NEVADA COUNTY PLANNING COMMISSION 1 **NEVADA COUNTY, CALIFORNIA** 2 3 4 MINUTES of the meeting of November 19, 2015, 1:30 PM, Board Chambers, Eric Rood Administration Center. 950 Maidu Avenue. Nevada City, California 5 б 7 **MEMBERS PRESENT:** Chair Duncan, Commissioners Poulter, Aguilar, James and Jensen 8 9 **MEMBERS ABSENT:** None. 10 11 STAFF PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Senior 12 Planner, Patrick Dobbs; Senior Planner; County Counsel, Alison Barratt-Green; Administrative 13 Assistant, Janeane Martin 14 15 16 17 **PUBLIC HEARINGS:** 18 Page 1, Line 45 1. Business Park - GP15-002; GP15-003, 19 20 Z15-003, ORD15-002, EIS15-012 21 STANDING ORDERS: Salute to the Flag - Roll Call - Corrections to Agenda. 22 23 CALL MEETING TO ORDER: The meeting was called to order at 1:30 P.M. Roll Call was 24 taken. 25 26 CHANGES TO AGENDA: No changes. 27 28 **CONSENT ITEMS:** 29 1. Acceptance of Minutes for 09-24-2015 30 31 Motion to approve the Consent item by Commissioner James; second by Commissioner Jensen. 32 Motion carried on a voice vote. 33 34 **PUBLIC COMMENT:** Members of the public shall be allowed to address the Planning 35 Commission on items not appearing on the agenda which are of interest to the public and are 36 within the subject matter jurisdiction of the Planning Commission, provided that no action shall 37 be taken unless otherwise authorized by Subdivision (6) of Section 54954.2 of the Government 38 Code. None. 39 40 **COMMISSION BUSINESS:** None. 41 42 **PUBLIC HEARING:** 43 44 GP15-002, GP15-003, Z15-003, ORD15-002, and EIS15-012: Proposed General Plan Land 45 Use Map re-designation and Zoning District Map rezone of parcels in 8 of the 16 existing BP 46

47 (Business Park) zoned site locations. Also, General Plan and Zoning Ordinance text amendments

for the BP zone district that would: remove Comprehensive Master Plan development 48 requirements for parcels zoned BP within approved Area Plans; cleanup inconsistent Code 49 language regarding outdoor manufacturing/material storage, and permit requirements for mini-50 storage facilities; add schools as a permissible use; and relax current BP site development 51 standards for building setbacks and maximum impervious coverage, consistent with other similar 52 intensity land uses. LOCATION: 16 clusters of property zoned Business Park through the 53 unincorporated area of Nevada County. **RECOMMENDED ENVIRONMENTAL** 54 **DETERMINATION:** Negative Declaration **PLANNER:** Patrick Dobbs, Senior Planner 55

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Senior Planner Dobbs began his presentation by introducing himself and welcoming the 57 commissioners and the public. He outlined the project with a Power Point presentation. He 58 began his presentation with a reminder that the direction received from the Commission at the 59 July 23rd workshop led to the recommendations that he would present to the Commission today. 60 Today's action by the Commission would be a recommendation to be heard by the Board of 61 Supervisors on January 12th, 2016, as currently scheduled. He noted that there is no specific 62 project proposed on the properties at this time. He added that Staff would welcome an 63 application but there is no such project is proposed at this time. The current proposal is to make 64 changes to the zoning district of some parcels along with changes to the General Plan and Zoning 65 Ordinance text. 66

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Planner Dobbs gave an explanation of the designation as well as the history of how it came to be. 68 The Business Park (BP) designation is the least intensive of the three industrial uses, intended for 69 businesses involved in research and development and light manufacturing. The land use 70 designation was introduced in the 1995 comprehensive General Plan update. It includes 71 progressive guidelines that encourage innovative creative design with a variety of employment 72 oriented uses in a spacious and extensively landscaped setting reflecting a campus character with 73 a high level of onsite amenities; a great place to work. The designation was introduced at a time 74 when technology was booming and it was hoped that the success in the Bay Area would flow to 75 the County. In 1997 the Zoning Ordinance was updated and approximately 850 acres of land the 76 majority of which was M1 was rezoned to BP. 77

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Planner Dobbs moved on to discuss the 16 sites that are currently zoned BP throughout the County. He noted that the sites are spread throughout the County with 15 of them in Western Nevada County and one in Eastern Nevada County, next to the County airport. In March of 2014 the Board of Supervisors issued a work order to the Advanced Planning Division for Phase 2 of the General Plan Land Use Element Update. The directive was to analyze the effectiveness and appropriateness of the Business Park land use designation and zoning district throughout the County.

