



# **RESOLUTION NO. 20-469**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

### **RESOLUTION TO APPROVE THE USE PERMIT APPLICATION (CUP19-0002) TO ESTABLISH A COMPREHENSIVE MASTER PLAN FOR THE PENN VALLEY COMMUNITY CHURCH FOR THE TWO PROPERTIES KNOWN AS ASSESSOR'S PARCEL NUMBERS 050-020-032 AND 050-020-072; 14567 AND 14685 PLEASANT VALLEY DRIVE, PENN VALLEY**

WHEREAS, on November 14, 1995, the County of Nevada adopted a General Plan for the County of Nevada, through Resolution 95-530; and

WHEREAS, on September 24, 2020, the Planning Commission held a duly noticed Public Hearing on the proposed General Plan Land Use Map designation amendment (GPA19-0001) and site specific rezone (RZN19-0001) (collectively "Project") in which the Commission reviewed the proposed Mitigated Negative Declaration (EIS19-0003) and the proposed Use Permit /Comprehensive Master Plan (CUP19-0002) which describes the requirements of the Site Performance Combining District, together with all comments received during the public review period, and recommended approval of these same Project components before making a recommendation to the Board of Supervisors on the proposed Project; and

WHEREAS, after reviewing and considering the proposed Project, the Nevada County Planning Commission recommended that the Nevada County Board of Supervisors adopt the proposed Resolution to conditionally approve the Use Permit application (CUP19-0002) to establish a Comprehensive Master Plan for the project included as Exhibit "A" attached hereto and made a part of this Resolution; and

WHEREAS, the Nevada County Board of Supervisors, after giving the required notice, holding the required public hearings, heard the evidence regarding said Use Permit and Comprehensive Master Plan; and

WHEREAS, said proposed Comprehensive Master Plan is part of the application associated with the Penn Valley Community Church, the environmental effects of which were analyzed in the Mitigated Negative Declaration (EIS19-0003) which was presented to the Board of Supervisors and the Board of Supervisors has reviewed and adopted that document for this project; and

RELATIVE to this Comprehensive Master Plan, and pursuant to Nevada County Land Use and Development Code Section L-II 5.6.G, 5.5.2.C and 5.17, said approval is based on the following findings:

- A. That the project is consistent with the Goals and Policies of the Nevada County General Plan, and specifically with the General Plan Land Use Maps, including the OP-SP and REC-SP land use designations; and

- B. That the proposed church, office/professional and recreational complex is considered an allowed use, subject to the approval of a use permit, and is consistent with the purposes of the OP-SP and REC-SP zoning districts, in which this project site located; and
- C. That the uses and facilities, existing, proposed and 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 development impact on environmentally sensitive resources; and
- D. That the proposed improvements are consistent with the intent and design goals of the County General Plan and Zoning Ordinance, which will ensure the future project will be compatible with the surrounding areas; and
- E. That the site (Assessor's Parcel Numbers 050-020-032 & 050-020-072) is adequate in size, shape and location to accommodate the proposed project and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising Nevada County site development standards; and
- F. That the uses and facilities, existing, proposed and as conditioned, 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; and
- G. That adequate provisions exist for water and sanitation for the proposed use; and
- H. That adequate provisions exist for emergency access to the site as conditioned by the Penn Valley Fire Protection District; and
- I. That based on the comments received and conditions applied from the Nevada County Departments of Public Works, Planning, Environmental Health, Building Department and the Penn Valley Fire Protection District, adequate public services exist in the immediate area to support the project without decreasing service levels to other areas to ensure that the proposed use is not detrimental to the public welfare; and
- J. That all feasible Mitigation Measures and Conditions of Approval (Attachment 1) have been imposed upon the project to offset the impacts this project may have on aesthetics, air quality, biological and cultural/tribal resources, geology/soils, greenhouse gas emissions, noise, utilities/service systems and wildfire, and the applicant has agreed to those measures; and
- K. K. That the conditions listed are the minimum necessary to protect the public health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors for the County of Nevada hereby finds and determines:

SAID BOARD OF SUPERVISORS does hereby approve and adopt said Comprehensive Master Plan, which describes the requirements of the Site Performance Combining District, and which is included as Exhibit "A".

BE IT FURTHER RESOLVED that the Nevada County Planning Department is hereby directed to file a Notice of Determination with the County Recorder pursuant to Public Resources Code Section 21152(a) and Section 15075 of the State CEQA Guidelines.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 27th day of October, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By:  \_\_\_\_\_

  
\_\_\_\_\_  
Heidi Hall, Chair

**PENN VALLEY COMMUNITY  
CHURCH CENTER**

**COMPREHENSIVE MASTER PLAN**

**April 2020**

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**Background:**

The subject property was purchased by the applicant from Penn Valley Union Elementary School District and this application was initially filed with their permission. The campus was declared surplus and offered for sale due to the declining enrollment in the School District.

The Penn Valley Community Church is a long-standing, non-profit Christian organization that operated for many years on Spenceville Road in Penn Valley. In September 2014, their church building was destroyed by fire. Since then, the Church has been renting space from another Church for their services.

A pre-application was filed for this project (County file number PRE18-0005) and interested departments provided feedback. This Comprehensive Master Plan submittal has been prepared to address those comments.

A number of County zoning districts allow churches and schools by use permit. However, most are low density single family residential zones. Given the nature, magnitude, and quality of the existing buildings, the office and professional zoning for the developed area is most appropriate. Office and professional land uses are highly compatible with nearby residences, in that most non-church buildings will only be occupied during business hours, with occasional evening or weekend use.

**Project Description:**

This application proposes to amend the Nevada County General Plan and Zoning Maps to eliminate the “Public” zoning, and to obtain approval for a church and related facilities on Assessor’s Parcels 050-020-032 and 072 located at 14685 Pleasant Valley Road containing 17.5 acres. Specifically, this application proposes to:

- Amend the General Plan designation from P (Public) to OP (Office and Professional) for 6.4 acres and REC (Recreation) for 11.1 acres. See Figure 3.
- Rezone the property from P (Public) to OP-SP (Office and Professional with Site Performance Combining District) for 6.4 acres and REC-SP (Recreation with Site Performance Combining District) for 11.1 acres. See Figure 4
- Obtain a Use Permit and Development Permit for a church, school, office and professional uses, and recreation facilities.
- Adopt the herein Comprehensive Master Plan to guide and regulate continued use and occupancy of the subject property.

The location of the property is shown on Figure 1.

#### Application Organization:

This application has two implementation parts. The first part is to approve a project that will immediately thereafter allow the site improvements to be used for the Church and to allow other general uses as described below in the Current Project discussion, in the additional buildings. The immediate project would also allow use of the existing play fields constructed by the School District, subject to noise standards.

The second part of this application includes this Comprehensive Master Plan (CMP), required due to the proposed REC-Recreation zoning, and in order to describe the details of the proposed SP-Site Performance combining district. The CMP should be considered an overlay to the proposed zoning, or custom zoning, that will govern how future uses are established on the site in the future. Possible future uses might include the Church use leaving or the excess buildings being proposed for use other than described in the current project description. In this case, new uses would be reviewed through the appropriate application process as outlined in the Allowable Use Table found herein.

County rules are such that the CMP cannot propose a more intensive use that is allowed by overall County zoning. This somewhat limits the ability of the CMP to be fully customized to the site setting and surroundings.

#### Current Project:

The use permit for the immediate project includes approval for the Penn Valley Community Church to include sanctuary, administrative offices, classrooms, and

gymnasium/multi-purpose room, with the following approximate floor area breakdown (see Figure 2 for building locations):

<b>Church Use</b>	<b>Building</b>	<b>Square Footage</b>
Sanctuary Building	D	7,392 gross SF
Business Office	E	2,130 gross SF
Classrooms	G	3,840 gross SF
Gymnasium/Multi-Purpose	F	8,392 gross SF
Storage	H	960 gross SF
Playfield		N/A

The Church's immediate need is to modify Building D into a sanctuary suitable for worship with support space. Please see the floor plan and architectural information for more detail. The only hardscape improvement would be a drop-off lane to the sanctuary front entrance, four disabled parking spaces, and a canopy porte-cochere over the entry, and minor extensions and restriping of existing paved areas to achieve 130 parking spaces.

The Church will also use Building G, with little or no modification for church classrooms (not as a school). Building E will serve as the church office for the pastor and support staff. The Church will use Building F, the gymnasium, as a gymnasium and multi-purpose room for Church members gatherings and programs. Building H will be used for storage. The buildings shown on the site plan as Building I, Greenhouse and Concessions Stand have been demolished (Building Permit 200755).

The access road from Lake Wildwood will remain gated as an emergency only access, prohibiting general access through the gate-controlled subdivision. Internally, the parking ways will be opened so that all are accessible from Pleasant Valley Road. This arrangement will provide an important additional emergency access point, not only for the Church Center, but for the Lake Wildwood subdivision.

Buildings A, B, and C will be approved for use for office and professional use, such as non-profit or for-profit administrative offices, attorneys, engineers, architects, realtors, call centers, or similar uses, and for elementary and/or junior high school uses none of which typically have high volumes of customer or client traffic.

Buildings A, B, and C will likely require tenant improvements in order to be used. Under this approval, sufficient parking will have to be developed on-site, along

with the related landscaping, as these building are occupied. See Implementation discussion.

In addition to the church and office and professional uses, the playfield will be used occasionally for a pickup game for Church members and will also likely be leased to local youth baseball or soccer leagues for their use in accordance with prevailing Nevada County noise standards. Noise standards dictate that the use of the playfields be setback from the property boundaries as shown in the noise study accompanying this CMP. Due to the noise setbacks only one playfield use at a time will work, such as either softball/baseball or soccer. Prior to league use of the field, the league(s) will submit an exhibit to the Planning Department showing the field area substantially conforms to the areas shown in the Acoustical Analysis. In addition to the required setbacks, organized sports use of the field must stop at 7:00 PM to avoid noise impacts to the surrounding residential area. See Future Uses discussion for further playfield discussion.

The existing parking lot will be partially restriped and additional parking will be provided at the church entry, on existing paved areas, and in graveled areas along the campus access roads. Detailed parking information, including the distribution of parking for current project and future land uses is detailed below. Parking will be improved and landscaped for the current project uses described herein and will be phased in as other land uses are established, as required by the County. See Implementation discussion for parking and landscaping timing.

The site will retain almost all of the native vegetation and landscaping installed by the school. The Church will install a passenger drop-off lane and disable parking near the new sanctuary entrance, which will necessitate the removal of some trees and turf. See the accompanying landscape plan for additional information.

