



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

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**Brian Foss, Planning Director**

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Agricultural Commissioner

Building Department

Environmental Health

Planning Department

Dept. of Public Works

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**NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memo**

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**MEETING DATE:** August 25, 2020

**TO:** Board of Supervisors

**FROM:** **Brian Foss, Planning Director**

**SUBJECT:** A public hearing to consider the Nevada County Planning Commission's July 23, 2020 5-0 recommendation to perform the following actions: 1) Approve the Resolution adopting the project specific Negative Declaration (EIS20-0007) (*Attachment 1*); 2) Approve the Resolution to adopt the Penn Valley Area Plan and amend General Plan Chapter 1. Land Use for internal consistency (*Attachment 2*); 3) Approve the Resolution amending the General Plan Amendment for APN: 051-220-015 to go from Residential (RES) to Recreation (REC) (*Attachment 3*); 4) Introduce, waive further reading and adopt an Ordinance to add the Site Performance (SP) Combining District to parcels added into the Area Plan boundaries and site specific rezoning of APN: 051-220-015 from Residential Agriculture 1.5 (RA-1.5) to Recreation (REC) and APNs: 051-120-009 and 051-120-013 from RA-1.5 to Public (P) (*Attachment 4*); and 5) Introduce, waive further reading and adopt an Ordinance amending Land Use and Development Code Chapter 2, Section L-II 4.2.3: Design Guidelines to update the reference to the Area Plan (*Attachment 5*).

**RECOMMENDATION:** The Nevada County Planning Commission on July 23, 2020 made a 5-0 vote recommending that the Board of Supervisors take the following actions:

- I. 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*).

- II. Approve the attached Resolution for General Plan Text Amendment (GPT20-0001) to adopt the Penn Valley Area Plan and amend the General Plan Land Use Element for internal consistency (*Attachment 2*).
- III. Approve the attached Resolution for the General Plan Land Use Map amendment (GPA20-0001) for APN: 051-220-015 to go from Residential (RES) to Recreation (REC) (*Attachment 3*).
- IV. Introduce, waive further reading and adopt the attached Ordinance for the amendments to Zoning District Maps 15, 16, 16a and 29a to add the Site Performance (SP) Combining District parcels that have been included in the expanded Plan boundaries and site specific rezoning of APN: 051-220-015 from Residential Agriculture 1.5 (RA-1.5) to Recreation (REC) and APNs: 051-120-009 and 051-120-013 from RA-1.5 to Public (P) making the findings contained within the draft Ordinance (*Attachment 4*).
- V. Introduce, waive further reading and adopt the attached Ordinance to amend the Nevada County Land Use and Development Code Chapter 2 Section L-II 4.2.3: Design Guidelines to update the reference to the applicability of the Penn Valley Area Plan making the findings contained with the draft Ordinance (*Attachment 5*).

**FUNDING:** No budget amendments are required.

**ATTACHMENTS:**

- 1. Draft Resolution: Initial Study/Negative Declaration (EIS20-0007)
  - 2. Draft Resolution: Penn Valley Area Plan and Land Use Element text Amendment (GPT20-0001)
  - 3. Draft Resolution: Site Specific General Plan Land Use Map Amendment (GPA20-0001)
  - 4. Draft Ordinance: Site Specific Zoning District Map Amendment (RZN20-0004)
  - 5. Draft Ordinance: LUDC Sec. L-II 4.2.3. Design Guidelines (ORD20-3)
  - 6. July 23, 2020 Planning Commission Staff Report with Duplicate Attachments Removed
  - 7. July 23, 2020 Draft Planning Commission Meeting Minutes
  - 8. 2000 Penn Valley Area Plan
  - 9. Public and Agency Comments
  - 10. April 12, 2020, May 28, 2020 and June 25, 2020 Penn Valley Municipal Advisory Council Meeting Minutes
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## **BACKGROUND:**

In 2000, the Board of Supervisors adopted an Area Plan for the Penn Valley Village Center (Board Resolution No. 00-046). The Plan included a brief analysis of the infrastructure in the Village Center and a set of design guidelines to augment the western Nevada County Design Guidelines (*Attachment 8*). Since the 2000 Area Plan has been in effect for approximately 20-years, the Board of Supervisors determined that it had outlived its lifespan and subsequently directed Planning Staff to prepare a new Area Plan for Penn Valley.

## **PROJECT ACTIONS:**

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

- **General Plan Text Amendment:** To adopt the Area Plan and to update references to the Area Plan within Chapter 1. Land Use Element of the General Plan including the Planning Supporting Documents and Planning for Legacy Communities Sections, Policies 1.3.13, 1.4.3 and 1.9.2.
- **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, 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: 051-120-009 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 update the reference to the proposed Penn Valley Area Plan design guidelines and standards.

## **PUBLIC INPUT:**

To help guide development of the Area Plan, the Planning Department conducted several interviews with community members, posted an online survey, hosted five evening community workshops between 2018-2019, attended and presented to the Penn Valley Municipal Advisory Council (PVMAC) at five separate public meetings and presented the project to Nevada County Planning Commission on July 23, 2020. Information was made available on the PVMAC and Planning Department Webpages and hundreds of flyers, emails and mailers were sent out for to advertise and encourage public participation throughout the Area Plan process for each individual meeting or milestone (such as the release of the public comment draft of the Plan and for the project's environmental document). More detailed discussion regarding the public process,

including information about the agenda for each community meeting, is provided in July 23, 2020 Planning Commission Staff Report provided in *Attachment 6*.

