NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

MINUTES of the regular meeting of the Planning Commission on February 28, 2019, at 1:30 p.m. in the Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California.

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

MEMBERS ABSENT: None.

STAFF PRESENT: Planning Director, Brian Foss; Director of Public Works, Trisha Tillotson; Principal Planner, Tyler Barrington; Deputy County Counsel, Scott McLeran; Associate Planner, Janeane Martin; Associate Planner, Sadie Caldas; Administrative Assistant, Tine Mathiasen.

PUBLIC HEARINGS:
1. Mena Rezone (PLN18-0086; RZN18-0001)
2. Lone Oak Design Review (PLN18-0104; DRP18-0002; VAR19-0001)
3. Caldwell Events (PLN18-0023; CUP18-0009; MGT18-0018; MGT18-0019; AAM18-0002; EIS18-0012)
4. Nevada County Capital Improvement Plan

CALL MEETING TO ORDER: Chair Duncan called the meeting to order at 1:30 p.m.

STANDING ORDERS:
1. FLAG SALUTE
2. ROLL CALL. Chair and all Commissioners present.
3. CHANGES TO AGENDA: None.

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

COMMISSION BUSINESS: Training. Michael Colantuono gave a presentation on the role, responsibilities and duties of the Planning Commissioner. The presentation was followed by a discussion between the Commissioners and Mr. Colantuono.

CONSENT ITEM:
1. Acceptance of the 02-07-2019 Planning Commission Hearing Minutes

Motion by Commissioner Johansen to approve the February 2, 2019 Planning Commission Hearing Minutes; second by Commissioner Aguilar. Motion carried on a voice vote 5/0.

PUBLIC HEARINGS:
1. **PLN18-0086; RZN18-0001**: Recommendation to the Board of Supervisors to amend the zoning designation of a 54.38-acre parcel (APN: 065-280-001) for timberland preservation (RZN18-0001). This would result in an amendment to Zoning District Map #97 to change the parcel’s zoning from Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone with the Subdivision Limitation Combining District (TPZ-X). The project is a rezone legislative action only and does not include any development or disturbance. **PROJECT LOCATION:** 14122 Headwaters Road, Nevada City, California. **ASSESSOR’S PARCEL NUMBER:** 065-280-001 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Recommend that the Board of Supervisors find that the adoption of timberland preserve zones is statutorily exempt from the requirement to prepare an EIR or Negative Declaration pursuant to Section 15264 of the California Environmental Quality Act (CEQA) Guidelines. **RECOMMENDED PROJECT ACTION:** Recommend that the Board of Supervisors adopt the Ordinance amending Zoning District Map (ZDM) #97 to rezone APN: 065-280-001 from Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone with the Subdivision Limitation Combining District (TPZ-X), based on the findings contained with the Ordinance. **PLANNER:** Janeane Martin, Associate Planner

Planner Martin gave an overview of the proposed Mena rezone. The presentation included specifics of the project site and a detailed project description. She discussed the existing and proposed zoning designations and allowed uses in each. Property valuation, resource preservation, and the tax implications of the proposed project were explained. Planner Martin reviewed the multi-step rezone process and recommended that the Commission recommend the project to the Board of Supervisors.

Commissioner Coleman-Hunt asked how the TPZ zone is more restrictive than the FR zone. Planner Martin showed a list of uses that would potentially be allowed in FR that would not be allowed in TPZ. There are similarities between the two zoning districts but the commercial opportunities on each are very different.

Commissioner Coleman Hunt asked if either district restricts cannabis. Planner Martin noted that the cannabis ordinance is not yet in place, but stated that her understanding is that TPZ is not being considered for that use. Director Foss said that the draft cannabis ordinance does not include an allowance for cannabis activity other than personal use in TPZ. In contrast, FR is included in the ordinance. Commissioner Coleman-Hunt noted that difference. Director Foss agreed.

Chair Duncan invited the applicant’s representative to speak.

Forester Peter Walden said he is here to answer questions.

As there were no questions of the applicant’s representative, Chair Duncan opened public comment at 2:11 p.m. There being no comments, Chair Duncan closed public comment at 2:11 p.m.
Commissioner Bullock commended the owner for his active management of the property and investment in treating the forest fuels issue. Commissioner Bullock stated his support of staff’s recommendations.

Commissioner Aguilar asked about the feasibility and tax implications of rezoning the site back to FR.

Planner Martin said that TPZ is a 10-year rolling contract between the County and the applicant. A notice of non-renewal would be followed by the site coming out over ten years.

Commissioner Aguilar asked if they are stuck for 10 years and cannot get out early by paying back-taxes.

Planner Martin explained the rolling nature of the 10-year contract. If there is a public benefit to changing the zoning quickly, there is a process in place. However, timber production is typically a long game and the contract will continue to roll forward.

Commissioner Bullock asked if yield tax would still have to be paid on product removed from the site if the zoning is TPZ.

Planner Martin confirmed this.

Commissioner Johansen asked if this works like the Williamson Act with the 10-year rollover.

