

1 **NEVADA COUNTY PLANNING COMMISSION**
2 **NEVADA COUNTY, CALIFORNIA**

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4 **MINUTES** of the regular meeting on April 25, 2019, at 1:30 p.m., Board Chambers, Eric Rood
5 Administration Center, 950 Maidu Avenue, Nevada City, California
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8 **MEMBERS PRESENT:** Chair Duncan and Commissioners Aguilar, Johansen and Bullock.
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10 **MEMBERS ABSENT:** Commissioner Coleman-Hunt.
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12 **STAFF PRESENT:** Planning Director, Brian Foss; Associate Planner, Janeane Martin; Senior
13 Planner, Matt Kelley; Principal Planner, Tyler Barrington; Deputy Fire Marshal, Matt Furtado;
14 Deputy County Counsel, Rhetta VanderPloeg; Administrative Assistant, Tine Mathiasen.
15

16 **PUBLIC HEARING:**

- 17 1. Commercial Rafting
18 PLN19-0007, 0009, 0010 & 0011, RAF19-0001, 0002, 0003 & 0004 Page 2, Line 79
19 2. Event Helper
20 PLN18-0080, DVP18-2, EIS18-0021 Page 5, Line 197
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23 **CALL MEETING TO ORDER:** Chair Duncan called the meeting to order at 1:31 p.m.
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25 **STANDING ORDERS:**

- 26 1. **FLAG SALUTE**
27 2. **ROLL CALL:**
28 3. **CHANGES TO AGENDA:** Consent Calendar: removal of consideration of Planning
29 Commission Minutes for March 7, 2019.
30

31 **PUBLIC COMMENT:** Members of the public shall be allowed to address the Commission on
32 items not appearing on the agenda which are of interest to the public and are within the subject
33 matter jurisdiction of the Planning Commission, provided that no action shall be taken unless
34 otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code.
35

36 Chair Duncan opened public comment at 1:33 p.m.
37

38 Richard Baker came forth and introduced himself to the Commission. He gave an update of the
39 Western Gateway Bike Park project. He stated that they had raised enough money and had
40 contracted with a builder to construct the first few elements of the park. He added that they had
41 several volunteer events to clear underbrush and limb trees to prepare for construction. He stated
42 that the builder would begin work on the 29th of that month, and would be there for approximately
43 a week. When the builder was finished, the pump track element as well as two of the jump line
44 elements would be completed. He discussed some of the other elements for beginner, intermediate,
45 and advanced riders that would be operational. He said that as a group they would be doing some
46 separate work to develop the parking space and install a drinking fountain that had been donated
47 by local businesses, as well as signage and similar things. He stated that the project was coming
48 along well, and they anticipated having another 2 to 3 elements completed by the end of 2019,
49 with the majority of the park being completed by the end of 2020.

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Chair Duncan thanked Mr. Baker and asked if anyone else would like to speak.

Chair Duncan closed public comment at 1:35 p.m.

COMMISSION BUSINESS: None.

CONSENT ITEMS:

1. Acceptance of Planning Commission Minutes for December 13, 2018.
2. Acceptance of Planning Commission Minutes for February 28, 2019.
3. Acceptance of Planning Commission Minutes for March 7, 2019. **(Removed from consideration.)**
4. Acceptance of Planning Commission Minutes for April 11, 2019.
5. Extension of Time (PLN19-0020; EXT19-0002) for Tranquility Lane Estates (FM07-001; EIS07-003)
6. Extension of Time (PLN19-0026; EXT19-0003) for South Woodlands (FM14-002; MGT14-007; MGT14-008; MGT15-011; EIS14-010)
7. Extension of Time (PLN19-0031; EXT19-0004) for Boreal Mountain Resort (Alpine Coaster Ride, BMX Park and Skate Park Use Permit (U16-002; formerly U11-002; EIS11-002)
8. Extension of Time (PLN19-0041; EXT19-0005) for Hilltop Estates (FM05-011; U05-013; EIS05-051)

Motion by Commissioner Aguilar to approve the seven items being considered on Consent; second by Commissioner Johansen. Motion carried on a voice vote 4/0 (Commissioner Coleman-Hunt was absent).

