

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

**MINUTES** of the meeting of July 23, 2020, 1:30 p.m., Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California.

---

**MEMBERS PRESENT** Chair Aguilar, Commissioners Coleman-Hunt, Duncan, Johansen, Greeno by remote.

**MEMBERS ABSENT:**

**STAFF PRESENT:** Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Deputy County Counsel, Rhett Vanderploeg; Administrative Assistant, Shannon Paulus by remote.

---

**PUBLIC HEARINGS:**

1. Penn Valley Area Plan Page 1, Line 45  
PLN20-0131; GPT20-0001; GPA20-0001; RZN20-0004; ORD20-3; EIS20-0007

**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. Acceptance of 2020-05-28 Planning Commission Hearing Minutes.

**Motion** to approve Consent items by Commissioner Duncan; **second** by Commissioner Coleman-Hunt **Motion carried on a voice vote 5/0.**

**PUBLIC HEARING:**

**PLN20-0131; GPT20-0001; GPA20-0001; RZN20-0004; ORD20-3; EIS20-0007 PROJECT DESCRIPTION:** The proposed project is an Area Plan for the Penn Valley area, with land use regulations focused on the Penn Valley Village Center as established by the County General Plan, but also extending to the surrounding area to assist in establishing a connection from Penn Valley to Lake Wildwood. The project builds upon and overhauls the existing 2000 Penn Valley Area Plan as a comprehensive Area Plan that is more than just an update to the prior planning policy document. The 2020 Penn Valley Area Plan

(Area Plan) is a focused policy and design document that supplements the Nevada County General Plan and Zoning Ordinance. It serves as the comprehensive land use and zoning plan for the community of Penn Valley and embodies the expressed goals of residents and business owners to help shape the future of their community.

The Penn Valley Area Plan is comprised of the following plan components and discretionary actions:

- General Plan Text Amendment: To adopt the Area Plan.
  - General Plan Land Use Map Amendment:
    - APN: 051-220-015. (7.11-acres). Western Gateway Park property from Residential (RES) to Recreation (REC).
  - Zoning Map Amendment: Parcel rezoning to correspond with the proposed expansion of the Area Plan boundaries to add the Site Performance (SP) Combining District zoning to specific parcels to reflect the applicability of the Area Plan (See Appendix B of the Draft Initial Study/Negative Declaration), and site-specific rezoning as follows:
    - APN: 051-220-015. (7.11-acres). Western Gateway Park property from Residential Agricultural-1.5 (RA-1.5) to Recreation (REC).
    - APN: 051-120-005 and 051-120-013. (1.23 and 0.52-acres). Nevada County Cemetery District properties from RA-1.5 to Public (P). Site already has a Public (PUB) General Plan Land Use designation.
  - Zoning Ordinance Amendment: Amending Sec. L-II 4.2.3 of the Nevada County Zoning Ordinance to add a reference to the proposed Penn Valley Area Plan design guidelines and standards.
- RECOMMENDED ENVIRONMENTAL DETERMINATION:** Approve the Negative Declaration (EIS20-0007) **RECOMMENDED PROJECT ACTION:** Approve the proposed General Plan Amendment (GPA20-0001), General Plan Text Amendment (GPT20-0001), Rezone (RZN20-0004) and Ordinance (ORD20-3). **PLANNER:** Tyler Barrington, Principal Planner

Principal Planner Tyler Barrington introduced himself to the Commission and began his presentation. He reviewed what actions needed to be taken that day, as well as a history of the project. He discussed community meetings, interviews, and a survey which had been held throughout the process, stating that the community had helped to develop the vision, themes, goals and policies of the plan. He stated that the Area Plan was an extension of the General Plan and was intended as a guide, it was not a Capital Improvement Plan. He reviewed the Guiding Principles of the Plan, which had been developed through community outreach. These included developing a year round economy to foster local businesses, preservation of community character, protection and restoration of natural resources, value of historic resources, creating community gathering places, preserving the legacy of the Penn Valley Rodeo, connecting Penn Valley and the Lake Wildwood areas through a multiuse trail system, and providing unique lodging and camping opportunities to allow day visitors to stay longer. He reviewed the Area Plan boundaries and community design districts. He detailed proposed zoning changes, stating that the changes would not intensify use or allow for additional uses within those zoning districts. He reviewed the General Plan Amendment and Rezone for a 7.11 acre parcel that was owned by Western Gateway Park, which would change from RES/RA-1.5 to REC/REC, which would support the Parks mission, encourage path and trail systems to connect to the park, and to encourage special events. He further reviewed the entrances to Penn Valley, the potential growth opportunity sites for business, rural corridor to promote a link between the Village Center and Lake Wildwood, and the Lake Wildwood Commercial Center. He reviewed land use policies within the Plan, as well as economic development goals, public service and infrastructure goals, and recreation goals and policies. He discussed historic, cultural, natural resource goals and policies, as well as consultation with Native American Tribes for projects who were culturally and traditionally affiliated with the area. He talked about design guidelines, which included a western theme and small-town feel, which were modified from the 2000 Area Plan to add streetscape landscaping, art, areas to gather and sit, trash enclosures, a village center, business improvement district walkability improvements, and wayfinding. He thanked members of the Board of Supervisors, County Staff, local organizations, and many individuals which helped to create the Plan. He finished his presentation with recommendations to the Board of Supervisors to Adopt the Negative Declaration (EIS20-0007), adopt the Area Plan as modified and Land Use Chapter Amendments (GPT20-0001), approve the General Plan Amendment (GPA20-0001), approve the Rezone

