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**NEVADA COUNTY PLANNING COMMISSION  
NEVADA COUNTY, CALIFORNIA**

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

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**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:**

*[Minutes for the first and second public hearings redacted.]*

50  
51 **3. PLN18-0023; CUP18-0009; MGT18-0018 & -0019; AAM18-0002; EIS18-0012:** The project  
52 is a combined application to the Planning Commission for a Conditional Use Permit, a Seasonal  
53 and Ephemeral Stream Management Plan, an Oak Resources Management Plan, and an  
54 Amendment to an Approved Tentative Parcel Map. The Use Permit is to allow up to twenty (20)  
55 special events per year with up to 125 guests at a 15-acre parcel with a single-family residence and  
56 an accessory dwelling unit. All event activities would be outdoors only. The project proposes a  
57 350-square-foot restroom facility for event use, and the installation of a new septic system. An  
58 Oak Management Plan is proposed to allow the leach field for the new restroom facility to be  
59 installed near and within a landmark oak grove. A Seasonal and Ephemeral Stream Management  
60 Plan is proposed to allow disturbance within the setbacks of a seasonal stream, in order to widen  
61 an existing driveway. Other proposed improvements include the installation of a 10,000-gallon  
62 water tank for fire suppression, an ADA compliant pathway, a curtain drain, an additional  
63 driveway off Cattle Drive, and the construction of a gravel parking area with fifty-nine (59) spaces  
64 and landscaping. Two ADA compliant parking spaces are proposed near the accessory dwelling  
65 unit and would connect to the pathway. The Amendment to the Approved Tentative Parcel Map  
66 (PM16-002) is proposed to expand the area of the building envelope to include the proposed 59-  
67 space gravel parking area. **PROJECT LOCATION:** 17860 Cattle Drive, Rough and Ready,  
68 California 95975. **ASSESSOR'S PARCEL NUMBER:** 051-110-004 **RECOMMENDED**  
69 **ENVIRONMENTAL DETERMINATION:** Recommended approval of a Mitigated Negative  
70 Declaration (EIS18-0012). **RECOMMENDED PROJECT ACTION:** Recommend approval of  
71 the proposed Conditional Use Permit (CUP18-0009), Management Plans (MGT18-0018 & -0019),  
72 and Amendment to the Approved Map (AAM18-0012). **PLANNER:** Sadie Caldas, Associate  
73 Planner.

74  
75 Commissioner Johansen recused himself from the hearing.

76  
77 Planner Sadie Caldas provided a review of the proposed project. She discussed the project site, its  
78 zoning, and the surrounding uses. She provided the project background and detailed the activities  
79 that the proposed entitlements would allow. She discussed the environmental review and the  
80 recommended mitigation measures and conditions of approval. She provided the Commission with  
81 staff's recommendations.

82  
83 Commissioner Aguilar asked about lighting.

84  
85 Planner Caldas discussed lighting at the site, including location and existing use. Additional  
86 lighting exhibits would be required.

87  
88 Chair Duncan asked if Planner Caldas was referencing existing lighting.

89  
90 Planner Caldas noted that there was no new lighting proposed.

91  
92 Commissioner Aguilar asked if the Use Permit would allow use until 11 p.m.

93  
94 Planner Caldas clarified the time to be 10 p.m.

95  
96 Commissioner Aguilar wanted to know the impact of parking and event lights.

97  
98 Planner Caldas noted that no new lighting was proposed.

