

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

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:

50 **1. PLN18-0086; RZN18-0001:** Recommendation to the Board of Supervisors to amend the zoning
51 designation of a 54.38-acre parcel (APN: 065-280-001) for timberland preservation (RZN18-
52 0001). This would result in an amendment to Zoning District Map #97 to change the parcel's
53 zoning from Forest with the Subdivision Limitation Combining District (FR-X) to Timberland
54 Production Zone with the Subdivision Limitation Combining District (TPZ-X). The project is a
55 rezone legislative action only and does not include any development or disturbance. **PROJECT**
56 **LOCATION:** 14122 Headwaters Road, Nevada City, California. **ASSESSOR'S PARCEL**
57 **NUMBER:** 065-280-001 **RECOMMENDED ENVIRONMENTAL DETERMINATION:**
58 Recommend that the Board of Supervisors find that the adoption of timberland preserve zones is
59 statutorily exempt from the requirement to prepare an EIR or Negative Declaration pursuant to
60 Section 15264 of the California Environmental Quality Act (CEQA) Guidelines.
61 **RECOMMENDED PROJECT ACTION:** Recommend that the Board of Supervisors adopt the
62 Ordinance amending Zoning District Map (ZDM) #97 to rezone APN: 065-280-001 from Forest
63 with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone with
64 the Subdivision Limitation Combining District (TPZ-X), based on the findings contained with the
65 Ordinance. **PLANNER:** Janeane Martin, Associate Planner

66
67 Planner Martin gave an overview of the proposed Mena rezone. The presentation included
68 specifics of the project site and a detailed project description. She discussed the existing and
69 proposed zoning designations and allowed uses in each. Property valuation, resource preservation,
70 and the tax implications of the proposed project were explained. Planner Martin reviewed the
71 multi-step rezone process and recommended that the Commission recommend the project to the
72 Board of Supervisors.

73
74 Commissioner Coleman-Hunt asked how the TPZ zone is more restrictive than the FR zone.

75
76 Planner Martin showed a list of uses that would potentially be allowed in FR that would not be
77 allowed in TPZ. There are similarities between the two zoning districts but the commercial
78 opportunities on each are very different.

79
80 Commissioner Coleman Hunt asked if either district restricts cannabis.

81
82 Planner Martin noted that the cannabis ordinance is not yet in place, but stated that her
83 understanding is that TPZ is not being considered for that use.

84
85 Director Foss said that the draft cannabis ordinance does not include an allowance for cannabis
86 activity other than personal use in TPZ. In contrast, FR is included in the ordinance.

87
88 Commissioner Coleman-Hunt noted that difference.

89
90 Director Foss agreed.

91
92 Chair Duncan invited the applicant's representative to speak.

93
94 Forester Peter Walden said he is here to answer questions.

95
96 As there were no questions of the applicant's representative, Chair Duncan opened public
97 comment at 2:11 p.m. There being no comments, Chair Duncan closed public comment at 2:11
98 p.m.

100 Commissioner Bullock commended the owner for his active management of the property and
101 investment in treating the forest fuels issue. Commissioner Bullock stated his support of staff's
102 recommendations.

103
104 Commissioner Aguilar asked about the feasibility and tax implications of rezoning the site back to
105 FR.

106
107 Planner Martin said that TPZ is a 10-year rolling contract between the County and the applicant.
108 A notice of non-renewal would be followed by the site coming out over ten years.

109
110 Commissioner Aguilar asked if they are stuck for 10 years and cannot get out early by paying
111 back-taxes.

112
113 Planner Martin explained the rolling nature of the 10-year contract. If there is a public benefit to
114 changing the zoning quickly, there is a process in place. However, timber production is typically
115 a long game and the contract will continue to roll forward.

116
117 Commissioner Bullock asked if yield tax would still have to be paid on product removed from the
118 site if the zoning is TPZ.

119
120 Planner Martin confirmed this.

121
122 Commissioner Johansen asked if this works like the Williamson Act with the 10-year rollover.

123
124 Planner Martin said it is very similar.

125
126 Commissioner Johansen said it is nice to see a concentration on agriculture and timber production.

127
128 Commissioner Bullock, Chair Duncan and Director Foss discussed the procedure to make a
129 motion. Director Foss requested that one action be taken at a time as each action will require a
130 separate vote.

131
132 **Motion by Commissioner Bullock** to recommend that the Board of Supervisors find that the
133 adoption of timberland preserve zones is statutorily exempt from the requirement to prepare an
134 EIR or Negative Declaration pursuant to Section 15264 of the CEQA Guidelines; **second by**
135 **Commissioner Coleman-Hunt. Motion carried on a roll call vote 5/0.**

136
137 **Motion by Commissioner Bullock** to recommend that the Board of Supervisors adopt the
138 Ordinance amending Zoning District Map (ZDM) Number 97 to rezone APN: 065-280-001 from
139 Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone
140 with the Subdivision Limitation Combining District (TPZ-X), based on the findings contained with
141 the Ordinance; **second by Commissioner Coleman-Hunt. Motion carried on a roll call vote**
142 **5/0.**

143
144 **2. PLN18-0104; DRP18-0002; VAR19-0001.** Project Design Review for a 31-unit senior
145 apartment complex as required by Land Use and Development Code Section L-II 2.7.11.C.5 and
146 mitigation measure MM 4.3-3 of the approved project Environmental Impact Report (Housing
147 Element Rezone Program Implementation Project: EIR12-002). This design review component of