The project will retain existing outdoor light standards and wall packs to facilitate winter and occasional evening use. The County will require that the lights be modified to meet prevailing County standards. Parking lot lighting and lighting required for the church buildings will be installed/modified prior to obtaining final occupancy from the Building Department. Lighting on the other buildings will be upgraded with tenant improvements prior to occupancy of these buildings. See accompanying existing light inventory.

The entire site is plumbed and metered to use treated Nevada Irrigation District water consumptive use, irrigation, and fire suppression. Prevailing building codes may dictate that some of the buildings be retrofitted with indoor sprinkler systems as part of tenant improvement permits prior to final occupancy of each.

The stormwater system was installed by the School District meeting prevailing State law requirements and no modifications to the drainage system are proposed. The current project, which the exception of the passenger drop-off lane and some additional disabled parking spaces, will not result in any appreciable change to stormwater runoff characteristics. No improvements are proposed.

Virtually no grading is required. The installation of the passenger drop-off lane and ADA parking will basically be at the existing grade. Two or three trees will be removed, and the old school bell foundation will be removed. Appropriate base rock will be placed, along with a paved or concrete all-weather surface. Best Management Practices to prevent erosion will be followed at all times.

The Church will serve their congregation and the community with a variety of functions including regular Church services on Sundays, weddings, funerals and other community benefit activities. Although these activities can vary, typical weekly use is proposed to be: Sunday Church services; Tuesday through Friday 8:00 to 5:00 office hours for a few staff and volunteers; small group Bible study sessions for approximately 10 to 25 people Tuesday through Friday with times varying; children and teen ministry programs in the evenings several times per week and weekly indoor music practice. Board/Elder and other similar type meetings are anticipated to be held either monthly or quarterly on a weekday evening. Monthly Saturday group meetings of approximately 50 people are anticipated. Vacation Bible School of approximately 50 people is also anticipated annually. The project also proposes social functions that would vary throughout the year according to holidays.

Outdoor playfields may be used in conjunction with Church functions, where congregation members can enjoy a pickup game of soccer, softball, or football. The fields may also be leased to one or more local, seasonal organized youth sports leagues. Under the noise study accompanying the current application, the league use field area is required to be contained within the area specified by the project Acoustical Analysis and as shown on the project site plan. Additionally, use of the field would have to stop at 7:00 pm daily. Future possible modification to the allowable field use area is discussed in the Future Land Use discussion below.

The multi-purpose building F will be used for Church approved public gatherings from time to time and may also be leased to a youth sports league for indoor basketball, volleyball, or other sports.



The Church staff and office will also serve as property manager for the entire campus, approving and managing tenants that would use the extra buildings and church facilities.

Future Land Use:

Beyond the current land use proposal outlined above, this comprehensive master plan is intended to provide customized zoning, consistent with general County zoning, to guide land uses into the future. The REC-Recreation zoning requires that a comprehensive master plan be approved. Additionally, while overall standards are very close to existing County standards, the Church would like to customize the zoning with a Site Performance combining district, in order to eliminate certain uses that might otherwise be potentially allowable in the OP-Office and Professional and REC-Recreation zoning districts to ensure future land use compatibility issues do not arise within the campus as a whole.

This comprehensive master plan will guide the future use of the Buildings A, B, and C if they are used for other than basic office and professional or elementary/junior high classroom school use as outlined in the Current Project description above. The CMP will also govern any other proposed changes or new proposed uses. Should the Church ever significantly alter or discontinue their occupancy, these regulations would also apply to land uses in any buildings or areas that they might vacate.

While the current project anticipates the use of Buildings A, B, and C for general office and professional use or school use, other various land uses may require that a separate Development Permit or Use Permit be obtained for the occupancy and use as outlined in the Allowable Use Table found herein, along with prevailing County zoning standards. For instance, medical and dental clinics/offices or high-school, community college or trade schools, could be proposed under a future Development Permit process as shown in the Allowable Use Table of this Comprehensive Master Plan.

The use of existing buildings, even for permitted uses that are approved with the current project, may require upgrades through the building permit process, such as the installation of interior sprinkler systems and compliance with prevailing fire evacuation and ADA standards.

Meeting County noise standards for organized sports play will likely require alteration of the playfield configurations or, if areas outside the area designated by the project Acoustical Analysis is needed/desired, the installation of noise attenuation barriers such as earthen berms, masonry walls, or insulated wood

fences may be required. See the accompanying Acoustical Analysis for additional details. A change in proposed field use area would require a Use Permit.

**General Plan Amendment Justification Statement:**

Under Nevada County application guidelines, a general plan amendment justification statement is required in order to process a general plan amendment. For more complex projects, this can include a report that examines all of the policies of the general plan in depth.

In the case of this application, the justification seems simple, straight forward, and obvious. This facility and its accompanying general plan designation have become obsolete as a publicly owned and occupied property. While the property was offered to other public entities, no such agency stepped forward to purchase the property. The general plan amendment and accompanying rezoning are necessary for this highly improved site to be put into use.

Under the provisions of the “public” zoning district, there is no ability for the facilities to be used, except by a public occupant. Therefore, without this general plan amendment and the accompanying zone change, there is no way to put this highly improved facility to a useful purpose. In this sense, the general plan amendment could be viewed as a form of recycling, allowing reuse of the facilities, which remains in very good repair.

This application proposes that the improved buildings be designated as OP-Office and Professional, because the building structures resemble office structures and could easily be used for office use. Office and professional uses are also highly compatible with the surrounding residential use, with quiet indoor uses and limited business hours.

The existing play fields and gymnasium have been included in a REC-Recreation designation, to allow for the range of uses that might occur there, taking full advantage of constructed facilities on the campus.

**General Plan Amendment Fiscal Impact Analysis:**

Under Nevada County’s application guidelines, a fiscal impact study is required in order to process a general plan amendment. In more complex applications, this is typically a self-standing study that delves into existing and future tax revenues and any indirect financial effects on construction, employment, retail sales, and any other aspect of the economy. Since the school and the Church are both tax exempt land uses, the fiscal study is somewhat simplified.

Before Project: Fiscal considerations as an active school site

The school district was exempt from paying property taxes. As an active school site, the property supported employment and vendor spending as it provided essential education services to the community. Beyond not paying property taxes, public schools are the beneficiary of local property taxes with roughly 50 percent of tax monies being directed to education (K-12 and Community Colleges) by the State.

Essentially, the active school funneled property tax and other tax money back into the community in the form of teacher, administrative, and classified employee salaries. Supplies and services would have been purchased partly locally and partly through designated school supplier vendors. An active student population has indirect financial benefits, but also public service impacts on emergency services, traffic, social services, etc.

Before Project: Fiscal considerations as a vacated, inactive school site

The property generally remains exempt from paying property taxes, although the tax exemption may not begin until the Church occupies the site. As an inactive site, there is no employment nor any vendor spending. There are no student population benefits or public service impacts.

After Project: Fiscal consideration as a church and office/professional campus

As a church and office/professional campus available for public and quasi-public access, the property may remain exempt from paying property taxes under welfare exemption rules, if the office and professional buildings can house non-profit entities. If any non-tax-exempt entities move on to the site, they would be taxed proportionally to their use area. The site will likely support some paid employees, both full and part time. The site will result in local and non-local vendor purchases of supplies and services. To the extent that new uses are established on-site, the site could also result in assistance to public services in the form of worship, education, non-profit services, and recreation opportunities. As compared to the school, the negative impact to public services such as fire, police, traffic, etc., would appear to be less than significant. The occupancy of the campus will be much lower. Parent drop-off and pick-up will no longer apply to the entire campus, although some buildings might be used as schools.

### **Capabilities and Constraints:**

As a fully developed site, the consideration of capabilities and constraints is a limited consideration. Nevada County lists certain physical features that are considered protected resources, in addition to State and Federal restrictions. These include steep slopes, riparian zones, oak trees and groves, and other features. Of these, there is an oak woodland along the north side of the project access road, but no disturbance of this area is proposed. No other County, State, or Federal land use constraints are present, so only protection of the oak woodland is proposed.

The capabilities of the site are substantial, with 40,578 square feet of existing buildings in good repair, along with related access, parking, and utilities. This comprehensive master plan strives to not only provide for the Penn Valley Community Church's current and future needs, but also for flexible use of the other buildings and play fields, within the limits of this comprehensive master plan.

The County's SP-Site Performance Combining District will be applied to both the office/professional and the REC zoning. The SP district allows the County and the applicant to customize the base zoning to best fit the existing physical condition of the site and its surroundings.

### **Infrastructure**

#### **Water**

The project is located within Nevada Irrigation District (NID) and is entitled to receive treated water. The water connections, meter, and site plumbing are all in place, with no new construction proposed.

Consumptive water demands are expected to be far lower than the school use, since the site population would be lower. As an example, a building that once house three classrooms with 30 children each is likely to become an office and professional use with 20 occupants and clients. Water for irrigation may increase slightly, as additional landscaping will be required for the full site plan implementation.

### **Wastewater Disposal**

The project is within the Lake Wildwood zone of benefit of Nevada County Sanitation District No. 1 and is entitled to wastewater collection and treatment. The project is connected to the public sewer system and no new plumbing is proposed. Wastewater generation is expected to be lower than the school use, as discussed under water, above. See the existing building floor plans for bathroom locations. Bathrooms are expected to be maintained, unless modified through a County building permit process.

### **Electrical/Telephone/Cable Broadband**

Electrical, telephone, and broadband lines are available, and the site is connected to these facilities with appropriate on-site infrastructure.

### **Drainage**

Almost no new impervious area will be added as a result of the project. The Church will add a small drop-off lane, disabled parking, and a covered entry. Existing paved areas will be utilized to create the parking required for the project. Some existing paved areas will be removed to allow landscaping. Additional parking will be provided by adding pervious gravel shoulders to access ways. This approach will serve the project well and avoid any new stormwater runoff.

On-site drainage is directed to a central location where it exits the project through a 36" culvert that crosses into the Lake Wildwood drainage system.

### **Fire Protection**

The project area receives emergency services and fire protection from the Penn Valley Fire Protection District. The District has provided comments on the project and they will review all new occupancies through a tenant improvement permit and will generally require that the buildings and sprinkler systems be improved to current fire and building codes, prior to final occupancy of each building. The Fire District has active stations at

the Lake Wildwood south gate and in downtown Penn Valley. The Fire District has paid staff to review, condition, and inspect the project.

### **Circulation**

The Project is served by an entrance from Pleasant Valley Road across from the Williams Ranch School. County maps show this as Lake Wildwood Drive, but this is misleading as almost all the rest of Lake Wildwood Drive is inside the gates of adjoining Lake Wildwood.

