

**NEVADA COUNTY PLANNING COMMISSION**  
**STAFF REPORT**

**FILE NOS:** U14-008; MGT16-0007; EIS14-011      **HEARING DATE:** September 22, 2016

**APPLICANT/OWNER:** Oak Tree Community Park & Recreation District

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**PROJECT:** A Use Permit (U14-008) and Biological Resources Management Plan (MGT16-0007) to approve Oak Tree Community Park and the existing park facilities, and to add the following new uses and improvements: (1) children’s play area, (2) one pavilion, (3) one covered picnic area and four uncovered picnic areas, (4) one volleyball court, (5) new park entrance sign, (6) park infrastructure improvements including driveway improvements, accessible pathways, three new ADA parking spaces, lighting and a bicycle rack, and (7) placement of a recreational vehicle with full hook-ups to be used as security housing.

**LOCATION:** 18841 Oak Tree Road, approximately 1.25-miles southeast of the North San Juan historic town site.

**PLANNER:** Patrick Dobbs, Senior Planner

**APN:** 60-390-30

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**General Plan:** Public (PUB)

**Water:** Domestic well

**Region/Center:** Rural Region

**Sewage:** On-site septic

**Zoning:** Public (P)

**Fire:** North San Juan

**Flood Map:** FEMA Panel #0375, Zone X

**Schools:** Twin Ridges

**ZDM No.:** 36

**Recreation:** Oak Tree Community Park

**Project Area:** 11.28 acres

**Sup. Dist.:** IV

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**ATTACHMENTS**

1. Recommended Conditions of Approval and Mitigation Measures
2. Mitigated Negative Declaration and Initial Study
3. Vicinity, Zoning & Public Notice Map
4. Site Plan
5. Biological Resources Report and Management Plan

**RECOMMENDATION**

Environmental Action:

1. Adopt the Mitigated Negative Declaration (EIS14-011)

Project Actions:

2. Approve the proposed Biological Resources Management Plan (MGT16-0007)
  3. Approve the proposed Use Permit (U14-008)
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## **SITE DESCRIPTION**

The 11.28-acre project parcel was historically the eastern half of the Oak Tree School campus and since 2011 has functioned as the Oak Tree Community Park. The property is located at 18841 Oak Tree Road, approximately 1.25-miles southeast of the North San Juan historic town site. The site includes both developed and undeveloped areas. Developments on the site include: a sports field that is regularly used for pick-up soccer; a gravel driveway and parking area; two portable buildings containing a community library, Head Start Preschool, sheriff substation and Park District Office; patios, lawns and walkways; a public bathroom; partial perimeter and interior fencing; power and phone poles and lines; a perennial pond maintained by a dam; and several outbuildings including sheds and well houses.

Topography of the site is gentle to rolling with elevations ranging between 2,215 and 2,250-feet above mean sea level (AMSL). The property is within the Grizzly Creek-Middle Yuba River sub-drainage basin, a part of the Moonshine Creek Drainage Basin which directs flows into Middle Yuba River. The property supports Annual Grassland, Mixed Woodland and Woody Riparian plant communities. A seasonal pond, perennial pond, perennial creek, seasonal wet channel and seasonal wetland are also found on the property as shown in Figure 1, below. The ball fields run parallel to Oak Tree Rd, approximately 40-feet from the property line. Pine trees are scattered in-between the roadway and the fields. Vollmar Natural Lands Consulting delineated a total of 1.45 acres of jurisdictional wetlands and waters, and 0.58 acres of riparian woodland is mapped on site. No special status plant or wildlife species were observed during biological reconnaissance surveys.



The adjacent parcel to the west is also zoned Public (P) and is owned by the Twin Ridges School District and currently operating as the San Juan Ridge Family Resource Center. Other surrounding properties are zoned General Agricultural with a 30-acre minimum (AG-30) with AG-10 and AG-20 also nearby. Surrounding uses are single family residential with various agricultural components. Residences across from the park on the south side of Oak Tree Road are approximately 200-feet from the park property line.