148 the hearing is limited to design and layout issues only and no further discretionary approval is
149 required for the density or the use of the site. The proposed project also includes the consideration
150 of a Variance requesting to exceed the maximum height limit of 35-feet in the R3 zoning district
151 to provide exterior roof fire access via an exterior enclosed stairwell with a maximum height of
152 38-feet 10 3/8 inches. **LOCATION:** 10584 Broken Oak Court, Penn Valley, CA. **APN:** 051-151-
153 **066. RECOMMENDED ENVIRONMENTAL DETERMINATION:** Prior Environmental
154 Review (EIR12-002) is adequate for the project. Variance is categorically exempt pursuant to
155 CEQA Guidelines Section 15305: Minor Alternation to Land Use Limitations.
156 **RECOMMENDED PROJECT ACTION:** Approve Design Review Project DRP18-0002 and
157 Variance VAR19-0001. **PLANNER:** Tyler Barrington, Principal Planner.

158
159 Planner Barrington gave an overview of the proposed project, including the project site and design.
160 He discussed the Housing Element Rezone Program, the design review process, the Commission's
161 purview, and the addition of a Variance application to the project. There were several design issues
162 that necessitated Conditions of Approval which Planner Barrington highlighted: 1) the original
163 plans exceeded maximum impervious surfacing (revised plans demonstrate compliance); 2)
164 drainage (a final drainage and grading plan would be required); 3) the original plan did not
165 demonstrate compliance with open space requirements (final plans must demonstrate compliance);
166 4) biology and the dog park's location near a Landmark Oak Tree (there must be verification that
167 the park will not negatively impact the tree or else the dog park must be moved); 5) light spill and
168 light poles that exceeded height limitations (a final lighting plan and photometric plan that
169 demonstrate compliance would be required); 6) the proposed sign exceeded size limitations
170 (revised plans demonstrate compliance); 7) parking lot/circulation and access (final design must
171 meet standards and include a legally binding agreement for shared access); 8) the dog park fencing
172 exceeded height limitations in the setback (revised plans demonstrate compliance); and 9) building
173 height exceeded standards (which is addressed in the requested Variance). He provided the
174 Commission with staff's recommended environmental determination and project actions.

175
176 Chair Duncan asked for questions.

177
178 Commissioner Johansen asked for examples of impervious and pervious surfaces.

179
180 Planner Barrington said that pervious paving allowed water to flow through it and impervious
181 paving did not. An engineer would evaluate the effectiveness of the pervious pavers as part of the
182 building permit.

183
184 Commissioner Johansen asked if it would be bare soil.

185
186 Planner Barrington said no.

187
188 Commissioner Bullock asked Planner Barrington to show the access points to the parking lot and
189 asked if a neighboring parcel was unimproved open space.

190
191 Planner Barrington confirmed that it was currently unimproved and that it was part of the rezone
192 program.

193
194 Commissioner Bullock asked about emergency access out of the end of the cul-de-sac.

195

196 Planner Barrington described the emergency access through the existing apartment complex that
197 went through the school and confirmed there was not access out of the end of the cul-de-sac.
198
199 Commissioner Bullock confirmed the route.
200
201 Planner Barrington explained the Parcel Map review and the county's dead end road requirements.
202 Secondary access was not required.
203
204 Commissioner Aguilar asked what a landscape bioswale was.
205
206 Planner Barrington described it as a naturally vegetated area to accommodate water that flowed
207 off impervious surface and was then metered off the site.
208
209 Commissioner Aguilar asked about the location and height of the dog run fence.
210
211 Planner Barrington discussed the area where the fence was within setbacks.
212
213 Planner Barrington and Commissioner Aguilar confirmed that the fence in the referenced area
214 must be a maximum of four feet per county code.
215
216 Commissioner Aguilar asked if that applied even with the safety issue of dogs jumping out.
217
218 Planner Barrington said yes.
219
220 Commissioner Johansen asked about the landscaping against the building. He referenced the fire
221 in Paradise.
222
223 Planner Barrington said the landscape plan was consistent with requirements and was developed
224 by a professional architect. The irrigated ornamental planting were not considered a fire hazard.
225 He welcomed the fire department to speak to that.
226
227 Commissioner Johansen asked if the dog park was under the oak tree.
228
229 Planner Barrington said correct.
230
231 Commissioner Johansen asked about those considerations.
232
233 Planner Barrington discussed the condition that an arborist or biologist determine whether the dog
234 park would impact the tree.
235
236 Commissioner Bullock asked about the comment letter and the location of that residence.
237
238 Planner Barrington showed an aerial view of the area.
239
240 Chair Duncan discussed landmark oak trees and how they often do not fare well in development.
241 She wondered if it might be better to put in something else that had a better chance of survival.
242
243 Commissioner Aguilar asked if the open space issue applied if the project was considered infill.
244

245 Planner Barrington said staff considered it infill and it still applied. The code was not specific to
246 that.

247
248 Commissioner Aguilar asked about the applicant's options.

249
250 Planner Barrington said there were options, including the removal of a parking space or a small
251 Lot Line Adjustment.

252
253 Chair Duncan mentioned the use of bioswale by the Yuba River Charter School. She invited the
254 applicant to present.