99  
100 Chair Duncan asked if Commissioner Aguilar was referring to lighting for the parking area.  
101  
102 Commissioner Aguilar explained that there was going to be some kind of lighting and he would  
103 like to know what the applicant was proposing.  
104  
105 Planner Caldas said a diagram would be required. No lighting was proposed in the parking area.  
106 All lighting would be near the existing development on the property.  
107  
108 Commissioner Bullock asked Planner Caldas to show the site.  
109  
110 Planner Caldas showed an aerial photo.  
111  
112 Commissioner Bullock asked which neighbors would be affected.  
113  
114 Planner Caldas showed the nearest residence.  
115  
116 Commissioner Coleman-Hunt asked about staff's responsibilities in the five-year monitoring  
117 program for the oak mitigation plan.  
118  
119 Planner Caldas explained the review of the annual reports.  
120  
121 Commissioner Coleman-Hunt asked about the oak replacement ratio.  
122  
123 Planner Caldas noted the recommendation of the biologist and said she would check the ordinance.  
124  
125 Chair Duncan directed Planner Caldas to wait to check the ordinance.  
126  
127 Commissioner Bullock asked about noise penalties and the location of the decibel level  
128 measurement.  
129  
130 Planner Caldas clarified the location at the nearest property line.  
131  
132 Commissioner Hardy said the numbers made sense.  
133  
134 Chair Duncan invited the applicant's representative to speak.  
135  
136 Rob Wood introduced himself as representative for Ms. Caldwell. He discussed the county's need  
137 for the project's use and whether other similar projects had gone through the Use Permit process  
138 for outdoor weddings and events. Many weddings had been held at the site and they were going  
139 through the process so all impacts would be properly mitigated. He discussed the site, its uses,  
140 environmental review, and impacts and mitigations. He discussed the project's engagement with  
141 the Ag Commission and the Penn Valley MAC. An approved Use Permit would provide an  
142 enforcement mechanism and ensure proper mitigation.  
143  
144 Commissioner Aguilar expressed his concerns about lighting.  
145  
146 Mr. Wood explained the lighting plan and existing lighting. Any new lighting would meet the  
147 lighting ordinance.

148  
149 Commissioner Aguilar asked about landscaping.  
150  
151 Mr. Wood noted that a final landscape plan that meets requirements would be required.  
152  
153 Planner Barrington noted the condition specific to lighting.  
154  
155 Chair Duncan asked about parking.  
156  
157 Mr. Wood clarified the location of parking, including ADA stalls and signage.  
158  
159 Commissioner Coleman Hunt asked about the Ag Commission.  
160  
161 Mr. Wood discussed the letter written by the Ag Commissioner and the waiving of the need for an  
162 ag management plan. He described the small portion of land in the Farmlands of Local Importance  
163 as already developed.  
164  
165 Commissioner Coleman-Hunt asked about outreach and the impact of events on the surrounding  
166 neighbors.  
167  
168 Mr. Wood discussed the setback between the event area and the nearest residence and the Right to  
169 Farm notice condition.  
170  
171 Chair Duncan asked if the applicant's purpose was to legitimize existing activities on the site.  
172  
173 Mr. Wood agreed and noted that rules would be put in place.  
174  
175 Chair Duncan said the Use Permit would regulate and provide oversight.  
176  
177 Mr. Wood agreed.  
178  
179 Chair Duncan asked if there was also permit from the Sheriff's office.  
180  
181 Mr. Wood confirmed.  
182  
183 Chair Duncan asked about the impact of the Commission's actions on the Sheriff's permit.  
184  
185 Planner Caldas explained the need for a Special Event Permit.  
186  
187 Chair Duncan asked if a permit from the Sheriff's office would no longer be needed if the Use  
188 Permit was approved.  
189  
190 Planner Caldas said correct.  
191  
192 Commissioner Coleman-Hunt asked about the non-compliance issue and if there was a complaint.  
193  
194 Planner Caldas referred to the open Code Compliance case that was generated by a complaint. The  
195 Code Compliance Division had been working with the owner to resolve the violations and the  
196 property owner chose to apply for approval of a Use Permit to come into compliance.