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Planner Dobbs stated that when he started with the County in March of this year, he reached out to property owners seeking to gain their input on whether they were satisfied with their current zoning. Staff presented their preliminary recommendations to the Commission on July 23rd. The Commission accepted the modest changes proposed to development standards and nonsubstantive cleanup language and directed Staff to focus on these 8 sites with regards to the zoning changes.

Planner Dobbs explained the reasons for Staff to review the BP land use designation. Beyond 94 the Board of Supervisors direction to review the designation, there has been a lack of investment 95 across the board; demands have changed; the vacancies at the Nevada City Tech Center and 96 former site of Grass Valley Group are telling of current demands for larger scale manufacturing 97 companies. Since the rezoning in the 1980's there have been complaints about the shortage of 98 M1 zoned land. The review included analyzing which of the sites should be zoned back to M1. 99 The desire was not to change the BP definitions and site development standards to make it just 100 like M1; Staff wanted to keep BP its own district. 101

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Planner Dobbs stated that the project description was two-fold; changes to maps and changes to text language within the General Plan and Zoning Ordinance. The proposal is to rezone one or more parcels in 8 of the 16 current BP locations. He explained that a rezone of a site would require a General Plan map change and presented a slide showing Site #1, Streeter Road – as an example of what the General Plan map change would look like. He presented another slide showing an example of changes to text within the General Plan.

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Planner Dobbs explained that text changes would be both meaningful changes as well as text
cleanups. Changes proposed include changes to setbacks and impervious coverage limitations to
make it more feasible to develop the BP sites.

Planner Dobbs noted that both for the meeting in July and todays' meeting BP property owners were noticed as well as owners within 500-feet of BP sites proposed for rezoning along with notices published in the newspaper.

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Planner Dobbs moved to the specifics of proposed site development standard and other text amendments. Changes would include removal of comprehensive master planning requirements for BP sites within approved Area Plans; modest changes to setbacks impervious coverage limits; language clean up regarding outdoor manufacturing and inconsistent references to ministorage facilities; and proposing to add schools as a permissible use within the BP zoning district.

Planner Dobbs explained that currently a project within a BP district requires comprehensive master planning within the entire BP site which in many cases includes other owners' adjacent properties. Three of the BP sites are within approved Area Plans; Site #2 in Higgins Corner, Site #6 in the Penn Valley Area Plan and Site #15 located in the North San Juan Area Plan. These Area Plans represent comprehensive planning for these locations so Staff proposes to remove the Comprehensive Master Plan requirement as an un-necessary barrier and allow for the sites within approved Area Plans to be planned and developed independently.

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Planner Dobbs stated that several of the BP sites, particularly those within approved Area Plans, are smaller parcels. As such, Staff is proposing to amend the exterior yard, interior yard and rear yard setbacks which will simplify the Industrial site development standards. The proposed 30foot setback is consistent with other residential setbacks from light industrial zoning. The maximum impervious surface would increase from 50% to 60% which is consistent with other similar intensity uses, specifically the office/professional commercial use. 60% maximum impervious surfacing would leave ample room for landscaping and water infiltration.

Planner Dobbs stated that there is an inconsistency between the General Plan BP definition and the Zoning Ordinance BP purpose statement. He explained that they are similar but one allows outdoor uses and the other does not. Business Parks are envisioned as closed, contained facilities. In the hierarchy, the General Plan trumps the Zoning Ordinance so Staff proposes to delete references to outdoor manufacturing and storage in the Zoning Ordinance to protect the quality of life of the surrounding property owners and also helps justify the increase in impervious surface in order to keep any equipment and the business activities enclosed.

