



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

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Planning Director

NOTICE OF PREPARATION

DATE: September 21, 2012

TO: Responsible Agencies, Organizations and Interested Parties

FROM: Tyler Barrington, Interim Principal Planner

SUBJECT: Notice of Preparation of an Environmental Impact Report (EIR) for the 2009-2014 Housing Element Rezone Program Implementation of Housing Element Programs HD-8.1.3 and HD-8.1.4, including the “RH” Zoning Combining District in Program HD-8.1.5 and a site analysis of 17 pre-selected properties as potential sites for high density residential zoning to accommodate the future development of high density housing units. The sites are located within three general areas of unincorporated Nevada County. These areas are generally defined as the Grass Valley Sphere of Influence (SOI), Penn Valley and the Lake of the Pines Areas.

In discharging its duties under Section 15021 of the California Environmental Quality Act (CEQA) Guidelines, the County of Nevada (as Lead Agency) intends to prepare an Environmental Impact Report (EIR), consistent with Article 9 and Section 15161 of the CEQA Guidelines for the implementation of Programs HD-8.1.3 and HD-8.1.4 of the County’s 2009-2014 Housing Element update and Section L-II 2.7.11 of the Nevada County Zoning Ordinance (Program HD-8.1.5). In accordance with Section 15082 of the CEQA Guidelines, the County of Nevada has prepared this Notice of Preparation (NOP) to provide Responsible Agencies and other interested parties with sufficient information describing the project and its potential environmental effects. To assist your evaluation, please review the following project description, listing of possible environmental effects and exhibits.

PROJECT LOCATION:

The candidate sites are located within three general areas of unincorporated Nevada County. These areas are generally defined as the Grass Valley SOI, Penn Valley, and the Lake of the Pines Areas. Please see Figures 1-4 to identify where the individual sites are located. The APNs for the selected sites are as follows:

Grass Valley SOI

Site 1: 07-380-17
Site 2: 09-270-04
Site 3: 29-350-12
Site 4: 35-412-15
Site 5: 35-412-17
Site 6: 35-412-18
Site 7: 35-412-19
Site 8: 35-412-21

Penn Valley

Site 9: 51-120-06
Site 10: 51-150-29
Site 11: 51-151-62
Site 12: 51-370-02

Lake of the Pines

Site 13: 57-141-29
Site 14: 57-270-02
Site 15: 57-270-03
Site 16: 57-270-06
Site 17: 11-181-03

PROJECT DESCRIPTION:

Project Background

The County of Nevada Board of Supervisors adopted the most recent update of its Housing Element on May 11, 2010 and received certification of the Element from the California Department of Housing and Community Development (HCD) on July 1, 2010. The Housing Element's vacant land inventory found that the County had a deficit in sites that had adequate zoning (R3 "High Density Residential") to accommodate lower income category of the County's Regional Housing Need Allocation. Recent State law requires jurisdictions to rezone property to accommodate their Regional Housing Need Allocation if that jurisdiction's vacant land inventory finds that there are not adequate vacant sites zoned for high density residential to accommodate the low and very low income categories. The State law requires that the rezoned sites provide for a minimum density of 16-units per acre and those sites allow the development of higher density housing as an allowed use (not subject to discretionary permits, e.g., conditional use permit, planned unit development plan). Depending on the site's existing General Plan designation, it is possible that some sites will also require a site specific General Plan amendment as well.

In addition to the lack of adequately zoned sites from the most recent planning cycle, the County's previous Housing Element also had a rezone program that was not implemented. At that time it was determined that the County had an unmet need of sites suitable for 571 low and very low income units. The current Housing Element determined an unmet need of sites suitable to accommodate 699 units affordable to low and very low income residents (1,270 units total).

To obtain certification from HCD, County staff was required to complete a vacant land inventory in which potential rezone candidate sites that could be suitable for higher density housing were identified. These sites were identified based on the relative lack of constraints and proximity to services. Additionally, County staff performed an extensive outreach process to ensure that the property owners of the candidate site would be willing participants in rezoning their land to higher density residential. As a result of the outreach effort, the County's list of potential rezone candidate sites was reduced to 17 properties consisting of approximately 146 acres.