Pleasant Valley Road is a well improved through-road maintained by the County of Nevada and is connected at a signalized intersection at State Highway 20 in Penn Valley.

The Nevada County Department of Public Works commented on the proposed project and determined that a traffic report would not be required as it appears that traffic generation from the masterplan area will be substantially less than was accommodated when the site was a school.

The nature of the on-site uses will tend to avoid any sharp peak hour flow of traffic, since many of the uses will occur at different times. The Church use will be on Sunday, with some evenings and an occasional wedding, funeral, or event. Office and professional uses will likely operate during business hours on weekdays. Recreation uses will generally be in the late afternoons on weekdays with weekend use as well. However, other than the requirement for outdoor recreation to stop at 7:00 PM based on noise concerns, no other strict hours of operation are proposed.

Since the project was developed as a school site under State jurisdiction, no traffic mitigation fees were paid. Mitigation fees are collected by the County to help fund regional transportation improvements, thereby mitigating the cumulative traffic impacts of the project. The County will require the fees under their prevailing fee schedule as building and occupancy permits are required.

### **Land Use and Zoning**

As discussed above, the zoning for the project is implemented under the Nevada County zoning ordinance. Both the use of this Comprehensive Master Plan and the use of the SP-Site Performance Combining District allow and encourage

customized zoning to fit this particular site and situation. Under County codes, the SP combining district cannot be less restrictive than the base zoning district.

### **Site Performance Zoning Regulations**

#### **PURPOSE OF OFFICE AND PROFESSIONAL ZONE WITH SITE PERFORMANCE COMBINING DISTRICT**

The OP-SP District provides areas for the development of professional and administrative offices and related uses and structures that are considered compatible with adjacent residential and related land uses. This comprehensive master plan allows for a church, church office, certain schools, and ancillary buildings and facilities in order to make the best use of the existing campus buildings. See the Allowable Use Table below for land use regulations. No specific hours of operation or limitation on use are proposed, other than the customization of the Allowable Use Tables which eliminates certain uses that might otherwise be potentially allowable in the OP-Office and Professional zoning district.

#### **PURPOSE OF RECREATION WITH SITE PERFORMANCE COMBINING DISTRICT**

The REC-SP District provides for a wide range of active and passive recreation uses and supporting services, customizing the Allowable Use Tables by eliminating certain uses that might otherwise be potentially allowable in the REC-Recreation zoning district. The existing playfields are intended to be available for all field sports, subject to noise standards for placement and hours as outlined herein. The gymnasium (building F) would be available year around for recreational purposes, as well as events and gatherings as outlined in the project description. Organized outdoor recreation uses must be terminated at 7:00 PM to avoid adverse noise impacts on neighboring residential property owners. Otherwise, no specific hours of operation are proposed.



## ALLOWABLE USE TABLE DEFINING POTENTIAL LAND USES

TABLE 1		
ALLOWABLE LAND USES	OP-SP	REC-SP
<b>Key to Land Use Permit Requirements:</b> <b>A</b> Allowed subject to applicable building permits <b>DP</b> Development Permit required, if not initially approved with this Comprehensive Master Plan <b>UP</b> Use Permit required, if not initially approved with this Comprehensive Master Plan <b>NP</b> Not Permitted <b>NA</b> Not Applicable <b>*Certain Approvals with current project</b>		
<b>Residential</b>		
Community care facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities	NP	NP
Community care facilities for more than 6 people including, but not limited to, residential care and social rehabilitation facilities, and alcoholism and drug abuse recovery or treatment facilities. Such facilities shall be self-contained and provide on-site educational facilities	NP	NP
Emergency shelter or transitional/supportive housing	NP	NP
Dwelling, single family (including transitional and supportive housing)	NP	NP
Dwelling units as a part of a mixed-use development where residential is not the primary use, and is an integral part of the nonresidential use, not to exceed 4 units per acre. Integral shall mean that all uses are designed and located so as to be visually and functionally related.	UP	UP
<b>Commercial Uses</b>		
Medical clinics and medical support services (i.e. ambulance services or laboratory or similar)	DP	NP
Offices and services, including, but not limited to, financial institutions, insurance, and real estate offices, business services such as duplicating, mailing, blueprinting, photocopying, and stenographic services, janitorial services, and employment agencies.	DP*	NP
Farm Stands	DP	DP

TABLE 1		
ALLOWABLE LAND USES	OP-SP	REC-SP
<b>Key to Land Use Permit Requirements:</b> <b>A</b> Allowed subject to applicable building permits <b>DP</b> Development Permit required, if not initially approved with this Comprehensive Master Plan <b>UP</b> Use Permit required, if not initially approved with this Comprehensive Master Plan <b>NP</b> Not Permitted <b>NA</b> Not Applicable <b>*Certain Approvals with current project</b>		
Certified Farmers Market	DP	DP
Cemetery	NP	NP
Funeral home, mortuary	NP	NP
Hospitals and convalescent homes	UP	NP
Hotels, motels	NP	NP
Bed and Breakfast Inns	NP	NP
Fitness Centers	UP	UP
Museum	UP	NP
Recreation facilities, including but not limited to, video arcades, bowling alleys, skating rinks, pool halls, miniature golf, skateboard or BMX facilities, racquetball and tennis clubs	NP	NP
<b>Industrial Uses</b>		
Hazardous waste management facilities for waste produced on-site	NP	NP
<b>Agricultural, Resource, and Open Space Uses</b>		
Crop and tree farming	A	A
Stables, commercial	NP	NP
Mining, subsurface	NP	NP
Mining, surface (must include ME District)	NP	NP
Mining, surface access to subsurface mining	NP	NP
Mining, surface vent and escape shafts (subsurface mining)	NP	NP
<b>Institutional and Public Uses</b>		
Antennae, minor and certain non-commercial	A	A
Churches	UP*	UP*
Schools, not trade schools	UP*	NP
Schools, trade schools	UP	UP
Community meeting and social event facilities	UP*	UP*
Communication towers	UP	UP
Emergency services (including fire and ambulance stations)	UP	UP

TABLE 1		
ALLOWABLE LAND USES	OP-SP	REC-SP
<b>Key to Land Use Permit Requirements:</b> <b>A</b> Allowed subject to applicable building permits <b>DP</b> Development Permit required, if not initially approved with this Comprehensive Master Plan <b>UP</b> Use Permit required, if not initially approved with this Comprehensive Master Plan <b>NP</b> Not Permitted <b>NA</b> Not Applicable <b>*Certain Approvals with current project</b>		
Public utility uses and structures	UP	UP
Temporary staging areas for public road projects	NP	UP
<b>Recreational Uses</b>		
Trails, non-motorized, except equestrian	A	A
Parks and playgrounds	NP	UP*
Accessory and support uses related directly to a primary recreational use, including but not limited to, restaurants, retail facilities, administrative offices, sales offices, laundromats	NP	UP
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 sites per acre	NP	NP
Campgrounds (including recreational vehicle parks) at a density not to exceed 10 beds per acre)	NP	NP
Recreational activities, including but not limited to, destination and day use resorts, ski runs and facilities, golf courses and driving ranges, country clubs, marinas, sports fields and stadiums, arenas and gyms, guest and dude ranches, shooting ranges, gun clubs, skeet shooting, recreational structures, motorized recreational facilities, and exhibition, convention, conference, and sporting facilities	NP	UP
Watchman/Caretaker's Unit (one)	NP	A

### **Building Setbacks and Other Standards**

The development parcel does not front on a street, but the west side is considered the front property line.

<b>PROPERTY SIDE</b>	<b>OP-SP</b>	<b>REC-SP</b>
Front yard-west side	10'	20'
Rear yard-east side	0'	30'
Interior side yard, north and south sides	0'	30'

All other criteria: From prevailing County OP-Office and Professional zoning standards

### **COMMUNITY DESIGN STANDARDS**

For any standards or procedures not specifically listed or defined herein, the prevailing standards of the Nevada County Land Use and Development Code shall apply.

#### **Land Use by Building and Floor Area, with Parking Required:**

Referring to Figure 2 for building identification, the following table shows the intended land uses, or range of uses, associated with the Current Project and the parking required by County Standards for each use. Disabled parking spaces shall be provided as required by prevailing codes.

New uses proposed in the future that are not part of the Current Project will be reviewed under prevailing LUDC Parking Standards as found in LUDC Section L-II 4.2.9 as part of the appropriate DP or UP process dictated by the Allowable Use Table found herein.

Phased parking improvements are proposed as discussed in the Implementation discussion below.

General Parking Requirements for Specific Uses					
Church	1 space for 35 SF of use area plus incidental uses based on floor use				
Office	1 space per 200 SF				
Warehousing or Storage	1 space per 2000 SF				
Schools	1 space per classroom plus 1 per 200 SF of assembly area				
Indoor Recreation	1 space per 300 SF				
Bathroom & Mechanical Areas	None required				
Building	Size	Use	Parking Required	Sub Area Parking	Total Parki
Building A	3,844 SF	Office	1 per 200 SF		19.2
Building B	3,840 SF	Office	1 per 200 SF		19.2
Building C	6,300 SF	Office	1 per 200 SF		31.5
Building D	7,392 SF	Church			90.6
sanctuary/stage	2,848 SF		1 per 35 SF	81.4	
*classrooms/cry area ( total 1336 SF) 3 classrooms			1 per class room	3.0	
*bathroom/sound/storage/corridor	1,956 SF		None	0.0	
*reception/waiting	328 SF		1 per 200 SF	1.6	
*foyer/fellowship	924 SF		1 per 200 SF	4.6	
Building E	2,130 SF	Office	1 per 200 SF	10.7	
Building F	8,392 SF	Gym			21.8
*gym/stage	6,536 SF		1 per 300 SF	21.8	
*bathrooms	1,856 SF		None	0.0	
Building G	3,760 SF	Church Classrooms			2.0
*Bathrooms/Storage/Equip	390 SF		None	0.0	
*2 classrooms	3,370 SF		1 per class room	2.0	
Building H	960 SF	Storage	1 per 2000 SF		0.5
Building I	3,840 SF	Razed			0.0
Playfield			Determined by Planning		30.0
<b>TOTAL:</b>					<b>214.8</b>

### Visual Assessment:

The project area is fully developed, and no new structures are planned. There will be minor alterations to Building D, the sanctuary, as shown on the approved architectural plans. The buildings shown on the site plan as Building I, Greenhouse and Concessions Stand have been demolished (Building Permit 200755).

Landscaping will be installed as the site is developed in accordance with the approved landscaping plan and as discussed in the Implementation discussion below. The landscaping is intended to soften views of the site from surrounding residences, without introducing undo flammable vegetation.