The Oak Tree Community Park is served by a Class II, 60-gallon per minute well, shared with the adjacent Oak Tree/Twin Ridges School property. Similarly a community-type sewage disposal system serves this site and the adjacent school property. The existing parking lot has capacity for 28 vehicles and there is adequate room for twelve parallel parking spaces to be located along the southeasterly edge of the access drive.

## **BACKGROUND**

In 2009 Nevada County purchased the subject parcel of land from the Twin Ridges School District using Proposition 40 Recreation Bond funds. Following establishment of the Oak Tree Community Park and Recreation District (OTPRD) in 2011, the County transferred to the new district the project parcel for use as a park by the North San Juan community.

Nevada County does not operate recreation facilities, but the County does collect recreation mitigation fees on new subdivision lots which may be dispersed to park and recreation districts for enhanced recreational opportunities. In 2013 the Board of Supervisors allocated OTPRD \$45,900 of recreation mitigation funds for the purpose of obtaining approval for a Use Permit to authorize the use of the property as a park, and to develop new areas for picnicking and other passive recreation. Upon submission of OTPRD's initial proposal it became evident that OTPRD needed to revise many aspects of the project that posed numerous potential environmental impacts due to the locations and types of future use areas being considered at that time. After months of correspondence, the OTPRD reduced the scope of the project to the current proposal by eliminating and/or relocating previously proposed future use areas to further avoid potential environmental impacts

## **PROPOSED PROJECT**

The proposed project is an application for a Use Permit to recognize and approve the community park and existing facilities, and to improve the park's recreation facilities and accessibility. Proposed park improvements have been located away from sensitive resource areas on the parcel, and sited in existing disturbed areas or near the existing development footprint. New upgrades include a new children's play area, several new picnic areas and a covered pavilion, a new volleyball court, numerous accessibility upgrades to pathways and parking, a new park entrance sign, and placement of a recreational vehicle with full hook-ups to be used as security housing.

See Attachment 4 – Site Plan, for the location of existing and proposed Oak Tree Park features. The new children's play area is planned on the western portion of the existing ball field turf area, near a proposed picnic area and the proposed 30-foot by 30-foot pavilion. Additionally OTPRD proposes four new picnic tables between the ball fields and the perennial pond as well as a new

volleyball court behind the existing structures, near the easterly property line. A new dual-sided changeable reader board sign is proposed at the park entrance and would be to be visible to travelers in both directions of the roadway.

Other proposed infrastructure improvements include gravel application on driveways and three new paved ADA compliant parking spaces will be added. An ADA compliant pathway would connect the parking lot to the proposed volleyball court and existing bathrooms in the upland portion of the parcel and would connect the ballfield/pavilion area with the picnic areas below the pond. A new bike rack would be installed at the southeast corner of the parking lot near the District Office. Downward facing, low-wattage LED lights are proposed within the proposed pavilion and on the exterior of existing library for public health and safety.

The project proposes placement of a recreational vehicle on the western side of the existing garage to be used by a full time on-site security caretaker. The recreational vehicle would be connected to the existing septic, water and electrical systems which are all located nearby. One occupant is anticipated.

## **PROJECT ANALYSIS**

### **Public Services and Facilities**

The district operates with minimal financial resources and the success of Oak Tree Community Park depends a great deal upon tapping into the community's good will and volunteer resources. The area has fire protection and emergency response services through the North San Juan Fire Protection District and the County Sheriff provides law enforcement. Twin Ridges Elementary School District and the Nevada Joint Union High School District are the public school districts for the San Juan Ridge. Solid waste generated during and after construction is disposed of at the North San Juan Transfer Site, which is maintained by the County of Nevada County, who contracts with a solid waste disposal company to haul material to a permitted sanitary landfill.

This is not a growth inducing project, rather the proposed park improvements would serve the existing community, as it does today, with a small increase in park use anticipated. General park use is expected to increase up to ten to thirty people on any given day. The attendance rates for the library and pick-up soccer games are not expected to significantly increase. The annual Picnic in the Park event could increase from a maximum of eighty attendees up to one hundred twenty participants and is one of the approximately six special events anticipated each year. With the few events planned throughout the year and the minimal increase in daily users, the existing public services and facilities currently serving Oak Tree Community Park have sufficient capacity and ability to maintain acceptable service ratios, response times or other performance objectives.