255
256 Cameron Johnson introduced himself as project representative. He gave a background to the
257 project and discussed the partnership with the Regional Housing Authority to try to find a site for
258 affordable senior housing. The project would have a community center, exercise room and
259 business center, and would be designed for low-income seniors.

260
261 Commissioner Johansen asked where Mr. Johnson was based.

262
263 Mr. Johnson answered Los Angeles and Idaho.

264
265 Commissioner Aguilar asked if Mr. Johnson already had projects in the area.

266
267 Mr. Johnson noted that there were two projects in Grass Valley that were completed about 10 years
268 ago.

269
270 Chair Duncan opened public comment at 2:49 p.m.

271
272 Tom Benoit lived near the project and described his neighborhood on Pheasant Lane. He discussed
273 the environmental report, wildlife and the height of the building. He expressed concern that the
274 project might affect privacy, property values, and saleability. He discussed seniors' risk of falling
275 and suggested that a single story building would be a better fit. He discussed setbacks, fencing,
276 and additional tree plantings to provide privacy. The project would impact the rural feel and he
277 hoped the Commission would continue to evaluate the project and consider the concerns.

278
279 Dave Stockinger shared a property line with the project site. He wondered about popular opinion
280 and whether there was any choice on the project. He discussed the lack of a buffer, lighting,
281 property values, and the impact of construction. He asked if the developer was going to compensate
282 him for the impacts. He asked for a buffer and for consideration of the neighbors. He discussed
283 the need to separate rural from high-density apartments. He suggested that the buffer could be a
284 park. He noted that residents walk their dogs and kids play on the site. He discussed the seniors
285 driving and wondered what might happen in a fire.

286
287 Chair Duncan closed public comment at 3:06 p.m.

288
289 Planner Barrington noted the minimum setback requirement of 20 feet and the proposed setback
290 of approximately 45 feet to nearest property line. He explained that the development and density
291 was allowed by-right and was not up to the discretion of the Planning Commission as to whether
292 it was an appropriate use. The design component and Variance were within the Commission's
293 purview.

294
295 Chair Duncan noted that public comment was finished.
296
297 Planner Barrington noted that a determination on the EIR was not within the Commission's
298 purview. County code allowed for a height up to 35 feet. Single-family residences would not meet
299 the state mandated minimum density requirement.
300
301 Chair Duncan asked about single-level versus multi-story.
302
303 Planner Barrington explained that 31 units would not fit on the site as single-family units. Multi-
304 family housing and apartments were anticipated at high density.
305
306 Chair Duncan invited the applicant to add comments.
307
308 Mr. Johnson explained the reasoning behind the density as well as the applicant's efforts to
309 minimize the impact of the project on the neighbors. He noted the low impact of senior
310 developments.
311
312 Chair Duncan asked Mr. Johnson about barriers to shield the neighbors from the development.
313
314 Mr. Johnson said there was not much barrier and that they were limited by setbacks.
315
316 Planner Barrington confirmed the setback.
317
318 Mr. Johnson discussed the original design. He stated that he was open to planting trees for
319 screening.
320
321 Commissioner Aguilar asked about open space.
322
323 Mr. Johnson described how the applicant intended to meet the requirements and the intent to
324 relandscape.
325
326 Commissioner Aguilar asked about the area next to the dog park.
327
328 Mr. Johnson said it contained a pergola, picnic tables and barbeque area.
329
330 Commissioner Aguilar discussed the importance of a dog park. He noted the opportunity to plant
331 trees on the west side of the site.
332
333 Mr. Johnson said he was open to that.
334
335 Commissioner Aguilar suggested that staff intensify the landscaping on the western property line.
336 He mentioned noise and asked where mechanical equipment would be.
337
338 Mr. Johnson answered that it would be on the rooftop.
339
340 Commissioner Aguilar said that planting might address the lighting issue and fishbowl effect on
341 the neighbors.
342

343 Mr. Johnson agreed that there could be an additional condition to require more landscaping, trees
344 and screening along that boundary.

345
346 Commissioner Aguilar asked about landscaping, open space and undisturbed areas.

347
348 Planner Barrington said the spirit of the code could be met with native replantings. He read the
349 proposed Condition of Approval regarding additional screening and he suggested a language
350 change.

351
352 Commissioner Aguilar agreed with Planner Barrington that the condition should refer to the
353 western property line.

354
355 Commissioner Coleman-Hunt suggested conifer trees taller than the height of the building for
356 shielding.

357
358 Commissioner Johansen asked if the trees would be evergreen.

359
360 Mr. Johnson said he was not sure.

361
362 Planner Barrington said the proposed trees were primarily deciduous.

363
364 Chair Duncan noted that the landscaping plan listed the proposed trees and suggested larger boxes.

365
366 Commissioner Aguilar suggested a certain type of tree.

367
368 Commissioner Bullock asked the distance from the proposed building to the closest neighboring
369 building.

370
371 Planner Barrington answered that the distance was around 80 feet and was less than 100 feet.

372
373 Commissioner Bullock asked about light pole locations.

374
375 Planner Barrington showed the proposed locations.

376
377 Commissioner Bullock asked if the numerical notation indicated the lighting intensity.

378
379 Planner Barrington said correct, it referred to the lumens.

380
381 Chair Duncan noted that lighting was always an issue that required great care.

382
383 Commissioner Aguilar asked the location of the bus stop.

384
385 Mr. Johnson and Planner Barrington confirmed the location near Broken Oak and Penn Valley
386 Drive.