197  
198 Commissioner Coleman-Hunt asked if additional work was required for compliance.  
199  
200 Planner Caldas said yes.  
201  
202 Commissioner Coleman-Hunt asked if the additional things they need to do were conditions of the  
203 Use Permit.  
204  
205 Planner Caldas said yes. The original application did not meet some County requirements. In order  
206 to meet requirements, additional entitlements were added to the application.  
207  
208 Chair Duncan asked if the complaint involved noise concerns.  
209  
210 Planner Caldas recalled the complaint as the act of having events without a Use Permit.  
211  
212 Commissioner Aguilar asked whether the mitigation measures and Use Permit process would  
213 satisfy the complaint.  
214  
215 Planner Caldas did not recall that the complaint provided detail of specific concerns. A Use Permit  
216 would bring the property into compliance and resolve violations. She did not believe the complaint  
217 was regarding specific issues.  
218  
219 Chair Duncan asked if the complaint was for illegal operations.  
220  
221 Planner Barrington clarified the complaint and violation.  
222  
223 Chair Duncan opened the hearing to public comment at 4:13 p.m.  
224  
225 Curt Chittock discussed his concerns regarding noise. He discussed the proposed mitigation  
226 measure and requested the inclusion of a restriction on subwoofers. He discussed speaker direction,  
227 decibels, and time of day. He requested an official letter of record. He discussed Right to Farm  
228 and his own operations. He talked about the responsible agencies, what constitutes an event,  
229 limiting weekends, commercialization, the Ag Commission and MAC, and zoning incompatibility.  
230 He requested that the Use Permit not be voted on for approval until some of the issues were  
231 clarified.  
232  
233 Jerry Wood discussed noticing and a zoning change. He asked for assurance that neighboring  
234 parcels will not be affected by the project and asked about wetlands in the parking area.  
235  
236 Bob Winters discussed the MAC's recommendation of denial. If the project were to be considered  
237 for approval, the MAC requested the Commission consider the property owner's compliance  
238 history, event allowance and timing, the definition of event, noticing, subwoofers, Right to Farm,  
239 and monitoring.  
240  
241 Laurie Oberholtzer stated that the project did not comply with the General Plan and expressed  
242 hope that the Commission not approve the Use Permit. She discussed General Plan goals and  
243 objectives, commercialization, primary use, land use conversion, and land use incompatibility. She  
244 hoped the Commission would deny the project.  
245

246 Roy Weaver discussed his positive experiences at events and as a neighbor.  
247  
248 Cory Pavan discussed the project's fit in the area, discussions and plans with neighbors about  
249 sound, Right to Farm, and going green.  
250  
251 Daemon Rennert discussed his experience as an employee for Ms. Caldwell and hoped the  
252 Commission would approve the project.  
253  
254 Heather Featherston discussed agritourism and the application's compatibility with agriculture.  
255 She supported the project and hoped the Commission approved it.  
256  
257 Rebecca Hahn discussed the commercialization of agricultural land, the prevalence of other event  
258 centers in the county, and the project's inconsistency with keeping the county rural.  
259  
260 Diane Schafer described Ms. Caldwell and discussed the project's benefit to the community. She  
261 hoped the Commission granted the permit.  
262  
263 Alexa Desena described Ms. Caldwell and discussed the rural nature of the venue. She expressed  
264 hope that the project would be approved.  
265  
266 Lisa Dunham discussed the need for venues in the community, supporting small farms,  
267 compatibility with ag, and the applicant's efforts to comply. She said the project should be  
268 supported.  
269  
270 Jeff Christensen noted that the expressed concerns were being addressed. He discussed the rural  
271 experience and neighbor support. He expressed hope that the project would be approved.  
272  
273 Gary Richard discussed his experience living in the area. He described the positive impacts of the  
274 project from a business perspective.  
275  
276 Applicant Mardalynne Caldwell addressed Right to Farm, the desired rural feeling, the scarcity of  
277 permitted outdoor facilities, the original complaint, and her efforts to come into compliance. She  
278 described her community involvement and environmentally conscious efforts. She described the  
279 proposed improvements to the site and addressed the parking and wetland issue.  
280  
281 Chair Duncan closed public comment at 4:52 p.m.  
282  
283 Planner Caldas addressed the concerns on noise and subwoofers.  
284  
285 Commissioner Aguilar asked for clarification on vibration.  
286  
287 Planner Caldas talked about county code and environmental review. She noted the private  
288 agreement between the applicant and the neighbor.  
289  
290 Commissioner Aguilar asked if the Commission could create a regulation as part of the permitting  
291 process.  
292  
293 Planner Barrington replied yes.  
294

