

**NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA**

MINUTES of the meeting of September 24, 2020, 1:30 p.m., Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California via remote

MEMBERS PRESENT: Chair Aguilar and Commissioners Coleman-Hunt, Duncan, Johansen and Greeno.

MEMBERS ABSENT: None.

STAFF PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Deputy County Counsel, Rhett Vanderploeg; Associate Planner, Janeane Martin; Administrative Assistant, Shannon Paulus.

PUBLIC HEARINGS:

1. Penn Valley Church Page 6, Line 254
PLN19-0022; GPA19-0001; RZN19-0001; CUP19-0002; EIS19-0003

STANDING ORDERS: Salute to the Flag - Roll Call - Corrections to Agenda.

CALL MEETING TO ORDER: The meeting was called to order at 1:30 p.m. Roll call was taken.

CHANGES TO AGENDA: None.

PUBLIC COMMENT: Members of the public shall be allowed to address the Commission on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Planning Commission, provided that no action shall be taken unless otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. None.

COMMISSION BUSINESS: None

CONSENT ITEMS:

1. First Two-Year Extension of Time (PLN20-0139; EXT20-0006) Northern Sierra Propane (PLN16-0072; DVP16-8; EIS16-0002)
2. Second and Final Three-Year Extension of Time (PLN20-0150; EXT20-0007) Christ Final Map (FM07-010; EIS07-053)
3. Extension of Time (PLN20-0155; EXT20-0008) Standing Rock Ranch (FM13-001; U13-007; MGT13-010; MGT13-018; MGT13-019; MI13-015)
4. Acceptance of 2020-07-23 Planning Commission Hearing Minutes.

Commissioner Duncan requested that Consent Items 2 and 3 be pulled from the consent calendar. **Motion** to approve the Consent Items 1 and 4 by Commissioner Duncan; **second** by Commissioner Johansen. **Motion carried on a voice vote 5/0.**

No public comment was made. Chair Aguilar closed public comment at 2:03 p.m.

Chair Aguilar asked for a motion

Motion by Commissioner Duncan, **Second** by Commissioner Coleman-Hunt to approve the Standing Rock Extension of Time. **Motion carried on a roll call vote 5/0**

Chair Aguilar noted a 10-day appeal period.

PUBLIC HEARING:

PLN19-0022; GPA19-0001; RZN19-0001; CUP19-0002; EIS19-0003. A General Plan Amendment, Zone Change and Comprehensive Master Plan/Use Permit to allow use of the former Pleasant Valley Elementary School campus by the Penn Valley Community Church who proposes to occupy portions of the site and, as the owner, will also serve as property manager for the entire campus, managing tenants in other buildings and the sports fields as an office/professional and recreational complex. A General Plan Amendment and Zone Change proposes two Zoning and General Plan designations: Recreation; and Office-Professional to replace the current Public designations. The Recreation designation will overlay the existing field areas and gymnasium on the site (roughly 11.1-acres), the remainder of the site will carry the Office-Professional designation (roughly 6.4-acres). Both zoning designations will carry a Site Performance Combining District requiring compliance with the proposed Comprehensive Master Plan (CMP). **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Recommend that the Board of Supervisors approve the Negative Declaration (EIS19-0003). **RECOMMENDED PROJECT ACTION:** Recommend that the Board of Supervisors approve the Resolution for the proposed General Plan Amendment (GPA19-0001) and adopt the Ordinance amending Zoning District Map (ZDM) #14a to rezone APN: 050-020-032 & 050-020-072 from Public (P) to Office-Professional (6.4-acres) & Recreation (11.1-acres) both with the Site Performance Combining District (OP-SP/REC-SP) and approve Conditional Use Permit (CUP19-0003). **PLANNER:** Janeane Martin, Associate Planner