387
388 Commissioner Aguilar asked if there was adequate lighting on the street toward the bus stop.

389
390 Planner Barrington said he was not sure.

391

392 Commissioner Aguilar asked about sidewalks.

393
394 Planner Barrington said that there were sidewalks in front of the apartment complex to the west.

395
396 Gus Becerra of the Regional Housing Authority discussed the need for affordable housing of all
397 types. He was excited to satisfy an unmet need and for a project to house seniors.

398
399 Commissioner Coleman-Hunt acknowledged the unmet need. She asked how the impact of the
400 change to higher density in a rural community was being addressed. She asked Mr. Becerra for his
401 strategies in working with existing residents to ensure that they do not bear an additional burden.

402
403 Mr. Becerra said he had not implemented strategies with the neighbors regarding property values.
404 The project adhered to county standards and codes.

405
406 Commissioner Coleman-Hunt asked about outreach to communities so that neighbors understood
407 the importance of addressing housing needs.

408
409 Mr. Becerra said he did not do that for this project.

410
411 Mr. Johnson said that they did not hold neighborhood outreach. He discussed the applicant's
412 experience in rural communities and that the impact was known to be minimal with seniors. He
413 discussed the height of the building and that the projects have been well received in other
414 communities. The applicant has worked to minimize impact. The project proposed few concessions
415 to design guidelines which was rare for affordable developments.

416
417 Commissioner Aguilar said there was more outreach when it was necessary to change zoning.

418
419 Mr. Johnson agreed.

420
421 Chair Duncan discussed the presumption of the zoning in place at time of purchase. She suggested
422 educating the general community on what zoning meant and what the impacts could be.
423 Government could do better to keep the community informed and educated.

424
425 **Motion by Commissioner Johansen** to find the project categorically exempt from environmental
426 review pursuant to Section 15061(C)(3) of the CEQA Guidelines for the Design Review
427 component of the project and Section 15305(a): Minor Alterations to Land Use Limitations for the
428 Variance. The use, density, and development of the site went through environmental review as a
429 part of the County Housing Element rezone Program Implementation Project (EIR12-002) making
430 Finding A; **second by Commissioner Aguilar. Motion carried on a roll call vote 5/0.**

431
432 **Motion by Commissioner Johansen** to approve the proposed height exception Variance
433 (VAR19-0001) allowing for a fire rated stair tower to provide rood access for the fire agency at a
434 maximum height of 38-feet 10 3/8 inches, approve the proposed Variance subject to the conditions
435 listed in Attachment 1, pursuant to the Nevada County Land Use and Development Code Section
436 L-II 5.7, and making findings A-F; **second by Commissioner Bullock. Motion carried on a roll
437 call vote 5/0.**

438
439 **Motion by Commissioner Johansen** to find that the proposed project (DRP18-0002), as
440 conditioned, is consistent with the Nevada County Comprehensive Site Development Standards,

441 Western Nevada County Design Guidelines, Penn Valley Area Plan pursuant to Nevada County
442 Land Uses and Development Code Section L-II 5.3 Design Review making findings A-D, as
443 modified.

444
445 Planner Barrington asked if it was the pleasure of the Commission to add conifers to the tree palate.

446
447 Commissioners confirmed this and recommended deference to the landscape architect and
448 prioritizing rapid growth and maximum screening with sensitivity to the neighbors.

449
450 **Second by Commissioner Aguilar. Motion carried on a roll call vote 5/0.**

451
452 Clerk Mathiasen requested a break to address a technical issue. Chair Duncan and Planner
453 Barrington noted the 10 day appeal period on the actions taken.

454
455 Chair Duncan called for a break and called the meeting back to order 10 minutes later.

456
457 **3. PLN18-0023; CUP18-0009; MGT18-0018 & -0019; AAM18-0002; EIS18-0012:** The project
458 is a combined application to the Planning Commission for a Conditional Use Permit, a Seasonal
459 and Ephemeral Stream Management Plan, an Oak Resources Management Plan, and an
460 Amendment to an Approved Tentative Parcel Map. The Use Permit is to allow up to twenty (20)
461 special events per year with up to 125 guests at a 15-acre parcel with a single-family residence and
462 an accessory dwelling unit. All event activities would be outdoors only. The project proposes a
463 350-square-foot restroom facility for event use, and the installation of a new septic system. An
464 Oak Management Plan is proposed to allow the leach field for the new restroom facility to be
465 installed near and within a landmark oak grove. A Seasonal and Ephemeral Stream Management
466 Plan is proposed to allow disturbance within the setbacks of a seasonal stream, in order to widen
467 an existing driveway. Other proposed improvements include the installation of a 10,000-gallon
468 water tank for fire suppression, an ADA compliant pathway, a curtain drain, an additional
469 driveway off Cattle Drive, and the construction of a gravel parking area with fifty-nine (59) spaces
470 and landscaping. Two ADA compliant parking spaces are proposed near the accessory dwelling
471 unit and would connect to the pathway. The Amendment to the Approved Tentative Parcel Map
472 (PM16-002) is proposed to expand the area of the building envelope to include the proposed 59-
473 space gravel parking area. **PROJECT LOCATION:** 17860 Cattle Drive, Rough and Ready,
474 California 95975. **ASSESSOR'S PARCEL NUMBER:** 051-110-004 **RECOMMENDED**
475 **ENVIRONMENTAL DETERMINATION:** Recommended approval of a Mitigated Negative
476 Declaration (EIS18-0012). **RECOMMENDED PROJECT ACTION:** Recommend approval of
477 the proposed Conditional Use Permit (CUP18-0009), Management Plans (MGT18-0018 & -0019),
478 and Amendment to the Approved Map (AAM18-0012). **PLANNER:** Sadie Caldas, Associate
479 Planner.