Planner Martin said it is very similar.

Commissioner Johansen said it is nice to see a concentration on agriculture and timber production.

Commissioner Bullock, Chair Duncan and Director Foss discussed the procedure to make a motion. Director Foss requested that one action be taken at a time as each action will require a separate vote.

**Motion by Commissioner Bullock** to recommend that the Board of Supervisors find that the adoption of timberland preserve zones is statutorily exempt from the requirement to prepare an EIR or Negative Declaration pursuant to Section 15264 of the CEQA Guidelines; **second by Commissioner Coleman-Hunt. Motion carried on a roll call vote 5/0.**

**Motion by Commissioner Bullock** to recommend that the Board of Supervisors adopt the Ordinance amending Zoning District Map (ZDM) Number 97 to rezone APN: 065-280-001 from Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone with the Subdivision Limitation Combining District (TPZ-X), based on the findings contained with the Ordinance; **second by Commissioner Coleman-Hunt. Motion carried on a roll call vote 5/0.**

2. **PLN18-0104; DRP18-0002; VAR19-0001.** Project Design Review for a 31-unit senior apartment complex as required by Land Use and Development Code Section L-II 2.7.11.C.5 and mitigation measure MM 4.3-3 of the approved project Environmental Impact Report (Housing Element Rezone Program Implementation Project: EIR12-002). This design review component of
the hearing is limited to design and layout issues only and no further discretionary approval is required for the density or the use of the site. The proposed project also includes the consideration of a Variance requesting to exceed the maximum height limit of 35-feet in the R3 zoning district to provide exterior roof fire access via an exterior enclosed stairwell with a maximum height of 38-feet 10 3/8 inches. **LOCATION:** 10584 Broken Oak Court, Penn Valley, CA. **APN:** 051-151-066. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Prior Environmental Review (EIR12-002) is adequate for the project. Variance is categorically exempt pursuant to CEQA Guidelines Section 15305: Minor Alternation to Land Use Limitations. **RECOMMENDED PROJECT ACTION:** Approve Design Review Project DRP18-0002 and Variance VAR19-0001. **PLANNER:** Tyler Barrington, Principal Planner.

Planner Barrington gave an overview of the proposed project, including the project site and design. He discussed the Housing Element Rezone Program, the design review process, the Commission’s purview, and the addition of a Variance application to the project. There were several design issues that necessitated Conditions of Approval which Planner Barrington highlighted: 1) the original plans exceeded maximum impervious surfacing (revised plans demonstrate compliance); 2) drainage (a final drainage and grading plan would be required); 3) the original plan did not demonstrate compliance with open space requirements (final plans must demonstrate compliance); 4) biology and the dog park’s location near a Landmark Oak Tree (there must be verification that the park will not negatively impact the tree or else the dog park must be moved); 5) light spill and light poles that exceeded height limitations (a final lighting plan and photometric plan that demonstrate compliance would be required); 6) the proposed sign exceeded size limitations (revised plans demonstrate compliance); 7) parking lot/circulation and access (final design must meet standards and include a legally binding agreement for shared access); 8) the dog park fencing exceeded height limitations in the setback (revised plans demonstrate compliance); and 9) building height exceeded standards (which is addressed in the requested Variance). He provided the Commission with staff’s recommended environmental determination and project actions.

Chair Duncan asked for questions.

Commissioner Johansen asked for examples of impervious and pervious surfaces.

Planner Barrington said that pervious paving allowed water to flow through it and impervious paving did not. An engineer would evaluate the effectiveness of the pervious pavers as part of the building permit.

Commissioner Johansen asked if it would be bare soil.

Planner Barrington said no.

Commissioner Bullock asked Planner Barrington to show the access points to the parking lot and asked if a neighboring parcel was unimproved open space.

Planner Barrington confirmed that it was currently unimproved and that it was part of the rezone program.

Commissioner Bullock asked about emergency access out of the end of the cul-de-sac.
Planner Barrington described the emergency access through the existing apartment complex that went through the school and confirmed there was not access out of the end of the cul-de-sac.

Commissioner Bullock confirmed the route.

Planner Barrington explained the Parcel Map review and the county’s dead end road requirements. Secondary access was not required.

Commissioner Aguilar asked what a landscape bioswale was.

Planner Barrington described it as a naturally vegetated area to accommodate water that flowed off impervious surface and was then metered off the site.

Commissioner Aguilar asked about the location and height of the dog run fence.

Planner Barrington discussed the area where the fence was within setbacks.

Planner Barrington and Commissioner Aguilar confirmed that the fence in the referenced area must be a maximum of four feet per county code.

Commissioner Aguilar asked if that applied even with the safety issue of dogs jumping out.

Planner Barrington said yes.

Commissioner Johansen asked about the landscaping against the building. He referenced the fire in Paradise.

Planner Barrington said the landscape plan was consistent with requirements and was developed by a professional architect. The irrigated ornamental planting were not considered a fire hazard. He welcomed the fire department to speak to that.