Associate Planner Janeane Martin introduced herself and project representative Andy Cassano of Nevada City Engineering to the Commission. She began her presentation and discussed the location of the project, access to the site, and the components of the project. She reviewed the current zoning of the parcel, surrounding zoning, history of the project site, and the proposed General Plan Amendment and Zone change. She discussed the jobs to housing balance in the area, stating the project was anticipated to have a positive effect by increasing office spaces and employment opportunities. She talked about the proposed zoning of Recreation over the existing field areas, and Office Professional where the existing buildings were located. She stated that both would carry a Site Performance combining district requiring compliance with the proposed Comprehensive Master Plan. She reviewed the Comprehensive Master Plan as well as the permitted and prohibited uses. She discussed specific project details, such as office professional, elementary or junior high school uses, a watchman or caretakers' unit for needed security, and sports league use of the fields and gymnasium. She also talked about church uses, such as Sunday services, weddings, funerals, and other community activities. She reviewed the different buildings currently on the site and their proposed future uses, noise impacts, parking, and landscaping. She discussed environmental review and routing per the California Environmental Quality Act (CEQA), which was available for public review for a period of thirty days, and those agencies which provided comment that resulted in Conditions of Approval. She recommended that the

294 Planning Commission make the recommendations outlined in the staff report for the Board of
295 Supervisors. She added that the California Department of Fish and Wildlife had provided comment
296 which had resulted in an additional Condition of Approval, as outlined in the memorandum
297 provided to the Commission prior to the meeting. She offered to answer any questions.
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299 Chair Aguilar thanked Planner Martin. He asked for questions of staff.
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301 Commissioner Greeno asked if the Building Department would monitor the project to ensure that
302 the parking lot lighting and buildings would be brought up to current standards.
303

304 Planner Martin answered that was partially correct. She said that as tenants moved onto the site
305 and applied for permits, those permits would be routed to the Planning Department for review as
306 per standard procedure.
307

308 Commissioner Greeno thanked Planner Martin.
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310 Chair Aguilar asked for additional questions. As none were forthcoming, he asked if the applicant
311 desired to make a presentation.
312

313 Andy Cassano of Nevada City Engineering introduced himself as the project representative. He
314 thanked Planner Martin and staff for their work on the project. He gave the Commission some
315 background information on the church, stating that the church's original location on Spenceville
316 Road had burned to the ground in 2014. They were unable to rebuild on the site due to prohibitive
317 costs, and took the opportunity to buy the school campus as no other public users had made any
318 offers. He stated that it was a major recycling effort to repurpose the school into a church and
319 community facility. He said that they needed to occupy the site as quickly as possible because of
320 the significant amount of vandalism, and that the COVID-19 Pandemic had made it very difficult
321 to be able to assemble volunteer groups. He said that Lake Wildwood intended on completing
322 fencing on the site which would help with security; as it would deny regular pedestrian entry into
323 the property. He stated that the church was recently denied insurance for the site because it was
324 not occupied. He had advised the applicant that they would not be able to move into the site as the
325 church until the County had provided approval of the permit, however they did have a right to have
326 a presence and defend their property. At an onsite meeting with the Building Department and Fire
327 Official, the Building Department verified that the buildings were complete and ready for
328 occupancy under the standards used to build the school. It was required that a consultant confirm
329 that the fire alarm system was operational, as well as the sprinkler system in the gymnasium. He
330 stated that allowing the church to be on site while work commenced on the sanctuary would be
331 helpful. He stated that several of the buildings on site would not be utilized by the church, and they
332 would be actively searching for compatible tenants for those spaces, such as nonprofit users. He
333 said that they had reviewed the Conditions of Approval, including the one that was added by
334 CDFW, and they agreed with most of them. He drew attention to Department of Public Works
335 Condition C.3, which required an engineered grading and drainage plan. He stated that they were
336 not really planning on doing any grading, other than adding a drop-off lane and ADA parking. He
337 asked if the phrase "if required" could be added to that condition. He also wanted to clarify that
338 throughout the document it was stated that all Conditions needed to be met before final occupancy,
339 he wanted to clarify that "prior to final occupancy" applied to the work in the sanctuary. He stated
340 that Pastor Dave and some members of the church committee were available to answer any
341 questions.
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Chair Aguilar asked for questions of the applicant.