PUBLIC HEARINGS:

1. PLN19-0007, 0009, 0010 & 0011, RAF19-0001, 0002, 0003 & 0004: Four separate Commercial Rafting Permit Applications proposing guided tours on the Little Truckee and Truckee River pursuant to Sec. G-III 8.1 of the Nevada County General Code. Guided tours are proposed from Boca Dam to Floriston, and from Boca to the Farad Powerhouse site. Guided tours are also proposed to start at Floriston or the Farad Powerhouse site ending at a point(s) outside of Nevada County. Shuttle parking and portable toilets are proposed at each of these locations. At Floriston near the I-80 Bridge, two put-in/take-out and shuttle parking locations are proposed: (1) on the west bank of the river and (2) on the east bank of the river, both within the CalTrans right-of-way. At the Farad Powerhouse site, put-in/take-out and parking locations are proposed on the west side of the river. Ingress/egress outside of unincorporated Nevada County is not addressed with these applications. **PROJECT LOCATION:** Boca Dam; Floriston near the I-80 Bridge and the Farad Powerhouse site which is approximately two miles north of Floriston and east of Truckee. **ASSESSOR'S PARCEL NUMBER:** 048-160-003, 048-030-014 and 048-130-022 (this is the approximate location at Floriston Bridge within the CalTrans ROW, outside the west parcel boundary of 048-130-022). **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Exempt per CEQA Section 15061 (b)(3). **RECOMMENDED PROJECT ACTION:** Recommend approval of a rafting permit for each applicant (RAF19-0001, RAF19-0002, RAF19-0003 and RAF19-0004). **PLANNER:** Janeane Martin, Associate Planner.

98 Associate Planner Janeane Martin introduced herself, the project, and the applicants to the
99 Commission. She discussed the General Code, which requires permits for rafting, as well as
100 regulations regarding rafting. As several of the routes were very close to the Hirschdale and
101 Floriston communities, she discussed the Conditions of Approval proposed to help prevent
102 disturbance to those neighborhoods as well as other users of the river to the greatest extent possible.
103 She reviewed the proposed access points, as well as ingress and egress sites and porta potty
104 locations, and additional approvals needed from jurisdictions outside of the County. She discussed
105 public comment received, including recent concerns about a company operating outside of its
106 permit. She then provided the Commission with staff's recommendations.

107
108 Chair Duncan asked for questions of staff.

109
110 Commissioner Bullock asked what role the County plays in the regulatory aspect of providing a
111 safe experience.

112
113 Planner Martin stated that they worked with the Fire Prevention Planner to insure that updated fire
114 extinguishers were present in each of the vans, and when inspections are done the tags are
115 examined to verify that they are current. The County does not allow incendiary devices along the
116 river, or allow excess parking of private vehicles in small areas where egress would be difficult in
117 an emergency. The County also requires that they have some sort of CB portable radio for
118 emergencies.

119
120 Commissioner Bullock asked if there was any history of safety or regulatory complaints on any of
121 the 4 applicants or the permit.

122
123 Planner Martin answered that the County has had good luck. Occasionally a report will come in
124 late, as those are due by the 15th of each month, generally it's been little things. She did add that a
125 fire extinguisher had been out of date, the County notified the applicant immediately, and that the
126 applicant was very good about correcting any issues.

127
128 Commissioner Johansen asked if there had been any credible complaints against the operators, and
129 when that complaint was.

130
131 Planner Martin answered that there was a recent complaint that they were operating outside of
132 their permit. She was discussing the matter with the applicants and the Town of Truckee.

133
134 Commissioner Johansen stated that his point was that they had been doing this for some time and
135 that it was working.

136
137 Planner Martin answered that was correct.

