of Supervisors adopt the attached Ordinance approving the Rezone (Z13-006) (*Attachment 3*).
 - IV. Recommend the Board of Supervisors approve the attached Resolution for the proposed Oak Tree Management Plan (MGT14-003) and Use Permit (U13-008) (*Attachment 4*).
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BACKGROUND:

On October 23, 2014, the Nevada County Planning Commission held a public hearing to consider the proposed 62-unit expansion to the existing Forest Springs Mobilehome Community and the various components associated with the project including the proposed General Plan Land Use and Zoning Map Amendments, the Oak Tree Management Plan and the project's Use Permit (*Attachment 6*). At this meeting, staff requested that the Planning Commission continue action of the project to allow the County time to reconsider the project's proposed density transfer. In addition, comments from the public and the Planning Commission expressed concerns over a variety of issues, including the project's density, zoning, drainage and potential impacts to the landmark oak grove. Additional information was requested by the Planning Commission regarding the site's drainage design and an inventory of the oak trees that were to be removed for the construction of a drainage swale. Based on these requests, staff has worked with the applicant to prepare a revised approach to the project's General Plan Land Use and Zoning District Map amendments and the applicant has provided an oak tree inventory/exhibit (*Attachment 4.a.*) and a revised preliminary drainage report (*Attachment 5*). Each of these items will be discussed in greater detail below.

STAFF COMMENT:

Revised Project Description

Based on input from County Counsel and the Planning Commission, Planning Department staff and the applicant have developed a new approach to the project's General Plan Land Use and Zoning District Map amendments. Under the revised project description, the General Plan Land Use will be changed for Site A only from Residential (RES) to Urban Medium Density (UMD) and Site B will retain its UMD General Plan Designation and R2 zoning, but will be assigned the Subdivision ("Density") Limitation Combining District (X). By retaining its R2 base designation, Site B will no longer be changed to a single parcel of Residential Agricultural (RA) Zoning surrounded completely by properties with the Medium Density Residential (R2) zoning, which was proposed under the previous version of the project and resulted in the perceived potential for creating spot zoning of that site. In complete detail the revised project description is as follows:

Combined application proposing: 1) a General Plan map amendment to change the land use designation on 21.62 acres, referenced as 'Site A' (Portion of Assessor Parcel Number 23-230-23) from Residential (RES) to Urban Medium Density (UMD); 2) a Rezone proposal amending the zoning designation of Site A from Residential Agriculture - 1.5 acre minimum (RA-1.5) to Multi-Family Medium Density with the Mobilehome Community and Planned Development Combining Districts (R2-MH-PD). At 21.62-

acres, Site A would have the potential density of 129-units under the R2 base zoning designation. However to ensure that this project will not result in a significant overall increase in density within this region of Nevada County, the applicant is proposing a total of 62-mobilehome units on Site A by retaining the site's existing density of 14-units and adding 36-units of density creating the potential for 50-total units. The applicant is also requesting an additional 12-units of density, which would be the equivalent to a 25% density bonus, because the project is proposing to provide 100 percent age restricted (55 or older) units. To offset the increase in density on Site A the project proposes to add the No Further Subdivision (X) Combining District to 'Site B' a 6.22-acre non-adjacent property zoned R2, which under current R2 zoning has density for 37-units. The project would retain 1-unit of density for Site B, which is reflective of the existing use of the site. The purpose of adding the X Combining District to Site B is to lessen the overall effect of the increase in density in this region of the County; 3) a Management Plan for potential impacts to a landmark oak grove; and 4) a Use Permit to create 62 total mobile home spaces and related amenities on Site A as a Phase IV addition to the existing Forest Springs Mobilehome Community.

In preparing this revised project description, staff found that a transfer of density was unnecessary because the 21.62-acre Site A had almost twice as much density as an UMD/R2 property above what was being requested as a part of this project. As a result it was determined that Site B did not need to change its General Plan land use designation subsequently reducing the magnitude of the project's proposed General Plan Amendment (i.e. only one property would have its General Plan Land Use designation as opposed to two properties being changed under the original project proposal). Secondly, the project applicant maintained that they wanted to continue to pursue the down zoning of their other property in the vicinity (Site B) as a way to offset the increase in density on Site A (after the lot merger the closest property line was approximately 90-feet between Site A and Site B). Staff also found that a density bonus was unnecessary under the revised project description because Site A would have adequate density as a R2 zoned property to accommodate the applicant's proposal for 62 new mobile home spaces. Under the revised project description, the applicant has elected to maintain the existing proposed site plan and project layout as the original proposal (*Attachment 6*). Any future expansions to the Forest Springs Mobilehome Community would require additional discretionary review and analysis pursuant to the California Environmental Quality Act (CEQA) Guidelines.

