

**General Plan Amendment
and
Zone Change**

JUSTIFICATION STUDY AND FINDINGS

**For
Forest Springs, LLC
Forest Springs Mobilehome Community
Phase 4**

August 2013

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Introduction:

This report pertains to the application by Forest Springs, LLC for a transfer of density within the Nevada County General Plan and Zoning designations, along with a use permit application to construct Phase 4 of the Forest Springs Mobilehome Community, consisting of 62 new mobile home rental spaces and appurtenances. Specifically, this application consists of the following components:

1. GENERAL PLAN AMENDMENT (Density Transfer)

Amend the General Plan to transfer density by changing the land use designations on Assessor's Parcels 23-250-72, 23-280-13, and 23-280-12 from RES-Residential to UMD-Urban Medium Density, and changing the land use designation on Assessor's Parcel 23-300-64 from UMD-Urban Medium Density to RES-Residential.

2. ZONE CHANGE (Density Transfer)

Amend the Zoning District Maps to transfer density by changing the zoning on Assessor's Parcels 23-250-72, 23-280-13, and 23-280-12 from RA-1.5 (Residential Agriculture, 1.5 acre minimum) to R2-50 du-MH (Multi-Family Medium Density 50 units maximum, with mobile home park combining district) and changing the zoning on Assessor's Parcel 23-300-64 from R2 (Multi-Family Medium Density) to RA-X (Residential Agriculture with subdivision limitation combining district).

3. MOBILE HOME PARK USE PERMIT

A conditional use permit to construct 62 age restricted (55 and older) mobile home rental spaces and related amenities within Assessor's Parcels 23-250-72, 23-280-13, and 23-280-12 as the Phase 4 addition to the existing Forest Spring Mobilehome Community, as shown on the accompanying site plan.

Allowed density for the project site is 50 units. However, as a project restricted to seniors the applicant has chosen to seek a 25% density bonus of 12 units as allowed by Policy HD-8.1.6 and State law which results in the 62 units sought.

Before and After General Plan Land Use Intensities:

As a basis for this general plan amendment and zoning change justification statement, it is important to arrive at an assumption of the land use yields under the current and proposed general plan designations.

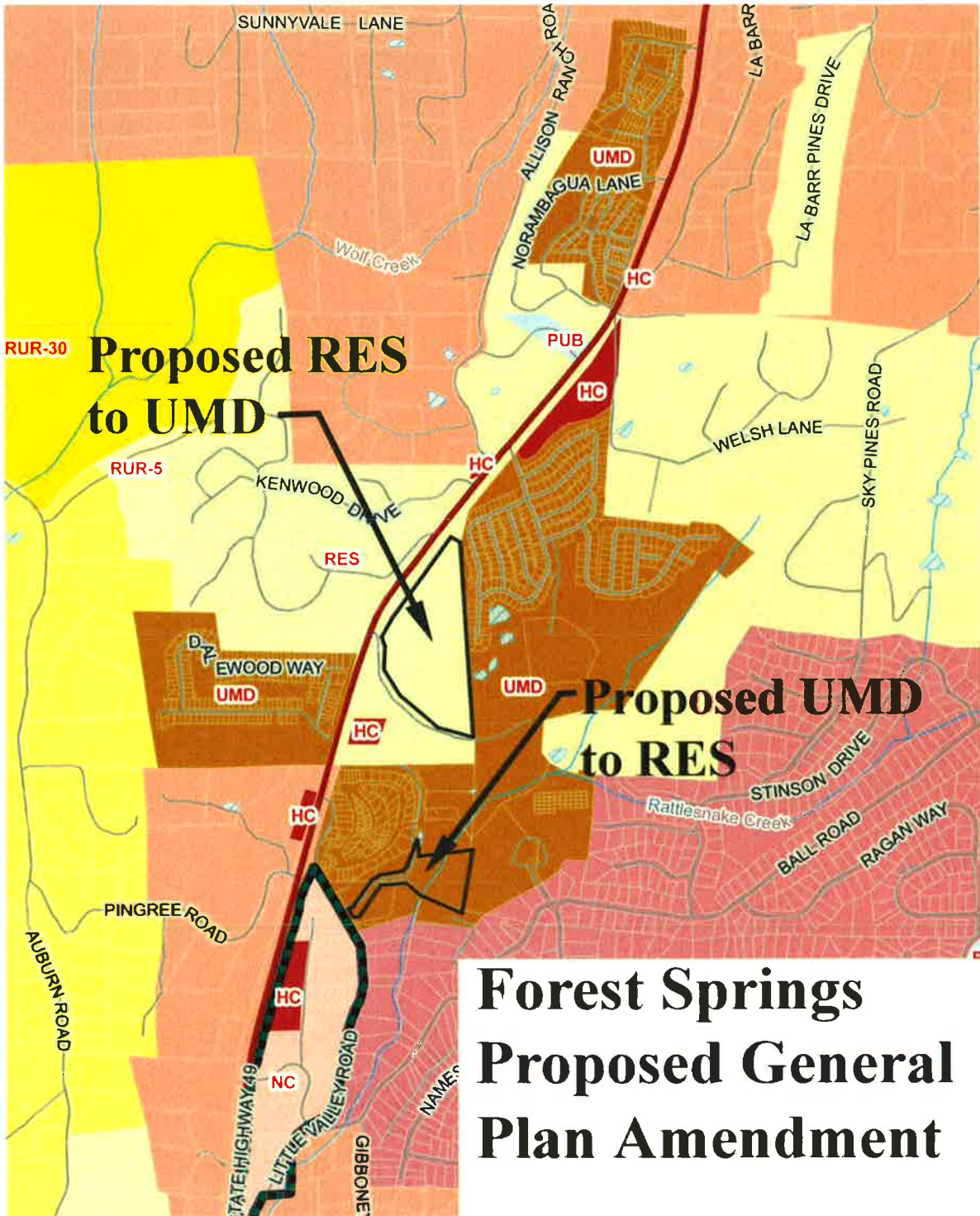
In the case of this project, there is a density transfer occurring, so that there is no change in the intensity of development with the project, based on the change in General Plan designations. This equality is illustrated by the table below:

Assessor's Parcel Number(s)	Acreage	Current GPA/ Zoning	Current Maximum Density	Proposed GPA/Zoning	Proposed Maximum Density
23-250-72	6.22 Ac.	RES/ RA 1.5	4 units	UMD/ R2-50 du- MH	50 units
23-280-13	7.55 Ac.	RES/ RA 1.5	5 units		
23-280-12	7.85 Ac.	RES/ RA 1.5	5 units		
23-300-64	6.22 Ac.	UMD/ R2	37 units	RES/ RA-X	1 unit
TOTALS	27.84 Ac.		51 units*		51 units*

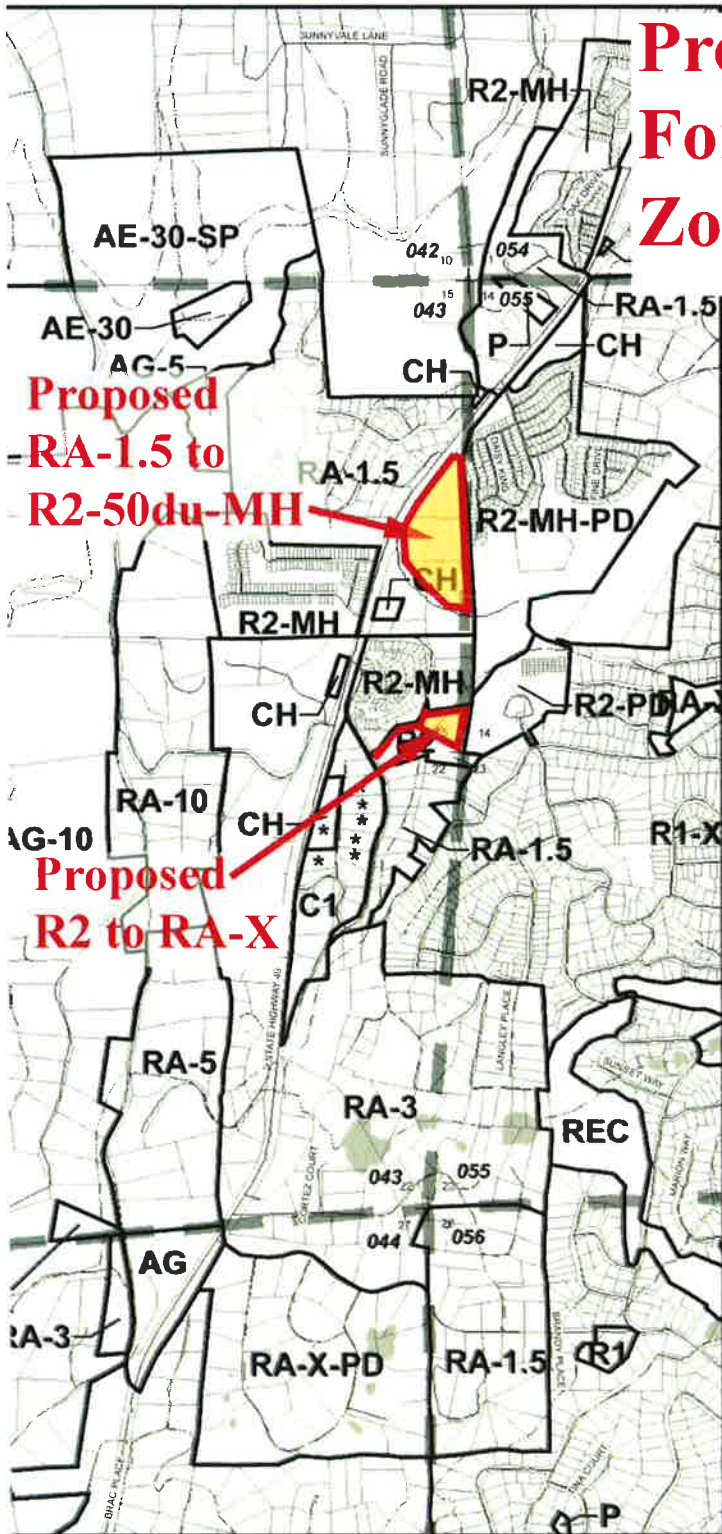
* does not account for the density bonuses that would be allowed on either property.