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Planner Dobbs continued with a discussion on mini-storage language. Within the permissible uses list for Business Parks the mini-storage language is confusing. Staff proposes to revise the table to require a Use Permit for a mini-storage as is required within the other industrial districts. Site #2 on Woodridge Drive has an existing mini-storage facility.

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Planner Dobbs stated that the final text amendment would be to add schools as a permissible use 153 within the BP zoning district. Staff recognizes the nexus between campus development, 154 education and research and development. Site #12 is part of the former Grass Valley Group 155 campus and a portion of it is currently home to the Nevada City School of the Arts. This has 156 been a good match. While not all BP sites would be conducive to this, some might be. It is 157 proposed that a Use Permit would be required for schools within the BP District. The idea of 158 schools as a permissible use was discussed at the July meeting. There was some talk at that time 159 about limiting schools to trade schools however Staff proposed a broader use so as not to exclude 160 groups such as Nevada City School of the Arts. 161

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Having completed his discussion on proposed text amendments, Planner Dobbs turned to a 163 discussion regarding specific sites proposed for rezone. Site #1 Streeter Road - is a 9.6 acre site 164 comprised of 20 parcels. The site is built out with industrial, commercial and office/professional 165 uses and has direct access to Highway 49. Given the existing development and number of owners 166 it is unlikely that it would ever be redeveloped as BP. The site is buffered from potential 167 incompatible uses. With the existing uses and direct access to Highway 49 the site is much more 168 aligned with the M1 light industrial use. As such, Staff proposes to rezone the entire site from 169 BP to M1-Light Industrial, maintaining the Scenic Corridor (SC) combining district due to its 170 proximity to Highway 49. 171

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Site #4 is located between Highway 49 and LaBarr Meadows Road near the southern gateway to 173 the City of Grass Valley. The site is 50 acres, comprised of 5 parcels and about ¹/₂ of them are 174 currently developed. These are some of the highest industrial uses within the County; Kilroys, 175 Rare Earth, Hansen Bros. The site has good access to major roadways without passing through 176 residential neighborhoods. The annexation process to the City of Grass Valley is underway and 177 the City has pre-zoned the site for industrial use. The County's proposed corporation yard is 178 anticipated directly south of Site #4. The site has had intense industrial uses for decades and 179 Staff feels it is appropriate to rezone it back to M1. 180

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- 182 Commissioner Aguilar asked if the M1 zoning district allows outdoor storage.
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Principal Planner Barrington said that district does allow outdoor storage, the change Commissioner Aguilar is thinking of is to the BP district text to clarify that it does not allow outdoor storage.

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Planner Dobbs discussed Site #6 in Penn Valley. The site is comprised of two parcels and totals 188 over 11 acres. The site is located between the Penn Valley commercial core and Ready Springs 189 School. The vacant parcel is owned by the Penn Valley Community Foundation and is the 190 anticipated site of the future Penn Valley Cultural Center. The other parcel, closest to the school 191 is improved with a single family residence. Staff is recommending rezoning the Penn Valley 192 Foundation property to C2 as it is adjacent to other commercial uses and it will provide more 193 flexibility for the cultural center community benefit project. There are no zoning changes 194 proposed for the southern parcel which will stay BP and act as a buffer between the commercial 195 district and the school. The SP combining district would remain on the parcels as they are 196 regulated by the Penn Valley Area Plan. 197

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Planner Dobbs explained that the next three sites were split apart for the project analysis. These 199 three parcels were historically considered a part of a larger mixed use project area known as 200 Kenny Ranch, near the Rough & Ready Highway and Ridge Road intersection, west of the City 201 of Grass Valley. Site #8 is west of Twin Cities Church and includes approximately 26 acres, 202 currently zoned BP. Site #9 is across the street from Twin Cities Church. It includes about 23 203 acres of BP divided by Open Space. Site #10 is located east of Twin Cities Church, includes 204 about 38 acres of BP on the 130 acre parcel. These sites have received a lot of attention during 205 this project. Initially the property owners wanted Staff to look at the entirety of zoning within 206 the Planned Development. Neighbors have stressed the difficulties of developing on the lava 207 cap. Other stakeholders have emphasized the importance of the wildflowers known as Hell's 208 Half Acre. Comments received today specifically speak to maintaining the protections of the 209 sensitive resources on the site. There is no proposal to change the Open Space (OS) district on 210 the sites. The proposal is in part based on input from the current owners and represents the long 211 held vision that residential development is more likely for this area. For Sites #8 & #10, the BP 212 portions on the north side of Rough & Ready Highway are proposed to be rezoned to Residential 213 Agriculture (RA). For Site #9, the western polygon of BP is proposed to be rezoned to General 214 Agriculture (AG). Consistent with previous projects in this Planned Development, including the 215 Twin Cities Church, Hospice of the Foothills and more recently the Yuba River Charter School, 216 the proposal would amend the SP combining district requirements and would allow the 217 remaining properties to be planned and developed independently and require a Use Permit for 218 future development. 219