480
481 Commissioner Johansen recused himself from the hearing.

482
483 Planner Sadie Caldas provided a review of the proposed project. She discussed the project site, its
484 zoning, and the surrounding uses. She provided the project background and detailed the activities
485 that the proposed entitlements would allow. She discussed the environmental review and the
486 recommended mitigation measures and conditions of approval. She provided the Commission with
487 staff's recommendations.

488
489 Commissioner Aguilar asked about lighting.

490
491 Planner Caldas discussed lighting at the site, including location and existing use. Additional
492 lighting exhibits would be required.
493
494 Chair Duncan asked if Planner Caldas was referencing existing lighting.
495
496 Planner Caldas noted that there was no new lighting proposed.
497
498 Commissioner Aguilar asked if the Use Permit would allow use until 11 p.m.
499
500 Planner Caldas clarified the time to be 10 p.m.
501
502 Commissioner Aguilar wanted to know the impact of parking and event lights.
503
504 Planner Caldas noted that no new lighting was proposed.
505
506 Chair Duncan asked if Commissioner Aguilar was referring to lighting for the parking area.
507
508 Commissioner Aguilar explained that there was going to be some kind of lighting and he would
509 like to know what the applicant was proposing.
510
511 Planner Caldas said a diagram would be required. No lighting was proposed in the parking area.
512 All lighting would be near the existing development on the property.
513
514 Commissioner Bullock asked Planner Caldas to show the site.
515
516 Planner Caldas showed an aerial photo.
517
518 Commissioner Bullock asked which neighbors would be affected.
519
520 Planner Caldas showed the nearest residence.
521
522 Commissioner Coleman-Hunt asked about staff's responsibilities in the five-year monitoring
523 program for the oak mitigation plan.
524
525 Planner Caldas explained the review of the annual reports.
526
527 Commissioner Coleman-Hunt asked about the oak replacement ratio.
528
529 Planner Caldas noted the recommendation of the biologist and said she would check the ordinance.
530
531 Chair Duncan directed Planner Caldas to wait to check the ordinance.
532
533 Commissioner Bullock asked about noise penalties and the location of the decibel level
534 measurement.
535
536 Planner Caldas clarified the location at the nearest property line.
537
538 Commissioner Hardy said the numbers made sense.

539
540 Chair Duncan invited the applicant's representative to speak.
541
542 Rob Wood introduced himself as representative for Ms. Caldwell. He discussed the county's need
543 for the project's use and whether other similar projects had gone through the Use Permit process
544 for outdoor weddings and events. Many weddings had been held at the site and they were going
545 through the process so all impacts would be properly mitigated. He discussed the site, its uses,
546 environmental review, and impacts and mitigations. He discussed the project's engagement with
547 the Ag Commission and the Penn Valley MAC. An approved Use Permit would provide an
548 enforcement mechanism and ensure proper mitigation.
549
550 Commissioner Aguilar expressed his concerns about lighting.
551
552 Mr. Wood explained the lighting plan and existing lighting. Any new lighting would meet the
553 lighting ordinance.
554
555 Commissioner Aguilar asked about landscaping.
556
557 Mr. Wood noted that a final landscape plan that meets requirements would be required.
558
559 Planner Barrington noted the condition specific to lighting.
560
561 Chair Duncan asked about parking.
562
563 Mr. Wood clarified the location of parking, including ADA stalls and signage.
564
565 Commissioner Coleman Hunt asked about the Ag Commission.
566
567 Mr. Wood discussed the letter written by the Ag Commissioner and the waiving of the need for an
568 ag management plan. He described the small portion of land in the Farmlands of Local Importance
569 as already developed.
570
571 Commissioner Coleman-Hunt asked about outreach and the impact of events on the surrounding
572 neighbors.
573
574 Mr. Wood discussed the setback between the event area and the nearest residence and the Right to
575 Farm notice condition.
576
577 Chair Duncan asked if the applicant's purpose was to legitimize existing activities on the site.
578
579 Mr. Wood agreed and noted that rules would be put in place.
580
581 Chair Duncan said the Use Permit would regulate and provide oversight.
582
583 Mr. Wood agreed.
584
585 Chair Duncan asked if there was also permit from the Sheriff's office.
586
587 Mr. Wood confirmed.