Commissioner Johansen asked if the dog park was under the oak tree.

Planner Barrington said correct.

Commissioner Johansen asked about those considerations.

Planner Barrington discussed the condition that an arborist or biologist determine whether the dog park would impact the tree.

Commissioner Bullock asked about the comment letter and the location of that residence.

Planner Barrington showed an aerial view of the area.

Chair Duncan discussed landmark oak trees and how they often do not fare well in development. She wondered if it might be better to put in something else that had a better chance of survival.

Commissioner Aguilar asked if the open space issue applied if the project was considered infill.
Planner Barrington said staff considered it infill and it still applied. The code was not specific to that.

Commissioner Aguilar asked about the applicant’s options.

Planner Barrington said there were options, including the removal of a parking space or a small Lot Line Adjustment.

Chair Duncan mentioned the use of bioswale by the Yuba River Charter School. She invited the applicant to present.

Cameron Johnson introduced himself as project representative. He gave a background to the project and discussed the partnership with the Regional Housing Authority to try to find a site for affordable senior housing. The project would have a community center, exercise room and business center, and would be designed for low-income seniors.

Commissioner Johansen asked where Mr. Johnson was based.

Mr. Johnson answered Los Angeles and Idaho.

Commissioner Aguilar asked if Mr. Johnson already had projects in the area.

Mr. Johnson noted that there were two projects in Grass Valley that were completed about 10 years ago.

Chair Duncan opened public comment at 2:49 p.m.

Tom Benoit lived near the project and described his neighborhood on Pheasant Lane. He discussed the environmental report, wildlife and the height of the building. He expressed concern that the project might affect privacy, property values, and saleability. He discussed seniors’ risk of falling and suggested that a single story building would be a better fit. He discussed setbacks, fencing, and additional tree plantings to provide privacy. The project would impact the rural feel and he hoped the Commission would continue to evaluate the project and consider the concerns.

Dave Stockinger shared a property line with the project site. He wondered about popular opinion and whether there was any choice on the project. He discussed the lack of a buffer, lighting, property values, and the impact of construction. He asked if the developer was going to compensate him for the impacts. He asked for a buffer and for consideration of the neighbors. He discussed the need to separate rural from high-density apartments. He suggested that the buffer could be a park. He noted that residents walk their dogs and kids play on the site. He discussed the seniors driving and wondered what might happen in a fire.

Chair Duncan closed public comment at 3:06 p.m.

Planner Barrington noted the minimum setback requirement of 20 feet and the proposed setback of approximately 45 feet to nearest property line. He explained that the development and density was allowed by-right and was not up to the discretion of the Planning Commission as to whether it was an appropriate use. The design component and Variance were within the Commission’s purview.
Chair Duncan noted that public comment was finished.

Planner Barrington noted that a determination on the EIR was not within the Commission’s purview. County code allowed for a height up to 35 feet. Single-family residences would not meet the state mandated minimum density requirement.

Chair Duncan asked about single-level versus multi-story.

Planner Barrington explained that 31 units would not fit on the site as single-family units. Multi-family housing and apartments were anticipated at high density.

Chair Duncan invited the applicant to add comments.

Mr. Johnson explained the reasoning behind the density as well as the applicant’s efforts to minimize the impact of the project on the neighbors. He noted the low impact of senior developments.

Chair Duncan asked Mr. Johnson about barriers to shield the neighbors from the development.

Mr. Johnson said there was not much barrier and that they were limited by setbacks.

Planner Barrington confirmed the setback.

Mr. Johnson discussed the original design. He stated that he was open to planting trees for screening.

Commissioner Aguilar asked about open space.

Mr. Johnson described how the applicant intended to meet the requirements and the intent to relandscape.

Commissioner Aguilar asked about the area next to the dog park.

Mr. Johnson said it contained a pergola, picnic tables and barbeque area.

Commissioner Aguilar discussed the importance of a dog park. He noted the opportunity to plant trees on the west side of the site.

Mr. Johnson said he was open to that.

Commissioner Aguilar suggested that staff intensify the landscaping on the western property line. He mentioned noise and asked where mechanical equipment would be.

Mr. Johnson answered that it would be on the rooftop.

Commissioner Aguilar said that planting might address the lighting issue and fishbowl effect on the neighbors.
Mr. Johnson agreed that there could be an additional condition to require more landscaping, trees
and screening along that boundary.

Commissioner Aguilar asked about landscaping, open space and undisturbed areas.

Planner Barrington said the spirit of the code could be met with native replantings. He read the
proposed Condition of Approval regarding additional screening and he suggested a language change.

Commissioner Aguilar agreed with Planner Barrington that the condition should refer to the
western property line.

Commissioner Coleman-Hunt suggested conifer trees taller than the height of the building for
shielding.

Commissioner Johansen asked if the trees would be evergreen.

Mr. Johnson said he was not sure.

Planner Barrington said the proposed trees were primarily deciduous.