A site analysis was prepared for each site to evaluate the physical and regulatory constraints of the property and determine if the 17 properties could collectively accommodate the required 1,270 units. The evaluation of each site consisted of a field visit, research and investigation regarding the existing land use conditions in the surrounding area of each site, a site specific biological reconnaissance, a cultural resources record search and field reconnaissance, and a general geotechnical investigation. The opportunities and constraints of each site were considered in a numerical scoring system that utilized seven sets of criteria that were created to assess the suitability of each candidate site.

Project Components

Zoning Amendments

To meet state housing requirements identified in the County's Housing Element, high density residential zoning (R3) for an additional 1,270 low and very low housing units are required to

meet the County's unmet housing needs. The project proposes to implement rezoning through the Zoning Map Amendment process to rezone sufficient acreage to higher density residential, or the equivalent of higher density residential, to meet the minimum low and very low income requirements. The specific rezoning process is proposed through the implementation of Housing Element Programs HD-8.1.3 and HD-8.1.4, including adding the "RH" Zoning Combining District to those sites included in Program HD-8.1.5.

The Housing Element Programs are described below:

Program HD-8.1.3: To accommodate the unmet housing need of 571 low and very-low income units identified in the 2003-2008 Nevada County Housing Element, the County would rezone at least 29-acres of property suitable and available for development.

Program HD-8.1.4: To accommodate the unmet housing need of 699 low and very-low income units identified in the 2009-2014 Nevada County Housing Element, the County would rezone at least 35-acres suitable and available for development.

The rezoning of property under Programs HD-8.1.3 and HD-8.1.4 will occur through one of the following scenarios:

1. Rezones within the cities' sphere of influence to a maximum density of 20 units per acre (R3-20) and a minimum density of 16 units per acre; or
2. Rezone a sufficient amount of land outside the cities' sphere of influence to a minimum density of 16 units per acre; or
3. A combination of rezoned land within and outside of the cities' sphere of influences at the identified densities may also be used to satisfy the unmet need of 571 and 699 units, respectively.

A minimum of 50 percent of the 1,270 units shall be accommodated on sites zoned exclusively for residential uses. Owner occupied and rental multi-family residential uses on these sites shall be allowed by right (without a conditional use permit, planned unit development plan, or other discretionary action) as required by Government Code Sections 65583.2(h) and (i). The rezones sites shall provide for a minimum of 16-units per site and required a minimum density of 16-units per acre.

Program HD-8.1.5: Required the County to amend the Zoning Regulations to create a definition and development standards for a Regional Housing Need (RH) Overlay district that is to be attached to the rezoned sites to accommodate the new construction objectives under Programs HD-8.1.3 and HD-8.1.4. The overlay district was developed by County staff and adopted by the County Board of Supervisors in September 27, 2011.

Site Selection

To demonstrate that the required housing needs could be met through the implementation of the Housing Element Programs, the County selected 17 candidate properties as potential sites for development for affordable housing units. A site analysis was conducted for each of the

properties to determine if enough suitable land for the development of 1,270 affordable housing units could be achieved from the candidate sites.

The site analysis determined the sites to be suitable for development and implementation of the County's goal to rezone the properties to R3 (high density residential). Based on the site survey, a conceptual building envelope was identified for each site. A theoretical maximum unit count was calculated based on state mandated minimum default densities of 16-units minimum per acre. The analysis concluded of a total area of 146.25 acres from the 17 sites, approximately 101.6 acres would be available for development. At 16 units per acre, the maximum number of units would be 1,630 units. This number exceeds the 1,270 units the County currently needs to meet its housing element goals. The number of potential units (1,630) could increase or decrease depending on a variety of factors such as the County utilizing a higher density in the zoning overlay zone (e.g., 20 units per acre) or other physical constraints in the field that reduce the development potential of a site.

Establishment of Site Development Criteria for Rezoned Sites

As outlined in the "RH" Zoning Combining District Ordinance (Section L-II 2.7.11.C.3 of the Nevada County Land Use and Development Code), the project will result in the development of a Regional Housing Need Implementation Plan. This Plan will outline site specific development standards and any CEQA mitigation measures adopted for each site that must be adhered to in order for the site to develop consistent with the purpose of the rezone and to ensure that the development of the site does not result in a significant environmental impact.

PROJECT APPROVALS:

Rezone (Z12-002)
General Plan Amendment, if necessary (GP12-002)
Certification of the EIR (EIR12-002)

PROBABLE ENVIRONMENTAL EFFECTS:

The determination to prepare an EIR was made by the County of Nevada.