588
589 Chair Duncan asked about the impact of the Commission's actions on the Sherriff's permit.
590
591 Planner Caldas explained the need for a Special Event Permit.
592
593 Chair Duncan asked if a permit from the Sherriff's office would no longer be needed if the Use
594 Permit was approved.
595
596 Planner Caldas said correct.
597
598 Commissioner Coleman-Hunt asked about the non-compliance issue and if there was a complaint.
599
600 Planner Caldas referred to the open Code Compliance case that was generated by a complaint. The
601 Code Compliance Division had been working with the owner to resolve the violations and the
602 property owner chose to apply for approval of a Use Permit to come into compliance.
603
604 Commissioner Coleman-Hunt asked if additional work was required for compliance.
605
606 Planner Caldas said yes.
607
608 Commissioner Coleman-Hunt asked if the additional things they need to do were conditions of the
609 Use Permit.
610
611 Planner Caldas said yes. The original application did not meet some County requirements. In order
612 to meet requirements, additional entitlements were added to the application.
613
614 Chair Duncan asked if the complaint involved noise concerns.
615
616 Planner Caldas recalled the complaint as the act of having events without a Use Permit.
617
618 Commissioner Aguilar asked whether the mitigation measures and Use Permit process would
619 satisfy the complaint.
620
621 Planner Caldas did not recall that the complaint provided detail of specific concerns. A Use Permit
622 would bring the property into compliance and resolve violations. She did not believe the complaint
623 was regarding specific issues.
624
625 Chair Duncan asked if the complaint was for illegal operations.
626
627 Planner Barrington clarified the complaint and violation.
628
629 Chair Duncan opened the hearing to public comment at 4:13 p.m.
630
631 Curt Chittock discussed his concerns regarding noise. He discussed the proposed mitigation
632 measure and requested the inclusion of a restriction on subwoofers. He discussed speaker direction,
633 decibels, and time of day. He requested an official letter of record. He discussed Right to Farm
634 and his own operations. He talked about the responsible agencies, what constitutes an event,
635 limiting weekends, commercialization, the Ag Commission and MAC, and zoning incompatibility.

636 He requested that the Use Permit not be voted on for approval until some of the issues were
637 clarified.

638
639 Jerry Wood discussed noticing and a zoning change. He asked for assurance that neighboring
640 parcels will not be affected by the project and asked about wetlands in the parking area.

641
642 Bob Winters discussed the MAC's recommendation of denial. If the project were to be considered
643 for approval, the MAC requested the Commission consider the property owner's compliance
644 history, event allowance and timing, the definition of event, noticing, subwoofers, Right to Farm,
645 and monitoring.

646
647 Laurie Oberholtzer stated that the project did not comply with the General Plan and expressed
648 hope that the Commission not approve the Use Permit. She discussed General Plan goals and
649 objectives, commercialization, primary use, land use conversion, and land use incompatibility. She
650 hoped the Commission would deny the project.

651
652 Roy Weaver discussed his positive experiences at events and as a neighbor.

653
654 Cory Pavan discussed the project's fit in the area, discussions and plans with neighbors about
655 sound, Right to Farm, and going green.

656
657 Daemon Rennert discussed his experience as an employee for Ms. Caldwell and hoped the
658 Commission would approve the project.

659
660 Heather Featherston discussed agritourism and the application's compatibility with agriculture.
661 She supported the project and hoped the Commission approved it.

662
663 Rebecca Hahn discussed the commercialization of agricultural land, the prevalence of other event
664 centers in the county, and the project's inconsistency with keeping the county rural.

665
666 Diane Schafer described Ms. Caldwell and discussed the project's benefit to the community. She
667 hoped the Commission granted the permit.

668
669 Alexa Desena described Ms. Caldwell and discussed the rural nature of the venue. She expressed
670 hope that the project would be approved.

671
672 Lisa Dunham discussed the need for venues in the community, supporting small farms,
673 compatibility with ag, and the applicant's efforts to comply. She said the project should be
674 supported.

675
676 Jeff Christensen noted that the expressed concerns were being addressed. He discussed the rural
677 experience and neighbor support. He expressed hope that the project would be approved.

678
679 Gary Richard discussed his experience living in the area. He described the positive impacts of the
680 project from a business perspective.

681
682 Applicant Mardalynne Caldwell addressed Right to Farm, the desired rural feeling, the scarcity of
683 permitted outdoor facilities, the original complaint, and her efforts to come into compliance. She

684 described her community involvement and environmentally conscious efforts. She described the
685 proposed improvements to the site and addressed the parking and wetland issue.
686
687 Chair Duncan closed public comment at 4:52 p.m.
688
689 Planner Caldas addressed the concerns on noise and subwoofers.
690
691 Commissioner Aguilar asked for clarification on vibration.
692
693 Planner Caldas talked about county code and environmental review. She noted the private
694 agreement between the applicant and the neighbor.
695
696 Commissioner Aguilar asked if the Commission could create a regulation as part of the permitting
697 process.
698
699 Planner Barrington replied yes.
700
701 Planner Caldas discussed the regulation of Use Permits, the absence of a monitoring system and
702 the process of complaints leading staff to investigate.
703
704 Chair Duncan suggested the applicant submit annual reports.
705
706 Commissioner Aguilar suggested creating a time limit on the Use Permit.
707
708 Planner Barrington noted that a Use Permit would run with the land.
709
710 Commissioner Coleman-Hunt asked the number of similar venues permitted within AG zoning.
711
712 Planner Barrington noted another venue in Penn Valley.
713
714 Chair Duncan asked if the other venue's permitting was pre-ordinance.
715
716 Planner Barrington confirmed the timing and that the other project's permitting followed the same
717 criteria and code.
718
719 Chair Duncan noted that this was the first project of its kind coming before the Commission since
720 the ordinance changed.
721
722 Director Foss noted another project.
723
724 Chair Duncan said the project was the first coming before the Commission to be in compliance
725 with the new standards.
726
727 Commissioner Aguilar noted the contentious nature of the projects.
728
729 Planner Barrington explained that the Commission was referencing two different sections of code.
730 The current application was subject to the Zoning Ordinance criteria. Outdoor event permitting
731 was something separate.
732