Oak Tree Removal Inventory

During the October 23, 2014 Planning Commission meeting, the Commission expressed concerns regarding the potential loss of oak trees for the construction of the drainage swale and requested additional information regarding the number of trees that would have to be removed as well as mapping of the landmark oak grove. Based on this direction, the applicant's biologist prepared a revised exhibit showing the location of the 5-acre landmark oak grove and providing an inventory of those trees that would likely be removed (*Attachment 4.a*). This inventory concluded that 25 trees would likely need to be removed for the construction of the drainage swale. As a result, the project's biologist determined that 78 new black oak trees would need to be replanted to compensate for the loss of oak trees which is consistent with the County's

Regulations (Land Use and Development Code Section L-II 4.3.15.C.8) that require a 3:1 replanting ratio. This requirement is reflected in Mitigation Measure 4.D.

Revised Preliminary Drainage Plan and Design

During the October 23, 2014 Planning Commission meeting, a member of the public provided a series of pictures that showed flooding of Lady Jane Road (downslope from the project) that occurs during a major storm event due to the improvements made to State Highway 49 by CalTrans. The project had proposed to provide a drainage swale in the open space area to capture the sites storm drainage. The details of how this system would work however were relatively vague and subsequently the applicant was requested to provide more information on the drainage swale design and how it would effectively minimize additional runoff from the creation of new roads and rooftops. In response the applicant has prepared a revised Preliminary Drainage Report and a revised design of the drainage swale to address the neighboring property owner and Planning Commissioner concerns (*Attachment 5*). The revised design of the drainage swale will capture water into a pipe and the detention basin outfall will be via a signal outlet control structure and storm drain conduit conveying 100 percent of the proposed new development's southerly storm drainage outfall to Rattlesnake Creek within lands owned by Forest Springs Mobilehome Community. This revision is intended to eliminate the possibility of additional flows along Lady Jane Road. The revised design and drainage report was reviewed by the County Department of Public Works and found to be consistent with County policy and regulations. Mitigation Measure 9D has been revised to require that the storm detention swale be constructed consistent with this design and requires the project's stormwater to not result in future offsite increases in stormwater drainage.

ENVIRONMENTAL REVIEW:

Revised Initial Study/Mitigated Negative Declaration

Based on the revised project description, the submittal of revised Preliminary Drainage Report/Drainage Swale design, and the additional information on the removal trees within the identified landmark oak grove, staff has prepared a revised project specific Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (*Attachment 1*). This revised CEQA document was submitted to the State Clearinghouse and was made available for public and agency review from January 6, 2015 to February 7, 2015. The revisions were focused primarily on the revised project description and additional information provided by the applicant in response to public and Planning Commissioner comments. The majority of the revisions were text related and changed the impact discussion of the Land Use, Hydrology and Water Quality, and Biological sections of the Initial Study. As discussed above, Mitigation Measure 9D was revised to ensure that the drainage swale/detention basin are constructed consistent with the design outlined in the Revised Preliminary Drainage Report for the Forest Springs Mobilehome Community Phase IV dated December 2014. Other minor revisions to Mitigation Measure 4C and 4F were also incorporated into Attachment 1 consistent with the Planning Department's October 23, 2014 Memorandum to the Planning Commission. No other substantial changes were made to the Mitigation Measures or the overall content of the original Initial Study. During the public comment period, staff received a letter from the Nevada Joint Union High School District reiterating the District's original request that the project pay

school mitigation fees (*Attachment 8*). The previous version of this project included this requirement as a Planning condition of approval, but to ensure that the appropriate responsible agency is collecting this fee, Staff has included a condition of approval under the heading of the Nevada Joint Union School District outlining this requirement (Condition K.1). No other adverse comments were received and staff finds that a Mitigated Negative Declaration is adequate for this project.

ZONING AND GENERAL PLAN CONSISTENCY:

With the approval of the proposed General Plan Land Use Map Amendment and Rezone, the use of Site A as mobilehome housing will be consistent with the proposed base and combining zoning districts, the General Plan land use designation and specifically with the Land Use and Development Code (LUDC) Mobilehome Parks Combining District (Section L-II 2.7.4). Additionally, the design of the proposed project has been reviewed for consistency with the applicable comprehensive site development standards contained in the LUDC and found to be consistent with the County's standards, regarding parcel size, setback requirements, building height and through implementation of the project specific Oak Tree Management Plan, the protection of sensitive environmental resources.