The site is visible from surrounding residences and slightly visible from public roads within Lake Wildwood. No significant changes are proposed.

This Comprehensive Master Plan includes a landscaping plan approved concurrently. The landscaping plan was specifically designed to meet the prevailing planning requirements of the Nevada County Land Use and Development Code, while also using fire wise plant choices to minimize wildfire risks.

### **Implementation:**

Upon County approval of this comprehensive master plan and all the component applications, the Church will undertake to occupy its facilities as quickly as possible, including seeking approval from the Building Department for temporary occupancy of the Church office, class rooms, and/or gymnasium/multi-purpose room (Buildings D, E, F, G, and H).

The Church will file formal working drawings for the modifications to the Sanctuary, and upon approval will complete the construction work to the interior, exterior, and to the drop-off porte cochere. The proposed Church use area triggers a requirement for 115 parking spaces. Minor extensions and restriping of existing paved areas will result in 130 spaces; this work is required prior to final church occupancy along with the ADA spaces planned at the proposed Building D porte cochere and at the north side of Building F. This will provide a surplus of 15-spaces that will be left as a portion of the spaces required for the next occupant(s) of the site. Landscaping for screening purposes will be required as part of the final Church occupancy as will the landscaping associated with the Church parking areas.

The Church will seek non-profit tenants for the remaining office and professional buildings and will also seek arrangements with the park district or sports league groups to use and manage the play fields. However, selected commercial tenants will not be excluded. Commercial tenants will pay property taxes on areas used.

Every part of the intended occupancy will be reviewed by the County with future use permitting as defined in the above Allowable Use Tables, and any applicable conditions of occupancy will be completed.



Parking and related in-parking landscaping will be incrementally implemented concurrently with proposed uses of the buildings and playfields. Paved parking will be implemented first for all in-building land uses. Gravel parking will be used for the playfields and to meet any other parking requirements that cannot be met on existing paved or concrete surfaces. As parking is increased for each building or sports league occupant, parking lot landscaping for each new parking area will be added in compliance with a final approved landscaping plan.

As noted in the Parking Table above, office/service uses of Building A, B, or C trigger the requirement for 20 spaces, if an occupant(s) proposes use of the whole building. Elementary or junior high-school uses of these buildings would trigger one space per classroom plus one space per 200-square feet of assembly area. As uses included in the current project, only tenant improvement permits will be required. Tenant improvement permits will include a requirement for each permittee to provide parking as calculated by the specific use and use area prior to occupancy.

Similarly, prior to league use of the sports fields, the league(s) will provide an exhibit to Planning to show the proposed use area within the area designated by the Acoustical Analysis and provide adequate detail to show a minimum of 30 parking stalls standards have been provided. This will be processed Administratively as a Design Review permit. All parking/landscaping will be provided in the areas shown on the approved site plan.

Alternatively, if a proposed use is not part of the Current Project, parking requirements for the proposed use will be part of a DP or UP review as prescribed by the Allowable Use Table.

#### **Site Management and Maintenance:**

The entire site will be under the management and maintenance responsibility of the Penn Valley Community Church or the then-current property owner. Nothing will prohibit the individual building leases from assigning portion of the maintenance to a tenant, such as a playfield user taking over irrigation and mowing.



# FIGURES

## GRAPHICS AND FIGURES

Vicinity Map	Figure 1
Site Plan and Building Key	Figure 2
General Plan Amendment	Figure 3
Zoning Change	Figure 4
Sanctuary Floor Plan and Elevation	Figure 5
Sanctuary Elevation and Signs	Figure 6

T. 16 N., R. 7 E., M.D.M.

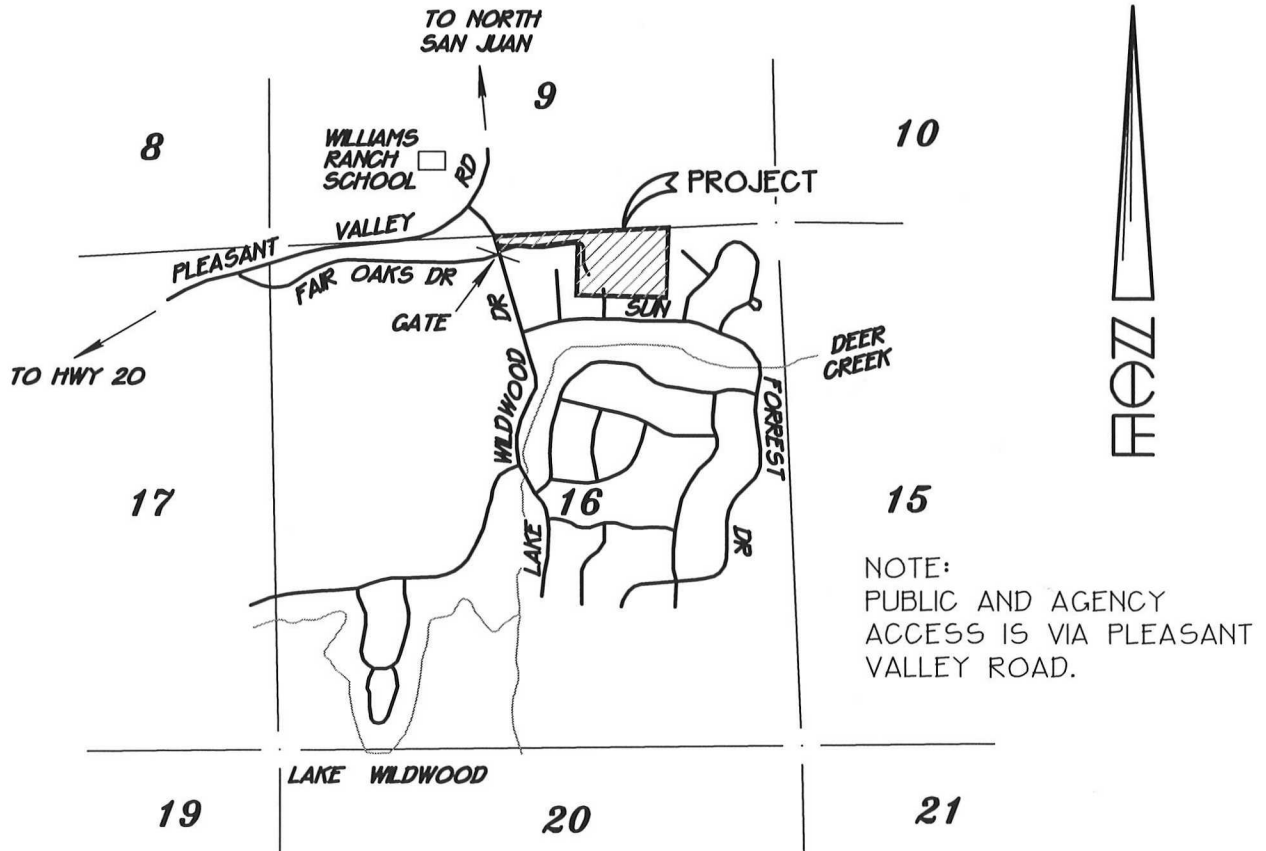


FIGURE 1  
VICINITY MAP  
**PENN VALLEY  
COMMUNITY CHURCH**

PTN. N.E. 1/4 SEC. 16 T. 16 N., R. 8 E., M.D.M.

WITHIN THE UNINCORPORATED TERRITORY OF  
NEVADA COUNTY, CALIFORNIA

SCALE: 1" = 2000' MARCH, 2020

NEVADA CITY ENGINEERING, INC.

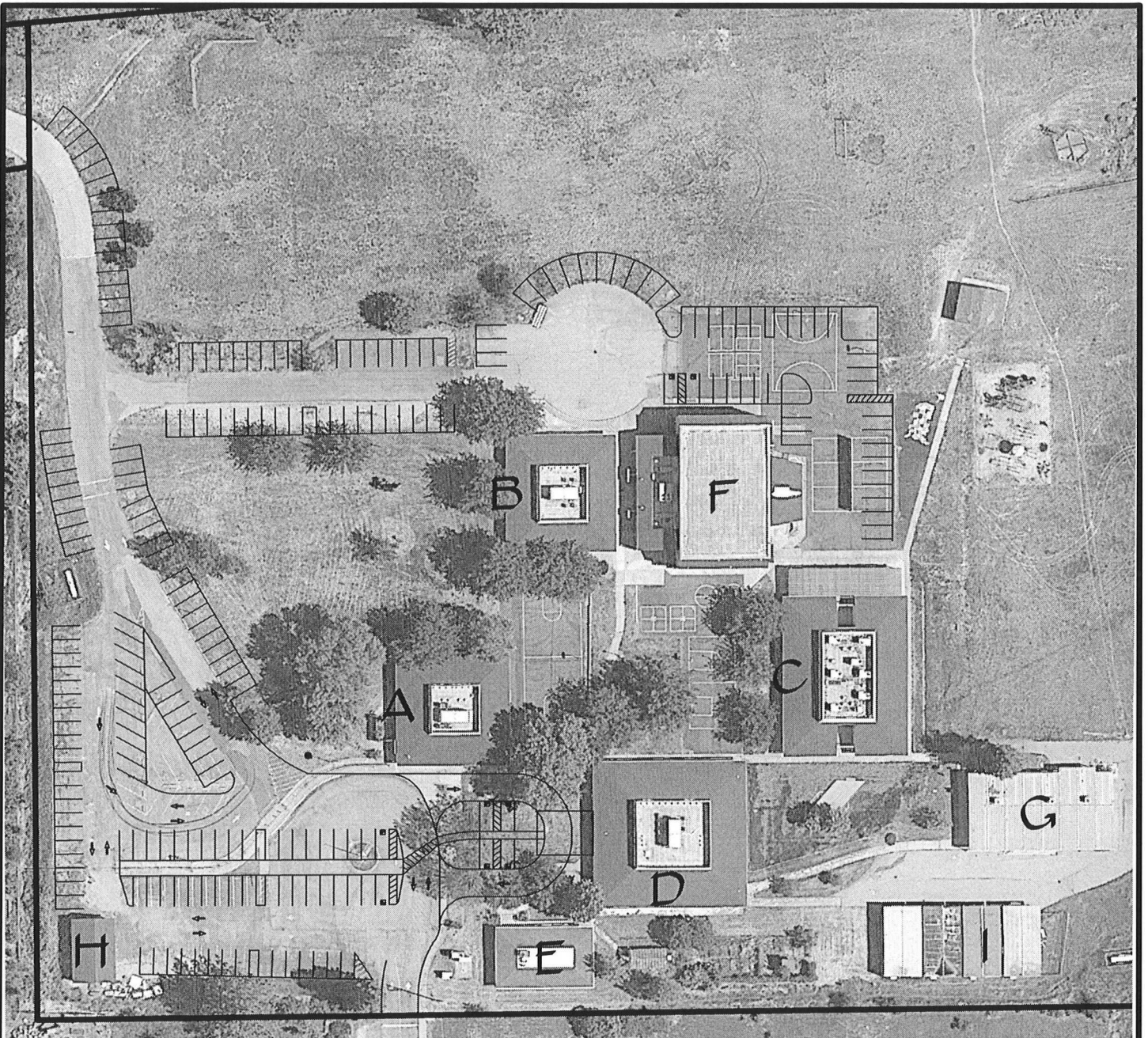


FIGURE 2  
SITE PLAN AND BUILDING KEY

**PENN VALLEY  
COMMUNITY CHURCH**

PTN. N.E. 1/4 SEC. 16 T. 16 N., R. 8 E., M.D.M.

