

NEVADA COUNTY PLANNING COMMISSION
STAFF REPORT

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

APPLICANT: Forest Springs, LLC

HEARING DATE: October 23, 2014

OWNER: Forest Springs, LLC

PROJECT: This is a combined application proposing the expansion to the existing Forest Springs Mobilehome Community (Phase IV) through: 1) a General Plan map amendment to transfer density between two non-adjacent properties by changing land use designation on 21.62 acres, referenced as ‘Site A’ (Portion of Assessor Parcel Number 23-230-23) from RES (Residential) to UMD (Urban Medium Density), and changing the land use designation on 6.22 acres, referenced as ‘Site B’ (Assessor Parcel Number 23-300-64) from UMD to RES; 2) a Rezone of Site A from RA-1.5 (Residential Agriculture – 1.5 acre minimum) to R2-MH-PD (Multi-Family Medium Density with the Mobilehome Community and Planned Development Combining Districts), and changing the zoning on Site B from R2 (Multi-Family Residential) to RA-X (Residential Agriculture – No Further Subdivision) with the General Plan and Zoning Map Amendment resulting in the retention of 14-dwelling units at Site A and a transfer of density of 36-dwelling units from Site B to Site A; 3) an Oak Tree Management Plan to specify mitigation actions for the removal of one landmark oak tree and limited disturbance of a 5-acre landmark oak grove site; and, 4) a Use Permit to create 62 mobilehome spaces, utilizing a 25% senior housing density bonus, and related amenities intended for age restricted occupants (55 and older) on Site A as a Phase IV addition to the existing 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
Site B: 15219 Beeman Lane, Grass Valley

ASSESSOR PARCEL NO.: Site A: 23-230-23 (Project site is approximately 21-acres of the 116-acre parcel); and, Site B: 23-300-64 (6-acres)

PROJECT PLANNER: Kimberly Hunter, Senior Planner

SITE A:

General Plan: Residential (RES)

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

Parcel Size: 116-acres

Water: NID

Sewage: Small Community Wastewater System

Sup. Districts: II, III

Prev. File Nos.: NOM14-003, PA07-004, U 87-13, 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-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.:	43	Recreation:	Grass Valley-Nevada City
Date Filed:	August 27, 2013	Receipt No.:	610021047

ATTACHMENTS Strikeout show attachments that were removed for Board Report

- ~~1. Recommended Conditions of Approval and Mitigation Measures~~
- ~~2. Draft Board Resolution for EIS13-017/Initial Study and Proposed Mitigated Negative Declaration~~
- ~~3. Draft Board Resolution for GP13-004 and General Plan Land Use Map~~
- ~~4. Draft Ordinance for Z13-006 and Rezone Map~~
- ~~5. Oak Tree Management Plan MGT14-003~~
- ~~6. Draft Resolution for U13-008~~
- Vicinity and Public Notice Map
- ~~8. Reduced Site Plan~~
- Economic Analysis for General Plan/Zoning Amendments
- Justification of General Plan Amendment
- Comment Letters
- ~~12. Full Sized Set of the Site Plan*~~

* Planning Commissioners Copies only; these documents are available online at www.mynevadacounty.com and then enter the search term Forest Springs Mobilehome Community from any page.

RECOMMENDATION

1. **Environmental Action:** Recommend Approval of the Mitigated Negative Declaration EIS13-017 for the Proposed General Plan Amendment GP13-004, Rezone Z13-006, and Use Permit U13-006 to the Nevada County Board of Supervisors.
2. **Project Action:** Recommend Approval of the Proposed General Plan Amendment GP13-004, Rezone Z13-006, Management Plan MGT14-003, and Use Permit U13-006 to the Nevada County Board of Supervisors.

SITE DESCRIPTION

Site A is an approximately 21-acre area located approximately five miles south of Grass Valley. The site is bordered by the Forest Springs Mobilehome Community to the northeast, SR 49 corridor to the west and Lady Jane Road to the south. The site is generally undeveloped with the exception of several unused dirt roads and one existing garage structure (to be demolished). The dominant plant communities are lower montane conifer forest, black oak woodlands, and annual grasslands. The shrub layer is mostly manzanita chaparral interspersed with non-native grasses, poison oak and invasive Scotch broom. The dominant trees within the northern portion of Site A are Ponderosa pine interspersed with sugar pine, some incense cedar, Douglas fir, and black oak. The majority of Site A is generally level except for the southernmost area where the site begins sloping in a north to south facing direction. Site A is accessed via the existing Stone Arch Drive from Forest Springs Drive via La Barr Meadows Road. A gated emergency access is located at Lady Jane Road, which directly accesses SR 49.

Of the 21-acre project site, approximately 13-acres will be developed as part of the 62-unit Mobilehome Park expansion. The majority of the project site contains areas of slight to moderate topography. The southernmost 8-acre portion of Site A will be designated as open space. This portion of the project site contains steep slopes which are dominated by stands of foothill hardwood woodlands of black oak. One Landmark Oak Tree (36+ inches at diameter breast height) and a 5-acre Landmark Oak Grove (33+% canopy closure) have been identified within the 8-acres of open space.