Commissioner Johansen stated that the project had been unanimously accepted by the Penn Valley Community. He said that the Penn Valley Municipal Advisory Council (MAC) loved it, and that he had spoken to the neighbors to the north who were excited about the project. He asked if the applicant or representative found any of the other conditions to be too onerous or expensive, as he felt the public benefit to having the building occupied and vandalism stopped was important.

Mr. Cassano joked that they would like to remove half of the Conditions, however he did not feel it was appropriate. He added that they appreciated how the Conditions had been crafted to allow some time so they could work towards compliance with all the Conditions. He felt that the Conditions were fair considering County Codes.

Commissioner Johansen clarified that they were comfortable with the Conditions.

Mr. Cassano answered that was correct.

Commissioner Duncan stated that they recognized that vandalism was an issue for unoccupied sites and was even an issue at Western Gateway Park. She appreciated that they were proposing a full-time caretaker. As an interim measure, she asked if they could place a travel trailer onsite for immediate protection. She asked staff if there was anything they could do.

Chair Aguilar asked if something could be added to allow the applicant to protect the property without breaking the rules.

Planner Martin answered that staff had recommended and included a watchman/caretaker's unit which could be placed within the Recreation area as allowed by Code. She stated that it was necessary to go through the Board of Supervisors approval process, first however after that it would be an allowable use.

Commissioner Duncan asked if property owners could have a temporary unit onsite for two weeks without a code violation.

Planner Martin answered she was not aware of that provision.

Commissioner Duncan stated that this was an opportunity to be creative and let the community know that they were aware of their needs. She felt it would be a good idea if they could be part of the solution.

Planner Martin answered that she was strictly a purveyor and reader of the code, and that she was not aware of that provision.

Commissioner Duncan asked for Planner Barrington to weigh in.

Counsel VanderPloeg answered that they did have Recreational Vehicle and Temporary Occupancy within code, which was specific to certain zonings and the issuance of a building permit. She said that the Building Department would need to be consulted and that they would be unable to provide an answer at this time.

Commissioner Duncan stated that she believed that in the past they had also allowed compassionate use.

Planner Barrington added that the County Code did allow for security housing in recreational vehicles as part of a Use Permit, which was being considered today. He added that the zoning would need to be changed and the Use Permit approved as a part of the process. He added that different options had been discussed with the applicant for security.

Mr. Cassano stated that it seemed that they were walking a fine line between what was allowed by the Zoning Code and whether or not a property owner could provide reasonable security. He stated that a permit would not be required to hire a security agency to patrol the property at night.

Commissioner Johansen agreed with Commissioner Duncan that this was a time for them to step up as the vandalism to the property was significant and could potentially destroy the property. He added that the need to have security at the site was important, and that everyone in the County had people living in recreational vehicles. He stated that a property owner could reside in a recreational vehicle for 3 months and for seasonal agricultural housing it was extended to 6 months. He added that the County laws were good but argued that the public benefit outweighed any County laws.

Chair Aguilar answered that the best thing the Planning Commission could do would be to get the approval process going. He said that the Board of Supervisors could certainly consider it, not only for this project but for future as well.

Commissioner Coleman-Hunt added that the community and the project were at risk because the owners were unable to get insurance, due to not occupying the site.

Chair Aguilar clarified that it was the County Supervisors who made the Codes.

Planner Barrington added that the Code section pertaining to recreational vehicles did allow for seasonal stays for owners of any parcel with no permanent dwelling not to exceed a total of 90 days between April 15 and October 15 of a calendar year. He said it was potentially an interim solution, however the permanent solution was the hearing process.

Commissioner Duncan thanked Planner Barrington for that clarification.

Chair Aguilar mentioned it was about a 3-week solution.

Commissioner Duncan thought it was for 90 days.

Commissioner Johansen stated it was for 90 days.