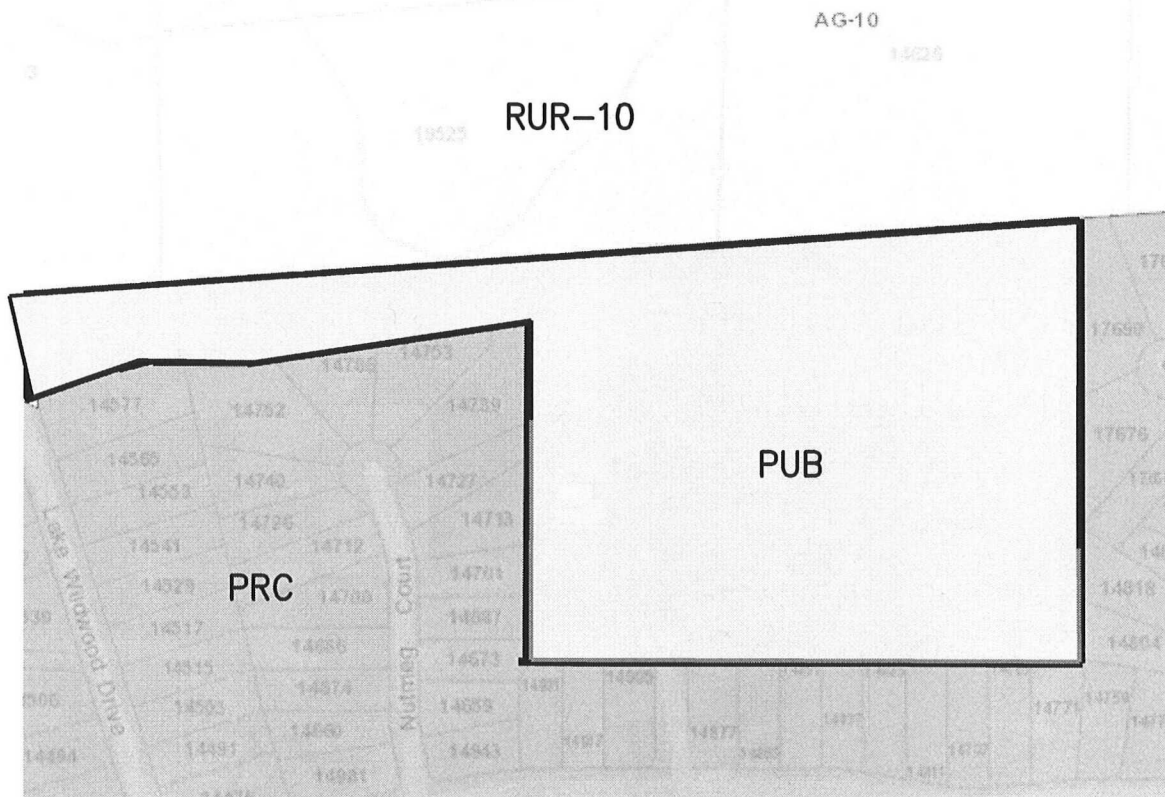
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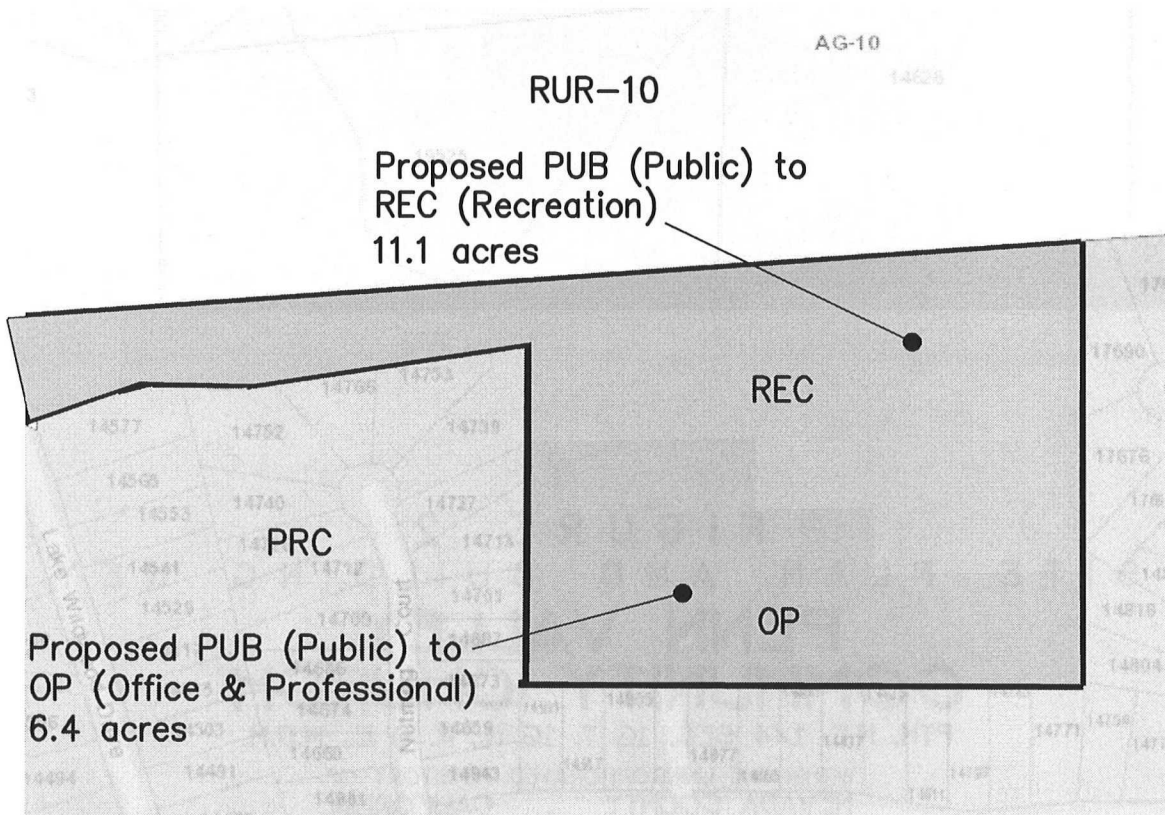
MARCH, 2020

NEVADA CITY ENGINEERING, INC.