Future development on Site A would be served by the Nevada Irrigation District (NID) community water system. An existing small community wastewater treatment system serves Phases I-III of the Forest Springs Mobilehome Community and will provide for additional wastewater disposal. The existing wastewater treatment system operates under a permit from the Central Valley Regional Water Quality Control Board through the Waste Discharge Requirements (WDR) program.

The existing and proposed use for the approximately 6-acre parcel, referenced as ‘Site B’, is single family residential use with no proposed development changes. Site B is approximately 1,100 feet south of Site A, and is located east of Little Valley Road and north of the Alta Sierra Drive, at 15219 Beeman Lane. The site is improved with one single family residence which is

served by a private septic system and two groundwater wells. Rattlesnake Creek bisects the site, which is shown as a perennial stream on the USGS Grass Valley Topographic Quadrangle map.

The overall land use pattern in the area is a mix of the rural residential parcels and medium density residential areas, some of which contain other Mobilehome Parks. Some neighborhood and highway commercial areas are scattered within the project vicinity; however, none of these sites are located adjacent to the project site (Attachment 7).

BACKGROUND

Mobilehome Parks and their design are primarily regulated under the California Mobilehome Parks Act (MPA). The Department of Housing and Community Development (HCD) is responsible for overseeing the operation, construction, and inspections for Mobilehome Parks. The state's jurisdiction and design standards preempt most local requirements. However, the MPA does require local land use/zoning compliance (zoning, density, etc.) and approval of local public works, utility, and fire agencies. Therefore, the proposed general plan map amendment, rezone and use permit would provide for the needed land use entitlements supporting the expansion and the modification of Forest Springs Mobilehome Community's state permit to operate which is issued by HCD.

The existing Forest Springs Mobilehome Community consists of 310 spaces which have been incrementally developed in three phases (I-1972, II-1978, III-1989). The Mobilehome Park is age restricted (55+ years) and currently occupies 102 acres. The owner of the Mobilehome Park, Forest Springs LLC., acquired three adjacent parcels in September of 2012, hereto referenced as 'Site A' (formerly APN's 23-250-72, 23-280-12 and 13), to allow for future development of Phase IV to expand the Mobilehome Park. As a result of the recording of a Notice of Merger after the application was submitted, the three parcels of Site A were merged with contiguous parcels owned by Forest Springs, LLC. The resulting total acreage of Assessor's Parcel 23-230-23 is 116-acres, although the Project Site A consists of only approximately 21-acres.

As the Forest Springs Mobilehome Community is age restricted to seniors 55 and older, the applicant has also chosen to seek a 25% density bonus for the expansion project. The density bonus is allowed by Policy HD-8.1.6 which increases the number of units allowed by the zoning from 50 to 62 in accordance with California Government Code Section 65915.

PROPOSED PROJECT

General Plan Land Use Map Amendments (GP13-004): The project will amend the General Plan Land Use Map by changing the land use designations on Site A from RES (Residential) to UMD (Urban Medium Density), and on Site B from UMD to RES (Attachment 3).

Zone Change (Z13-006): The project includes amending the Zoning District Map #43 to change the zoning on Site A from RA-1.5 (Residential Agriculture, 1.5 acre minimum) to R2-MH-PD (Multi-Family Medium Density with the Mobilehome Community and Planned Development Combining Districts). The zoning on Site B will be changed from R2 (Multi-

Family Medium Density) to RA-X (Residential Agriculture with the Subdivision Limitation Combining District) (Attachment 4).

Oak Tree Management Plan (MGT14-003): Landmark Oak Trees and LMOGs are sensitive environmental resources that are protected by Nevada County General Plan Policy 1.5.3 and Section L-II 4.3.15 of the Land Use and Development Code. As a result of the project impacts on an identified 5-acre Landmark Oak Grove, an Oak Management Plan (MGT14-003) has been prepared for the project to evaluate and mitigate the project impacts on defined trees, including one landmark black oak (Attachment 5).

Use Permit (U13-008): The Use Permit component of the application only applies to Site A. Approval of the Use Permit would allow for the construction of 62 age-restricted mobilehome rental spaces and related amenities as proposed by the Forest Spring Mobilehome Community Phase IV Expansion project as shown on the site plan (Attachments 6 and 8).

Designed to be similar to the existing Phase III of the Forest Springs Mobilehome Community, the minimum space frontage will be 60 feet with an average depth of 85 feet in Phase IV. The street sections are planned at 28 feet wide from back of curb to back of curb. Four parking areas are planned with a total of 30 guest spaces. The parking areas are distributed throughout the phase to allow for easy guest access to all the units. A designated parking area for recreational vehicles is also included in the project which is consistent with the existing development.

STAFF COMMENT

The following items will be discussed: the General Plan Land Use Map Amendment and Rezone; the Use Permit; the Management Plan; and, the Environmental Review.

General Plan Land Use Map Amendment and Rezone: As discussed above, the project proposes a density transfer between Site A and Site B which will result be executed through the proposed General Plan Land Use Map Amendment and Rezone. This transfer of density will occur in the same vicinity of Nevada County and in the same Tax Rate Area, meaning that there will be no long term fiscal impact on any entity that receives property tax revenues. The “revenue neutrality” of the proposed project is discusses more fully in the Economic Analysis (Attachment 9) which is a part of the project application.