Chair Duncan noted that the landscaping plan listed the proposed trees and suggested larger boxes.

Commissioner Aguilar suggested a certain type of tree.

Commissioner Bullock asked the distance from the proposed building to the closest neighboring
building.

Planner Barrington answered that the distance was around 80 feet and was less than 100 feet.

Commissioner Bullock asked about light pole locations.

Planner Barrington showed the proposed locations.

Commissioner Bullock asked if the numerical notation indicated the lighting intensity.

Planner Barrington said correct, it referred to the lumens.

Chair Duncan noted that lighting was always an issue that required great care.

Commissioner Aguilar asked the location of the bus stop.

Mr. Johnson and Planner Barrington confirmed the location near Broken Oak and Penn Valley
Drive.

Commissioner Aguilar asked if there was adequate lighting on the street toward the bus stop.

Planner Barrington said he was not sure.
Commissioner Aguilar asked about sidewalks.

Planner Barrington said that there were sidewalks in front of the apartment complex to the west.

Gus Becerra of the Regional Housing Authority discussed the need for affordable housing of all types. He was excited to satisfy an unmet need and for a project to house seniors.

Commissioner Coleman-Hunt acknowledged the unmet need. She asked how the impact of the change to higher density in a rural community was being addressed. She asked Mr. Becerra for his strategies in working with existing residents to ensure that they do not bear an additional burden.

Mr. Becerra said he had not implemented strategies with the neighbors regarding property values. The project adhered to county standards and codes.

Commissioner Coleman-Hunt asked about outreach to communities so that neighbors understood the importance of addressing housing needs.

Mr. Becerra said he did not do that for this project.

Mr. Johnson said that they did not hold neighborhood outreach. He discussed the applicant’s experience in rural communities and that the impact was known to be minimal with seniors. He discussed the height of the building and that the projects have been well received in other communities. The applicant has worked to minimize impact. The project proposed few concessions to design guidelines which was rare for affordable developments.

Commissioner Aguilar said there was more outreach when it was necessary to change zoning.

Mr. Johnson agreed.

Chair Duncan discussed the presumption of the zoning in place at time of purchase. She suggested educating the general community on what zoning meant and what the impacts could be. Government could do better to keep the community informed and educated.

Motion by Commissioner Johansen to find the project categorically exempt from environmental review pursuant to Section 15061(C)(3) of the CEQA Guidelines for the Design Review component of the project and Section 15305(a): Minor Alterations to Land Use Limitations for the Variance. The use, density, and development of the site went through environmental review as a part of the County Housing Element rezone Program Implementation Project (EIR12-002) making Finding A; second by Commissioner Aguilar. Motion carried on a roll call vote 5/0.

Motion by Commissioner Johansen to approve the proposed height exception Variance (VAR19-0001) allowing for a fire rated stair tower to provide roof access for the fire agency at a maximum height of 38-feet 10 3/8 inches, approve the proposed Variance subject to the conditions listed in Attachment 1, pursuant to the Nevada County Land Use and Development Code Section L-II 5.7, and making findings A-F; second by Commissioner Bullock. Motion carried on a roll call vote 5/0.

Motion by Commissioner Johansen to find that the proposed project (DRP18-0002), as conditioned, is consistent with the Nevada County Comprehensive Site Development Standards,
Western Nevada County Design Guidelines, Penn Valley Area Plan pursuant to Nevada County Land Uses and Development Code Section L-II 5.3 Design Review making findings A-D, as modified.

Planner Barrington asked if it was the pleasure of the Commission to add conifers to the tree palate. Commissioners confirmed this and recommended deference to the landscape architect and prioritizing rapid growth and maximum screening with sensitivity to the neighbors.

Second by Commissioner Aguilar. Motion carried on a roll call vote 5/0.

Clerk Mathiasen requested a break to address a technical issue. Chair Duncan and Planner Barrington noted the 10 day appeal period on the actions taken.

Chair Duncan called for a break and called the meeting back to order 10 minutes later.

3. PLN18-0023; CUP18-0009; MGT18-0018 & -0019; AAM18-0002; EIS18-0012: The project is a combined application to the Planning Commission for a Conditional Use Permit, a Seasonal and Ephemeral Stream Management Plan, an Oak Resources Management Plan, and an Amendment to an Approved Tentative Parcel Map. The Use Permit is to allow up to twenty (20) special events per year with up to 125 guests at a 15-acre parcel with a single-family residence and an accessory dwelling unit. All event activities would be outdoors only. The project proposes a 350-square-foot restroom facility for event use, and the installation of a new septic system. An Oak Management Plan is proposed to allow the leach field for the new restroom facility to be installed near and within a landmark oak grove. A Seasonal and Ephemeral Stream Management Plan is proposed to allow disturbance within the setbacks of a seasonal stream, in order to widen an existing driveway. Other proposed improvements include the installation of a 10,000-gallon water tank for fire suppression, an ADA compliant pathway, a curtain drain, an additional driveway off Cattle Drive, and the construction of a gravel parking area with fifty-nine (59) spaces and landscaping. Two ADA compliant parking spaces are proposed near the accessory dwelling unit and would connect to the pathway. The Amendment to the Approved Tentative Parcel Map (PM16-002) is proposed to expand the area of the building envelope to include the proposed 59-space gravel parking area. PROJECT LOCATION: 17860 Cattle Drive, Rough and Ready, California 95975. ASSESSOR’S PARCEL NUMBER: 051-110-004 RECOMMENDED ENVIRONMENTAL DETERMINATION: Recommended approval of a Mitigated Negative Declaration (EIS18-0012). RECOMMENDED PROJECT ACTION: Recommend approval of the proposed Conditional Use Permit (CUP18-0009), Management Plans (MGT18-0018 & -0019), and Amendment to the Approved Map (AAM18-0012). PLANNER: Sadie Caldas, Associate Planner.