295 Planner Caldas discussed the regulation of Use Permits, the absence of a monitoring system and  
296 the process of complaints leading staff to investigate.  
297  
298 Chair Duncan suggested the applicant submit annual reports.  
299  
300 Commissioner Aguilar suggested creating a time limit on the Use Permit.  
301  
302 Planner Barrington noted that a Use Permit would run with the land.  
303  
304 Commissioner Coleman-Hunt asked the number of similar venues permitted within AG zoning.  
305  
306 Planner Barrington noted another venue in Penn Valley.  
307  
308 Chair Duncan asked if the other venue's permitting was pre-ordinance.  
309  
310 Planner Barrington confirmed the timing and that the other project's permitting followed the same  
311 criteria and code.  
312  
313 Chair Duncan noted that this was the first project of its kind coming before the Commission since  
314 the ordinance changed.  
315  
316 Director Foss noted another project.  
317  
318 Chair Duncan said the project was the first coming before the Commission to be in compliance  
319 with the new standards.  
320  
321 Commissioner Aguilar noted the contentious nature of the projects.  
322  
323 Planner Barrington explained that the Commission was referencing two different sections of code.  
324 The current application was subject to the Zoning Ordinance criteria. Outdoor event permitting  
325 was something separate.  
326  
327 Commissioner Aguilar asked about the definition of event.  
328  
329 Planner Barrington answered that there was a definition of an outdoor event.  
330  
331 Director Foss said that traditionally an event was one per day for Use Permits.  
332  
333 Chair Duncan asked that to be clarified.  
334  
335 Director Foss responded that it could be clarified.  
336  
337 Commissioner Bullock asked about the project's relationship to another event center.  
338  
339 Planner Barrington answered that it was a separate use.  
340  
341 Commissioner Bullock asked about the residence and the definition of commercial in relation to  
342 the definition of event.  
343

344 Director Foss noted the lack of precedent.  
345  
346 Commissioner Bullock asked about Airbnbs.  
347  
348 Commissioner Aguilar discussed the feasibility of two events in one day.  
349  
350 Commissioner Coleman-Hunt agreed that it happens at some venues.  
351  
352 Commissioner Aguilar asked the applicant's intention.  
353  
354 Ms. Caldwell gave her intention of one event per day, with the addition of set up and overnights.  
355  
356 Commissioner Aguilar asked about DJs.  
357  
358 Ms. Caldwell detailed her contract and policies with DJs.  
359  
360 Chair Duncan asked about onsite management.  
361  
362 Ms. Caldwell confirmed the presence of an onsite host.  
363  
364 Commissioner Aguilar asked that the subwoofer and Airbnb issues and the definition of event be  
365 clarified in the Use Permit.  
366  
367 Commissioner Bullock emphasized the impact of Airbnbs.  
368  
369 Ms. Caldwell noted the property size and lack of impact on the neighbors.  
370  
371 Chair Duncan discussed the county's involvement and taxes.  
372  
373 Ms. Caldwell said they pay TOT.  
374  
375 Commissioner Bullock reiterated the importance of the home rental aspect.  
376  
377 Ms. Caldwell noted that only the bridal families and her own personal visitors stayed there.  
378  
379 Commissioner Aguilar suggested the neighbors be noticed through the website.  
380  
381 Ms. Caldwell discussed her procedure for noticing surrounding properties.  
382  
383 Commissioner Bullock asked about the operating season.  
384  
385 Ms. Caldwell gave the months.  
386  
387 Chair Duncan asked about tents.  
388  
389 Ms. Caldwell explained the usual setup.  
390  
391 Chair Duncan checked in with staff.  
392