Site B has limited development potential because it is bisected by a perennial watercourse (Rattlesnake Creek) which is considered to be an environmentally sensitive resource. No change in use is proposed for Site B from the existing single-family residential use. By applying the Subdivision Limitation Combining District (X), no further division of Site B will occur.

Density Transfer. A transfer of density is one approach that is encouraged to be reviewed by the County by General Plan Land Use Element Policy 1.2.2. Density transfers are identified in this policy as “... innovative measures to promote and preserve open space and environmentally-sensitive areas.” In this case, potential development density is being transferred from Site B,

which would be considered to be an environmental sensitive site that is bisected by a watercourse and contains riparian habitat, to Site A which has fewer environmental constraints.

As shown in Table 1, under the current land use and zoning designations Site A would have the potential for residential density of 14 dwelling units at 1 unit to every 1.5 acres as allowed for by the RA-1.5 District; and Site B would have the potential density for 37 dwelling units at 6 units per acre as allowed by the R2 District. For the proposed project, the applicant has requested to retain the current residential density at Site A of 14 units. Through the proposed General Plan Amendment and rezone, the transfer of 36 dwelling units would be occur from Site B to Site A. Site B would retain a residential density of 1 dwelling unit that accommodates the existing single-family residence.

TABLE 1

APN / SITE	ACREAGE	CURRENT GP/ZONING	CURRENT MAX. DENSITY	PROPOSED GP/ZONING	PROPOSED MAX.DENSITY
23-230-23 / (Site A)	21.62	RES/RA-1.5	14	UMD/R2-MH-PD	50
23-300-64 / (Site B)	6.22	UMD/R2	37	RES/RA-X	1
Totals	27.84		51*		51*
*Does not account for 25% requested density bonus for APN 23-230-23					

The proposed development of Site A is considered to be infill development with the transfer of density by filling a gap between the existing Forest Springs Mobilehome Community to the northeast and the SR 49 corridor to the west. This another design concept of the project which is supported by the General Plan as infill development is encouraged by Housing Element Policy EC-8.6.3.

Economic Analysis. The applicant has submitted an Economic Analysis as required for a General Plan and Zoning Amendment (Attachment 9). This project-specific analysis arrives at the assumption that the land use yields under the current and proposed land use designations. Based on the equal exchange of density from Site B to Site A, there analysis concludes that there will be no fiscal impact from the proposed project.

Justification Study. The applicant has submitted a project-specific General Plan Amendment justification study with findings (Attachment 10). Under this study, the General Plan was reviewed in its entirety to determine if the applicable polices support or discourage the proposed project. Based on 39 findings, this study concludes that the proposed Mobilehome Park expansion maintains consistency with the overall General Plan policies.

Use Permit: The proposed Use Permit would allow for the expansion of the existing Forest Springs Mobilehome Community (“Mobilehome Park”) by 62-units at Site A. As previously discussed, the existing Mobilehome Park was completed in three phases from 1972 to 1989 and contains 310 spaces, required infrastructure and a clubhouse facility for residence. The Land Use and Development Code Section L-II 2.7.4 Mobilehome Parks Combining District (MH) provides special regulations for the establishment of Mobilehome Parks in those zoning districts that

permit residential uses, subject to the issuance of a Use Permit. The MH District must be attached to each Mobilehome Park.

Density Bonus. The applicant has requested a density bonus for senior housing of 25% in accordance with General Plan Chapter 8 Housing Element Policy HD-8.1.6:

“Policy HD-8.1.6 The County shall continue to implement California Code Section 65915 by encouraging the construction of multi-family and single-family housing units within Community Regions for very-low and low-income households and senior citizens by providing...a bonus of at least 25% over density allowed by the General Plan land use map and implementing zoning...”

As stated in the above Housing Element policy, California Government Code Section 65915 does provide for a density bonus for low income and senior citizen housing projects which are reflected by Section L-II 3.16 of the Land Use and Development Code. Under Section L-II 3.16.B.2.C, a project qualifies for a 25% density bonus if at least 50% of the proposed units will be designated for senior citizens. The Forest Spring Mobilehome Community is an established age-restricted Mobilehome Park that is 100% designated for senior citizens. As a result, the proposed expansion qualifies for the 25% density bonus which results in 12 additional units as it will also be 100% age-restricted to residents 55 years and older. In addition to the 50 units granted under the transfer of the density, the 25% density bonus for senior citizen housing results in the proposed density of 62 dwelling units in total for this project.

Internal Circulation. Roadway design requirements within Mobilehome Parks are established by the Mobilehome Parks Act which is enforced by the California Department of Housing and Community Development (HCD). The proposed internal circulation routes for the Forest Springs Mobilehome Community Phase IV Expansion project consist of interconnected paved two-way private roadways which will be 28 feet in width (which satisfies the state requirement of a minimum 25 foot width). These roadways have yet to be named and are currently referenced as Roads A-F. As addressed in Condition of Approval A-7 the developer must provide road names in accordance Section L-VII 2.4 of the Land Use and Development Code.

A secondary, gated emergency access is located at the south off of Lady Jane Road and SR 49. As required by Condition of Approval E-3, at no time shall the gate on this access road be locked.