Chair Aguilar clarified that was until October 15.

Commissioner Johansen stated it was from April 15 to October 15.

Chair Aguilar asked for any other questions.

Chair Aguilar opened public comment at 2:48 p.m.

Pastor David Hagey thanked Planner Martin and Mr. Cassano for representing the project so well.

Chair Aguilar closed public comment at 2:49 p.m.

Chair asked for any comments from staff.

Planner Martin asked if it was the desire of the Commission to make any changes or additions. She believed that everyone was clear on the provision that would give the applicant until October 15 to have someone stay in an RV at the property site temporarily.

Commissioner Johansen mentioned the change to Condition C.3.

Chair Aguilar also believed that Mr. Cassano had also desired it to be clear that “prior to final occupancy” applied to the sanctuary. He also asked who had sent in additional Conditions.

Planner Martin answered that the California Department of Fish and Wildlife had sent in a Condition.

Planner Barrington asked for a short break to allow staff the time to draft the corrections to be read into the record.

Chair Aguilar called a break at 2:57 p.m. The Commission reconvened at 3:05 p.m.

Planner Martin shared her screen and reviewed which Conditions had been modified. These included Planning Condition 4.a, 5.f, 5.g, and 7.a, each of which had “sanctuary” added to clarify when these conditions had to be fully completed, and Department of Public Works Condition 3 – which added, “if required” to the grading and drainage plan requirement for clarification.

Motion by Commissioner Johansen to, after reviewing and considering the proposed Mitigated Negative Declaration, recommend that the Board of Supervisors adopt the Resolution (*Attachment 3*) for the proposed Mitigated Negative Declaration (EIS19-0003) (*Attachment 2*) and Mitigation Monitoring and Reporting Program (*Attachment 1*) pursuant to Section 15074 and 15097 of the California Environmental Quality Act Guidelines making Findings A through D *as modified*: **Second by Commissioner Duncan. Motion carried on a voice vote 5/0.**

Motion by Commissioner Johansen to recommendation that the Board of Supervisors adopt the Resolution for the General Plan Amendment (GPA19-0001) changing the site designation from Public (PUB) to Office-Professional (6.4-acres) & Recreation (11.1-acres) (OP & REC) pursuant to Section L-II 5.9 of the Land Use and Development Code, and making findings A through E: **Second by Commissioner Duncan. Motion carried on a voice vote 5/0.**

Motion by Commissioner Johansen to recommend that the Board of Supervisors adopt the Ordinance amending Zoning District Map (ZDM) #14a to rezone APN: 050-020-032 & 050-020-072 from Public (PUB) to Office-Professional (6.4-acres) & Recreation (11.1-acres) both with the Site Performance Combining District (OP-SP/REC-SP) making findings A through D: **Second by Commissioner Duncan. Motion carried on a voice vote 5/0.**

Motion by Commissioner Johansen to recommend that the Board of Supervisors adopt the Resolution to approve the Use Permit application (CUP19-0002) to establish a Comprehensive

490 Master Plan for the project site subject to the Conditions of Approval and Mitigation Measures
491 shown in Attachment 1, or as may be modified at the public hearing, pursuant to Nevada County
492 Land Use and Development Code Section L-II 5.6.G, 5.5.2.C and 5.17, making findings A through
493 *K as modified*: **Second by Commissioner Duncan. Motion carried on a voice vote 5/0.**

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495 Discussion ensued regarding upcoming Commission meetings and ongoing project statuses.

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497 **Motion by Commissioner Duncan; second by Commissioner Aguilar to adjourn. Motion**
498 **carried on voice vote 5/0.**

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500 There being no further business to come before the Commission, the meeting was adjourned at
501 3:27 p.m. to the next meeting *tentatively* scheduled for October 8, 2020, in the Board of
502 Supervisors Chambers, 950 Maidu Avenue, Nevada City.

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505 Passed and accepted this day of , 2020.

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507 _____
508 Brian Foss, Ex-Officio Secretary