The following subject areas will be addressed in the EIR:

Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use and Planning, and Transportation/Traffic.

PUBLIC SCOPING MEETING:

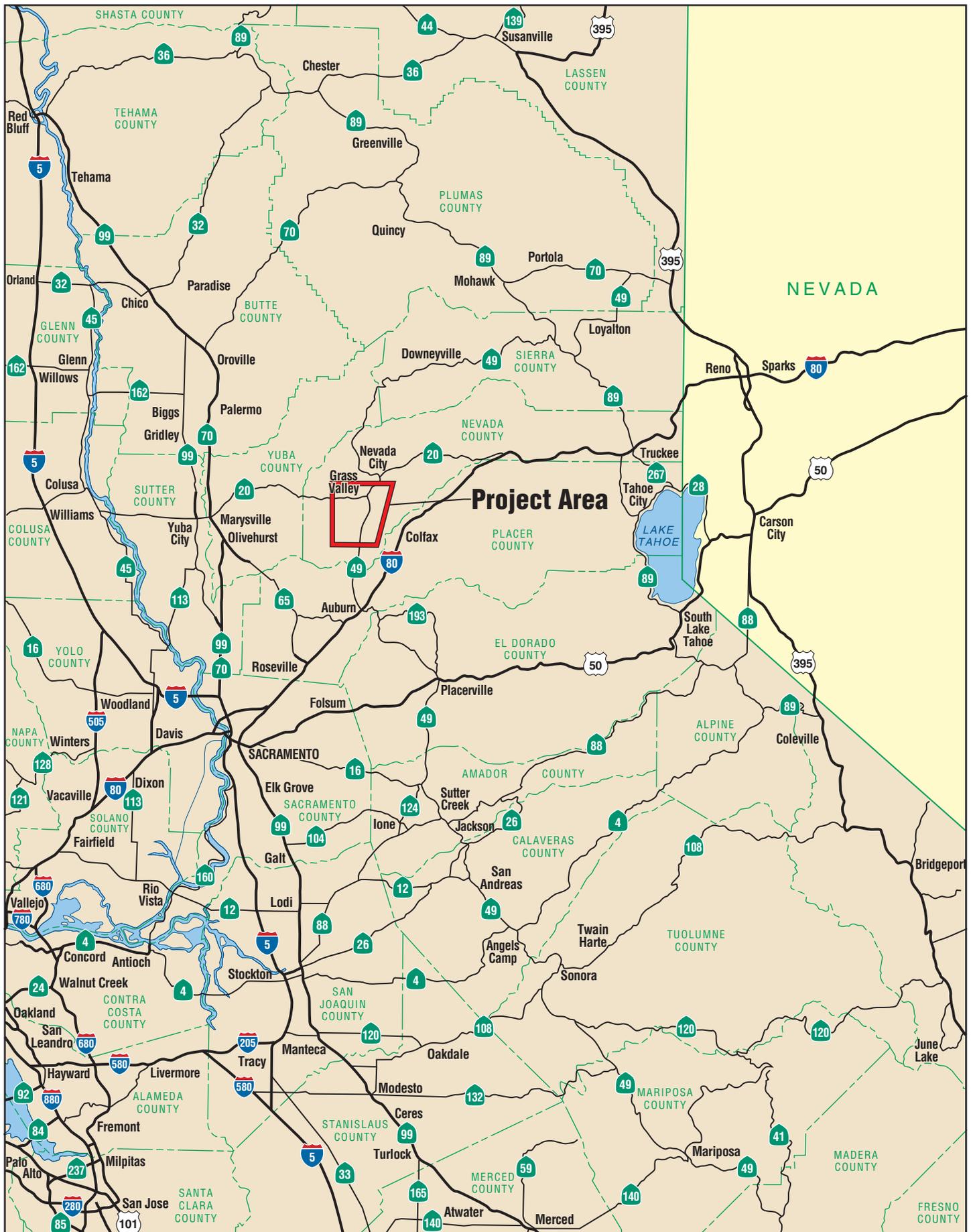
Consistent with Section 21083.9 of the CEQA Statues, a public scoping meeting will be held to solicit comments on the EIR. This meeting will be held on **October 3, 2012 at 5:30 p.m.** at the Providence Mine Room located on the second floor of the Eric Rood Center 950 Maidu Avenue Nevada City.