Regarding the General Plan, the project furthers several of the goals and policies of the County's General Plan Housing Element, specifically: Goal HD-8.1 which encourages a variety of housing types for all income segments; Policy HD-8.1.2 will promotes the use of mobile homes and factory built housing; Program HD-8.1.8 which encourages the County to partner with non-profit and for-profit corporations that construct and manage very-low and low-income housing; Policy RC-8.4.8 which encourages the County to remove governmental constraints on the development of senior citizen housing; and Goal EO-8.1 which encourages the County to actively recognize and facilitate the needs of special housing groups, in this case senior citizens. The project is also consistent with several goals and policies of the County's Land Use Element including but not limited to: Policy 1.5.5 which encourages clustering of development as the project will cluster the development on 13-acres and retain approximately 8-acres of open space; Goal 1.6 and Policy 1.6.1 which encourages growth which protecting, maintaining and enhancing neighborhoods because this project is basically an infill addition to the existing Forest Springs Mobilehome Community; Policy 1.6.4 which directs growth to areas that can create acceptable levels of public facilities and services as the project is served by existing roads, a community sewage disposal system with adequate capacity for the development and the project has access to public water; Policy 1.7.2 which restricts additional subdivision (or density) of lands with the "X" combining district and allows for the use of the "X" zone where allowed density is transferred to another parcel, which is effectively what is occurring with this project; and Policy 1.8.1 which encourages compatibility and coordination with land use designations by retaining the existing R2 designation on Site B the project is not creating a "spot" zoned parcel. With the approval of the proposed legislative actions proposed by the project and adherence to proposed conditions of approval and mitigation measures, the project has been found to be compliant with both the Zoning Regulations and the County General Plan.

SUMMARY:

The proposed project is requesting entitlements for the creation of 62-new age restricted mobilehome tenant spaces as the Phase IV expansion to the existing 310-unit Forest Springs Mobilehome Community. The project will develop approximately 13-acres for the mobilehome park use and retain 8-acres of designated open space and the site design/layout has remained the same as considered by the Planning Commission on October 23, 2014. The project requires the approval of an Oak Tree Management Plan for anticipated impacts to the site's 5-acre landmark oak grove for the construction of the site's drainage detention swale. To establish appropriate densities to support this proposal, the project proposes legislative actions to change the land use designation of the approximately 21.62-acre Site A from RES to UMD and is proposing a Zoning District Map amendment to rezone Site A from RA-1.5 to R2-MH-PD and to add the X Combining District to a nearby 6.22-acre R2 zoned parcel that is developed with a single family dwelling. At 21.62-acres, Site A would have the potential density of 129-units under the R2 base zoning designation. To ensure that this project would only have a minor incremental overall increase in density within this region of Nevada County, the applicant is only proposing a total of 62-mobilehome units on Site A. Through the proposed General Plan and Zoning Map Amendments, the applicant is requesting the retention of the existing 14-units of density on Site A and an increase of 48-units. To offset the increase of 36-units, the applicant is proposing to downzone a neighboring parcel that they own by a total of 36-units. Finally, the extra 12-units of density is the equivalent to a 25% density bonus, because the project is proposing to provide 100 percent age restricted (55 or older) units.

Staff considers this proposal to be an infill type of development that is consistent with the surrounding land uses, as well as the County's General Plan and Zoning Ordinance. Adequate mitigation and conditions of approval has been applied to this project that will ensure that the project does not result in significant environmental impacts and subsequently staff is recommending that the Planning Commission recommend approval of the project to the Board of Supervisors as outlined in the recommended actions below.

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

- I. Recommend the Board of Supervisors approve the attached Resolution for the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (EIS13-017), as may be modified, pursuant to Section 15073.5 and 15074 of the California Environmental Quality Act Guidelines based on the findings contained in the draft Resolution (*Attachment 1*).
- II. Recommend the Board of Supervisors approve the attached Resolution for the General Plan Amendment (GP13-004) to re-designate an approximately 21.62-acre portion of Assessor's Parcel Number 23-230-23 (Site A) from Residential (RES) to Urban Medium Density (UMD) based on the findings contained within the draft Resolution (*Attachment 2*).

- III. Recommend the Board of Supervisors adopt the attached Ordinance approving a Rezone (Z13-006) that will amend Zoning District Map No. 043 to rezone the approximately 21.62-acre portion of Assessor's Parcel Number 23-230-23 (Site A) from RA-1.5 to R2-MH-PD; and to rezone the Assessor's Parcel Number 23-300-64 (Site B) from the R2 to add the Subdivision Limitation Combining District resulting in a final designation of R2-X based on the findings contained within the draft Ordinance (*Attachment 3*).

- IV. Recommend the Board of Supervisors approve the attached Resolution for the proposed Oak Tree Management Plan (MGT14-003) (*Attachment 4.a*) and the proposed Use Permit (U13-008) allowing for the creation of 62 new age-restricted senior housing residential mobilehome spaces as the Phase IV expansion to the existing Forest Springs Mobilehome Community, subject to the attached Mitigation Measures and Conditions of Approval (*Attachment 4.b*) based on the findings contained within the draft Resolution (*Attachment 4*).

Respectfully submitted,

BRIAN FOSS
Director of Planning