138
139 Chair Duncan stated that last year we received no complaints or letters. She added that in the past
140 concerned residents that lived along the river took issue with how the businesses were operating,
141 however there had been a move toward cooperation. She believed that the rafting companies had
142 done a good job of making sure those concerns were alleviated.

143
144 Commissioner Bullock asked if the 4 applicants were the only interest the County had received for
145 commercial rafting permits this year.

146

147 Planner Martin answered yes, consistently these have been the 4 that have applied.
148 Chair Duncan stated that they had been dealing with five businesses at one point, however one
149 went away. She said that they were very consistent, and it was nice that there weren't any
150 complaints to verify. She asked if any representatives from the rafting companies wanted to speak.

151
152 Mike Miltner of Tahoe Whitewater Tours introduced himself to the Commission. He stated that
153 he had worked in paddle sports recreation since he was 13 years old, and that Tahoe Whitewater
154 was his fourth company. He discussed his experience and his passion, and desired to share an
155 award he had received from Trip Advisor for being voted number one for boat tours, water sports,
156 and river rafting and touring in the Truckee Area. He read a positive comment from a client to
157 illustrate to the Commission that they were indeed doing a good job. Regarding the question about
158 safety, he described his experience on the river and other states, as well as his training and having
159 been an instructor for swift water rescue. He said that in the Boca - Floriston Run, safety was a
160 paramount issue, as it was a Class 3 and very technical. He described how they train their guides,
161 including mandatory first aid and CPR, as well as additional protocols. He discussed some of the
162 differences between California regulations and in other states and some of the equipment, such as
163 sweep kits and first aid kits that the guides carry. He also discussed County Ordinance from the
164 1970's which prohibited paddle sports on the Truckee, as well as the changes in the fire
165 extinguisher Condition throughout the years. He said that in the first few years there had been
166 much resistance and complaints that had been brought forth by Stephanie Wagner, none of which
167 had been actionable and had been investigated. He believed that the locals had wanted to give them
168 a hard time, and that they continue to do so, including threats and fishermen throwing lines across
169 the rafters boats. He said that he appreciated that they do a good job and that they provide good
170 service to the public, however they had to turn away hundreds of people due to restrictions in the
171 Ordinance. He talked about how the verbalized complaints had been found to be untrue, and his
172 belief that people in that area did not want them down there. He extended an invitation to the
173 Commission to come out and join them for a good day of summer.

174
175 Chair Duncan invited the other companies to speak if they so desired.

176
177 Chair Duncan opened and closed public comment at 1:57.

178
179 Chair Duncan asked if staff would like to say anything after Mr. Milner's comments.

180
181 Planner Martin stated no.

182
183 **Motion by Commissioner Bullock** to determine these projects are exempt from environmental
184 review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines,
185 finding that they will not, directly or indirectly, result in a physical change to the environment, and
186 that it can be seen with certainty that these permits will not have the potential for causing a
187 significant effect on the environment; **second by Commissioner Aguilar. Motion carried on a**
188 **roll call vote 4/0 (Commissioner Coleman-Hunt absent).**

189
190 **Motion by Commissioner Bullock** to approve a Rafting Permit for each of the four applicants,
191 subject to the conditions shown in Attachment "1", and making findings A-G below as required
192 by Nevada County General Code Section G-III; **second by Commissioner Aguilar. Motion**
193 **carried on a roll call vote 4/0 (Commissioner Coleman-Hunt absent).**

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195 Chair Duncan noted the 10-day appeal period.