Parking. In accordance with the design standards established by the Mobilehome Parks Act, no vehicle parking shall be allowed on two-lane, two-way roadways that are less than 32 feet in width. As a result, all parking shall be accommodated through the required off-street parking spaces and guest parking sites. The Nevada County Land Use and Development Code Section L-II 2.7.4 Mobilehome Parks Combining District requires that parking spaces within Mobilehome Parks be provided at a ratio of two (2) off-street parking spaces for each mobilehome site. One additional off-street parking space is required for every three mobilehome sites within the development. The Phase IV Expansion project proposes a total of 27 guest parking spaces which

satisfies the additional off-street parking requirements. To ensure that off-street residential parking requirements are fully met, Condition of Approval A-4 specifically addresses the requirement for two off-street parking spaces for each mobilehome space.

Drainage. A Drainage Report has been submitted for the proposed project that provides the preliminary hydrology under pre and post-development conditions with detention facility sizing for the proposed Forest Springs Mobilehome Community expansion. Drainage in the northern 3.5-acres of Site drains naturally into an existing pair of 18” culverts which cross State Route 49 then drain westerly into a natural swale until reaching Wolf Creek. The remaining 9.2-acres drains naturally southeasterly within a local natural drainage until it reached Rattlesnake Creek. For the northerly drainage, subsurface detention is proposed to be placed below the guest parking area though the use of either a buried vault or pipes. Discharges will be regulated by to mimic the predevelopment flows. For the southerly drainage, a long detention swale is proposed on the contoured downslope within the designated open space area. The preliminary design of these detention structures meets the required mitigation levels for the 10 year and 100 year storm events which eliminate the need for further downstream improvements.

Lighting. A lighting plan has been submitted by the applicant for this project. Mobilehome Park lighting standards are addressed in the Mobilehome Parks Act and are enforced by HCD. These standards, however, do not preclude that the County’s lighting standards to minimize nighttime light pollution and energy waste. Subsequently, Condition of Approval A-2 addresses the lighting standards established by Section L-II 4.2.8 of the Land Use and Development Code that requires that outdoor lighting features be shielded and the use high efficiency lamps.

Landscaping. A preliminary Landscaping Plan prepared by a qualified Landscape Designer has been submitted for this project. This plan is consistent with the development requirements that are established by Section L-II 4.2.7 of the Land Use and Development Code for required interior parking lot landscaping for the four guest parking areas and the one RV parking area. A final Landscaping Plan shall be approved by the County prior to the start of any on-site construction or soil disturbance as required by Condition of Approval A-5.

Wastewater Disposal. The Phase IV Expansion project proposes to utilize the existing wastewater treatment and disposal systems that currently serve the existing Forest Springs Mobilehome Community (Phases I-III). This topic will be further discussed under the Environmental Review section of this staff report.

Water. Potable water supply for the additional 62 units will be supplied by the Nevada Irrigation District (NID). A “will-serve” has been submitted from NID verifying that adequate capacity exists for the consumptive needs of the expansion of the Forest Springs Mobilehome Community (Attachment 11).

Traffic. A limited traffic analysis study was performed for this project by LSC Transportation Consultants, Inc. in October of 2013 which reflects the conditions with the roadways and intersections improvements that were installed by Caltrans as part of the SR 49/La Barr Meadows Road Widening Project. The traffic analysis considered existing and future traffic volumes, the

project's trip generation and distribution, traffic assignment, as well as Level of Service (LOS) calculations for the SR 49/La Barr Meadows Road and Forest Springs Drive/La Barr Meadows Road intersections. The traffic analysis concluded that the project-generated traffic would account for less than 3% of the future cumulative growth in peak-hour traffic volumes expected through the SR 49/La Barr Meadows Road intersection, and about 43% to 45% of the growth expected at the La Barr Meadows Road/Forest Springs Drive intersection.

The traffic analysis concluded that the proposed project will not adversely impact these intersections or result in the LOS being exceeded. Accordingly, no intersection LOS mitigation measures were found to be necessary under existing or future cumulative conditions with the proposed project. Additionally, no traffic queuing or sight distance issues were identified with the proposed project.

Traffic mitigation fees will apply to this project that help offset the impacts of the project on the transportation network. The project applicant will pay the applicable Regional Transportation Mitigation Fees and a Local Traffic Mitigation Fees which are addressed by Condition of Approval C-1.