General Plan Map Amendment (GPA19-0001)  
APN 050-020-032 & 050-020-072

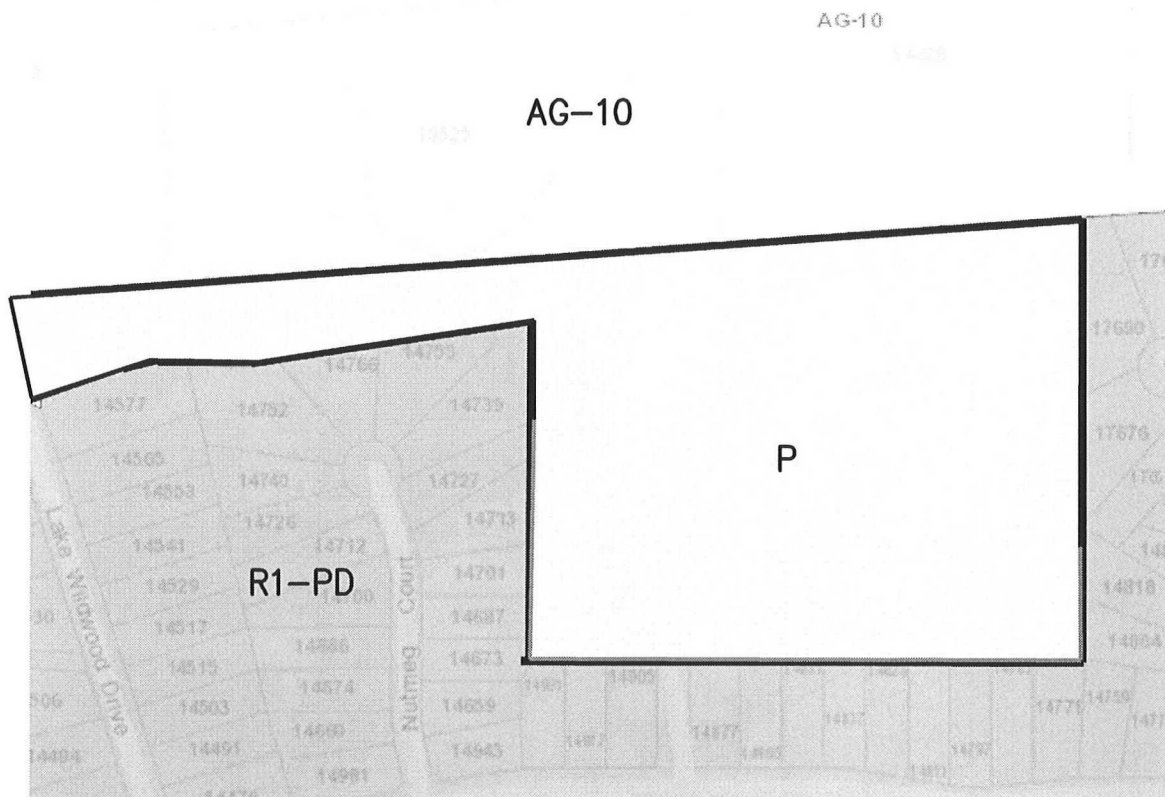


EXISTING GENERAL PLAN DESIGNATION ZDM 14a

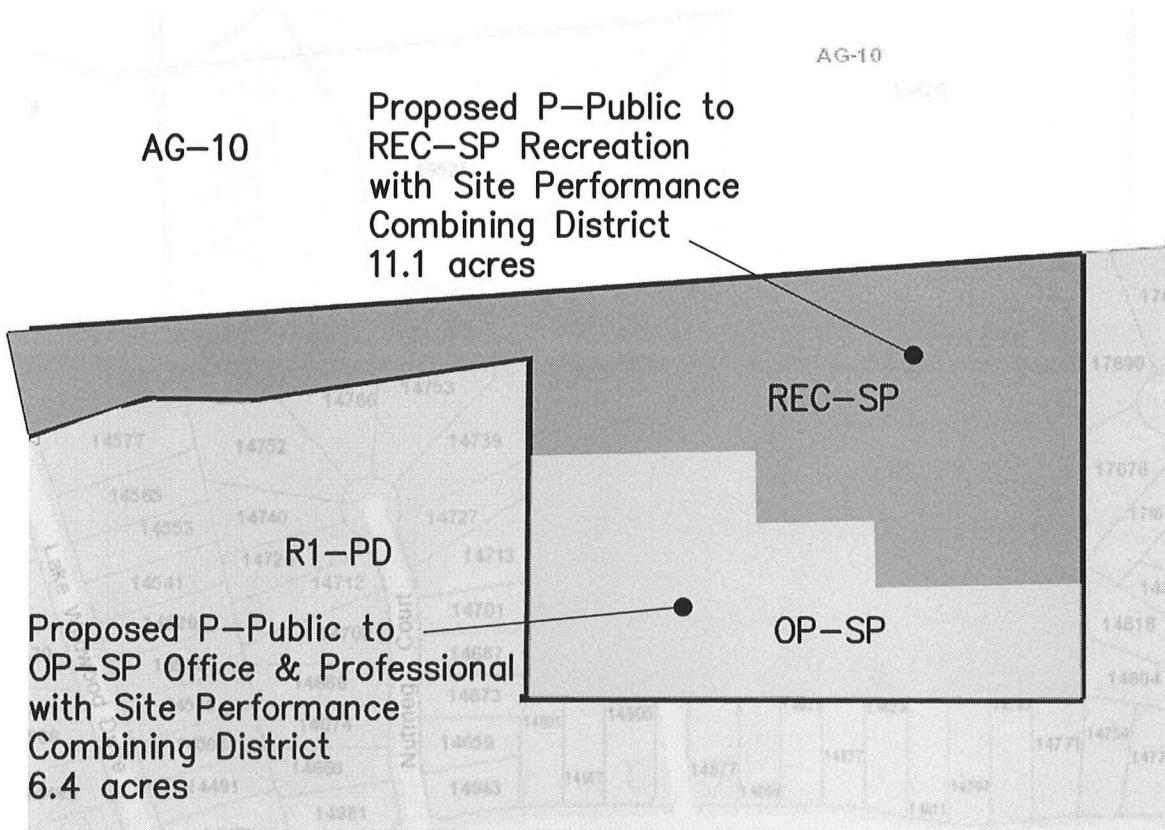


PROPOSED GENERAL PLAN DESIGNATION

**Zoning District Map Amendment (RZN19-0001)**  
**APN 050-020-032 & 050-020-072**

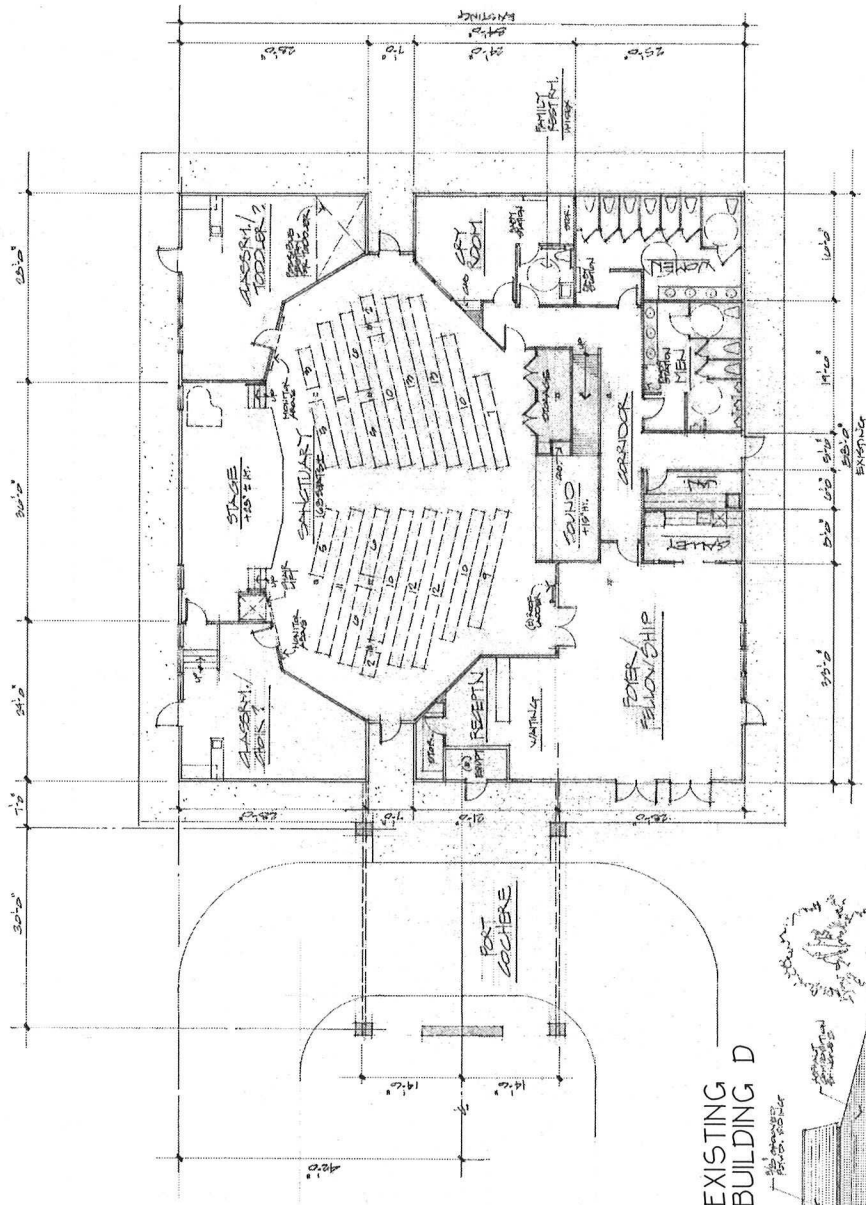


**EXISTING ZONING DESIGNATION ZDM 14a**

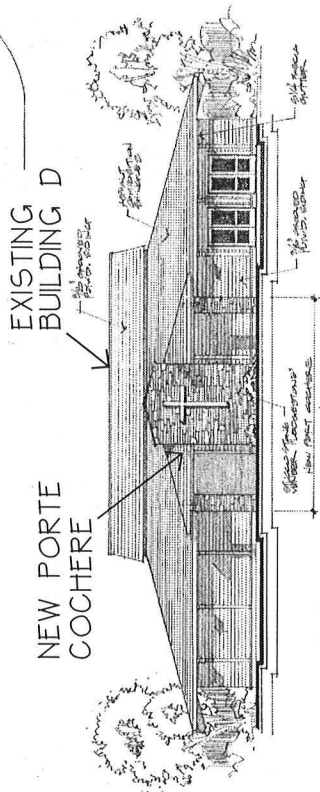


**PROPOSED ZONING DESIGNATION**



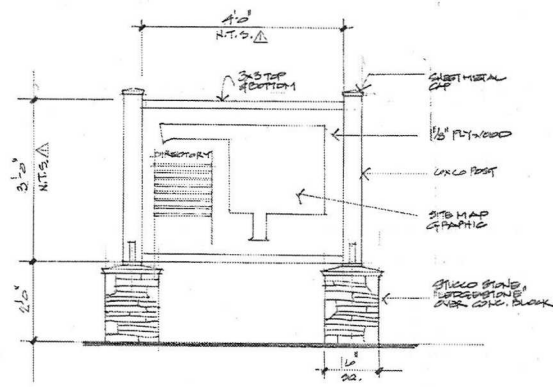


PROPOSED FLOOR PLAN  
N.T.S.

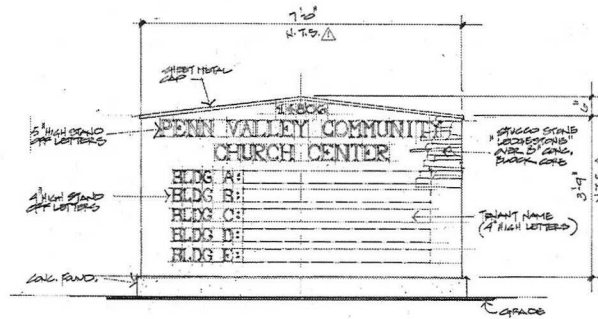


FRONT ELEVATION - WEST  
N.T.S.

FIGURE 5  
SANCTUARY FLOOR PLAN + W. ELEVATION  
NEVADA CITY ENGINEERING, INC.



ON SITE DIRECTORY SIGN  
N.T.S.



MONUMENT SIGN  
N.T.S.



FIGURE 6  
SANCTUARY ELEVATIONS + SIGNS  
NEVADA CITY ENGINEERING, INC.





**Attachment 1**  
**Penn Valley Community Church**  
**Conditions of Approval &**  
**Mitigation Monitoring & Reporting Plan (MMRP)**  
**PLN19-0022; CUP19-0002; EIS19-0003**

**A. PLANNING DEPARTMENT**

1. This is a conditional approval of a Comprehensive Master Plan/Use Permit to allow use of the former Pleasant Valley Elementary School campus by the Penn Valley Community Church who will 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. The property includes a Site Performance Combining District requiring compliance with the project Comprehensive Master Plan (CMP). The Site Performance Combining District, through the CMP/UP, customizes uses within the two zoning districts by prohibiting certain uses that would otherwise be potentially allowable in those districts to ensure overall site and neighborhood compatibility. The CMP includes potentially allowable future uses of the site and designates the level of review required for each. The CMP is on file with the Nevada County Planning Department in the project file.

This conditional approval allows church, office and professional use, elementary and/or junior high school uses, church and sports league use of the fields and gymnasium and a watchman/caretaker's unit. Office and professional uses include such things as non-profit offices, financial institutions, insurance and real estate offices, business services such as duplicating, mailing, blueprinting and photocopying, janitorial services, and employment agencies. Other uses not approved with the current project may be allowable through a future Development or Use Permit, as outlined in the CMP Land Use Table.