The density transfer is logical in that the property losing density is divided by a riparian zone and potential minor flood plain. The property receiving the density is a logical fill-in area for additional mobile home development, adjoining the existing Forest Springs community. This land is devoid of any serious development constraints.

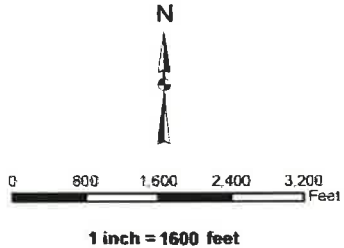
The density transfer is occurring in the same vicinity of Nevada County and in the same Tax Rate Area, meaning that there will be no long term fiscal impact on any entity that receives property tax revenues. The revenue neutrality of the proposed project is addressed in greater detail in the accompanying "Economic Analysis" study.



Proposed Forest Springs Zoning Change



REVISED	
DATE	ORDINANCE
2/06/97	#1930
2/19/98	#1959
5/23/02	#2081
2/27/03	#2107
9/11/03	#2125
6/10/04	#2147
12/27/07	#2254



Every reasonable effort has been made to assure the accuracy of the maps and data provided; nevertheless, some information may not be accurate. The County of Nevada assumes no responsibility arising from use of this information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Before making decisions using the information provided on this map, contact the Nevada County Public Counter staff to confirm the validity of the data provided.
ZCM Page Zoning Data Valid as of Dec. 18, 2007

ZDM 043

Highway 49
Old Auburn Road

The Gravity of Changing the General Plan

Changing the land use map or other aspects of the Nevada County General Plan is a serious action that deserves careful review and consideration before approving such changes. The General Plan is the document required by State law that guides land development and growth patterns in Nevada County. It contains numerous policies that set standards and requirements for all development.

The document is intended to be a resolution of competing community and individual views regarding land development and population growth. The document is intended to balance the future land uses required to meet community needs, with the values of the community in conserving the natural environment and assets of the County.

All zoning and specific zoning standards flow from the General Plan as implementation measures. The General Plan is the basis of land value, County Assessor's appraisal, and therefore, property tax revenue. This revenue is essential in funding K-12 schools, County government, and other tax supported entities.

Above all, the General Plan is intended to meet future community land use needs, over time, providing places for the citizens of Nevada County to live, work, play, be healed, and be educated.

From a professional planning standpoint, any and all amendments to the General Plan and associated zoning must be based on factual findings that the change is in the best interests of the community at large, and not simply for the economic benefit of a single land owner.

General Plan Overview:

The Nevada County General Plan was adopted in 1995 after extensive public review and input. The General Plan sets forth the following overarching principals:

1. *Fostering a rural quality of life;*
2. *Sustaining a quality environment;*
3. *Development of a strong, diversified, sustainable local economy; and*
4. *Planned land use patterns will determine the level of public services appropriate to the character, economy and environment of each region.*

The General Plan contains all of the mandatory elements required by the State and several optional elements unique to the County. Each of the elements contains goals, objectives, and policies. All development proposals, including general plan amendments and zoning changes must be found to be consistent with the overall General Plan, under State law.