As specified in the CEQA Guidelines, the Notice of Preparation will be circulated for a 30-day review period. The County of Nevada welcomes public input during this review period on the scope of the EIR analysis. In the event that no response or request for additional time is received by any Responsible Agency by the end of the review period, the Lead Agency may presume that the Responsible Agency has no response. Comments may be submitted in writing during the review period and addressed to:

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The Notice of Preparation comment period closes on **October 26, 2012.**

Attachments:
Site and Vicinity Maps



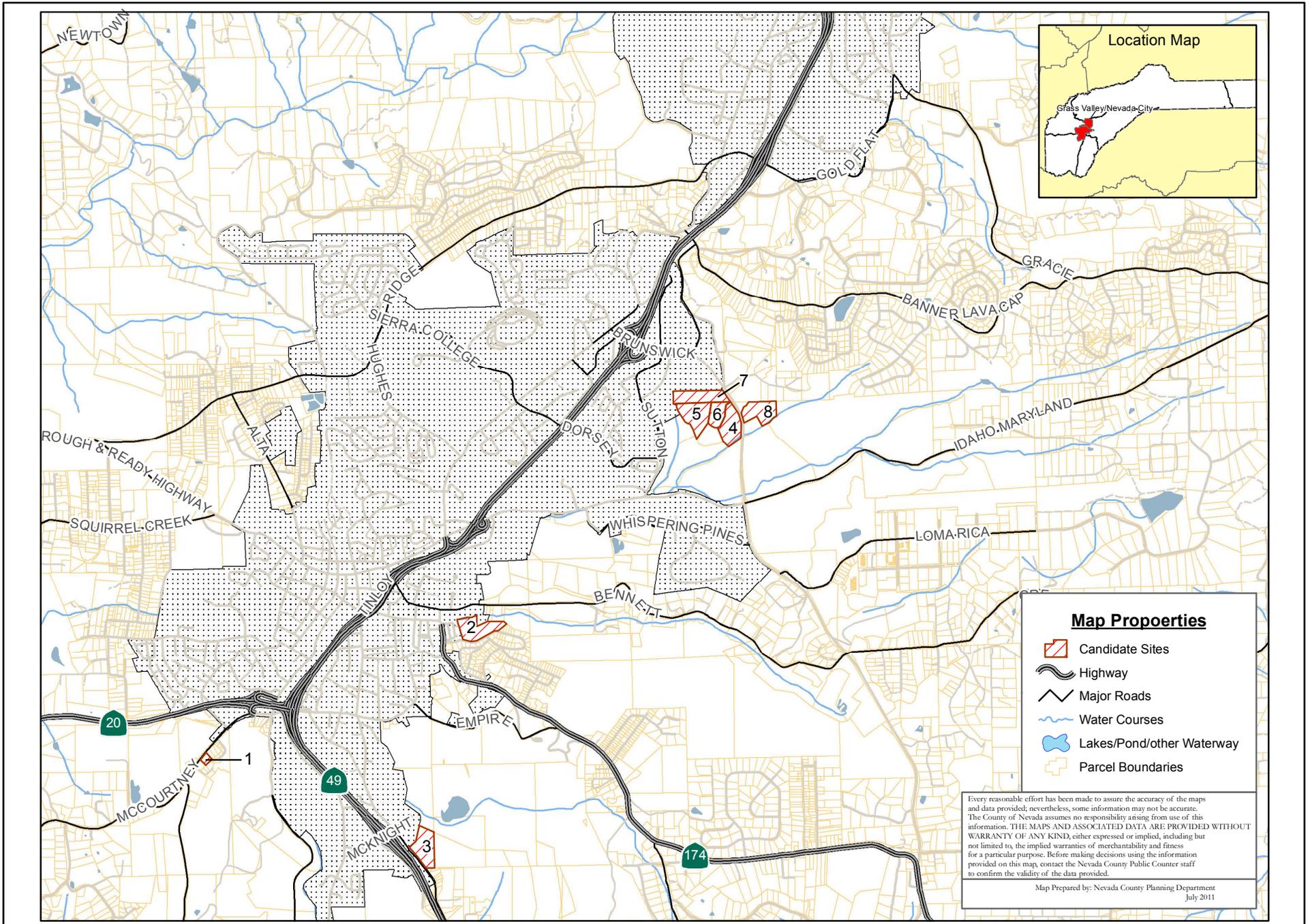
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Regional Vicinity

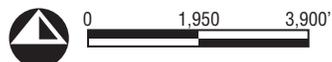
FIGURE 1



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Source: Nevada County GIS 2012; ESRI 2012.