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2. PLN18-0080, DVP18-2, EIS18-0021: A Development Permit proposing the construction and operation of an approximately 13,962-square-foot building for The Event Helper, Inc. The Event Helper is an internet/software research and development business that builds and develops website applications and is anticipated to have up to 40 employees. The proposed building would be two-stories in height, and consist of an approximately 6,808-square-foot first floor, a 5,328-square-foot second floor and an approximately 1,826-square-foot basement which would be used for parking and storage. Associated development would also include parking, lighting, and landscaping and storm water retention improvements. **PROJECT LOCATION:** 12897 Loma Rica Drive, Grass Valley, California 95945. **ASSESSOR'S PARCEL NUMBER:** 006-920-005 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Recommended approval of a Mitigated Negative Declaration (EIS18-0021). **RECOMMENDED PROJECT ACTION:** Recommend approval of the proposed Development Permit (DVP18-2). **PLANNER:** Matt Kelley, Senior Planner

Senior Planner Matt Kelley came forth and introduced himself to the Commission. He discussed the location of the site in Loma Rica, as well as its zoning and General Plan designation. He reviewed the background of the parcel and discussed previous permits, including a Development Permit which was renewed and later withdrawn, and a Less than 3 Acre Conversion from Cal Fire. He noted that a biological report was completed by Greg Matuzak, which noted that no Land Mark Oak Groves or Land Mark Heritage Trees were removed during the 3 acre conversion. He discussed the project including the size of the building proposed, what the business entails, parking, proposed driveway, onsite septic, and connection to Nevada Irrigation District for water. He discussed further proposals, such as retention ponds, trees, lighting, excavation and importation of material, signage, retaining walls, and trash enclosures. He reviewed the proposed site plan, and indicated where various items would be, and showed photos of the site as it is now. He discussed details of the building, including elevations, height, design, color, and materials, and the floor plan. He showed an artistic rendering, stating that the proposed building was in silver and white, however the Loma Rica Design Guidelines specify and recommend that buildings not contain any jarring light color. A Condition of Approval was recommended that the building be changed to earth tones as reflected by the Loma Rica Design Guideline, and due to being within airport boundaries, the pinging color of the building would need to have 50% or less reflectivity. He showed examples of other buildings in the area, demonstrating colors and similar construction. He discussed the landscaping and lighting, including trees that were being retained, as well as the proposed signage. He explained the zoning of the site, and that the project was reviewed by the Nevada County Transportation Commission and found to be compatible, however it did require the recordation of an overflight notification, which was largely standard in the Loma Rica area. He discussed traffic and circulation, and a Condition of Approval to limit time and duration of soil imports to avoid hours of peak traffic. He went on to discuss parking and impervious surface area of the project, as well as drainage, sewage disposal and water. He stated that a Mitigated Negative Declaration had been circulated, which received no comments, and that all impacts had been mitigated to a less than significant level, and discussed mitigation measures. He talked about the zoning and General Plan, and that the project was compatible with these. He ended his presentation with staff recommendations.

Chair Duncan thanked Planner Kelley and asked for any questions of staff.

Commissioner Aguilar asked if it was Code to not have lights in the parking area.

245 Planner Kelley answered that the Code did not specifically state that parking lot lights were
246 required. He did speak with the Building Department, and Building Code does not specifically
247 require parking lighting either. He added that if parking lot lighting was proposed, it would be
248 limited to a height of 15 feet.

249
250 Commissioner Aguilar wondered at how the lighting in the parking area would be affected by the
251 50 % reduction in reflectivity of the building. He also asked if any outdoor amenities were
252 proposed.

253
254 Planner Kelley answered that there were, stating that both floors have outdoor patios as well as
255 outdoor employee break areas.

256
257 Commissioner Aguilar asked how the huge white propane tanks shown in the presentation were
258 approved, and asked if they were within the same flight designation. He stated that he got a little
259 nervous changing colors when an architect had already put everything together. He stated that he
260 saw a lot of white roofs in the area, and was curious about what the architect had to say.

261
262 Commissioner Johansen asked regarding Mitigations Measures 10A and 10B, if the use of
263 retention ponds to decrease runoff was standard for commercial uses.

264
265 Principal Planner Tyler Barrington answered yes.

266
267 Commissioner Johansen asked if oil, grease, and silt traps in the parking area were also standard.

268
269 Planner Kelley answered yes, that condition came from the Public Works Department and was
270 pretty standard for most commercial projects.