Under this study, the General Plan was reviewed in its entirety, to determine whether the plan supports or discourages the proposed application. The following findings were made with respect to the General Plan policies (policies not mentioned tended to not be applicable to this proposed project).

General Plan Consistency Findings:

1. The proposed application will not result in any overall changes in land use intensity, total population, or total housing units, since existing planned density is being transferred a short distance from one property to another.
2. The proposed project is consistent with General Plan Policy 1.4 requiring a mix of residential densities and non-residential land uses.
3. The proposed project is consistent with General Plan Policy 1.5 (b), defining the intention of UMD-Urban Medium Density: *“Urban Medium Density Residential (UMD) is intended to provide for residential uses, including affordable single family dwellings on smaller lots, and multi-family housing types at moderate densities, of up to 6 dwelling units per acre, in locations with convenient access to transportation facilities (including arterial and major collector roads and public transit), shopping and services, employment, recreation and other public facilities. Areas of Urban Medium Density Residential use may provide locations appropriate for the development of affordable housing through clustering of single-family residences or other design techniques. Locations which are adjacent to or in close proximity to Community Commercial, Business Park or Industrial areas are considered appropriate for this designation, as are locations which create a transition between higher density and lower density development, and locations which have good accessibility, but which are located within or adjacent to areas of environmental constraints.”*
4. The project is consistent with Policy 1.17 requiring compliance with comprehensive site development standards that the County implemented through the Land Use Development Code. It is noted that the property proposed to lose density could not achieve the County’s planned housing yield due to constraints related to riparian zones, stream setbacks, and sewage disposal limitations.
5. The project is consistent with Policy 1.18 and Policy 6.2 requiring clustering of development. By its nature, a mobile home park community utilizes efficient clustering to reduce overall infrastructure distribution costs and to make space rentals competitive in the market.
6. The project is consistent with Policy 1.31, establishing X-zoning as a mechanism to prohibit further subdivision, which is being utilized to limit the property losing density to only one single family building site, assuring an overall balance of units.

7. The project is consistent with Policy 1.36, requiring these finding to be made with any individual General Plan Amendment: *“The proposed amendment must be found to be: a. in the public interest; and b. consistent with the General Plan's central themes, goals, objectives, and policies.”* It is in the public’s best interest to utilize the site with the new intersection for safety purposes. The public interest is also served in that allowing the density transfer will result in avoiding the environmental resources on the site from which the density will be transferred. General Plan Consistency is as discussed throughout this document.
8. The project is consistent with Policy 2.5, requiring that a balance in land use be maintained between residential uses, job uses, and other non-residential uses.
9. The project complied with the requirements of Policy 2.6, requiring submittal of an economic analysis with the General Plan Amendment application.
10. The project is consistent with Policy 3.1, requiring that development in the Rural Regions have adequate services, including sewer, water, and emergency response. The project will receive water from Nevada Irrigation District to meet consumptive, landscaping, and fire hydrant demands. Sewage disposal will be handled on the lands of the Forest Springs Mobilehome Community, operated by the park owner, and monitored in accordance with the requirements of the State Regional Water Quality Control Board, Central Valley Region and the Nevada County Environmental Health Department. Nevada County Consolidated Fire Protection District operates a fire station across Highway 49 from the new intersection at LaBarr Meadows Road.
11. The project is consistent with Policy LU-4.1.1 requiring maintenance of a Level of Service C in the Rural Regions. The transfer of density will allow the development to be served through the new signalized intersection at State Highway 49 and LaBarr Meadows Road. This new intersection will safely serve all of the existing developments on both sides of State Highway 49 in this area, including Phases 1, 2, and 3 of the Forest Springs Mobile Home Community, other adjoining mobile home parks, nearby residential development, fire station, church, and future commercial development around the intersection. The application includes a traffic review by LSC Transportation Consultants providing information required by the Nevada County Department of Public Works.
12. The project is consistent with Policy LU-4.1.11, requiring private maintenance of project streets with no new burden added to Nevada County or State road maintenance. The project will participate fully in transportation mitigation programs, including payment of the prevailing regional transportation fee as units are added to the park.
13. The project is consistent with Policy MV-4.2.10, requiring emergency access connections, as it will provide an emergency access connection to Highway 49 by connecting to the frontage road leading to the Lady Jane Road intersection. This emergency connection will also enhance safety in the existing Forest Springs community.

