



COUNTY OF NEVADA Penn Valley Area Municipal Advisory Council

<http://www.mynevadacounty.com/nc/bos/district4/Pages/Penn-valley-Area-Municipal-Advisory-Council-.aspx>

*Michael Mastrodonato, Chair
Gordon Beatie, Vice - Chair
Susan Hoek, Member
Michael Sullivan, Member
Stephanie Stevens, Member
Susan George, Member
Richard Nolle, Member
Andrew Burton, Alternate Member
Nancy Peirce, Alternate Member*

REGULAR MEETING: Nevada County Penn Valley Area Municipal Advisory Council

DATE: January 18, 2018, **6:00 p.m.**

PLACE: Buttermaker's Cottage, Western Gateway Park, 18560 Penn Valley Drive, Penn Valley, CA

IN ATTENDANCE: Supervisor Hank Weston, Michael Mastrodonato, Susan Hoek, Michael Sullivan, Stephanie Stevens, Susan George, Andrew Burton, Nancy Peirce

SUMMARY MINUTES

1. Call to Order, Roll Call and Pledge of Allegiance

Chair Mastrodonato called the meeting to order.

Roll Call for attendance was done. All MAC Members present except for Gordon Beatie and Richard Nolle; Alternates were present and were roll called in as voting members.

Pledge of Allegiance was led by Michael Sullivan.

2. Consent Agenda

a. Approval of Agenda and Orders of Business

Add a brief discussion or information item on the group finding a person to take minutes.

b. Approval of Minutes from 11/16/2017

Minutes approved.

Mike Sullivan motioned to approve the Consent Agenda as Amended and was seconded by Susan George; Motion Passed unanimously.

3. Public Comment

No Public Comment.

4. Bylaws – Bylaws Ad Hoc Subcommittee Present Draft 3 of Bylaws

Members of the MAC went in order identifying any issues, concerns, or corrections regarding the third draft of the Bylaws.

Andrew Burton had one question:

1. Regarding changing the MAC membership from 7 members and 2 alternates to 9 members; was that pursued? Response from Supervisor Weston; The Board of Supervisors will discuss the MAC membership and the Pilot Program status at the Board Workshop. The matter will come to the Board of Supervisors as a Resolution and then return to the MAC.

Nancy Peirce had no comments.

Stephanie Stevens had no comments.

Susan George had no comments.

Sue Hoek had no comments.

Michael Sullivan had the following comments:

1. In Heading 5, Membership, Item number 3, where the language has been changed to “by newly elected District IV Supervisor...” He wondered if this should be clarified further to read “... District IV Supervisor and/or a newly elected District IV Supervisor.”

There was discussion.

2. Under Heading 5, Alternate Members. For clarification he recommends adding language to rotate the two alternate members alphabetically when they are needed at a meeting.

There was discussion.

Susan George made a motion to approve the By-Laws as amended under Section V B (1)(b) pending the Chair’s approval after being re-worded. Motion seconded by another member. Motion passed unanimously.

5. 2018 Meeting Dates

Susan George made a motion to approve the 2018 Meeting Dates. Motion seconded by another member. Motion passed unanimously.

6. Loitering Ordinance Update by County Staff

Information provided and discussion regarding a Countywide Loitering Ordinance. The Ordinance in place pertains to private and business premises. Signage is required and is the responsibility of the business or owner. Loitering and trespass are different issues. Enforcement of loitering can be difficult when people move from property to property. Signage should include the Ordinance number.

Discussion held regarding section of the Ordinance that addresses public property. The Ordinance does not address camping. The Western Gateway Park passed a resolution and posted signs. The Park resolution seems stronger than the County Ordinance. Can the Park resolution be enforced?

The issue will be researched and Michael will report at the next MAC meeting. The Sheriff will be invited to send a representative to discuss the issue. Property owners will also be invited to attend.

Further discussion was held regarding the language and enforceability of the Ordinance.

7. Town Hall Ad Hoc Subcommittee Follow Up

Chambers Town Hall meeting was held. Sue Hoek presented at the Town Hall describing the MAC and its purpose. Flyers were distributed. The presentation can be made available to other organizations. A presentation to the Lake Wildwood Association is being planned.