### **Transportation/Circulation**

The project site is served by Oak Tree Road, a county maintained roadway. Based on the proposed use, the Nevada County Department of Public Works estimated an increase of approximately 20-average daily trips. The additional number of trips is not considered significant, and the anticipated trips do not trigger requirements for a traffic study. The project would not result in an increase in traffic that is substantial in relation to the existing traffic load

and capacity of the street and Oak Tree Road will continue to operate at a Level of Service (LOS) “A”.

Parking and the existing driveway have been deemed adequate to serve the existing plus proposed use by both the Department of Public Works and the Nevada County Fire Marshal. The existing parking lot has a capacity for twenty-eight vehicles and twelve additional parallel parking spaces will be allowed on the south side of the access drive. Oak Tree Park has a shared parking agreement with the Twin Ridges School District who own the adjacent parcel to the west (APN 60-390-28), which allows for overflow parking on the School District property during large community events. The use of the project as a public park is similar to the intensity and transportation and circulation requirements of the previous public school use, therefore the proposed change in use and park improvements would not substantially alter existing patterns of circulation or movement of traffic and people.

#### Biological Resources Management Plan

A Biological Resources Report and Management Plan, and Delineation of Potential Jurisdictional Waters of the U.S., was prepared for the project by Vollmar Natural Lands Consulting to survey existing plant species, potential animal species and habitat types that may be found on site or dependent on site conditions, and map jurisdictional waters and wetlands. The reports took into account local ordinances, such as LUDC L-II Section 4.3.12 regarding rare, threatened and endangered species and their habitat which follows Federal and State government requirements; and County LUDC L-II Section 4.3.17 which outlines requirements for watercourse, wetland and riparian area protection; and CDFW and USFW plans, policies and regulations.

The Management Plan describes that migratory birds and three special status animal species (California red-legged frog, foothill yellow-legged frog and Pacific pond turtle), have the potential to occur on site. Mitigation Measures MM4A-MM4E include the requirement for pre-construction protected resource surveys by a qualified biologist, limited construction periods, best management practices, and permanent measures such as signage requiring pets be leashed, to ensure both habitat and species protection. No additional disturbance is proposed within jurisdictional waters of the U.S.

The project will not conflict with nor have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS).

#### Land Use

The General Plan and zoning designations for the property are both Public in which parks are a permissible use subject to approval of a Use Permit. The project adheres to the site development standards for the Public zoning district found in LUDC Section L-II 2.6 including impervious surfacing and setbacks. Section L-II 3.15.D of the LUDC allows security personnel to occupy a recreational vehicle on public use land requiring on-site security for a maximum 3-year period, with a one-time two year extension, subject to issuance of a Use Permit.

The adjacent parcel to the west is also zoned Public (P) and is owned by the Twin Ridges School District, though it is not currently operating as a school campus, rather it is the home of the San Juan Ridge Family Resource Center. Other surrounding properties are zoned General Agricultural with a 30-acre minimum (AG-30) with AG-10 and AG-20 also nearby. Surrounding uses are single family residential with various agricultural components. Residences across from the park on the south side of Oak Tree Road are separated by approximately 200-feet from the park property line. Oak Tree Park is a day-use park open to the public from dusk until dawn. To ensure substantial temporary or periodic increase in ambient noise levels in the vicinity do not impact nearby sensitive noise receptors, construction hours for the proposed park improvements are limited to daytime hours from 7:00 AM to 7:00 PM, Monday through Friday.

The use of the property for the past five years has been a public park which is comparable to the historical public use of the parcel, and is consistent and compatible with the surrounding community character. The proposed project would memorialize Oak Tree Park as the primary land use on APN 60-390-30, for the continued benefit to the San Juan Ridge community.

### Cultural Resources

A documented Native American milling station is located within the project area. A site and project specific archaeological investigation and report was completed by Jesse Krautkramer, MA, which recommended that no ground disturbing activities take place within the Oak Tree Milling Station boundary. Mitigation Measure 5A establishes the Milling Station boundary as a non-disturbance Environmentally Sensitive Area (ESA) and requires it to be fenced during any work within 30-feet of the ESA to ensure adequate protection. No new improvements are proposed within the ESA. Although the project area has already been subjected to a systematic surface investigation, it is possible that buried or concealed historical and archaeological resources could be present that may be detected during project construction. Mitigation Measure 5B requires work to be halted and a professional archeologist to be consulted in the event of discovery of any cultural resources during ground disturbance activities.