14. The project is consistent with Policy 5.9 requiring fees for park development. The development area is in the Bear River Park and Recreation District and the units will pay the prevailing park mitigation fee as units are placed in the park. Additionally, the Forest Springs Mobilehome Community provides a community room and pocket park improvements for its residents within the park, which may be counted as credit to reduce park and recreation fees.
15. As a project for seniors that offers a more affordable option than most single family residential housing, the project is supported by Policy HD-8.1.1, which encourages the use of planning and zoning tools to encourage “production of housing for all income segments and special housing needs groups in Nevada County.”
16. The project is supported by Policy HD-8.1.2 which allows newer mobile homes and modular housing throughout the County on permanent foundations. The project will allow the use of these units without permanent foundations, but in adherence to strict standards for safety and placement, under prevailing State standards.
17. Policy HD-8.1.6 encourages construction of low income and senior housing within Community Regions by providing a 25% density bonus. This mobile home park will be restricted to seniors (55 and older) and seeks to utilize the density bonus taking the unit count from 50 to 62.
18. The project is not proposing to offer deed restricted units within the site, as suggested by Policy HD-8.1.7, requiring 10% of the units in UMD areas to be affordable. However, the policy states that “senior” housing can meet this requirement. The project is 100% senior housing (over 55 years old). Further, as a mobile home park, the project is the ultimate in affordability projects in that each tenant can customize their unit to meet their specific affordability requirements. Choice of mobile home versus manufactured home, small versus large, old versus new, and optional upgrade packages to the home can be made by each tenant allowing them to dictate their own costs based on budgetary needs.
19. The project meets the goals of Policy HD-8.1.18, encouraging housing to be provided in many different types and options.
20. The project does not contain zoning for retail opportunities. No reduction or restrictions to retail area are proposed as a part of the project, so the overall project is consistent with Policy EC-8.6.2. Commercially zoned property exists nearby at the new LaBarr Meadows and Highway 49 intersection. Future project residents will be able to take advantage of the close proximity to retail shops if/when this property is developed.
21. The project is consistent with Policy EC-8.6.3, encouraging in-fill development. The density transfer and project design fills a gap between the existing Forest Springs Mobilehome Community and adjoining mobile home parks across State Highway 49.
22. The project construction, operation, and maintenance will comply, at all times, with the County’s prevailing noise standards for noise generation, consistent with Policy 9.1.

23. Consistent with the project noise study and mitigation measures, the project will be consistent with overall noise policies and standards, and therefore consistent with Policy 9.7.
24. In accordance with Policies 9.10 and 9.11, the proposed project underwent a noise study and appropriate sound attenuation mitigation measures have been applied to assure that residents of the project will not be subjected to noise levels beyond those recommended in the General Plan and Zoning Ordinance.
25. The project will be consistent with Policy GH-10.2.1.2 requiring seismic safety. Mobile and manufactured homes and foundation systems will meet prevailing State standards for seismic, wind shear, and snow load safety. All utilities will be installed to prevailing State standards, consistent with Policy GH-10.2.1.3.
26. The project is consistent with Policies FP-10.7.2.1 and FP-10.7.3.1, requiring fire safe water supplies and vegetation management. In fact, the development of this project will result in the reduction of brush and other fuels in the subject property making the adjacent properties less vulnerable.
27. The project will comply with all prevailing State, County, and Fire District standards for vegetation management and other wildfire safety requirements.
28. The project is consistent with Policy 11.1 as all landscaping will be designed to minimize irrigation needs, in accordance with State and County laws and guidelines.
29. The project is consistent with Policy 11.6, as the wastewater (sewage) disposal system will be consistent with State and County requirements and regulations.
30. The project will be consistent with Policy 11.6A, complying with construction period and final occupancy standards for drainage and storm runoff water quality handling.
31. The project is consistent with all General Plan policies relative to flood safety and water quality due to potential flooding, as the site is a well drained, high ground area not at all subject to flooding, as opposed to the site that the density is being transferred from, which has minor flooding potential.
32. The project is consistent with the policies of the Soils Element (Chapter 12), as it will comply with all standards for temporary and final erosion control standards, including the development and enforcement of the State required Storm Water Pollution Prevention Plan (SWPPP).
33. The project is consistent with the policies of the Wildlife and Vegetation Element of the General Plan (Chapter 13), by avoiding development where any protected plant or animal species reside and by maintaining a portion of the project natural area as permanent open space. Open space areas will continue to be maintained by Forest Springs with a balance

of habitat conservation and wildfire safe fuels management.