Commissioner Johansen recused himself from the hearing.

Planner Sadie Caldas provided a review of the proposed project. She discussed the project site, its zoning, and the surrounding uses. She provided the project background and detailed the activities that the proposed entitlements would allow. She discussed the environmental review and the recommended mitigation measures and conditions of approval. She provided the Commission with staff’s recommendations.

Commissioner Aguilar asked about lighting.
Planner Caldas discussed lighting at the site, including location and existing use. Additional lighting exhibits would be required.

Chair Duncan asked if Planner Caldas was referencing existing lighting.

Planner Caldas noted that there was no new lighting proposed.

Commissioner Aguilar asked if the Use Permit would allow use until 11 p.m.

Planner Caldas clarified the time to be 10 p.m.

Commissioner Aguilar wanted to know the impact of parking and event lights.

Planner Caldas noted that no new lighting was proposed.

Chair Duncan asked if Commissioner Aguilar was referring to lighting for the parking area.

Commissioner Aguilar explained that there was going to be some kind of lighting and he would like to know what the applicant was proposing.

Planner Caldas said a diagram would be required. No lighting was proposed in the parking area. All lighting would be near the existing development on the property.

Commissioner Bullock asked Planner Caldas to show the site.

Planner Caldas showed an aerial photo.

Commissioner Bullock asked which neighbors would be affected.

Planner Caldas showed the nearest residence.

Commissioner Coleman-Hunt asked about staff’s responsibilities in the five-year monitoring program for the oak mitigation plan.

Planner Caldas explained the review of the annual reports.

Commissioner Coleman-Hunt asked about the oak replacement ratio.

Planner Caldas noted the recommendation of the biologist and said she would check the ordinance.

Chair Duncan directed Planner Caldas to wait to check the ordinance.

Commissioner Bullock asked about noise penalties and the location of the decibel level measurement.

Planner Caldas clarified the location at the nearest property line.

Commissioner Hardy said the numbers made sense.
Chair Duncan invited the applicant’s representative to speak.

Rob Wood introduced himself as representative for Ms. Caldwell. He discussed the county’s need for the project’s use and whether other similar projects had gone through the Use Permit process for outdoor weddings and events. Many weddings had been held at the site and they were going through the process so all impacts would be properly mitigated. He discussed the site, its uses, environmental review, and impacts and mitigations. He discussed the project’s engagement with the Ag Commission and the Penn Valley MAC. An approved Use Permit would provide an enforcement mechanism and ensure proper mitigation.

Commissioner Aguilar expressed his concerns about lighting.

Mr. Wood explained the lighting plan and existing lighting. Any new lighting would meet the lighting ordinance.

Commissioner Aguilar asked about landscaping.

Mr. Wood noted that a final landscape plan that meets requirements would be required.

Planner Barrington noted the condition specific to lighting.

Chair Duncan asked about parking.

Mr. Wood clarified the location of parking, including ADA stalls and signage.

Commissioner Coleman Hunt asked about the Ag Commission.

Mr. Wood discussed the letter written by the Ag Commissioner and the waiving of the need for an ag management plan. He described the small portion of land in the Farmlands of Local Importance as already developed.

Commissioner Coleman-Hunt asked about outreach and the impact of events on the surrounding neighbors.

Mr. Wood discussed the setback between the event area and the nearest residence and the Right to Farm notice condition.

Chair Duncan asked if the applicant’s purpose was to legitimize existing activities on the site.

Mr. Wood agreed and noted that rules would be put in place.

Chair Duncan said the Use Permit would regulate and provide oversite.

Mr. Wood agreed.

Chair Duncan asked if there was also permit from the Sherriff’s office.

Mr. Wood confirmed.
Chair Duncan asked about the impact of the Commission’s actions on the Sherriff’s permit.

Planner Caldas explained the need for a Special Event Permit.

Chair Duncan asked if a permit from the Sherriff’s office would no longer be needed if the Use Permit was approved.

Planner Caldas said correct.

Commissioner Coleman-Hunt asked about the non-compliance issue and if there was a complaint.