Management Plan: The southernmost 8-acres of the southern portion of Site A will be designated and retained as open space. Within this open space area, a 5-acre Landmark Oak Grove (LMOG) with a tree canopy that measures greater than 33 percent canopy closure has been identified. This grove includes the second Landmark Oak Tree that is on the project site. An Oak Tree Management Plan (MGT14-003) has been prepared for the ongoing maintenance and preservation of the LMOG. The Management Plan further addresses the overall health and fire safety within the LMOG with the implementation of site-specific habitat management actions that include:

- Active management fuel reduction to reduce ground level, understory and lower canopy fuels that will minimize the likelihood that wildfire will completely destroy the LMOG and preclude rapid natural regeneration of black oak trees;
- Recommended procedures for the selective pruning/thinning out regime to benefit the black oak trees within the LMOG by reducing the number of oaks that will promote the overall healthier environment;
- Best Management Practices for oak preservation for tree protection during construction activities

Some temporary construction disturbance will occur within the LMOG as a result of the construction of the storm water detention swale and pedestrian pathways that will result in the disturbance of the LMOG. The storm water detention swale will impact about 0.85 acre of mixed conifer interspersed with some black oak. Construction of the detention swale with outlet flows will require the removal of 25 black oaks within the LMOG. None of these oaks are, by definition, are Landmark Oaks; two of the oaks are 22 and 26 inches respectively, and the others range from 8 to 14 inches in diameter. The Landmark Oak situated within the western portion of the grove will not be impacted during the construction of the storm water detention swale. Outlet

flows and other potential discharge systems from the detention swale will be designed and placed to the east of the Landmark Oak as to not endanger the long-term health of the tree.

An addendum to the Management Plan has been submitted that further addresses the impact of the planned construction and operation of the storm water detention swale within the LMOG. To ensure that the impacts associated with the construction of the detention swale are minimized, impact avoidance measures are established for the LMOG and the Landmark Oak. These measures include the identification of these areas as Environmentally Sensitive Areas (ESAs) during all phases of construction and fencing the protected root zones of trees to be preserved. Post-construction documentation and success criteria are also included in the Management Plan as required by Conditions of Approval A-16, A-17, A-18 and A-19 to offset the impacts on the remaining oak woodlands and insure there will be a no further net loss of black oaks as a result of the project.

This topic will be further discussed under the Biological Resources portion of the Environmental Review section of this staff report.

Environmental Review: ‘Attachment 2’ of this staff report contains the initial study and proposed Mitigated Negative Declaration (MND) for this project completed in accordance with the California Environmental Quality Act (CEQA) Guidelines (as attachments to the draft resolution). With the incorporation of the recommended Mitigation Measures addressing all of the potentially significant impacts, and as may be modified during this public hearing, the project can be processed using a Mitigated Negative Declaration. The following resources were identified as requiring mitigation measures to lessen any potential impacts that would result from the proposed project:

- Aesthetics (Initial Study pp. 18 to 20);
- Air Quality (Initial Study, pp. 21 to 25);
- Biological Resources (Initial Study, pp. 25 to 33);
- Cultural Resources (Initial Study, pp. 33 to 35);
- Geology/Soils (Initial Study, pp. 35 to 41);
- Hydrology/Water Quality (Initial Study, pp. 45 to 49);
- Noise (Initial Study, pp. 52 to 55); and
- Utilities / Service Systems (Initial Study, pp. 62 to 65).

The site-specific and unique mitigation measures are discussed below:

Aesthetics. The County’s General Plan policy calls for promoting and providing for aesthetic design in new development, which reflects existing character. General Plan Land Use Element Policy 1.5.5 strongly encourages project clustering to protect both the sensitive resources within the project boundaries as well as to provide for larger open space visual buffers. As such, the proposed design of the subdivision utilizes a clustered design and the retention of open space. Additionally, the sound wall will shield the view of the 62 residential units from view from SR 49.

As a result of this project, some adverse impacts on the visual character of the local area could occur from the removal of all vegetation from the 13- acres of Site A to be developed for the expansion of the Mobilehome Park. Specifically, the removal of approximately 556 trees including 97 black oaks, 13 cedars, with the remainder of the trees consisting of Douglas fir, Ponderosa pine and sugar Pine. The clearing of these trees could potentially result in the degradation of the existing visual quality of the site. To lessen the aesthetic impact of the loss of trees on the site, Condition of Approval A-14 requires a landscaping tree buffer along the interior of the new sound wall. Furthermore, the views of the area designated as open space, located at the southern portion of Site A will remain essentially unchanged as that area will be retained as managed open space.

Biological Resources. The proposed project will result in the removal of vegetation on approximately 13-acres of Site A due to extensive grading associated with the on-site construction of the Mobilehome Park infrastructure, internal road circulation system and building pads. This includes the removal of approximately 556 trees that include 97 black oaks, 13 cedars, with the remainder of the trees consisting of Ponderosa pine, Douglas fir, and sugar pine. One of the black oaks to be removed is one tree has been identified as a Landmark Oak Trees have been identified on Site A. (A second Landmark Tree is located within 8-acre designated area of open space and will be retained and protected.)

The Oak Tree Management Plan submitted for this project addresses the protection and preservation of the black oaks located within the open space. Focus is on the overall health of the LMOG through active management including fuels reduction, thinning and pruning. However, replacement black oak tree plantings are not proposed by the currently submitted Management Plan although Section L-II 4.3.15 of the Land Use and Development Code requires the replacement of removed Landmark Trees or trees within a LMOG.

As a result, Condition of Approval A-18 requires that the Oak Tree Management Plan will be revised to include tree replacement plan for the loss of the one Landmark Oak located within the area of development and the 25 black oak trees that will be removed in the defined LMOG for compliance with County standards. To ensure an acceptable survival rate of the replacement oaks, which may be planted onsite on Assessor's Parcel Number 23-230-23 or offsite with the approval of the Planning Director, the planting protocol in Condition of Approval A-18 shall be followed that outlines the specific planting protocol for black oaks with replacement plantings of a 3:1 ratio.