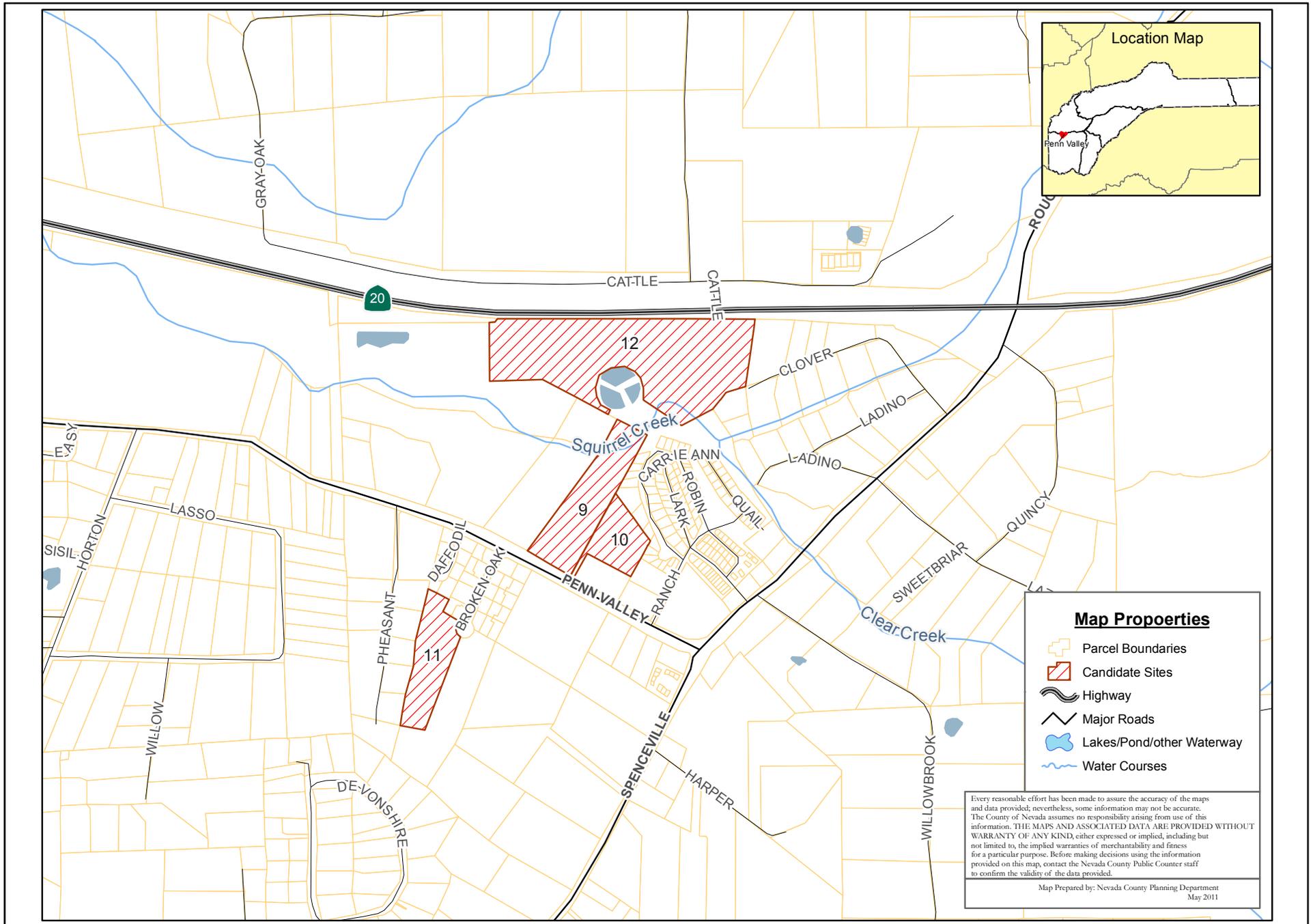


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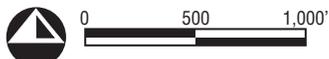
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Grass Valley Area Sites

FIGURE 2



Source: Nevada County GIS 2012; ESRI 2012.