34. The project is consistent with the policies of the Air Quality Element (Chapter 14) by following the standards and mitigation measures of the Northern Sierra Air Quality Management District during construction. Wood burning heating or cooking stoves will not be allowed in the project. Project roadways are wide enough to support safe pedestrian use and the existing park traffic is extremely light, encouraging safe, non-motorized travel between mobile home sites. The project is adjacent to lands zoned for future retail development at the intersection of Highway 49 and LaBarr Meadows Road.
35. The project is consistent with the Forest Element (Chapter 15) requiring conservation of forest lands and of timber production opportunities. The property in question is not located in an area considered as prime timber land. Tree cover in the development areas of the site is sparse, with most trees being young and a substantial amount of the land area covered by underbrush. Development of the mobilehome community addition will require total clearing and grading within the development area. Lost vegetation will be replaced by new landscaping in appropriate locations to the park development. A visual review of the existing park shows how the landscaping has been arranged and managed to provide pleasant aesthetics as well as stable ground coverage. Although the existing wastewater systems appear to contain sufficient capacity to serve the 62 new units, there could be some minor site disturbance related to expand leach fields, storage ponds, or irrigation fields. Approximately 8.53 acres or 39% of the site will be maintained as open space in a natural condition, but with underbrush clearing for improved fire-safe fuels management.
36. The project is consistent with the Agriculture Element (Chapter 16) requiring conservation of farm lands and support for agri-business opportunities. The development area is not mapped as any type of farmland of significance. It does not appear that the lands have ever supported agricultural pursuits or that the soils are appropriate for this purpose. The proposed project will conserve the land area giving up density for the density transfer and it appears that portions of this property could support limited agriculture, perhaps in the form of light livestock grazing.
37. The project is consistent with the Mineral Management Element (Chapter 17) requiring conservation of mineral resources and general support for appropriate mining exploration and development. The northern most part of the development area parcel is shown on the General Plan Land Use Map as being within a mineralized area. However, it appears that historically, the subject property was not patented (deeded from the U.S. Government) as mining ground, but rather as a non-mining or general homestead. There is a separate technical study consisting of a preliminary soils report that discusses minor past mining activity. The areas surrounding the subject development site have been largely developed as mobile home parks or rural residential properties, so it would be difficult to establish a mining operation in this location. It is noted that the development site plan includes open space areas in the southerly portion and that the property transferring density to the development area will remain unsubdivided. These areas of non-development could potentially provide exploration sites in the future, if permitted by the County in these

locations.

38. The project is consistent with the Aesthetics Element (Chapter 18) requiring care in approving and designing projects within the Highway 49 (and other highways) viewshed. For the subject property, viewsheds have been recently altered as a part of the LaBarr Meadows/Highway 49 improvement project, completed along the frontage of the development area. In this general segment of Highway 49, there is general visibility to surrounding land uses, which include rural residential homes and mobile home parks. The recent CalTrans project constructed sound walls on some parts of the highway, which block view and reduce highway noise to the surroundings. Portions of the proposed development will be nearly adjoining the Highway 49 right-of-way and as such, could result in portions of the occupied mobilehome community to be visible to the highway. Working with a sound specialist, it was determined that the project will need to utilize solid fencing on the highway side to reduce noise impacts to the project to acceptable standard levels. This solid fencing will also act as a visual shield. It is anticipated that the fencing will be complimentary to the newly CalTrans constructed walls. The CalTrans work included landscaping the berm separating the project from the highway. As it grows, the landscaping will soften views of the solid fencing. Project lighting within the project will be limited to low lighting with filaments shaded from surrounding properties. Beyond project lighting, there will only be standard residential entry lighting within the park, and normal illumination of the occupied units. Project views, if any, will closely resemble surrounding views.
39. The project is consistent with the Cultural Resources Element (Chapter 19) which requires the conservation of historic and pre-historic cultural resources. Like all projects proposed in Nevada County, a cultural resources study was conducted for this project and is on file with the Nevada County Planning Department. The study determined that there are no significant cultural resources present on the subject property that could be adversely affected by the development.

Summary:

In summary, inasmuch as the proposed general plan amendment and zoning change involves a density transfer of equal intensity, there would be no significant fiscal impact as a result of the project.

The above analysis included a review of the entire General Plan to make sure that moving the intended residential development a short distance from one property to another, maintains consistency with the overall General Plan policies.

Prepared by:



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