733 Commissioner Aguilar asked about the definition of event.
734
735 Planner Barrington answered that there was a definition of an outdoor event.
736
737 Director Foss said that traditionally an event was one per day for Use Permits.
738
739 Chair Duncan asked that to be clarified.
740
741 Director Foss responded that it could be clarified.
742
743 Commissioner Bullock asked about the project's relationship to another event center.
744
745 Planner Barrington answered that it was a separate use.
746
747 Commissioner Bullock asked about the residence and the definition of commercial in relation to
748 the definition of event.
749
750 Director Foss noted the lack of precedent.
751
752 Commissioner Bullock asked about Airbnbs.
753
754 Commissioner Aguilar discussed the feasibility of two events in one day.
755
756 Commissioner Coleman-Hunt agreed that it happens at some venues.
757
758 Commissioner Aguilar asked the applicant's intention.
759
760 Ms. Caldwell gave her intention of one event per day, with the addition of set up and overnights.
761
762 Commissioner Aguilar asked about DJs.
763
764 Ms. Caldwell detailed her contract and policies with DJs.
765
766 Chair Duncan asked about onsite management.
767
768 Ms. Caldwell confirmed the presence of an onsite host.
769
770 Commissioner Aguilar asked that the subwoofer and Airbnb issues and the definition of event be
771 clarified in the Use Permit.
772
773 Commissioner Bullock emphasized the impact of Airbnbs.
774
775 Ms. Caldwell noted the property size and lack of impact on the neighbors.
776
777 Chair Duncan discussed the county's involvement and taxes.
778
779 Ms. Caldwell said they pay TOT.
780
781 Commissioner Bullock reiterated the importance of the home rental aspect.

782
783 Ms. Caldwell noted that only the bridal families and her own personal visitors stayed there.
784
785 Commissioner Aguilar suggested the neighbors be noticed through the website.
786
787 Ms. Caldwell discussed her procedure for noticing surrounding properties.
788
789 Commissioner Bullock asked about the operating season.
790
791 Ms. Caldwell gave the months.
792
793 Chair Duncan asked about tents.
794
795 Ms. Caldwell explained the usual setup.
796
797 Chair Duncan checked in with staff.
798
799 Planner Caldas addressed the comments on parking and wetlands, the mention of a zoning change
800 and land conversion, and current development and future use of the site.
801
802 Commissioner Coleman-Hunt expressed her concerns about commercial activity in AG zoning.
803
804 Planner Barrington described staff's role in looking at compatibility with code requirements, and
805 what falls within the purview of the Commission.
806
807 Commissioner Coleman-Hunt noted the Agricultural Commission's view of the project as
808 incompatible and reiterated her struggle with the project's compatibility.
809
810 Planner Barrington listed staff's amendments to the proposed Conditions of Approval: amend
811 Condition A1 to include "limited to one event per day;" add "Subwoofers are prohibited" to
812 Condition A10; and add a new Condition listed as A27 that read "Prior to December 31st each year,
813 the applicant shall submit a report to the Planning Department to document the number of events
814 held onsite, to demonstrate compliance with the approved Use Permit."
815
816 Commissioner Aguilar requested that the speakers be pointed south.
817
818 Planner Barrington noted this.
819
820 Commissioner Bullock asked the other Commissioners about a respite period during the operating
821 season.
822
823 Chair Duncan asked for clarification.
824
825 Commissioner Bullock gave an example.
826
827 Ms. Caldwell noted the difficulty because of advance bookings.
828
829 Commissioner Coleman-Hunt asked for further clarification.
830

831 Commissioner Bullock explained that neighbors would understand that they could have their own
832 event or guests.

833
834 Ms. Caldwell offered notification and the possibility of neighbors holding events at her site.
835

836 Chair Duncan noted Mr. Chiddock's proximity.
837

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

840
841 Planner Barrington replied that that was a private agreement. He also noted that the conditions
842 already address speaker direction.

843
844 Chair Duncan discussed the expansion of the definition of ag. She discussed past commercial use
845 of the property and the current condition of the site. The project supported her idea of ag supporting
846 activities. She addressed Mr. Chittock.

847
848 Commissioner Aguilar discussed public benefit, the promotion of agriculture and tourism,
849 mitigation, and Farm to Table.

850
851 Ms. Caldwell mentioned her vineyard.
852

853 Commissioner Aguilar discussed the General Plan and the questions he asked as a Commissioner.
854

855 Commissioner Coleman-Hunt asked about the oak replacement policy.
856

857 Planner Caldas explained the policy and differences based on timing.
858

859 Commissioner Aguilar asked about the removal of trees.
860

861 Commissioner Coleman-Hunt clarified the reference to trees dying.
862

863 Commissioner Aguilar clarified the oak mitigation.
864

865 Planner Caldas confirmed.
866

867 **Motion by Commissioner Aguilar** to adopt the proposed Mitigated Negative Declaration (EIS-
868 0012) (Attachment 2), and the Mitigation Monitoring and Reporting Program (Attachment 1)
869 pursuant to Section 15073.5, 15074 and 15097 of the California Environmental Quality Act
870 Guidelines, making Findings A through E; **second by Commissioner Bullock. Motion carried**
871 **on a roll call vote 4/0 (Commissioner Johansen recused).**
872