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Planner Dobbs stated that similar to the sites within Kenny Ranch, Site #11 received extra 221 attention. The site is east of the City of Grass Valley, bordered by Idaho Maryland Road and 222 Whispering Pines to the north and East Bennett to the south. The site includes 31 parcels 223 totaling approximately 185 acres. As with all the sites within Grass Valley's Sphere of Influence, 224 Staff has coordinated their recommendations with the City's Community Development Director. 225 Most of the site is vacant, though there is some commercial and industrial development. Senior 226 housing units are under construction adjacent to the western boundary of Site #11. Early on the 227 City of Grass Valley has expressed their desire to continue the medium to high density 228 residential pattern into the western portion of Site #11. Grass Valley's 2020 General Plan 229

indicates medium residential density for the southern half of Site #11. The idea for residential zoning for a portion of the western parcels was presented at the July meeting but there was no clear consensus regarding the potential density or where the district boundaries should be located. There is broad support to rezone much of Site #11 back to M1. Staff supports that proposal given the majority of surrounding uses are higher intensity commercial and industrial development; no changes are proposed to the 5 westernmost parcels which constitute approximately 30 acres of the 185 acre site.

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Recently the Board of Supervisors took action on parts of the Housing Element Update project. During those discussions the City of Grass Valley spoke in support of spreading out some of the State mandated high density residential zoning capacity from the Brunswick area and locating some of that zoning on one or more of the westernmost parcels of Site #11. With this, it is likely that some of these parcels may be analyzed to be rezoned to residential in the future, but with this project, the proposal is to leave the current BP zoning on the westernmost parcels, while rezoning the rest of Site #11 back to M1.

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Planner Dobbs stated that Site #12, the largest of the BP sites at over 325 acres, comprised of 6 246 parcels and located alongside Bitney Springs Road, is the former site of Grass Valley Group. 247 This is the quintessential BP site. It was comprehensively planned from the beginning. It is self-248 contained with its own water filtration and wastewater disposal systems. Most of the site is 249 vacant however the Nevada City School of the Arts has occupied a portion of the buildings for 250 several years. The parcels are owned by the same entity. The development is consistent with BP 251 and Staff is not proposing to change the zoning except for a small ¹/₂ acre parcel on the eastern 252 edge of the site which is owned by Penn Valley Fire District and operated as a rural fire station. 253 As is the case with other public service facilities, Staff proposes to rezone just that portion to 254 Public, leaving the majority of the site as BP. 255

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Site #14 is along North Bloomfield Road; not normally the type of location that would be expected to find a BP type business. The site is known as the old nail factory and had manufacturing going on for decades, most recently for window and glass manufacturing. Site #14 does not involve rezoning. Staff is proposing to reconfigure the existing zoning district boundary to coincide with the reconfigured property boundary resulting from a recent lot line adjustment. The proposal is to remove the BP that is now part of a residential parcel, approximately 8 acres, leaving the rest of the site intact as BP.

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Planner Dobbs reiterated that Staff is not proposing to eliminate BP as a zoning district. Staff 265 feels there is a need for this district in the County. He expressed willingness to discuss the sites 266 that are not proposed for rezoning if the Commission would like him to do so. The issues were 267 analyzed; Staff coordinated with the City of Grass Valley and spoke with both PG&E and NID. 268 This is not a growth inducing project that requires additional public services and facilities. 269 Certainly transportation and circulation will be reviewed if and when a project comes along but 270 these are program level changes. The land use issues considering community, character and 271 compatibility were the biggest considerations. Staff prepared an Initial Study and Draft Negative 272 Declaration that was available from October 16 to November 16. No public comments were 273 received regarding adequacy of the document during the public review period, though there 274 might be a few to that effect in the comments that were received today. The existing local, State 275

and Federal regulations that are in place have built in protections for these environmental resources and those would result in less than significant impacts.