271
272 Chair Duncan clarified that the white building color was inconsistent with the Nevada County
273 Airport Land Use Compatibility Plan.

274
275 Planner Kelley answered that was correct.

276
277 Chair Duncan asked if it expressly prohibited the use of those colors.

278
279 Planner Kelley stated that the Loma Rica Industrial Design Guidelines speak to white and jarring
280 colors, as the building was proposed it would be a white and silver type of color. He added that
281 most of the building in the Loma Rica area were more muted and earth tone colors. To be consistent
282 with the guidelines, it was staff's recommendation that the building be more muted and earth toned
283 type colors.

284
285 Chair Duncan asked if the applicant would like to speak.

286
287 Richard Baker with Sitaline Architecture came forth and introduced himself to the Commission.
288 He clarified that the building would not be metal framed, it would be a precast concrete, similar to
289 Briar Patch and the new addition to the Center for the Arts building. He did state that some of the
290 interior as well as the roof would have metal components. Regarding the Commission's concerns
291 of lighting in the parking lot, he explained that the owner was interested in a dark night sky and
292 astronomy. The owner had looked for a site like this for years as it has an incredible view of the
293 Sierra and alpenglow. He would prefer not to have it effected by outside lights. They did however

294 intend to light the parking space in such a way that employees felt safe. He added that they would
295 work with the Planning Department as well as the Building Department to accommodate that kind
296 of lighting. Regarding amenities, they do have the two patios that are attached to the building,
297 however they hope to find an area suitable for an outdoor picnic area. He added that the majority
298 of the site was remaining untouched, with only 15% of the actual parcel being developed. They
299 did intend to try to develop walking trails for use on the parcel. Regarding the color, he stated that
300 the original intention of the structure was meant to be a celebration of the owners' love of the view
301 of the Sierra, with the white tone representing the snowcapped mountains. The original concept
302 had some jagged shapes to the upper parapet, however in early consultation with the Planning
303 Department they were led away from that due to some of the architectural standards in the Loma
304 Rica area. They had tried to keep some of the natural materials, such as the steel and the wood,
305 and were hoping to have a white color to the building, however they were open to the concept of
306 earth tones and working with the Planning Department to find a color scheme that works well
307 within their standards.

308
309 Chair Duncan stated she liked the color scheme that was shown in the renderings.

310
311 Mr. Baker stated that they would like the roof to be a lighter tone, and discussed the grey tone of
312 the single ply membrane roof that was proposed. He added that it would not be a jarring white,
313 however it would have the cool roof reflectivity that is required for Title 24.

314
315 Chair Duncan asked if staff had any comments.

316
317 Planner Kelley stated that the Loma Rica Guidelines are just guidelines, if it was the pleasure of
318 the Commission they could change the Condition of Approval.

319
320 Chair Duncan asked is Andy Cassano would like to speak.

321
322 Andy Cassano of Nevada City Engineering introduced himself to the Commission. He stated that
323 they assisted with some of the planning and pre-engineering of project. He wanted to express how
324 much he liked this project, and that he had worked for years on economic development. He stated
325 that the project was designed to have 40 employees, with primary sales being out of the area which
326 would bring new money to the area. He stated that he was proud of the fact that it was 82% open
327 space on the site. He believed the project had a lot going for it and he appreciated the Commissions
328 support.

329
330 Chair Duncan opened public comment at 2:30 p.m.

331
332 Colin Cahill, who owns the property next to the eastern border of the parcel introduced himself to
333 the Commission. He stated that they had been concerned about the lighting, but as the owner had
334 been identified as an astronomer he felt that it had been addressed. He asked how the water
335 retention pond worked and if he could get a copy of the site plan, landscape, and lighting plans.

336
337 Chair Duncan asked if he would like to see copies of those exhibits.

338
339 Mr. Cahill clarified that he would like to receive a copy of those plans.