The church will serve a variety of functions including regular church services on Sunday mornings, weddings, funerals and other community type activities such as occasional food distribution for the Nevada County Food Bank or 4-H Club meetings. Although these activities can vary, typical weekly use will include: Sunday morning and evening church services; weekday office hours for staff and volunteers; small group Bible Study sessions for approximately 10 to 25 people Monday through Friday with times varying; children and teen ministry programs in the evenings several times per week and weekly music practice. Board and other similar type meetings will be held either monthly or quarterly on a weekday evening. Monthly Saturday group meetings of approximately 50 people will be held. Vacation Bible School will occur annually. Social functions will be held that would vary throughout the year according to holidays. Church use areas will occupy several parts of the site to include a sanctuary, office, Sunday School classrooms, storage building and multi-purpose room. Initially, the church will utilize the site as follows: Sanctuary, Building D; church office, Building E; church classrooms, Building F; multi-purpose gathering space, Gymnasium (Building F); and, storage, Building H. However, church use is not limited to these buildings nor are other uses prohibited in these buildings. Outdoor playfield areas will be used by church members and may also be leased to sports leagues.

2. Defense and Indemnity Agreement. Within 15-days after project approval the applicant shall sign and file with the Nevada County Planning Department the attached Defense and Indemnity Agreement. No further permits or approvals shall be issued for the project, unless and until the applicant has fully complied with this condition.

3. Expiration Date. All Conditions of Approval shall be completed within seven (7) years from the effective date of the approval of the project (PLN19-0022; CUP19-0002; EIS19-0003). This is meant to provide time for the church to occupy the site and to find suitable tenants for the complex. This is the typical three-year approval period plus the four years of allowable extensions of time.
4. Parking. Full, highest use, occupancy of the complex requires 215 parking spaces. Paved parking shall be implemented first for all in-building land uses. Gravel parking shall be used for the playfields and to meet any other parking requirements that cannot be met on existing paved or concrete surfaces through striping. Comply with Nevada County Parking Standards as follows:
  - a. Prior to final church sanctuary occupancy of the site, extend and restripe the existing parking lot to achieve 130 parking spaces as shown on the approved site plan. This includes the addition of a drop-off lane and four handicap accessible spaces.
  - b. Prior to approval for tenant improvement permits which are required for modifications to building interiors to suit each space to the tenant, adequate parking must be proven. Permit submittal materials shall include a site plan showing parking improvements as needed to achieve the number of parking spaces to accommodate the use based on the ratios provided in the Nevada County Land Use & Development Code Parking Standards (LUDC Section II-4.2.9) (calculated by the specific use and use area prior to occupancy) for Planning approval. Applicants shall work with the Building Department to obtain a permit to complete parking improvements, if deemed necessary by the Building Department
  - c. Prior to league use of the site (see also COA A.10), the league shall submit a Design Review application and fee to Planning with a site plan showing adequate gravel parking has been established as shown on the approved site plan. The league shall work with the Building Department to obtain a permit to perform this work if deemed necessary by the Building Department.
5. Comply with Landscaping Standards (Mitigation Measure 1A). The Final Landscaping Plan shall be consistent with the approved preliminary landscape plan and shall comply with the requirements of Sec. L-II 4.2.7 of the Land Use and Development Code. Landscaping shall be provided in accordance with County standards with phased implementation as outlined herein. Prior to issuance of any grading or building permits, the applicant shall submit a Final Landscape Plan, prepared, signed and stamped by a licensed landscape architect, to the Planning Department for review and approval, including the following:
  - a. All details depicted on the preliminary plans; and
  - b. The location of all required plant materials, evenly dispersed within each required planting area (interior parking lot landscaping and residential buffers); and;
  - c. A legend listing the type, number and size of plant materials, indicating both the both the required number and the provided number of each plant type. List plants for each required landscaped area. Include a listing of water usage type, or hydrozone, for each plant type. List plant materials in groupings of trees, shrubs, and ground cover plants. Show both common names and botanical names. Native vegetation must shall be included in all required plantings pursuant to subsection L-II 4.2.7.E.2.b of the Land Use and Development Code; and
  - d. Irrigation plan per subsection L-II 4.2.7.E.3.c of the Land Use and Development Code; and

- e. A note that "All plantings and irrigation shall be maintained by the property owner and in any case where a required planting has not survived the property owner shall be responsible for replacement with equal or better plant materials."

Timing

- f. Prior to final church **sanctuary** occupancy of the site, the landscape architect shall verify that all screening plant materials pursuant to the approved plan have been established.
- g. Prior to final church **sanctuary** occupancy of the site, the landscape architect shall verify that all plant materials associated with the paved parking lot (130 parking spaces) pursuant to the approved plan have been established.
- h. Prior to occupancy by future additional tenants of the site, including both buildings and sports/playfields, the landscape architect shall verify that all plant materials relative to new interior parking lot landscaping areas as required for each additional tenant have been established pursuant to the approved plan.
- i. Irrigation shall be maintained as needed to ensure plant survival.

**Timing:** *Prior to building permit issuance for final occupancy of each as outlined above*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

- 6. **Disturbance Prohibited within Oak Grove & Protection Measures Required (Mitigation Measure 4A).** Disturbance is prohibited within the oak grove located at the north side of the access drive except as may be needed to eliminate dead, diseased or dying trees and as needed to maintain fire safety. To ensure contractors and their employees are aware of these requirements, all construction plans and specifications including disturbance within 30-feet of the grove must include the following:

Prior to the start of disturbance activity:

- a) Delineate the dripline of trees along the edge of the grove in any construction area within 30-feet of the grove with temporary orange construction fencing.

During the Construction Phase:

- b) Contractors shall stay within designated work areas, outside of the protected area.
- c) No vehicles, construction equipment, mobile offices, or materials shall be parked or located within the oak grove.
- d) Soil surface removal greater than one foot shall not occur within the oak grove dripline.
- e) Earthen fill greater than one foot deep shall not be placed within the dripline of landmark oak grove.
- f) Paving shall not be placed within the dripline of oak grove.
- g) Underground utility line trenching shall not occur within the dripline of the oak grove.
- h) Any oak tree within the grove that is damaged or removed due to construction activities shall be replaced at a 3:1 ratio. A Nevada County Pre-qualified biological consultant shall be hired by the applicant to determine the best location for replacement trees and prescribe appropriate planting, fencing, watering of the trees. The biologist shall submit an annual letter with photos to Nevada County assessing the success for a period of five (5) years. Should the trees die, additional replacements and monitoring as described above shall be required.

**Timing:** Prior to issuance of grading/improvement/building permits for any work within 30-feet of the oak grove.

**Reporting:** Future permit issuance

**Responsible Agency:** Planning Department

7. **Comply with Lighting Standards (Mitigation Measure 1B).** All outdoor light fixtures shall be modified and/or replaced to meet all requirements of LUDC Section L-II 4.2.8 including being fully shielded to eliminate glare and prevent light trespass onto neighboring properties, Building/improvement plans shall include specific detail to depict the location, height, and positioning of all light fixtures, and shall provide a description of the type and style of lighting proposed. Fixtures shall have high efficiency lamps. High pressure sodium and mercury vapor light fixtures are prohibited. Standards are allowed a maximum height of 15-feet.
  - a. All existing parking lot standards shall be modified in compliance with these standards prior to final Church **sanctuary** occupancy of the site.
  - b. Exterior building lighting shall be modified prior to use of each building by the church or any tenant.
  - c. Signage lighting, if any, shall be top-mounted, shining light downward.

**Timing:** Prior to building permit issuance for final occupancy of each as outlined above  
**Reporting:** Agency approval of permits or plans  
**Responsible Agency:** Planning Department
8. **Signage.** Signage must be installed in substantial compliance with the approved signage plan (final sheet of project plan set which is on file with the Nevada County Planning Department in the project file) and in compliance with the sign standards found in the Nevada County Land Use & Development Code. The proposed lettering size as shown on the sign plans must be changed from 4" to 2" in height to meet the Code requirements.
9. **Limit Field Use (Mitigation Measure 13A).** Use of the fields for groups of 100 or more people shall be limited to those areas delineated in the Environmental Noise Analysis prepared by J.C. Brennan and Associates which will be retained in the project file with Nevada County. League use shall also be limited to those areas delineated in the Environmental Noise Analysis prepared by J.C. Brennan and Associates which will be retained in the project file with Nevada County. Prior to league use of the project site the following items must be submitted to the Nevada County Planning Department as a Design Review application for approval;
  - a. The league shall submit a scaled drawing of the play area, demonstrating that the center of the play area will be approximately 180-feet from the nearest property lines and be located within the area delineated within the Environmental Noise Analysis.
  - b. The submittal shall include an acknowledgement that the use of amplification is prohibited.
  - c. The submittal shall include an acknowledgement that hours of use are limited to the hours of 7:00 a.m. to 7:00 p.m.

**Timing:** Prior to league/organized sports use of the fields  
**Reporting:** Agency approval for league use  
**Responsible Agency:** Planning Department
10. **Construction Work.** Hours of operation for construction activities shall be limited to the hours of 7:00 am to 7:00 pm Monday through Saturday. These limited hours of operation shall be noted on grading, improvement and building plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.



11. **Prepare a Dust Control Plan (Mitigation Measure 3A).** Prior to issuance of improvement plan or grading permits, submit a Dust Control Plan to Northern Sierra Air Quality Management District, if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed, and gain their approval. The disturbance of natural surface area includes any clearing or grading. Include the approved Dust Control Plan on the project plans using clear phrasing and enforceable conditions, under its own heading. Provide evidence of NSAQMD approval to Nevada County with permit application submittal.

***Timing:*** Prior to issuance of grading/improvement/building permits

***Reporting:*** Approval for future permit issuance

***Responsible Agency:*** Planning Department

12. **Reduce emissions during construction (Mitigation Measure 3B).** The following measures are designed to help reduce project emissions related to construction, which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations (which may be accessed at [www.arb.ca.gov/diesel/diesel.htm](http://www.arb.ca.gov/diesel/diesel.htm)).
1. At least 50% of the mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 3 engines (or cleaner).
  2. All architectural coatings shall comply with the California Air Resources Board's 2007 Suggested Control Measure for Architectural Coatings (available at [www.arb.ca.gov/coatings/arch/Approved\\_2007\\_SCM.pdf](http://www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf)).
  3. Construction equipment idling times shall be minimized either by shutting equipment off when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) and all construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications." Clear signage shall be provided for construction workers at all access points.
  4. The applicant shall use reasonable precautions to minimize dust generation. Reasonable precautions may include watering exposed soils, as well as any stockpiled material, and limiting traffic speeds. Such methods shall be noted on improvement plans prior to approval.