(RZN20-0004), and to approve the Amendment to the Zoning Regulations (ORD20-3). He offered to answer any questions.

Chair Aguilar thanked Planner Barrington for his work, stating it was a very exciting plan. He asked if the Commissioners had any questions for staff.

Commissioner Johansen thanked Planner Barrington and other members who had been involved in the process for their work. He said it was beautifully done, a great project, and he did not see any flaws in it.

Commissioner Coleman-Hunt commended everyone involved, especially the community. She asked why the name of a specific tribe had been omitted from the document. She felt that by mentioning the tribe by name it would strengthen their position while they try to become reinstated.

Planner Barrington answered that the language used was what was provided to staff from the United Auburn Indian Community. He also stated that several tribes claimed representation over the area. He added that staff used a list of tribes that was provided by the Native American Heritage Commission, whom staff was required to consult with if they requested consultation. He cautioned against being specific about tribal names because of competing interests.

County Counsel VanderPloeg answered that they would not want to limit it in the interest of being inclusive. She also added that it was only an Area Plan and not a statute. She said that keeping the language open for future voices was a good idea.

Commissioner Coleman-Hunt answered she did not feel that the tribes would agree with that. She added that the Plan did not mention much about diversity or accessibility. She expressed interest in seeing more opportunities for welcoming more diverse people by doing multilingual signs and support for communities who had accessibility challenges.

Planner Barrington answered that he believed that there were many policies and statutes that spoke to those challenges. He stated that this document was specific to Penn Valley and that it may be better to have that conversation on a more Countywide document. He added that staff was open to any changes that were within the purview of the Commission to make. He further stated that the intention was not to exclude those populations, he believed that there were areas of the County's General Plan that better spoke to the concern.

Commissioner Coleman-Hunt said that she understood that there were codes regarding accessibility. She said that this community was not known for its diversity, she felt that documents like this were important opportunities to be more inviting. She said that she did not want to make any changes however she wanted it on the record that she felt it was an omission. She also asked why year-round economic activity was called out, and if seasonal economic activity was a concern.

Planner Barrington asked where in the document she was referring to.

Commissioner Coleman-Hunt answered it was within the Goals.

Director Brian Foss stated that it wasn't a word that was chosen because of a seasonal issue, it was intended to mean more consistent and stable.

154 Planner Barrington added that the economy boomed around harvest season.

155  
156 Commissioner Coleman-Hunt added that she felt that an opportunity had been missed to  
157 specifically call out equestrian training barns, stating that equestrian uses were very important to  
158 the community. She stated that overall, everything in the Plan was very good, she was just looking  
159 for things that may have been omitted for future updates.

160  
161 Chair Aguilar asked Commissioner Coleman-Hunt if there was any specific item that she wanted  
162 to add.

163  
164 Commissioner Coleman-Hunt answered that she wasn't sure she had that authority, as the plan had  
165 been developed by the community. She was unsure if the Commissions role was to comment on  
166 the document or to make changes. She said nothing within the Plan was broken or wrong, she just  
167 noticed that some things were omitted. She said she would like to see more clarity regarding  
168 accessibility, diversity, and equestrian uses. Because the document came from the community she  
169 questioned if it would need to go back to the community for any changes to be made.

170  
171 Chair Aguilar answered that the County had an overriding General Plan that the Penn Valley Area  
172 Plan was a subset of. He answered that the job of the Commission was to make sure that the Area  
173 Plan was in compliance with the General Plan, while specifically recognizing that some  
174 communities have more agriculture or recreation items, etc.... He asked for any additional  
175 questions of staff.

176  
177 Commissioner Greeno stated that it was a wonderful plan.

178  
179 Chair Aguilar agreed.

180  
181 Chair Aguilar opened public comment at 2:16 p.m.