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Staff recommends that the Planning Commission recommend approval of the Resolution for the Negative Declaration EIS 15-012; recommend approval of the Resolution for the General Plan text amendments GP15-003; recommend adoption of the Zoning Ordinance text amendments ORD-002, recommend approval for the General Plan land use map amendments GP15-002; and recommend adoption of the Ordinance for the rezoning of the parcels Z15-003 to the Board of Supervisors.

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- 286 Chair Duncan thanked Planner Dobbs for his presentation.
- 288 Commissioner Jensen asked for confirmation that the purpose for the project is to remove 289 restrictions for a more business friendly atmosphere to encourage investment in the County to 290 create jobs.
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Planner Dobbs stated that this project is about creating jobs and realigning those parcels with their functional surroundings.

295 Commissioner Jensen asked if there was any feedback from the public during the six to eight 296 months the Commission had been involved in the project stating that this will work.

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Planner Dobbs said that owners have mentioned that current rules are holding them back and they are ready to make investments in these properties that are more in line with M1.

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Chair Duncan remembered from the earlier meeting that there were concerns from the individual property owners about trying to come up with a comprehensive plan involving other property owners which was an impediment to getting the type of investment that they wanted to move forward with. She asked if there were other questions.

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Hearing none, Chair Duncan opened the public hearing at 2:01.

Ms. Jan Fleming introduced herself as President of Ironhorse Homeowner's Association located off of Bennet Street. She asked about the thirty western acres of Site #11 that Staff is proposing to keep as BP. Planner Dobbs had said that the Board of Supervisors was dealing with that particular parcel also so she was interested in finding out what the relationship between what is happening today and what the Board of Supervisors is doing.

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- Chair Duncan noted that questions would be answered at the end of the public hearing.
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- Mr. Roy Holcum asked what would be needed to change Site #3 in part from commercial to residential.
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Ms. Susan Chalpin of Chicago Park asked if Hell's Half Acre was delineated to be preserved as was thought in the original Kenny Ranch or would that protection be eliminated due to the

321 change in ownership.

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- Chair Duncan closed the public hearing at 2:06. 323
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Principal Planner Barrington stated that the Housing Element Update action is not interrelated at 325 this time. Staff recommends that the area that is being considered as potential high density at the 326 direction of the Board remain as BP with no change being requested at this time which would 327 allow Staff to continue to pursue potentially rezoning those to high density residential. The two 328 properties in question from the Board would allow the potential for retaining a buffer of BP 329 between the areas of M1 and potential future high density housing. Staff's direction is to look at 330 the larger of the two which has an even greater buffer to achieve the housing density number. If 331 for some reason the County was unable to achieve the necessary high density housing numbers, 332 Staff would look at the second property. Staff does not feel that there is any issue in going 333 forward today in terms of the Housing Element project. 334

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Planner Dobbs reiterated that Staff just wants to disclose that the conversations are going on 336 currently. 337

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Planner Dobbs addressed the question regarding Site #3. This site is located along Magnolia 339 Road, very close to the bed base of Lake of the Pines and adjacent to the schools which are 340 sensitive receptors so Staff is cautious of any up-zoning in that area. Staff sees the site as a 341 potential cottage industry site in the future. It does have some topographical type constraints. 342 Given the existing surroundings and the proximity to the large bed base Staff did not further 343 pursue rezoning Site #3. Should the property owners want to pursue that independently they 344 could go through a similar process regarding General Plan and Zoning Ordinance amendments. 345

- Chair Duncan mentioned the current residence there. 347
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Planner Dobbs confirmed that there is a residence there. He stated that there was interest 349 expressed in previous conversations about possibly being able to subdivide or expand the 350 residential development. He explained that the existing BP zoning would not allow subdivision 351 of the parcel but would allow additional housing if it was secondary to the purpose of the 352 property. It is an existing non-conforming use. 353