Planner Caldas referred to the open Code Compliance case that was generated by a complaint. The Code Compliance Division had been working with the owner to resolve the violations and the property owner chose to apply for approval of a Use Permit to come into compliance.

Commissioner Coleman-Hunt asked if additional work was required for compliance.

Planner Caldas said yes.

Commissioner Coleman-Hunt asked if the additional things they need to do were conditions of the Use Permit.

Planner Caldas said yes. The original application did not meet some County requirements. In order to meet requirements, additional entitlements were added to the application.

Chair Duncan asked if the complaint involved noise concerns.

Planner Caldas recalled the complaint as the act of having events without a Use Permit.

Commissioner Aguilar asked whether the mitigation measures and Use Permit process would satisfy the complaint.

Planner Caldas did not recall that the complaint provided detail of specific concerns. A Use Permit would bring the property into compliance and resolve violations. She did not believe the complaint was regarding specific issues.

Chair Duncan asked if the complaint was for illegal operations.

Planner Barrington clarified the complaint and violation.

Chair Duncan opened the hearing to public comment at 4:13 p.m.

Curt Chittock discussed his concerns regarding noise. He discussed the proposed mitigation measure and requested the inclusion of a restriction on subwoofers. He discussed speaker direction, decibels, and time of day. He requested an official letter of record. He discussed Right to Farm and his own operations. He talked about the responsible agencies, what constitutes an event, limiting weekends, commercialization, the Ag Commission and MAC, and zoning incompatibility.
He requested that the Use Permit not be voted on for approval until some of the issues were clarified.

Jerry Wood discussed noticing and a zoning change. He asked for assurance that neighboring parcels will not be affected by the project and asked about wetlands in the parking area.

Bob Winters discussed the MAC’s recommendation of denial. If the project were to be considered for approval, the MAC requested the Commission consider the property owner’s compliance history, event allowance and timing, the definition of event, noticing, subwoofers, Right to Farm, and monitoring.

Laurie Oberholtzer stated that the project did not comply with the General Plan and expressed hope that the Commission not approve the Use Permit. She discussed General Plan goals and objectives, commercialization, primary use, land use conversion, and land use incompatibility. She hoped the Commission would deny the project.

Roy Weaver discussed his positive experiences at events and as a neighbor.

Cory Pavan discussed the project’s fit in the area, discussions and plans with neighbors about sound, Right to Farm, and going green.

Daemon Rennert discussed his experience as an employee for Ms. Caldwell and hoped the Commission would approve the project.

Heather Featherston discussed agritourism and the application’s compatibility with agriculture. She supported the project and hoped the Commission approved it.

Rebecca Hahn discussed the commercialization of agricultural land, the prevalence of other event centers in the county, and the project’s inconsistency with keeping the county rural.

Diane Schafer described Ms. Caldwell and discussed the project’s benefit to the community. She hoped the Commission granted the permit.

Alexa Desena described Ms. Caldwell and discussed the rural nature of the venue. She expressed hope that the project would be approved.

Lisa Dunham discussed the need for venues in the community, supporting small farms, compatibility with ag, and the applicant’s efforts to comply. She said the project should be supported.

Jeff Christensen noted that the expressed concerns were being addressed. He discussed the rural experience and neighbor support. He expressed hope that the project would be approved.

Gary Richard discussed his experience living in the area. He described the positive impacts of the project from a business perspective.

Applicant Mardalynne Caldwell addressed Right to Farm, the desired rural feeling, the scarcity of permitted outdoor facilities, the original complaint, and her efforts to come into compliance. She
described her community involvement and environmentally conscious efforts. She described the proposed improvements to the site and addressed the parking and wetland issue.

Chair Duncan closed public comment at 4:52 p.m.

Planner Caldas addressed the concerns on noise and subwoofers.

Commissioner Aguilar asked for clarification on vibration.

Planner Caldas talked about county code and environmental review. She noted the private agreement between the applicant and the neighbor.

Commissioner Aguilar asked if the Commission could create a regulation as part of the permitting process.

Planner Barrington replied yes.

Planner Caldas discussed the regulation of Use Permits, the absence of a monitoring system and the process of complaints leading staff to investigate.

Chair Duncan suggested the applicant submit annual reports.

Commissioner Aguilar suggested creating a time limit on the Use Permit.

Planner Barrington noted that a Use Permit would run with the land.

Commissioner Coleman-Hunt asked the number of similar venues permitted within AG zoning.

Planner Barrington noted another venue in Penn Valley.

Chair Duncan asked if the other venue’s permitting was pre-ordinance.

Planner Barrington confirmed the timing and that the other project’s permitting followed the same criteria and code.

Chair Duncan noted that this was the first project of its kind coming before the Commission since the ordinance changed.

Director Foss noted another project.

Chair Duncan said the project was the first coming before the Commission to be in compliance with the new standards.

Commissioner Aguilar noted the contentious nature of the projects.