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

880
881 **Motion by Commissioner Aguilar** to approve the proposed Management Plan (MGT18-0019)
882 allowing encroachment into the 50-foot setback of the ephemeral and seasonal streams to allow
883 driveway improvements, subject to the attached Mitigation Measures and Conditions of Approval,
884 and make findings A and B pursuant to Section L-II 4.3.17.C of the Nevada County Land Use and
885 Development Code, in that encroachment into the setback of the waterways is necessary in order
886 to provide project infrastructure; **second by Commissioner Bullock. Motion carried on a roll**
887 **call vote 4/0 (Commissioner Johansen recused).**
888

889 **Motion by Commissioner Aguilar** to approve the proposed Amendment to the Tentative Parcel
890 Map (AAM18-0002) to expand the building envelope on Parcel 1, as shown in Attachment 5,
891 making findings A-F pursuant to Section L-IV 2.18.D of the Nevada County Land Use and
892 Development Code; **second by Commissioner Bullock. Motion carried on a roll call vote 4/0**
893 **(Commissioner Johansen recused).**
894

895 **Motion by Commissioner Aguilar** to approve the proposed Conditional Use Permit (CUP18-
896 0009) subject to the attached Conditions of Approval shown in Attachment 1, making findings A-
897 L, as amended, pursuant to Sections L-II 5.6.G and L-II 5.5.2.C of the Nevada County Land Use
898 and Development Code; **second by Commissioner Bullock. Motion carried on a roll call vote**
899 **5/0 (Commissioner Johansen recused).**
900

901 Chair Duncan noted the 10-day appeal period.
902

903 Commissioner Aguilar left the meeting and Johansen rejoined the meeting.
904

905 **4. NEVADA COUNTY CAPITAL IMPROVEMENT PLAN:** The Nevada County Capital
906 Improvement Plan (CIP) is a five-year plan identifying road maintenance and capital improvement
907 expenditures and revenue projections for the County Public Works Department. This year's CIP
908 represents a five-year, \$100 million program for the Fiscal Years ending in 2019 to 2023.
909 **PROJECT LOCATION:** Countywide. **RECOMMENDED ENVIRONMENTAL**
910 **DETERMINATION:** Exempt pursuant to Section 15378(b)(4) of the State CEQA Guidelines.
911 **RECOMMENDED PROJECT ACTION:** Find that the Five-Year Capital Improvement Plan
912 for Fiscal Years Ending 2019-2023 is in conformity with the adopted Nevada County General
913 Plan. **STAFF:** Trisha Tillotson, Director of Public Works
914

915 Director Tillotson gave an overview of the CIP and gave the Commission staff's recommended
916 environmental determination and project action.
917

918 Commissioner Johansen and Director Tillotson discussed the annual review process, primary or
919 arterial roads, vegetation management and maintenance,
920

921 Chair Duncan and Director Tillotson discussed the Dog Bar bridge.
922

923 Commissioner Coleman-Hunt and Director Tillotson discussed the Edwards Crossing bridge.
924

925 Commissioner Bullock and Director Tillotson discussed the Floriston bridges.
926

927 Commissioner Coleman-Hunt and Director Tillotson discussed wildfire and road capacity.
928

929 Chair Duncan asked for a motion and Director Foss requested public comment. Chair Duncan
930 opened public comment at 5:43 p.m.

931
932 Doug Coursey discussed vegetation management along Karen drive. He requested major
933 downslope clearing along the road. He emphasized the importance of Karen Drive as the only
934 paved escape route for southern Alta Sierra in the event of a wildfire.

935
936 Chair Duncan closed public comment at 5:47 p.m.

937
938 **Motion by Commissioner Bullock** to, after reviewing and considering the proposed Five-Year
939 Capital Improvement Plan (CIP) for Fiscal Years Ending 2019-2023, determine that the Capital
940 Improvement Plan is not a project and is exempt from CEQA pursuant to Section 15378(b)(4) of
941 the State CEQA Guidelines; **Second by Commissioner Coleman-Hunt. Motion carried on a**
942 **roll call vote 4/0 (Commissioner Aguilar absent).**

943
944 **Motion by Commissioner Bullock** to, after reviewing and considering the proposed Five-Year
945 Capital Improvement Plan (CIP) for Fiscal Years Ending 2019-2023, find that the CIP is in
946 conformity with the adopted Nevada County General Plan; **Second by Commissioner Coleman-**
947 **Hunt. Motion carried on a roll call vote 4/0 (Commissioner Aguilar absent).**

948
949 Chair Duncan noted that there was a ten-day appeal period.

950
951 Discussion ensued regarding upcoming Commission meetings and ongoing project statuses.

952
953 **Motion by Commissioner Coleman-Hunt; second by Commissioner Bullock to adjourn.**
954 **Motion carried on a voice vote 4/0 (Commissioner Aguilar absent).**

955
956 There being no further business to come before the Commission, the meeting was adjourned at
957 5:50 p.m. to the next meeting tentatively scheduled for March 7, 2019, at 1:30 p.m. at the Town
958 of Truckee Council Chambers, 10183 Truckee Airport Road, Truckee, California.

959
960
961 Passed and accepted this 25th day of April, 2019.

962
963 Brian Foss (by t.m.)
964 Brian Foss, Ex-Officio Secretary