8. Planning 101 Presentation from Planning Director Brian Foss

Brian Foss, Planning Director and Tyler Barrington, Principal Planner provided a presentation regarding the Planning Department permit process and what a project goes through. Where there is public input and where decisions are made by the County. They would like to know if the MAC has any questions or comments for Planning.

The Planning Department processes applications for new development, subdivisions and new commercial buildings. Planning approval is needed before Building Permits are issued. Building

Permits are a more technical review, whereas Planning Review is more Land Use and how the site is going to be used. Planning looks at where the buildings will be located and what they will look like. Planning looks at set-backs from property lines and environmental resources.

The planning department answers questions for the public regarding such things as: Can I build a second unit? Can I subdivide my property? Can I add on to my business? Can I build a cell tower? Current Planning is answering such questions. Long Range Planning is establishing rules and regulations for the County, Zoning Ordinance and General Plan.

CEQA (California Environmental Quality Act) is part of Long Range Planning. Environmental Review of a project is required by CEQA. The County does not have a choice about the State CEQA requirements.

Discretionary review is divided into three levels; the Zoning Administrator, a one person hearing body; The Planning Commission, a five person commission where each are appointed by the Board of Supervisors; and the Board of Supervisors. Each project is assigned to a level for review.

Smaller projects are approved at an administrative level going through each department in the Community Development Agency, Environmental Health, Planning, Building, Public Works, etc. There is generally no Public Hearing for administrative level projects.

Larger projects that require discretionary review such as a subdivision, commercial development or a new building go through a more public process than smaller administrative projects. Pre-application discussions occur with staff to refine the project before the formal application is submitted. These discussions are not public meetings. The public review process begins with the formal application. The formal application is routed to other County and State agencies as needed. Members of the public and public organizations are contacted for initial comment and feedback on the project. The comments are passed to the applicant and the project is refined to meet the County Standards established by the Zoning Ordinance and General Plan. The Planning Department does not approve or disapprove a project. The Planning Department is mandated to process every application. The Zoning Administrator, Planning Commission and the Board of Supervisors take discretionary action and make decisions regarding projects. Larger projects may take years to go through the review and approval process.

The Planning Department process timeline starts with the formal application. Within 30 days the application is deemed complete or incomplete. Complete means the application contains enough information for an analysis. If the application is incomplete the applicant is advised to revise and resubmit. The analysis begins with environmental review. The three levels of analysis are Exempt, Mitigated Negative Declaration and Environmental Impact Report (EIR). An EIR project requires a contract with a consultant. After the environmental review is complete the project is released for Public Comment. After the public review period is complete the project is prepared for Public Hearing at the decision making level. The Staff Report prepared for the Public Hearing contains an analysis of the project's compliance with County Code and General Plan. Notice of the Public Hearing is published in the newspaper and mailed to parties within the area required. After the Public Hearing the decision maker can approve, modify or apply added conditions of approval to the project. The decision to approve or deny a project can be appealed to the Board of Supervisors. The three main opportunities for public input on a project are 1) within the first 30 days; 2) during the environmental review; and 3) at the Public Hearing. The Planning Department's role is disclosure.

The Planning Department processes two types of projects. One type is for a private developer as discussed. The other type is a Board initiated project. The Board might get a mandate from the State for something like re-zoning property. The Planning Department will then implement the Board's direction. The Planning Department is guided by the Zoning Ordinance and the General

Plan. Both the Zoning Ordinance and the General Plan have maps that show the requirements to be implemented by the regulations. The General Plan guides growth according to zoning. Zoning restricts how land may be used and what can be constructed. The Planning Department processes requests to change zoning restrictions on a property. By design zoning restrictions keep rural areas rural and put higher density uses where there is infrastructure to support it. Nevada County is limited by its infrastructure and topography. There may be incompatible uses next to each other, but the Zoning Ordinance uses set-backs and open space buffers to separate uses and create a transition zone.

Question: The MAC looks at projects in the community and provides feedback from the community to the decision making body. Please describe Use Permits, Special Use Permits and Zoning Variances.