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- Chair Duncan asked if they could have an additional housing unit, in support of the BP use with 355 the approval of a Use Permit. 356
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Principal Planner Barrington stated that the code does allow for residential use on a BP property 358 as an ancillary use to the purpose of the property at a density of four units per acre. 359

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- Planner Dobbs stated that the Open Space designation over Hell's Half Acre was specifically 361 located in response to the sensitive resources that are on that parcel and there are no changes to 362 the designation at this time. 363
- Chair Duncan asked if there is acknowledgement that it is a scenic resource in the area. 365
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- Planner Dobbs replied that it was not only scenic but particularly the wildflowers are very unique species and that the lava cap creates specific conditions. This is in part why the lines were
- drawn there in 1997.
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- Commissioner Jensen asked for clarification on the changed zoning. Would a full review of Planning Department and Planning Commission be required for development?
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- Principal Planner Barrington confirmed that depending on what type of project was proposed it would have to go through the typical review process such as a Use Permit.
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- 377 Commissioner James asked if Staff could point out where Hell's half Acre is specifically located.
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- 379 Ms. Chalpin helped show where it was.
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Staff recommends that the Planning Commission recommend approval of the Resolution for the Negative Declaration EIS 15-012; recommend approval of the Resolution for the General Plan text amendments GP15-003; recommend adoption of the Zoning Ordinance text amendments ORD-002, recommend approval for the General Plan land use map amendments GP15-002; and adoption of the Ordinance for the rezoning of the parcels Z15-003.

- Motion by Commissioner James to recommend approval of the Resolution for the Negative Declaration EIS15-012 to the Board of Supervisors; second by Commissioner Jensen. Motion carried on a voice vote 5/0.
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Motion by Commissioner James to recommend approval of the Resolution for the General Plan
map amendments GP15-002 to the Board of Supervisors; second by Commissioner Jensen.
Motion carried on a voice vote 5/0.

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Motion by Commissioner James to recommend approval of the Resolution for the General Plan
text amendments GP15-003 to the Board of Supervisors; second by Commissioner Jensen.
Motion carried on a voice vote 5/0.

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Motion by Commissioner James to recommend approval of the Resolution for the Zoning Ordinance map amendments (Z15-003) to the Board of Supervisors; second by Commissioner Jensen. Motion carried on a voice vote 5/0.

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Motion by Commissioner James to recommend approval of the Resolution for the Zoning Ordinance text amendments (ORD15-002) to the Board of Supervisors; second by Commissioner Jensen. Motion carried on a voice vote 5/0.

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- 407 Chair Duncan thanked Staff and the audience for their participation.
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- Discussion ensued regarding potential hearing scheduling. Nothing is on schedule for the 10th.
- If something is pressing a special hearing could be scheduled.
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- Commissioner Jensen asked about the status of the North Star water project.

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414	Planning Director Foss said the appeal was heard by the Board of Supervisors last week and the item was continued to allow Staff to present additional information on December ^{8th} according
415	item was continued to allow Staff to present additional information on December 8 th regarding
416	some engineering and structural issues.
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418	Chair Duncan asked if that meant that Newmont missed their State Water Board deadline.
419	Dianning Director Ecos said year it was supposed to have been built and running by the and of the
420	Planning Director Foss said yes; it was supposed to have been built and running by the end of the year. He noted that the Water Board had been closely involved in the process and should be
421	aware of the status.
422 423	aware of the status.
424	Commissioner James asked about the status of Area Plan updates as directed by Staff, and what
425	the status is. A discussion ensued regarding the Soda Springs Area Plan and the potential to
426	move to the Penn Valley and Higgins Area Plans after Soda Springs had been wrapped up.
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428	Additional discussion was held regarding by-right zoning for homeless shelters as well as zoning
429	for adult businesses.
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431	Motion by Commissioner Jensen; second by Commissioner James to adjourn. Motion
432	carried on voice vote 5/0.
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434	There being no further business to come before the Commission, the meeting was adjourned at
435	2:24 p.m. to the next meeting to be at a time and date yet to be determined in the Board of
436	Supervisors Chambers, 950 Maidu Avenue, Nevada City.
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440	Passed and accepted this day of , 2015.
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443	Brian Foss, Ex-Officio Secretary