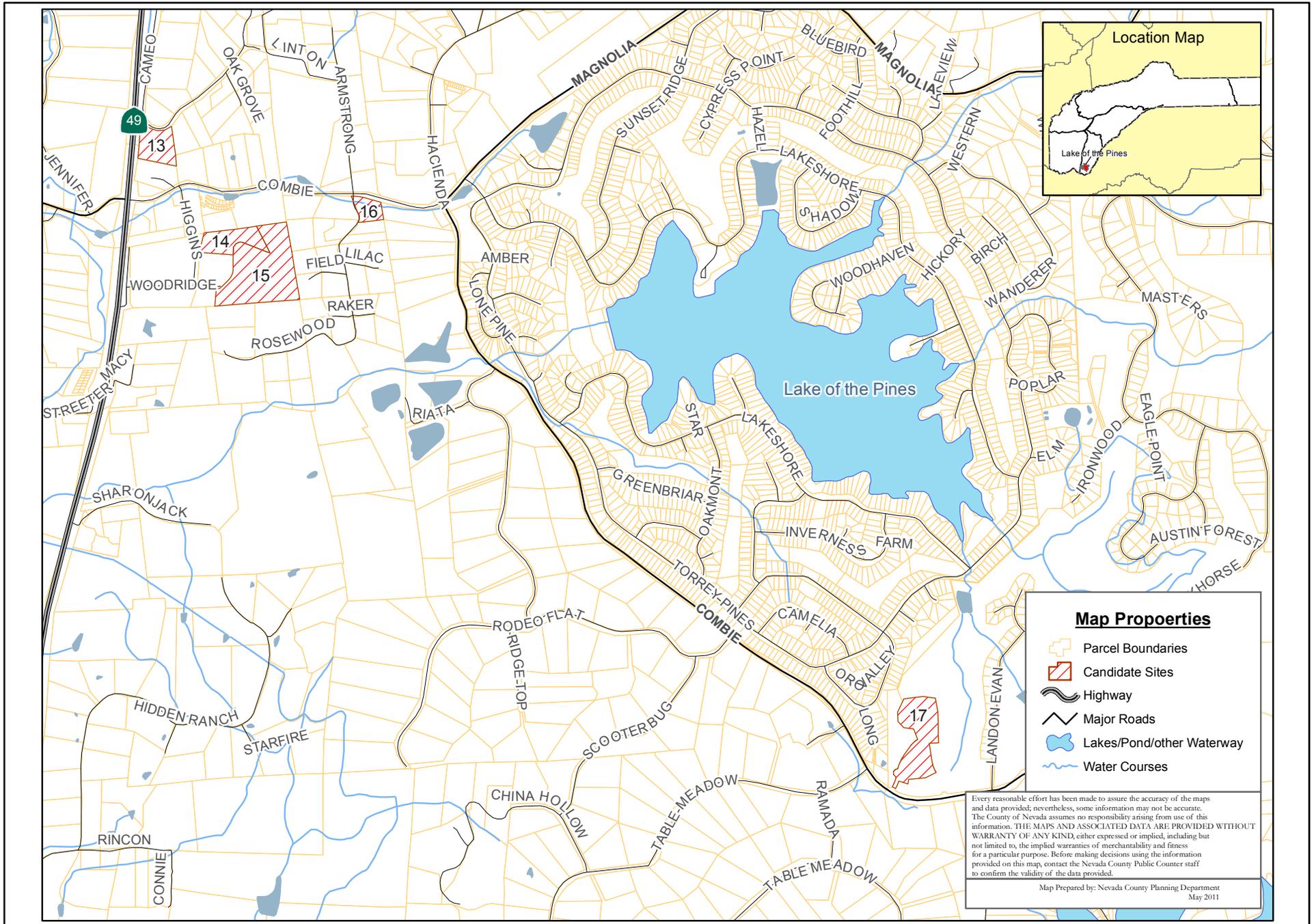


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Penn Valley Area Sites

FIGURE 3



Source: Nevada County GIS 2012; ESRI 2012.



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Lake of the Pines Area Sites

FIGURE 4