The spread of invasive or noxious weed species has also been identified as a potential impact from the project. The shrub layer of the site contains non-native plants including invasive or noxious weed species. Invasive weeds can increase fire hazards and have adverse effects on native plant communities and the wildlife that depend on them. Several are present in the understory of the conifer and oak stands due to a long history of disturbance. Scotch broom (*Cytisus scoparius*) and Himalayan blackberry (*Rubus discolor*) are most prevalent at Site A, which are considered as noxious weed species of concern to the California Department of Food and Agriculture (CDFA).

Scotch broom is of particular concern to the CDFA. Construction activities and soil disturbance from the proposed project could result in the accidental introduction and spread of noxious weeds into areas that are currently not infested, as well as the potential spread of existing infestations into new areas off-site. The potential biological impacts to oak woodlands and unintentional spread of noxious weeds can be mitigated by the incorporation of Condition of Approval A-20 which requires that protection measures be implemented during the construction phase of the development to protect oak woodlands and prevent the inadvertent spread of noxious weeds. Scotch broom removal and control is also addressed in the open space management plan. At the request of the applicant and with consultation with the staff at the Nevada County Resource Conservation District, alternative language allowing for seed-contaminated soil has been added to this mitigation measure.

Geology / Soils. On Site A, the 13-acre area of development will require excavation or fill grading to support the proposed improvements. This includes approximately 10,000 cubic yards of cuts and fills with the removal of all vegetation. Soils classifications on Site A consist of Boomer Loam (BoD) which has a medium to rapid runoff rate and the hazard of erosion is moderate to high, and Sites Loam (SIB, SID) which has series which has a medium runoff rate and slight to moderate erosion potential. The site preparation activities would result in the disruption of on-site soils and the exposure of uncovered soils to potential erosion impacts.

Based on recommendations made in the Preliminary Geotechnical Engineering Report completed by Holdrege and Kull (Revised December 2012), impacts resulting from disruption, displacement, compaction, or over-covering of the soil by cuts, fills, or extensive grading can be lessened with the incorporation of mitigation which are reflected by Conditions of Approval A-25, A-26 and A-27.

Utilities / Service Systems. The existing Forest Springs Mobilehome Community is served by existing wastewater systems which includes treatment/percolation ponds with spray disposal and a centralized septic tank with leachfield disposal. These systems are permitted through the Waste Discharge Requirements (WDR) program administered by the Central Valley Regional Water Quality Control Board (CVRWQCB). The system that serves Phase I (130 units) and II (108 units) of the Mobilehome Park includes treatment/percolation ponds with spray disposal permitted at 55,000 gallons per day (gpd) average dry weather flow. The system serving Phase III (73 units) consists of a centralized septic tank with leachfield disposal and has 29,000 gpd permitted capacity. No significant challenges or compliance issues currently exist with these systems.

The applicant, Forest Spring LLC, is currently working with the staff of the CVRWQCB in an effort to clarify the permitting issues applicable to the system expansion which may require that the existing WDR permit be updated. In correspondence from Sauers Engineering, Inc. (April 9, 2013), it appears that the actual flow to each system is much lower than permitted capacity. Monitoring of the existing systems has indicated that the flow generation within the Mobilehome Park is approximately 110 gpd/unit, which is low in comparison to typical residential communities.

Based on the existing availability of capacity of the wastewater disposal systems and the relatively low wastewater flow per unit in the Mobilehome Park, it appears that the existing treatment and disposal systems have sufficient capacity to allow for the addition of 62 new units. Approval of those units will be dependent on the WDR permitting modification or reissuance by CVRWQCB. Based on these factors, it appears that Assessor's Parcel 23-230-23, which includes project Site A, has adequate facilities and soils that are capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. To ensure that project development does not proceed without verification by the state that adequate wastewater disposal capacity exists for the 62 unit Mobilehome Park expansion, Condition of Approval A-31 requires that adequate capacity is verified by the Central Valley Regional Water Quality Control Board prior to the issuance of grading and development permits.

Project Notification: Tribal Consultation Notification (SB 18) requests regarding the proposed General Plan Land Use Map Amendment were sent out on August 30, 2013. The project was distributed in September 2013 for initial review to applicable County departments, local agencies and interested state agencies for comment. The CEQA Notice of Availability (NOA), Initial Study and proposed environmental determination of a MND were sent to the State Clearinghouse to be reviewed by eight state agencies. These CEQA documents have also been routed locally to one special district, three other Nevada County agencies, two private utilities, and Special Interest Groups that are on the Planning Department's notification list. To date, comment letters have been received from the Nevada Irrigation District, Nevada Joint Union High School District and the Nevada County Department of Environmental Health. The Nevada Joint Union High School District's letter of September 11, 2014 raised concerns regarding the payment of school mitigation fees which have been addressed by Condition of Approval A-11. No other agency/organization has raised any concerns with this proposal and no comment letters have been received. Noticing of this project included all properties within 300 feet of both of the project sites for the October 9, 2014 public hearing.