### **2020 AREA PLAN:**

One of the early goals of the Area Plan update was to help provide a link between the Penn Valley Village Center and the Lake Wildwood Community. This concept was later supported by the community through feedback received at the first few Area Plan community meetings. As a result, the boundaries of the Area Plan were expanded to include areas outside of the Penn Valley Village Center (the 2000 Area Plan Boundary) extending to the Lake Wildwood Commercial Center, as shown in Figure 1.2 of the Area Plan. While the focus of the 2020 Area Plan remains the Village Center, six unique Community Design Districts were created to ensure an integrated future community but also to allow for unique treatment of each design district based on the individual characteristics of the District. For example, while community street lighting might be appropriate for the Village Core, it was not appropriate for the Rural Corridors or the Portal Districts. Therefore, the Area Plan includes specific policies and design guidelines that encourage uniform lighting in the Village Core but discourage this lighting in other more rural Districts. The individual districts are shown in Figure 1.3 of the Area Plan and include the Village Core, Park, Portal (East and West), Business Opportunity (East and West), Rural Corridor (Highway 20 and Pleasant Valley Road) and the Lake Wildwood Commercial Center. A summary of each District and its purpose is contained in the Planning Commission Staff Report (*Attachment 6*) and a more robust description of each District is provided in the Area Plan (*Attachment 2. Exhibit B*) that highlights the number of parcels by Land Use Designation, the applicability of certain design standards/guidelines to a specific District, the types of land uses that are appropriate for that District based on community feedback, and includes a map and information about potential vacant properties or “development opportunities sites” that can support future economic or residential growth in the region.

The Plan itself is broken down into 7 individual chapters and an appendix containing an updated set of design guidelines. These chapters are focused on the following topic areas: Chapter 1. Introduction; Chapter 2. Land Use; Chapter 3. Economic Development; Chapter 4. Public Infrastructure and Services; Chapter 5. Recreation; Chapter 6. Historic, Cultural and Natural Resources; Chapter 7. Implementation and Appendix A. Design Guidelines. Each chapter highlights existing amenities and resources in the Plan boundaries that are applicable to that subject topic and with the exception of Chapter 1 and Appendix A, contain a set of Goals and Policies that were developed through community input to support the community vision and desired future for the greater Penn Valley region. The Planning Commission Staff Report provides a more detailed summary of each chapter including highlighting the individual chapter goals and there supporting policies.

The 2020 Area Plan is intended to be a comprehensive overhaul to the existing 2000 Area Plan. Through the community’s input, the community’s vision and the Plan’s guiding

principles were established, which focused on maintaining the overall rural small town feel of the region but to allow for smart growth that fits into the overall character of the area to meet the needs of future residents and visitors alike. The Plan provides a road map to achieve the goals and vision of the community. It is intended to be a policy document that supplements the Nevada County General Plan and provides specific goals, policies and design guidelines that apply to future development. The plan outlines areas that are appropriate for future growth and what type of development is desired by the community, but does not change the planned General Plan build out of the area nor does it allow of the intensification of any uses or change the permitting requirements for any zoning districts with the Plan boundaries. The preparation of the Area Plan was a collaborative effort of the County, the PVMAC and the community of Penn Valley. It helps set the course for an integrated community that recognizes the importance of agriculture to the area and the community's strong desire to maintain the rural sense of place that makes Penn Valley a desirable place to live, work and play.

### **ENVIRONMENTAL REVIEW:**

The Penn Valley Area Plan and its associated actions were reviewed for compliance with the California Environmental Quality Act Guidelines. A draft Initial Study and proposed Negative Declaration were prepared for the project and routed for public review between June 19, 2020 and July 9, 2020. The draft CEQA document provides a program-level review of the Penn Valley Area Plan while disclosing any foreseen environmental impacts that may occur as a result of the project's General Plan Land Use Map and Zoning District map amendments. The analysis determined that the project would not result in a negative environmental impact because the project does not issue any entitlements or authorize physical disturbance of the environment. Future project-level environmental review within the Plan boundaries would be based on consistency with the County General Plan, Land Use and Development Code, applicable local, state and federal laws and regulations and the Penn Valley Area Plan. No specific development projects are proposed at this time or were analyzed as a part of this project. Subsequently the Nevada County Planning Commission has determined that the proposed Negative Declaration (EIS20-0007) is the appropriate level of environmental review for this project and on July 23, 2020 recommended that the Board of Supervisors adopt the proposed Negative Declaration with a 5-0 vote.

### **SUMMARY:**

The proposed Penn Valley Area Plan was developed based on a community input provided through series of interviews and public community meetings held between 2018-2020. The Plan serves as the comprehensive land use and zoning plan for the Penn Valley region and community of Penn Valley. It embodies the expressed goals of residents, business owners, and elected officials and establishes concrete and achievable actions. The drafting of the Area Plan is a tool to advance the goals and policies for the Nevada County General Plan while benefitting the local community. The Area Plan provides long-term guidance that is intended to improve the prosperity of Penn Valley in a way that supports a healthy economy, environment, protects the rural quality of life and

the social fabric for the residents and general public. The Penn Valley Municipal Advisory Council held public meetings to review and provide feedback on the draft Area Plan on April 16, 2020, May 28, 2020 and June 25, 2020, ultimately recommending the adoption of the Area Plan. The Nevada County Planning Commission held a duly noticed public meeting on July 23, 2020 and after reviewing and considering the plan and taking public testimony, voted 5-0 recommending that the Board of Supervisors adopt the Plan and approve the project's associated actions.

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**Item Initiated by:** Tyler Barrington, Principal Planner

**Approved by:** Brian Foss, Director of Planning