### Signage and Lighting

The project proposes new lighting at the existing library to enhance user safety as well as lights for the proposed pavilion. These lights are proposed to be LED downlights, directing light to the ground rather than into the sky. A condition of approval requires lighting to conform to the lighting standards set forth in LUDC Section L-II 4.2.8 to minimize nighttime light pollution.

A new park entrance sign is proposed near the park entrance on Oak Tree Road. The sign is proposed to be a changeable reader board that could be used to alert the community to upcoming activities. The sign would be dual sided to be visible to travelers in both directions of the roadway. Once the proposed sign design and details have been submitted, a condition of project approval requires design review of the proposed reader board sign by Planning Department staff in accordance with LUDC L-II Section 4.2.12 K.5.h - Institutional Signs, at the time of building permit review.

## **ZONING AND GENERAL PLAN CONSISTENCY**

The project is consistent with numerous recreation policies of the County's General Plan in that the park will provide for open play, picnicking, nature enjoyment and cultural interpretation, and the use of environmentally sensitive areas of the property are limited to low-intensity uses. The acquisition of the parcel fulfills several policies from the Recreation Element of the General Plan (Chapter 5). Policy 5.12 encourages the joint use of facilities (such as public schools and open spaces) and the joint location of school-park sites to efficiently use all areas offering recreation potential. Parks are a permissible primary land use, subject to Use Permit approval, within the underlying Public General Plan land use designation and zoning district and will not conflict with any applicable land use plan, policy, or regulation. Consistent with the County Land Use and Development Code a Management Plan was required because various park facilities are proposed within the non-disturbance buffer area of wetlands, perennial streams, and water bodies.

General Plan Policy 5.3 encourages all park districts to develop and regularly update a Park and Recreation Master Plan which specifies the districts' policies and requirements for facilities. Comprehensive Master Plans (CMP) are required within the Recreation zone district and other Park and Recreation Districts in the County such as the Western Gateway Park District have approved Master Plans. Oak Tree Community Park's zoning is Public, which allows Parks but does not require a CMP. Although not formally referenced as a Comprehensive Master Plan, the proposed project effectively represents OTPRD's long-range master plan for the Oak Tree Park.

## **ENVIRONMENTAL REVIEW (EIS14-011)**

Planning Department staff has prepared an Initial Study and draft Mitigated Negative Declaration for the project. The Mitigated Negative Declaration was available for 20 days, from August 31, 2016, to September 20, 2016. No public comments were received regarding the project's environmental document.

Oak Tree Park is a low-intensity community park, not a destination. Site development is light on the land and at a scale that appropriately fits the sites capacity. Nevertheless, because the pond and its surroundings are protected sensitive resources, the environmental review of the project identified various potentially significant impacts. Attachment 2 of this staff report contains the Initial Study and proposed Mitigated Negative Declaration (MND) for this project. The initial study identifies potential adverse project impacts to: *air quality* related to dust and potential discover of naturally-occurring serpentine or ultramafic rock; *biological resources* related to protection for the California red-legged and foothill yellow-legged frog and Pacific pond turtle, encroachment into the 100-foot non-disturbance buffer from wetlands, ponds, riparian areas and the perennial stream, and protection of birds in accordance with federal and state law; *cultural resources* related to the discovery of historical or archaeological resources; *soil and water quality* related to erosion; *greenhouse gas emissions* related to compliance with energy efficient standards; and *noise* impacts during construction. Many of these potential impacts are localized to specific areas and timing of construction, and all identified potential impacts to environmentally sensitive resources will be less than significant with the implementation of project specific Mitigation Measures and Permit Conditions of Approval.