Planner Barrington explained that the Commission was referencing two different sections of code. The current application was subject to the Zoning Ordinance criteria. Outdoor event permitting was something separate.
Commissioner Aguilar asked about the definition of event.

Planner Barrington answered that there was a definition of an outdoor event.

Director Foss said that traditionally an event was one per day for Use Permits.

Chair Duncan asked that to be clarified.

Director Foss responded that it could be clarified.

Commissioner Bullock asked about the project’s relationship to another event center.

Planner Barrington answered that it was a separate use.

Commissioner Bullock asked about the residence and the definition of commercial in relation to the definition of event.

Director Foss noted the lack of precedent.

Commissioner Bullock asked about Airbnbs.

Commissioner Aguilar discussed the feasibility of two events in one day.

Commissioner Coleman-Hunt agreed that it happens at some venues.

Commissioner Aguilar asked the applicant’s intention.

Ms. Caldwell gave her intention of one event per day, with the addition of set up and overnights.

Commissioner Aguilar asked about DJs.

Ms. Caldwell detailed her contract and policies with DJs.

Chair Duncan asked about onsite management.

Ms. Caldwell confirmed the presence of an onsite host.

Commissioner Aguilar asked that the subwoofer and Airbnb issues and the definition of event be clarified in the Use Permit.

Commissioner Bullock emphasized the impact of Airbnbs.

Ms. Caldwell noted the property size and lack of impact on the neighbors.

Chair Duncan discussed the county’s involvement and taxes.

Ms. Caldwell said they pay TOT.

Commissioner Bullock reiterated the importance of the home rental aspect.
Ms. Caldwell noted that only the bridal families and her own personal visitors stayed there.

Commissioner Aguilar suggested the neighbors be noticed through the website.

Ms. Caldwell discussed her procedure for noticing surrounding properties.

Commissioner Bullock asked about the operating season.

Ms. Caldwell gave the months.

Chair Duncan asked about tents.

Ms. Caldwell explained the usual setup.

Chair Duncan checked in with staff.

Planner Caldas addressed the comments on parking and wetlands, the mention of a zoning change and land conversion, and current development and future use of the site.

Commissioner Coleman-Hunt expressed her concerns about commercial activity in AG zoning.

Planner Barrington described staff’s role in looking at compatibility with code requirements, and what falls within the purview of the Commission.

Commissioner Coleman-Hunt noted the Agricultural Commission’s view of the project as incompatible and reiterated her struggle with the project’s compatibility.

Planner Barrington listed staff’s amendments to the proposed Conditions of Approval: amend Condition A1 to include “limited to one event per day;” add “Subwoofers are prohibited” to Condition A10; and add a new Condition listed as A27 that read “Prior to December 31st each year, the applicant shall submit a report to the Planning Department to document the number of events held onsite, to demonstrate compliance with the approved Use Permit.”

Commissioner Aguilar requested that the speakers be pointed south.

Planner Barrington noted this.

Commissioner Bullock asked the other Commissioners about a respite period during the operating season.

Chair Duncan asked for clarification.

Commissioner Bullock gave an example.

Ms. Caldwell noted the difficulty because of advance bookings.

Commissioner Coleman-Hunt asked for further clarification.
Commissioner Bullock explained that neighbors would understand that they could have their own event or guests.

Ms. Caldwell offered notification and the possibility of neighbors holding events at her site.

Chair Duncan noted Mr. Chiddock’s proximity.

Commissioner Bullock discussed his own experience with his neighbors. He asked if a letter of agreement would be included in the conditions of approval.

Planner Barrington replied that that was a private agreement. He also noted that the conditions already address speaker direction.

Chair Duncan discussed the expansion of the definition of ag. She discussed past commercial use of the property and the current condition of the site. The project supported her idea of ag supporting activities. She addressed Mr. Chittock.

Commissioner Aguilar discussed public benefit, the promotion of agriculture and tourism, mitigation, and Farm to Table.

Ms. Caldwell mentioned her vineyard.

Commissioner Aguilar discussed the General Plan and the questions he asked as a Commissioner.

Commissioner Coleman-Hunt asked about the oak replacement policy.

Planner Caldas explained the policy and differences based on timing.

Commissioner Aguilar asked about the removal of trees.

Commissioner Coleman-Hunt clarified the reference to trees dying.

Commissioner Aguilar clarified the oak mitigation.

Planner Caldas confirmed.