182  
183 Teresa of Spenceville Road introduced herself to the Commission. She said that she received notice  
184 of the meeting about one week prior and had not been involved in any of the community meetings.  
185 She expressed her concern about the Plan. She worried about urban sprawl and the proposed  
186 changes of some parcels from Agriculture to Recreational. She felt that the Agriculture zoning  
187 helped to prevent urban sprawl, however Recreation included extensive uses. She was concerned  
188 about the potential development that could occur after the zone change, which would impact the  
189 small-town character. She said that she has seen the tearing out of farmland near Beale Air Force  
190 Base to make way for development and housing, which brought more people and more crime. She  
191 stated that she loved the community the way it was. She further expressed her concern over  
192 speeding on Spenceville Road and the potential for large department stores to move into the area.

193  
194 Chair Aguilar thanked Teresa for her comments.

195  
196 Mike Mastrodonato introduced himself as the President of the Penn Valley Chamber of  
197 Commerce, the Chair of the Penn Valley MAC, as well as an owner of a business in the Penn  
198 Valley Village Center. He said that the document provided an excellent roadmap for the future  
199 success of Penn Valley. He stated that it had taken a lot of effort and input from the community,  
200 with guidance from the Planning Department and other County staff. He felt that the new Area  
201 Plan was an upgrade and recommended that the Planning Commission approve the document. He  
202 was familiar with the 2000 Area Plan, and likened the update to trading in a broken Ford truck for

a new Ferrari. He thanked former Senior Planner Coleen Shade who began the process with the community, as well as Principal Planner Tyler Barrington and Senior Administrative Analyst Jeff Thorsby for their work on the Plan. He added that over 100 members of the Penn Valley community participated in the process and extended his gratitude to them. He stated that this was a roadmap which would put them on a good path for the next 20 years.

Chair Aguilar closed public comment at 2:24 p.m.

Chair Aguilar asked staff to address the concern of growth.

Planner Barrington answered that Penn Valley had grown slowly over time, and that the theme and goals for the plan were to protect the rural quality of the area. He said that the General Plan designations and zonings would not change, with a few exceptions. The specific parcel that would be changed to REC was for the Western Gateway Park parcel, and one other parcel would be changed from Residential Agriculture to Public. He said that Penn Valley already had the zoning and General Plan designations to support future growth, and no intensification was proposed. He added that the document was meant to support the communities' vision for the future to build upon agriculture and equestrian uses, provide services and needs from the community, as well as bring in more visitors to the area.

Chair Aguilar expressed that he liked how Mr. Mastrodonato referred to the Plan as a roadmap. He asked for additional comments or for a motion.

Commissioner Duncan commended staff and the community for their work on the project for thoughtfully envisioning a future for their community. She also felt that it was an improvement on past Area Plans that the County had developed.

Commissioner Johansen said that the Plan was not growth inducing, it was a guideline for how they wanted the community to look for the next 20 years. He thanked staff and everyone who participated in the project for doing a fantastic job. He added that a high bar was set for other communities that wanted an Area Plan.

**Motion by Commissioner Johansen** to recommend that the Board of Supervisors approve the attached Resolution for the Negative Declaration (EIS20-0007) for the Area Plan and associated actions pursuant to Section 15074 of the California Environmental Quality Act Guidelines making the findings contained within the draft Resolution (*Attachment 1*). **Second by Commissioner Duncan. Motion carried on a roll call vote 5/0**

**Motion by Commissioner Johansen** to recommend that the Board of Supervisors approve the attached Resolution for General Plan Text Amendment (GPT20-0001) to adopt the Penn Valley Area Plan *as modified* and amend the General Plan Land Use Element for internal consistency (*Attachment 2*). **Second by Commissioner Duncan. Motion carried on a roll call vote 5/0**

**Motion by Commissioner Greeno** to recommend that the Board of Supervisors approve the attached Resolution for the General Plan Land Use Map amendment (GPA20-0001) as described in the project description (*Attachment 3*).: **Second by Commissioner Duncan. Motion carried on a roll call vote 5/0.**

**Motion by Commissioner Johansen** to recommend that the Board of Supervisors adopt the attached Ordinance for the amendments to Zoning District Map described in the project description including adding the “SP” Site Performance Combining District parcels that have been included in the expanded Plan boundaries making the findings contained within the draft Ordinance (*Attachment 4*). **Second by Commissioner Duncan. Motion carried on a roll call vote 5/0.**

**Motion by Commissioner Johansen** to recommend that the Board of Supervisors approve the amendment to Sec. L-II 4.2.3 of the Nevada County Zoning Ordinance to update the reference to the applicability of the Penn Valley Area Plan making the findings contained with the draft Ordinance (*Attachment 5*).: **Second by Commissioner Duncan. Motion carried on a roll call vote 5/0.**

Discussion ensued regarding upcoming Commission meetings and ongoing project statuses.

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

There being no further business to come before the Commission, the meeting was adjourned at 2:36 p.m. to the next meeting *tentatively* scheduled for August 13, 2020, in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

---

Passed and accepted this       day of       , 2020.

---

Brian Foss, Ex-Officio Secretary