



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

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Steven DeCamp  
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October 9, 2015

Honorable Board of Supervisors  
Eric Rood Administrative Center  
950 Maidu Avenue  
Nevada City, CA 95959

**DATE OF HEARING:** October 27, 2015

**SUBJECT:** Public hearing to consider the Nevada County Planning Commission's August 27, 2015 3-1 (1 recusal) recommendation for the Housing Element Rezone Program Implementation Project, including 1) certification of the Final Environmental Impact Report (EIR12-002/ SCH2009072070); 2) approval of General Plan Amendment GP12-002 to re-designate specific "Tier 1" sites to Urban High Density, including Sites 3, 5, 12, 14, 16, and 18; and 3) approval of Zoning Map Amendment Z12-002 to amend specific Zoning District Maps to change existing zoning of "Tier 1" sites to High Density Residential (R3) or the equivalent of R3, including adding the Regional Housing Need (RH) Combining District to Sites 3, 5, 6, 11 (retain C2 base zoning and add the RH Combining District only), 12, 14, 16, and 18.

**FUNDING:** This project was prepared as a part of the Fiscal Year 11/12, 12/13, 13/14, 14/15 and 15/16 Planning Department Budgets, no additional Budget amendments are required.

**RECOMMENDATION:**

- I. Environmental Action: Approve the attached Resolution certifying the Final Environmental Impact Report (EIR12-002/ SCH2009072070) subject to the recommended Mitigation Measures found in the Mitigation Monitoring and Reporting Plan provided as (*Attachment 2*).
- II. Project Action:
  1. General Plan Amendment: Approved the attached Resolution for General Plan Amendment GP12-002 to re-designate specific "Tier 1" sites to Urban High Density, including Sites 3, 5, 12, 14, 16, and 18 (*Attachment 3*).
  2. Zoning Amendment: Adopt the attached Ordinance for Zoning Map Amendment Z12-002 to amend specific Zoning District Maps to change existing zoning of "Tier 1" sites to High Density Residential (R3) or the equivalent of R3, including adding the Regional Housing Need (RH) Combining District to Sites 3, 5, 6, 11 (retain C2 base zoning and add the RH Combining District only), 12, 14, 16, and 18 (*Attachment 4*).

III. Board Order Action: Close Board Order BO14-08 (*Attachment 7*).

**ATTACHMENTS:**

1. August 27, 2015 Planning Commission Staff Report with Duplicate Attachments Removed (Page 4)
  2. Draft Board Resolution: EIR Certification (Page 109)
    - A. CEQA Findings and Statement of Overriding Considerations (Page 114)
    - B. Mitigation Monitoring and Reporting Program (Page 251)
  3. Draft Board Resolution: General Plan Amendments (Page 306)
  4. Draft Board Ordinance: Zoning District Map Amendments (Page 315)
  5. Final EIR- Includes Draft EIR, Written Response to Comments, Draft EIR Errata (Board Members Only), available at:  
<http://www.mynevadacounty.com/nc/cda/planning/Pages/2009-2014-Housing-Element-Rezone-Program-Implementation.aspx>) (Page 328)
  6. August 27, 2015 Planning Commission Meeting Minutes (Page 329)
  7. Board Order BO14-08 (Page 361)
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**BACKGROUND:**

On August 27, 2015, the Nevada County Planning Commission held a public hearing to consider the Nevada County Housing Element Rezone Program Implementation Project, which includes the certification of a Final EIR, General Plan Land Use Map amendments and Zoning District Map amendments including adding the County's Regional Housing Need Combining District to establish appropriate zoning to accommodate a minimum of 699 high density housing units. After taking public testimony and deliberating on the project, the Planning Commission recommended that the Board of Supervisors on a 3-1 vote (with Commissioner James, District IV recusing himself) take the recommended actions shown on page 3 of this staff report effectively re-designating "Tier 1" sites, which includes three sites in the Grass Valley Sphere of Influence (Sites 3, 5 and 6), two sites in Penn Valley (Sites 11 and 12), and 3 sites in the Higgins Corner/Lake of the Pines area (Sites 14, 16 and 18) to address the County's State identified unmet Regional Housing Need Allocation.

Attachment 1 contains the August 27, 2015 Planning Commission Staff Report that provides a detailed background, description, site by site discussion and analysis for the proposed project, including a 3 page executive summary that highlights staff's recommendation and outlines the content within the entire report. The report is broken into four distinct sections, including Background, The Project, Environmental Review and a Summary. The Planning Commission Staff Report also includes an area by area review of available services, infrastructure and amenities as requested by Supervisor Weston through Board Order BO14-08 (*Attachment 7*) and provides staff's recommendation to include only Tier 1 sites in the final action by the Board for this project. Any attachments that are required for Board Action, such as Resolutions/ Ordinances, have been removed from the attached Planning Commission Staff Report and included as stand-alone attachments to this Board Report. Staff has also included the meeting minutes from the August 27, 2015 Planning Commission meeting for the Board of Supervisor's review and consideration (*Attachment 6*). Due to the complexity of this project and the comprehensive nature of the Planning Commission Staff Report (and the Final EIR), the information presented within it will not be rewritten for this Board Report, as this information is

a part of the public record and is available for the Board to review and consider in its entirety prior to taking action on this project.

**SUMMARY:**

On August 27, 2015, the Nevada County Planning Commission recommended that the Board of Supervisors certify the Final EIR (EIR12-002) (*Attachment 2*), amend the General Plan Land Use Map designation (GP12-002) (*Attachment 3*) and amend the Zoning District Map (Z12-002) (*Attachment 4*) for specific Tier 1 properties as outlined in the attached Resolutions and Ordinance and as comprehensively discussed in the August 27, 2015 Planning Commission Staff Report (*Attachment 1*). It is within the Board's purview to add, omit or modify the Planning Commission's recommended action. Should the Board of Supervisors follow the Planning Commission's recommended action to rezone Tier 1 sites only, this action will effectively address the County's state mandated rezone program requirements that date back to the adoption of the County's 4<sup>th</sup> Cycle (2009-2014) Housing Element update on May 11, 2010. In addition, this action will demonstrate to the State of California Department of Housing and Community Development that the County of Nevada has made a good faith effort to appropriately plan for providing increased housing opportunities for future residents of the County.

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**RECOMMENDATION:**

The Nevada County Planning Commission has recommended that the Board of Supervisors take the following actions:

- I. Environmental Action: Approve the attached Resolution certifying the Final Environmental Impact Report (EIR12-002/ SCH2009072070) subject to the recommended Mitigation Measures found in the Mitigation Monitoring and Reporting Plan provided as (*Attachment 2*).
  
- II. Project Action:
  1. General Plan Amendment: Approved the attached Resolution for General Plan Amendment GP12-002 to re-designate specific "Tier 1" sites to Urban High Density, including Sites 3, 5, 12, 14, 16, and 18 (*Attachment 3*).
  
  2. Zoning Amendment: Adopt the attached Ordinance for Zoning Map Amendment Z12-002 to amend specific Zoning District Maps to change existing zoning of "Tier 1" sites to High Density Residential (R3) or the equivalent of R3, including adding the Regional Housing Need (RH) Combining District to Sites 3, 5, 6, 11 (retain C2 base zoning and add the RH Combining District only), 12, 14, 16, and 18 (*Attachment 4*).
  
- III. Board Order Action: Close Board Order BO14-08 (*Attachment 7*).

Respectfully submitted,

  
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Brian Foss, Director of Planning