**Motion by Commissioner Aguilar** to adopt the proposed Mitigated Negative Declaration (EIS-0012) (Attachment 2), and the Mitigation Monitoring and Reporting Program (Attachment 1) pursuant to Section 15073.5, 15074 and 15097 of the California Environmental Quality Act Guidelines, making Findings A through E; **second by Commissioner Bullock. Motion carried on a roll call vote 4/0 (Commissioner Johansen recused).**

**Motion by Commissioner Aguilar** to approve the proposed Management Plan (MGT18-0018) for oak resources, allowing encroachment of the leach field and curtain drain to be installed within and adjacent to the landmark oak grove, subject to the attached Mitigation Measures and Conditions of Approval, and make findings A and B pursuant to Section L-II 4.3.15.C of the Nevada County Land Use and Development Code, in that encroachment into the landmark oak grove is necessary in order to provide project infrastructure; **second by Bullock. Motion carried on a roll call vote 4/0 (Commissioner Johansen recused).**
Motion by Commissioner Aguilar to approve the proposed Management Plan (MGT18-0019) allowing encroachment into the 50-foot setback of the ephemeral and seasonal streams to allow driveway improvements, subject to the attached Mitigation Measures and Conditions of Approval, and make findings A and B pursuant to Section L-II 4.3.17.C of the Nevada County Land Use and Development Code, in that encroachment into the setback of the waterways is necessary in order to provide project infrastructure; second by Commissioner Bullock. Motion carried on a roll call vote 4/0 (Commissioner Johansen recused).

Motion by Commissioner Aguilar to approve the proposed Amendment to the Tentative Parcel Map (AAM18-0002) to expand the building envelope on Parcel 1, as shown in Attachment 5, making findings A-F pursuant to Section L-IV 2.18.D of the Nevada County Land Use and Development Code; second by Commissioner Bullock. Motion carried on a roll call vote 4/0 (Commissioner Johansen recused).

Motion by Commissioner Aguilar to approve the proposed Conditional Use Permit (CUP18-0009) subject to the attached Conditions of Approval shown in Attachment 1, making findings A-L, as amended, pursuant to Sections L-II 5.6.G and L-II 5.5.2.C of the Nevada County Land Use and Development Code; second by Commissioner Bullock. Motion carried on a roll call vote 5/0 (Commissioner Johansen recused).

Chair Duncan noted the 10-day appeal period.

Commissioner Aguilar left the meeting and Johansen rejoined the meeting.

4. NEVADA COUNTY CAPITAL IMPROVEMENT PLAN: The Nevada County Capital Improvement Plan (CIP) is a five-year plan identifying road maintenance and capital improvement expenditures and revenue projections for the County Public Works Department. This year’s CIP represents a five-year, $100 million program for the Fiscal Years ending in 2019 to 2023.

PROJECT LOCATION: Countywide. RECOMMENDED ENVIRONMENTAL DETERMINATION: Exempt pursuant to Section 15378(b)(4) of the State CEQA Guidelines. RECOMMENDED PROJECT ACTION: Find that the Five-Year Capital Improvement Plan for Fiscal Years Ending 2019-2023 is in conformity with the adopted Nevada County General Plan. Stafford: Trisha Tillotson, Director of Public Works

Director Tillotson gave an overview of the CIP and gave the Commission staff’s recommended environmental determination and project action.

Commissioner Johansen and Director Tillotson discussed the annual review process, primary or arterial roads, vegetation management and maintenance,

Chair Duncan and Director Tillotson discussed the Dog Bar bridge.

Commissioner Coleman-Hunt and Director Tillotson discussed the Edwards Crossing bridge.

Commissioner Bullock and Director Tillotson discussed the Floriston bridges.

Commissioner Coleman-Hunt and Director Tillotson discussed wildfire and road capacity.
Chair Duncan asked for a motion and Director Foss requested public comment. Chair Duncan opened public comment at 5:43 p.m.

Doug Coursey discussed vegetation management along Karen drive. He requested major downslope clearing along the road. He emphasized the importance of Karen Drive as the only paved escape route for southern Alta Sierra in the event of a wildfire.

Chair Duncan closed public comment at 5:47 p.m.

Motion by Commissioner Bullock to, after reviewing and considering the proposed Five-Year Capital Improvement Plan (CIP) for Fiscal Years Ending 2019-2023, determine that the Capital Improvement Plan is not a project and is exempt from CEQA pursuant to Section 15378(b)(4) of the State CEQA Guidelines; Second by Commissioner Coleman-Hunt. Motion carried on a roll call vote 4/0 (Commissioner Aguilar absent).

Motion by Commissioner Bullock to, after reviewing and considering the proposed Five-Year Capital Improvement Plan (CIP) for Fiscal Years Ending 2019-2023, find that the CIP is in conformity with the adopted Nevada County General Plan; Second by Commissioner Coleman-Hunt. Motion carried on a roll call vote 4/0 (Commissioner Aguilar absent).

Chair Duncan noted that there was a ten-day appeal period.

Discussion ensued regarding upcoming Commission meetings and ongoing project statuses.

Motion by Commissioner Coleman-Hunt; second by Commissioner Bullock to adjourn. Motion carried on a voice vote 4/0 (Commissioner Aguilar absent).

There being no further business to come before the Commission, the meeting was adjourned at 5:50 p.m. to the next meeting tentatively scheduled for March 7, 2019, at 1:30 p.m. at the Town of Truckee Council Chambers, 10183 Truckee Airport Road, Truckee, California.

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Passed and accepted this 25th day of April, 2019.

Brian Foss (by t.m.)

Brian Foss, Ex-Officio Secretary