340
341 Chair Duncan stated that those were part of the public record, and indicated that he could speak
342 with staff for direction on how to obtain those.

343
344 Ron Weichel, who owns the property directly below the project, came forth and introduced himself
345 to the Commission. He stated that he owned directly below the NID siphon which goes beneath
346 the property. While he liked the water settling ponds for run off, he asked if any water would be
347 discharged from the back end of the property downhill. His other concern was that half of the
348 property has been scraped to ground level with no real trees on top, while the other half was still
349 in a heavily forested state. He said that residents in the area were very concerned with fire, and he
350 was doing a great deal of fire mitigation around his home. He asked if it was part of the plan to do
351 something about the fire danger.

352
353 Chair Duncan closed the public hearing at 2:34 p.m.

354
355 Planner Kelley stated that regarding the landscape and lighting plans, those could be made
356 available. Regarding fire suppression, he stated that Condition E1 did require that the building
357 meet appropriate fire code, and that fire flow is at 33,250 gallons per minute, as well as the
358 installation of two fire hydrants and an extension of the NID main to the property. The property
359 was located in a high fire hazard area, which under the Nevada County Land Use and Development
360 Code requires a Fire Protection Plan which is approved by the Fire Prevention Planner, and is also
361 a Condition of Approval. He added that Conditions F1 and F2 required the Fire Protection Plan,
362 as well as meeting all defensible space requirements.

363
364 Chair Duncan stated that she believed the concern was with the area with fuels already present.

365
366 Planner Kelley deferred the question to the applicant.

367
368 Chair Duncan asked Planner Kelley to address the water discharge concern.

369
370 Planner Kelley answered that the engineer would be able to answer the more technical questions,
371 however looking at the site plan and preliminary drainage report, the water would either go into
372 the retention ponds or into the infiltration basin, where it was designed to infiltrate into the ground.
373 He stated that some natural sheet flow would occur, however it was designed for water to flow
374 into those two areas.

375
376 Chair Duncan asked if it was illegal for the development to cause an increase in flow off site.

377
378 Planner Kelley answered that was correct.

379
380 Chair Duncan verified that conditions were in place to keep that from happening.

381
382 Planner Kelley affirmed there were.

383
384 Chair Duncan asked the applicant to address the questions.

385
386 Mr. Baker thanked Mr. Cahill and Mr. Weichel for coming to the hearing. He stated that they were
387 equally concerned about the lighting, they wanted to be good neighbors and do everything they
388 could to not have excess lighting. Regarding water runoff, he answered that water was gathered
389 either into the landscaping areas or retention ponds where it was designed to percolate into the
390 ground. Any excess water that accumulated outside of those retention ponds during extreme rain
391 events would go through a large stone rip rap construction which breaks it up and mitigates the

392 erosion concern. He added that the design was something that would be reviewed by the Building
393 Department and won't be able to be constructed without being in compliance with local and state
394 ordinances. Regarding fire concerns, he stated that much less than half the site has been developed,
395 and indicated on the site plan where has been cleared and what remains natural forest at this time.
396 He added that there was a responsibility of the developer to mitigate fire issues within 100 feet of
397 the structure when construction was occurring, some of which had already been accomplished
398 through the previous 3 acre Conversion. He stated that the owner was very concerned about fire,
399 and was going to do anything they could to mitigate that possibility of fire getting to his parcel or
400 getting off his parcel and towards the neighbors properties.

401
402 Chair Duncan stated that fire safety was a concern for most people in Nevada County, and asked
403 to hear from the Fire Planner to discuss options for reducing fuel load in the undeveloped area, or
404 making it more fire safe.

405
406 Deputy Fire Marshall Matt Furtado introduced himself to the Commission. He stated that for this
407 type and scale of project the only legal mandate was to create defensible space for the structure on
408 the site, with no obligation to protect neighbors. He added that if the applicant desired to pursue
409 other endeavors to reduce vegetation that was fantastic, however there was no legal mandate.