Zoning and General Plan Consistency: With the approval of the proposed General Plan Land Use Map Amendment and Rezone, the use Site A as a Mobilehome Park will be consistent with the proposed base zoning district, general plan land use designation and with the Land Use and Development Code Section L-II 2.7.4 Mobilehome Parks Combining District. Additionally, the design of the proposed project has been reviewed for consistency with the applicable comprehensive site development standards contained in the Land Use and Development Code. With adherence with the proposed Conditions of Approval and Mitigation Measures, the project has been found to be compliant with the Zoning Regulations.

SUMMARY

Forest Springs, LLC has submitted an application proposing an expansion of the existing age-restricted Forest Springs Mobilehome Community. This application proposes to transfer density from the 6-acre 'Site B' (APN 23-300-64) to the 21-acre 'Site A' (portion of APN 23-230-23) through a General Plan Land Use Map amendment (GP13-004) and Rezone (Z13-006). Site A will be redesignated from the Residential (RES) land use designation to the Urban Medium Density (UMD) land use designation which will be accompanied by a rezone from the

Residential Agricultural District with a 1.5-acre minimum (RA-1.5) to the Multi-Family Medium Density District with the Mobilehome Parks and Planned Development Combining Districts (R2-MH-PD). Site B will be redesignated from the UMD to the RES land use designation and rezoned from the R2 District to the RA District with a Subdivision Limitation Combining District (X) that will prevent future subdivision of the parcel.

A Use Permit (U13-008) is proposed for Site A to allow for the expansion of the existing age-restricted Forest Springs Mobilehome Community. Due to the development being a senior housing project, a 25% density bonus is requested to increase the residential density from a maximum of 50 dwelling units to 62 dwelling units. Approximately 13-acres of Site A will be developed to accommodate the 62 units with 8-acres being retained as open space. Within the open space, a 5-acre Landmark Oak Grove has been identified which contains one Landmark Oak Tree. Accordingly, an Oak Tree Management Plan (MGT14-003) has been submitted that establishes the ongoing preservation and maintenance measures to be implemented to ensure the health of Landmark Oak Grove. The project has been reviewed by multiple agencies and each of those commenting agencies can support the proposal with the implementation of the attached project specific Conditions of Approval. No adverse impacts have been identified that are not addressed by the proposed Conditions of Approval or Mitigation Measures. Therefore, staff recommends approval of the project.

RECOMMENDATION

Staff recommends the Planning Commission take the following actions:

- I. Recommend the Board of Supervisors approve the attached Resolution for the Mitigation Negative Declaration (EIS13-017), as may be modified, pursuant to Section 15073.5 and 15074 of the California Environmental Quality Act Guidelines (*Attachment 2*) based on the following findings A-D:
 - A. The above recitals are true and correct;
 - B. On the basis of the whole record before the Board of Supervisors, there is no substantial evidence that the proposed Project will have a significant effect on the environment as mitigated;
 - C. The IS/MND reflects the Board’s independent judgment and analysis; and.
 - D. The documents and materials constituting the record of the proceedings on which this decision is based are located and in the custody of the Nevada County Planning Department at 950 Maidu Avenue, Nevada City, California.
- II. Recommend the Board of Supervisors approve the attached Resolution for the General Plan Amendment (GP13-004) to the Nevada County General Plan Land Use Map to redesignate a 21-acre portion of Assessor’s Parcel Number 23-230-23 (Site A) from

Residential (RES) to Urban Medium Density (UMD); and, to redesignate Assessor's Parcel Number 23-300-64 (Site B) from Urban Medium Density (UMD) to Residential (RES) based on the following findings A-F:

- A. That the proposed amendment re-designating the land use designation of Site A to the Urban Medium Density (UMD) land use designation is consistent with and furthers the goals, objectives, policies and program of the General Plan and the provisions of the Nevada County Land Use and Development Code;
 - B. That the proposed amendment re-designating the land use designation of Site B (6.22-acres) to the Residential (RES) land use designation is consistent with and furthers the goals, objectives, policies and program of the General Plan and the provisions of the Nevada County Land Use and Development Code;
 - C. That Site A is physically suitable for the Urban Medium Density (UMD) General Plan Land Use Designation, in that the site does not contain significant areas of slopes or sensitive environmental resources, which cannot be avoided through appropriate site planning and the implementation of the Oak Tree Management Plan required for this project. The site has adequate access to a County maintained road and subsequently will accommodate the anticipated development of a 62 unit, age-restricted Mobilehome Park;
 - D. That Site B is physically suitable for the Residential (RES) General Plan Land Use Designation, in that the site does not contain significant areas of slopes or sensitive environmental resources, which cannot be avoided through appropriate site planning. The site has adequate access to a County maintained road and subsequently will accommodate the existing single-family residential use;
 - E. That the land use re-designation of Site A is conforming with the other lands which comprise the 116.10-acre Assessor's Parcel (APN 23-230-23), which are currently designated as Urban Medium Density (UMD); and
 - F. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.
- III. Recommend the Board of Supervisors adopt the attached Ordinance to approve the Rezone (Z13-006) to amend Zoning District Map No. 43 to rezone a 21-acre portion of Assessor's Parcel Number 23-230-23 (Site A) from Residential Agricultural 1.5-acre Minimum District (RA-1.5) to the Multi-Family Residential District with the Mobilehome Parks and Planned Development Combining Districts (R2-MH-PD); and to rezone the Assessor's Parcel Number 23-300-64 (Site B) from the Multi-Family Residential District (R2) to the Residential Agricultural District with a Subdivision Limitation Combining District (RA-X) based on the following findings:

SECTION I:

- A. That the proposed amendment is consistent with and futures the goals, objectives, policies, programs and implementation measures of the General Plan and the provisions of the Land Use and Development Code Chapter II Zoning Regulations, including the General Plan Policies outlined in finding II.A and Land Use and Development Code Section L-II 2.2.2.A.1, Section L-II 2.6.B, and Section L-II 2.7.4.B, providing for the further development of Site A as a Mobilehome Park;
- B. That Site A is physically suitable for the requested Multi-Family Medium Density District with the Mobilehome Parks and Planned Development Combining Districts (R2-MH-PD) for the anticipated use of the site as a Mobilehome Park based on access to publicly maintained roads, available infrastructure, as infill development, and as an expansion to the existing Forest Springs Mobilehome Park; and
- C. That the addition of the Mobilehome Park and Planned Development (PD) Combining Districts to Multi-Family Medium Density District (R2) will ensure that future development will not result in conflicts with surrounding land uses;
- D. The proposed amendment for Site A will bring the 21.62-acre portion into zoning conformance with the other lands that comprise the 116.10-acre Assessor's Parcel (APN 23-230-23);
- E. That the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.

SECTION II:

- A. That the proposed amendment is consistent with and futures the goals, objectives, policies, programs and implementation measures of the General Plan and the provisions of the Land Use and Development Code Chapter II Zoning Regulations, including the General Plan Policies outlined in finding II.A and Land Use and Development Code Section L-II 2.2.1.A.1 and Section L-II 2.7.9.B limiting the further development of Site B;
- B. That Site B is physically suitable for the requested Residential Agricultural District with a Subdivision Limitation Combining District (RA-X) for the continued existing single-family residential use of the site based on access to publicly maintained roads and surrounding uses;
- C. That the addition of the Subdivision Limitation Combining District (X) will ensure that future development of Site B is limited due to the presence of environmental resource constraints due to the presence of a perennial water body and will not result in conflicts with surrounding land uses; and

- D. That the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the County.
- IV. Recommend the Board of Supervisors approve the proposed Oak Tree Management Plan (MGT14-003), with modifications, for the ongoing preservation and maintenance of the 5-acre Landmark Oak Grove that has been identified within the designated open space (Site A).
- V. Recommend the Board of Supervisors approve the proposed Use Permit (U143-008) for the use of a Mobilehome Park which will be implemented through the Forest Springs Mobilehome Community Phase IV Expansion Project that will construct 62 age-restricted senior housing residential mobilehome spaces and retain no less than 8-acres of open space, subject to the attached Mitigation Measures and Conditions of Approval based on the following findings A-L:
- A. That the project is consistent with the Goals and Policies of the Nevada County General Plan, and specifically with the General Plan Land Use Maps, including the Residential land use designation;
 - B. That the proposed Mobilehome Park is considered an allowed use, subject to the approval of a use permit, and is consistent with the purposes of the Multi-Family Medium Density District, and the Mobilehome Parks and Planning Development Combining Districts, which this project site located;
 - C. That the design of the proposed Mobilehome Park meets all required setbacks, parking, open space and other development standards required by Chapter II of the Nevada County Land Use and Development Code;
 - D. That the proposed Mobilehome Park is consistent with the intent and design goals, which will ensure that the future project will be compatible with both the surrounding areas;
 - E. That the 21.62-acre project site, which is a portion of the 116-acre Assessor's Parcel (APN 23-230-23), is adequate in size and shape to accommodate the proposed Mobilehome Park expansion, without compromising the Nevada County site development standards;
 - F. That adequate public services exist within the project area and are available to serve the project, including treated public water from the Nevada Irrigation District, and adequate onsite small-community wastewater disposal systems that are permitted through the Waste Discharge Requirements program which is administered by the Central Valley Regional Water Quality Control Board;

- H. That the proposed Mobilehome Park will not adversely impact La Barr Meadows Road and State Route 49, which are not required to be improved, and will be adequate in width and pavement type to carry the quantity and kinds of traffic generated by this use;
- I. That adequate public services exist within the project area and are available to serve the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare;
- J. That all feasible mitigation measures and Condition of Approval have been imposed upon the project to offset the impacts this project may have on aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, noise, and Utilities and Service Systems and the applicant has agreed with those measures;
- K. That based on the comments received and conditions applied from the Nevada County Departments of Public Works, Planning, Environmental Health, the Office of the Fire Marshal, and the Nevada County Consolidated Fire District, Central Valley Regional Water Quality Control Board, Department of Fish and Wildlife, and the Nevada Irrigation District, adequate public services exist in the immediate area to support the project including adequate roads, fire flow, wastewater disposal, protection of biological resources, domestic water service; and
- L. That the conditions listed are the minimum necessary to protect the public health, safety and general welfare.

Respectfully submitted,

BRIAN FOSS
Planning Director