***Timing:*** Prior to building permit issuance for final occupancy of each as outlined above

***Reporting:*** Approval for future permit issuance

***Responsible Agency:*** Planning Department / NSAQMD

13. **Halt Work and Contact the Appropriate Agencies if Human Remains, Cultural Resources or Paleontological Resources are Discovered during Project Construction (Mitigation Measure 5A).** All grading and construction plans shall include the note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following:
- a. A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation has been developed in coordination with interested Native American Tribes. This brochure shall be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated



Native American Tribes before any stages of project implementation and construction activities begin on the project site. All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during these activities. If such resources are encountered or suspected, work within 100-feet shall be halted immediately and the Nevada County Planning Department shall be contacted. A qualified cultural resources specialist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment.

- b. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the within 100-feet of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed.

If Native American resources are involved, Native American Organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. Native American Representatives from traditionally and culturally affiliated Native American Tribes shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for resource treatment. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, returning objects to a location within the project area where they will not be subject to future impacts. The United Auburn Indian Community of the Auburn Rancheria (UAIC) does not consider curation of tribal cultural resources to be appropriate or respectful and requests that materials not be permanently curated, unless at their request. Treatment that preserves or restores the cultural character and integrity of a Tribal Cultural Resource may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. These recommendations shall be documented in the project record. Any recommendations made by traditionally and culturally affiliated Native American Tribes that are not implemented shall require submittal of a justification statement to the Planning Department for inclusion in the project record. If adverse impacts to tribal cultural resources, unique archaeology or other cultural resources occurs, the developer shall consult with UAIC and other traditionally and culturally affiliated Native American Tribes regarding mitigation contained in applicable Public Resources Codes and CEQA Guidelines.

**Timing:** *Prior to Issuance of Building Permit or Grading Permit and throughout construction*

**Reporting:** *Planning Department Approval of Grading and Construction Permits*

**Responsible Agency:** *Planning Department*

14. **Appropriately Dispose of Solid Waste (Mitigation Measure 19A).** Industrial toxic waste (petroleum and other chemical products) are not accepted at the McCourtney Road transfer

station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities.

**Timing:** *Prior to issuance of building permits for tenant improvements*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

15. **Avoid impacts to Nesting Birds & Birds of Prey (Mitigation Measure 4B).** Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish & Wildlife Code Section 3513. Fish & Wildlife Code Sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within and adjacent to the project area. To protect nesting migratory birds, special status birds, and birds of prey, which could be impacted by construction, grading or tree removal, these activities shall not occur during the nesting season. Alternatively, pre-construction surveys may be conducted to determine the presence or absence of these species. Guidelines are provided below for avoiding the nesting season and for pre-construction surveys (if avoiding the nesting season is not possible).

The nesting season is formally recognized as extending from February 15 through August 31 in this part of California. While many birds will not begin to nest until April, May, or June, some have begun courtship by mid-February (courting birds are protected as nesters) and certain raptors such as red-tailed hawks and great horned owls (*Bubo virginianus*) begin nesting very early. For all development-related activities taking place outside the nesting season (September 1 to February 14), no precautions for nesting birds are required.

- a) This measure, 4B, in its entirety, shall be included as a note on all future construction plans. All construction (excluding interior modification to existing structures), grading or tree removal is subject to this measure.
- b) Tree, limb, and shrub removal shall be completed between September 1 and February 14 prior to the onset of the nesting season, or, if during the nesting season, only after a qualified biologist has confirmed that no nesting birds would be adversely affected.
- c) For all construction-related activities that take place between February 15 and August 31, a preconstruction nesting-bird survey shall be conducted by a qualified biologist at least two weeks prior to initiation of construction. This shall include all suitable habitats within 500-feet of the outer edge of all disturbance footprints.
- d) If active raptor nests are found within 500-feet of any construction area, a 500-foot non-disturbance buffer zone shall be established and flagged around the nest. If active nests of smaller species are found within the 500-foot survey area, a 250-foot no-disturbance buffer zone shall be established and flagged around each nest. Within these buffer zones, no construction shall take place until August 31 or until a qualified biologist has determined that the young have fledged. The nest shall be monitored by the project biologist for nest disruption. If the birds become agitated, the buffer shall be increased. When the nestlings have fledged from the nest, as deemed by the project biologist, the buffer can be eliminated.
- e) For every lull in construction lasting longer than 14 days, another preconstruction survey shall be conducted for new nests, with new buffer zones established as described above. This is based on the assumption that any bird choosing to nest within 500 feet of active,

ongoing construction will clearly be tolerant of the activity, but a bird choosing to nest within 500 feet of construction during a quiet period could be disturbed into abandoning its nest and eggs or young once construction resumes.

**Timing:** *Prior to issuance of grading/improvement/building permits*

**Reporting:** *Approval of future permit issuance*

**Responsible Agency:** *Planning Department*

## **B. BUILDING DEPARTMENT**

1. Permits Required. If the use and/or occupancy type of any of the buildings change, complete plans shall be submitted, and a building permit obtained for the change of use/occupancy and shall meet all of the requirements per the most currently adopted California Building Standard Codes.
2. Design Professionals. Any plans submitted shall be completed by licensed California design professionals in each respective field (structural, electrical, mechanical and architectural).
3. Sign Modification. If the monument sign is structurally altered, has utilities installed or any other modifications are completed that require a building permit, a permit shall be obtained prior to start of the work.
4. Landscaping. Irrigation shall be compliant with Model Water Efficient Landscape Ordinance (MWELo) standards.
5. **Provide energy-efficient utilities (Mitigation Measure 3C).** Tenant improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit. This mitigation shall be included as a note on all future building plans:
  1. The project shall use energy efficient lighting (includes controls) and process systems beyond Title 24 requirements where practicable (e.g. water heating, furnaces, boiler units, etc.)
  2. The project shall utilize water heating featuring low-NOx water heating burners if electric water heating is not used.
  3. The project shall use energy efficient, automated controls for air conditioning beyond Title 24 requirements where practicable.

**Timing:** *Prior to building permit issuance for final occupancy of each as outlined above*

**Reporting:** *Approval of building permits*

**Responsible Agency:** *Planning Department / Building*

## **C. DEPARTMENT OF PUBLIC WORKS**

1. Traffic Mitigation Fees: Prior to use of the site or issuance of building permits, whichever comes first, the applicant shall pay appropriate traffic impact fees based on the latest fee schedule adopted by the Nevada County Board of Supervisors for trips generated by the project. Trip generation will be determined based on the proposed uses and the latest ITE Trip Generation Manual trip rates.

2. Sewer System Hook-up Verification: Prior to tenant improvements, the applicant shall submit a plan of operations to the Sanitation District for review which includes available seating in the Sanctuary/Worship area, types of use, frequency of use, number of offices in the final converted classroom areas and any other pertinent information that will help to determine the eventual contributions to the sewer system. Once the plan is submitted, the actual EDU capacity requirements will be established.
3. Final Grading and Drainage Plans: Prior to improvement and building permit issuance, the applicant shall provide final grading and drainage plans with an accompanying analysis prepared by a registered civil engineer to confirm any increase in impervious surfaces or storage areas needed, **if required**. The applicant shall also provide impervious area calculations for determination of oil and sand separators as required by General Plan Policy 11.6A for commercial and industrial development of 1 acre or greater in size.
4. Drainage Maintenance Mechanism: Pursuant to General Plan Policy 3.19C, the applicant shall maintain all drainage facilities constructed as part of the project through a permanent, legally enforceable mechanism such as, but not limited to, a CSA, CSD, or recorded covenant. Prior to improvement and building permit issuance, the applicant shall demonstrate that a legally enforceable mechanism for long-term maintenance of such facilities has been provided.

**D. PENN VALLEY FIRE PROTECTION DISTRICT & NEVADA COUNTY OFFICE OF THE FIRE MARSHAL**

1. Fire Apparatus Access Roads, California Fire Code §503. Access to the building should be in accordance with this section for all on-site roadways. Special notice should be paid to applicable Nevada County Land Use Code sections and any comment of the Nevada County Fire Planner.
2. Fire Protection Systems, California Fire Code Chapter 9. Some of the buildings subject to this application contain existing fire alarm and fire sprinkler systems. Others do not, but it is not possible to determine the exact requirements for structures that have not yet been assigned an occupancy class from the Building Department. It appears that there will be a mix of assembly, business and other unknown uses, depending on who the parties are who lease the space. In general, projects requiring a new use permit are required to meet current California Fire Code requirements for fire flow, fire sprinkler and fire alarm systems. The applicant is advised to consult Chapter 9 of the CFC as well as its local amendments contained in the Land Use and Development Code Sections L-V 5.25 and L-V 5.26 to determine whether a building in the proposed project will need any upgrades. Any proposed work should be completed in accordance with the most current editions of the California Fire Code and NFPA 13 and NFPA 72. Any deficiencies in the existing systems which affect the proper operation of them should be corrected to make the system(s) function properly.
3. Emergency Access Key Boxes, Penn Valley FPD Ordinance 05-1. All structures which are not residential and not occupied on a twenty-four (24) hour basis shall utilize the Knox Rapid Entry System for emergency fire district access. It is the responsibility of the building

owner and/or occupant to provide this agency with proper and current keys to secure in the Knox Rapid Entry box.

4. Defensible Space and Access, Nevada County Land Use Code/Public Resources Code. Both access points (Pleasant Valley Road and the Sun Forest Drive access road) must remain accessible for emergency use. Such access points may only be secured if proper unlocking systems are contained within the required Knox Box (see above). All areas of the property within 100 feet of a structure must maintain compliance with the requirements in Public Resources Code 4291. All areas on the property that are within 100 feet of an adjoining property having a structure on it must meet the requirements of Nevada County Hazardous Vegetation Management Ordinance.
5. The site shall be compliant with the Defensible Space/Vegetation Management standards listed and shall be maintained in perpetuity for the duration of the Use Permit.
  - a. Vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall have a maintained Defensible Space/Fuel Reduction Zone by removing, limbing, and/or thinning trees, brush, flammable vegetation or combustible growth including seasonal grasses no less than 100 feet from structures or to the property line, whichever is closer.
  - b. A minimum 10' (foot) Fuel Modification Zone shall be maintained adjacent to all vehicular pathways and parking areas.

#### **E. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE**

1. **Notice of Determination Fee.** Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee, currently \$2,406.75, must be paid as a condition of filing the Notice of Determination for this project. This fee must be submitted to the Planning Department within 5 days of the permit approval with the check made payable to the County Clerk, County of Nevada. Without payment of this fee, the 30-day Statute of Limitations on court challenges to this project's approved environmental document will remain open, which could affect the permit validity. This fee is required to be collected on behalf of the State Department of Fish & Wildlife.