410
411 Chair Duncan asked for recommendations on how to make the project safer, as it appeared that a
412 fire would move uphill quickly in that area, and wondered if the creation of fire breaks would be
413 a better way to go.

414
415 Deputy Furtado answered that the recommendation would be for the applicant to work with a
416 registered forester to develop a vegetation management plan to produce forest health and balance
417 that with fire.

418
419 Commissioner Johansen stated that with more fuel reduction less water uptake would occur in
420 extreme storms, he asked if there was a way to reduce fuels and not increase runoff.

421
422 Deputy Furtado stated that he would defer that question to someone more educated in forestry than
423 himself, and that a Registered Professional Forester could make that decision.

424
425 Commissioner Johansen asked Mr. Baker how to balance fire protection and thinning with increase
426 in runoff.

427
428 Mr. Baker answered that he did not believe that he could speak to that, however he did know that
429 the owner was concerned about fire safety and would be doing some thoughtful clearing of the
430 underbrush and raising of the canopy to accommodate that.

431
432 Chair Duncan asked for any questions of staff.

433
434 Commissioner Aguilar asked how staff and the applicant would get together on the building color
435 issue.

436
437 Chair Duncan stated that the Commission had the option to change that Condition, however it was
438 the guideline that staff uses to help guide the applicant and project.

439

440 Planner Barrington stated that staff tries to be as reasonable as possible while meeting the codes
441 requirements.

442
443 Commissioner Aguilar stated that now would be the time for the applicant to state their intention
444

445 Mr. Baker stated that their intention was not to make it silver, their intention was to make it more
446 of a white tone, however not stark white. They would err towards a less bright white, and did not
447 feel that they were not far off. He found that Planning was very easy to work with in that regard,
448 and trusted that they would be respectful of their needs while maintaining the needs of the Loma
449 Rica Park.

450
451 Commissioner Bullock asked if it was a requirement specific to Loma Rica, or an airport CLUP
452 requirement.

453
454 Planner Barrington answered that the 50% reflectivity was a CLUP requirement while the color
455 was a specific area plan guideline.

456
457 Commissioner Aguilar said that it sounded like the applicant was willing to work with staff to
458 come up with a suitable color.

459
460 **Motion by Commissioner Aguilar to adopt the proposed Mitigated Negative Declaration (EIS18-**
461 **0021) (*Attachment 2*) and Mitigation and Monitoring and Reporting Program (*Attachment 1*)**
462 **pursuant to Section 15074 and 15097 of the California Environmental Quality Act Guidelines**
463 **making Findings A through C; second by Commissioner Bullock. Motion carried on a roll call**
464 **vote 4/0 (Commissioner Coleman-Hunt was absent).**

465
466 **Motion by Commissioner Aguilar Approve the proposed Development Permit (DVP18-2)**
467 **subject to the attached Conditions of Approval shown in Attachment 1, making findings A-M**
468 **pursuant to Sections L-II 5.6.G and L-II 5.5.2.C of the Nevada County Land Use and Development**
469 **Code; second by Commissioner Bullock. Motion carried on a roll call vote 4/0 (Commissioner**
470 **Coleman-Hunt absent).**

471
472 Chair Duncan noted the 10 day appeal period.

473
474 Discussion ensued regarding upcoming Commission meetings and ongoing project statuses.

475
476 **Motion by Commissioner Johansen; second by Commissioner Bullock to adjourn. Motion**
477 **carried on voice vote 4/0 (Commissioners Coleman-Hunt was absent).**

478
479 There being no further business to come before the Commission, the meeting was adjourned at
480 2:57 p.m. to the next meeting tentatively scheduled for May 9, 2019, at 1:30 p.m. at the Board of
481 Supervisors Chambers, Eric Rood Administrative Center, 950 Maidu Avenue, Nevada City,
482 California.

483
484
485 Passed and accepted this 22 day of August , 2019.

486
487 Brian Foss (sp)
488 Brian Foss, Ex-Officio Secretary