## **SUMMARY**

The proposed Use Permit cumulates years of work on behalf of Nevada County to establish a community park and provide recreation facilities to serve the San Juan Ridge community. From the property's acquisition by the County, to the establishment and transfer of property to the Oak Tree Park and Recreation District, and subsequent funding allocated for permitting and improvements, Nevada County has been supportive of OTPRD in their efforts to memorialize and improve Oak Tree Community Park. The park is supported by the community who voted for a special property tax specifically to fund and maintain Oak Tree Park for public purposes. This project helps to implement the General Plan's recreation goals, policies, and objectives to provide a diverse range of recreational opportunities at a regional, district, community, and neighborhood level.

After consideration of this issue, staff recommends adoption of the Mitigated Negative Declaration (EIS14-011), approval of the Management Plan (MGT16-0007), and approval of the Use Permit (U14-008) subject to the recommended conditions of approval shown in Attachment 1 to this staff report and any changes made to the project or conditions at the hearing.

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## **RECOMMENDATIONS**

Staff recommends the Planning Commission take the following actions:

- I. After reviewing and considering the proposed Mitigated Negative Declaration (EIS14-011), adopt the proposed Mitigated Negative Declaration (Attachment 2) and Mitigation Monitoring and Reporting Program (Attachment 1) pursuant to Section 15074 of the California Environmental Quality Act Guidelines, and make Findings A through C:
  - A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment;
  - B. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Planning Commission; and that the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels; and
  - C. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.
- II. Approve the Biological Resources Management Plan (MGT16-007), subject to Mitigation Measures and Conditions of Approval listed in Attachment 1, making findings A-C pursuant to Section L-II 4.3.3 of the Nevada County Land Use and Development Code:



- A. That the issuance of this Management Plan is consistent with the provisions of Section 4.3. Resource Standards of the Nevada County Land Use and Development Code, in that it includes recommendations and avoidance measures to protect sensitive biological resources during project activities; and
  - B. That minimization of environmental impacts has been attained through the incorporation of mitigation measures identified by Vollmar Natural Lands Consulting in the Biological Resources Report and Management Plan dated October 2014.
  - C. That the proposed project, together with its existing and proposed improvements, is consistent with the Nevada County General Plan, and with any specific plan in effect within the project area, including the Nevada County Land Use and Development Code.
- III. Approve the Use Permit (U14-008) for the Oak Tree Community Park subject to the attached Mitigation Measures and Conditions of Approval, and making Findings A through K, pursuant to Section L-II 5.5.2.C of the Nevada County Land Use and Development Code:
- A. That this project as conditioned and mitigated is consistent with the General Plan goals, objectives and policies, and with the Public General Plan land use map designation applicable to this project site;
  - B. The proposed use is allowed within and is consistent with the purpose of the Public zoning districts in which the project is located, with an approved use permit;
  - C. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Land Use and Development Code or a same practical effect of those provisions, including design and siting to meet the intent of the Site Development Standards mitigating the impact of development on environmentally sensitive resources;
  - D. The site for the proposed use is adequate in size, shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards;
  - E. That Oak Tree Road, which serves the project, is a County-maintained road adequate in size, width, and pavement type to carry the quantity and kinds of traffic generated by this project and for facility maintenance as determined by the Department of Public Works and the County Fire Planner;
  - F. The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area, because the use of the property as a public park is comparable to the historical public use of the parcel in terms of scale and intensity;

- G. That this Use Permit, proposing a community park, is consistent with the intent of the standards, and provisions of the Nevada County Zoning Ordinance in regards to permissible uses within the Public zoning district and location of facilities such as the reduced setbacks for the proposed picnic tables located within 100 feet of a wetland or water body;
- H. Adequate provisions exist for emergency services access to the site as evidenced by the comments and conditions included from the County Fire Planner;
- I. That based on the comments received and conditions applied from the Nevada County Department of Public Works, Nevada County Environmental Health, and Nevada County's Fire Marshal's Office, adequate public services exist in the immediate area to support the project including safe and adequate roads, and no road access issues exist for the site;
- J. All feasible mitigation measures have been imposed upon the project to offset the impacts this project may have on air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology/water quality, land use/planning, noise, and recreation; and
- K. That the conditions listed are the minimum necessary to protect the public's health, safety and general welfare.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Foss', with a stylized flourish at the end.

BRIAN FOSS  
Planning Director