Response: Nevada County does not have a Special Use Permit. There is a Special Event Permit issued by the Sheriff's Office for a one-time large event.

Use Permits are processed through the Planning Department. Those are for land uses slightly beyond what you would find in a particular zoning use. For example: wedding uses are allowed in agriculture zones. Zones with a use permit. Uses that have exceptional air or noise quality issues will be processed with a use permit, such as auto body painting in a commercial zone. The Use Permit process is a public process that has a higher level of scrutiny to ensure that the land use at that site is compatible with the surrounding land uses without impacting the neighborhood. The use permit process requires a public hearing and allows the public to provide feedback regarding the project.

Development Permits are for use generally compatible with Zoning that may have other impacts on the surrounding area, traffic, etc. A Development Permit is similar to the Use Permit process. The Development Permit can be less discretionary.

Question: What triggers an EIR?

Response: Several things can trigger an EIR but typically it is an impact that can't be mitigated. Public controversy can be a reason to consider an EIR. If the developer wants to do an EIR it can be done. If there is disagreement between experts an EIR can be required. If there is a cumulative impact with multiple issues an EIR can be required. EIR is the highest level of environmental review.

With a Mitigated Negative Declaration every identified impact must be mitigated. With an EIR not every impact must be mitigated, other factors can outweigh the impact and allow the project to go forward. The process allows the public to comment and share opinion about the project. Further Discussion regarding the public process was held.

Question: Do you anticipate the Accessory Dwelling Unit (ADU) ordinance being in place soon?

Response: We have an ordinance in place now. We allow ADUs on residential and rural agricultural property. It was amended in September 2017. Discussion was held regarding the current requirements. Discussion regarding septic requirements was held. A separate septic tank is currently required in Nevada County. It will be discussed at the Board Workshop and direction may be given for further modifications.

Question: When does the next Housing Element cycle begin?

Response: The next update is due in June 2019. Ideally the State will provide numbers by June 2018 allowing a full year for the process. Discussion was held regarding the rezoned sites from the last update and the anticipated need for more sites in the next update.

Question: The Planning Commission rejected part of the recommendations for the Dollar General projects. Please explain the process for revisions.

Response: The Planning Department made requested clarification to revise the recommendations. Discussion was held regarding the process of revisions.

Question: The Dollar General site required a lot line adjustment. Please explain the Zoning Changes required.

Response: The Zoning has not changed for the individual properties. The map may not yet reflect the lot line adjustment. The property is mixed use zoning. Discussion was held.

Question: What is the IDR-SP Zoning on the property next to the Western Gateway Park?

Response: IDR Zoning is Interim Development Reserve, SP is Site Performance which requires that the use adheres to the Penn Valley Area Plan, a set of design guidelines from 2000. The IDR requires a comprehensive master plan to establish what the zoning will be on the site. The IDR allows a developer in the future to maximize the site and refine the specific zoning later. Discussion was held.

Question: Are changes to the General Plan public?

Response: Public Meetings are held for General Plan amendments in the areas that will be affected by the changes. Extra meetings are held as needed. Notices are mailed and published in the newspaper.

Discussion was held regarding the role of the MAC in the planning process.

Question: Once the ADU Ordinance is modified will those potential units count toward HCD requirements?

Response: Each year there are approved numbers that count toward the requirements. Manufactured Homes and Zoning are also looked at through the year. Discussion was held regarding available units and the requirement for land available for future use.

Item added to Agenda – Penn Valley Area MAC Secretary

Should we post somewhere? Discussion was held regarding where to post the position and the guidelines for the hiring process, requirements and salary. Staff reported that they would provide information on the process at the next meeting.

9. District IV Update from Supervisor Weston

Discussion was held regarding the Bike Park setback proposal.

Discussion was held regarding Housing.

10. Next MAC Meeting February 15, 2018, 6:00 p.m. at the Buttermaker's Cottage, located at 18560 Penn Valley Drive, Penn Valley, CA

11. Adjournment

Susan George motioned to adjourn the meeting which was seconded by Mike Sullivan; Motion passes 7-0. Meeting Adjourned.