393 Planner Caldas addressed the comments on parking and wetlands, the mention of a zoning change  
394 and land conversion, and current development and future use of the site.  
395  
396 Commissioner Coleman-Hunt expressed her concerns about commercial activity in AG zoning.  
397  
398 Planner Barrington described staff's role in looking at compatibility with code requirements, and  
399 what falls within the purview of the Commission.  
400  
401 Commissioner Coleman-Hunt noted the Agricultural Commission's view of the project as  
402 incompatible and reiterated her struggle with the project's compatibility.  
403  
404 Planner Barrington listed staff's amendments to the proposed Conditions of Approval: amend  
405 Condition A1 to include "limited to one event per day;" add "Subwoofers are prohibited" to  
406 Condition A10; and add a new Condition listed as A27 that read "Prior to December 31<sup>st</sup> each year,  
407 the applicant shall submit a report to the Planning Department to document the number of events  
408 held onsite, to demonstrate compliance with the approved Use Permit."  
409  
410 Commissioner Aguilar requested that the speakers be pointed south.  
411  
412 Planner Barrington noted this.  
413  
414 Commissioner Bullock asked the other Commissioners about a respite period during the operating  
415 season.  
416  
417 Chair Duncan asked for clarification.  
418  
419 Commissioner Bullock gave an example.  
420  
421 Ms. Caldwell noted the difficulty because of advance bookings.  
422  
423 Commissioner Coleman-Hunt asked for further clarification.  
424  
425 Commissioner Bullock explained that neighbors would understand that they could have their own  
426 event or guests.  
427  
428 Ms. Caldwell offered notification and the possibility of neighbors holding events at her site.  
429  
430 Chair Duncan noted Mr. Chiddock's proximity.  
431  
432 Commissioner Bullock discussed his own experience with his neighbors. He asked if a letter of  
433 agreement would be included in the conditions of approval.  
434  
435 Planner Barrington replied that that was a private agreement. He also noted that the conditions  
436 already address speaker direction.  
437  
438 Chair Duncan discussed the expansion of the definition of ag. She discussed past commercial use  
439 of the property and the current condition of the site. The project supported her idea of ag supporting  
440 activities. She addressed Mr. Chittock.  
441

442 Commissioner Aguilar discussed public benefit, the promotion of agriculture and tourism,  
443 mitigation, and Farm to Table.  
444  
445 Ms. Caldwell mentioned her vineyard.  
446  
447 Commissioner Aguilar discussed the General Plan and the questions he asked as a Commissioner.  
448  
449 Commissioner Coleman-Hunt asked about the oak replacement policy.  
450  
451 Planner Caldas explained the policy and differences based on timing.  
452  
453 Commissioner Aguilar asked about the removal of trees.  
454  
455 Commissioner Coleman-Hunt clarified the reference to trees dying.  
456  
457 Commissioner Aguilar clarified the oak mitigation.  
458  
459 Planner Caldas confirmed.  
460  
461 **Motion by Commissioner Aguilar** to adopt the proposed Mitigated Negative Declaration (EIS-  
462 0012) (Attachment 2), and the Mitigation Monitoring and Reporting Program (Attachment 1)  
463 pursuant to Section 15073.5, 15074 and 15097 of the California Environmental Quality Act  
464 Guidelines, making Findings A through E; **second by Commissioner Bullock. Motion carried**  
465 **on a roll call vote 4/0 (Commissioner Johansen recused).**  
466  
467 **Motion by Commissioner Aguilar** to approve the proposed Management Plan (MGT18-0018)  
468 for oak resources, allowing encroachment of the leach field and curtain drain to be installed within  
469 and adjacent to the landmark oak grove, subject to the attached Mitigation Measures and  
470 Conditions of Approval, and make findings A and B pursuant to Section L-II 4.3.15.C of the  
471 Nevada County Land Use and Development Code, in that encroachment into the landmark oak  
472 grove is necessary in order to provide project infrastructure; **second by Bullock. Motion carried**  
473 **on a roll call vote 4/0 (Commissioner Johansen recused).**  
474  
475 **Motion by Commissioner Aguilar** to approve the proposed Management Plan (MGT18-0019)  
476 allowing encroachment into the 50-foot setback of the ephemeral and seasonal streams to allow  
477 driveway improvements, subject to the attached Mitigation Measures and Conditions of Approval,  
478 and make findings A and B pursuant to Section L-II 4.3.17.C of the Nevada County Land Use and  
479 Development Code, in that encroachment into the setback of the waterways is necessary in order  
480 to provide project infrastructure; **second by Commissioner Bullock. Motion carried on a roll**  
481 **call vote 4/0 (Commissioner Johansen recused).**  
482  
483 **Motion by Commissioner Aguilar** to approve the proposed Amendment to the Tentative Parcel  
484 Map (AAM18-0002) to expand the building envelope on Parcel 1, as shown in Attachment 5,  
485 making findings A-F pursuant to Section L-IV 2.18.D of the Nevada County Land Use and  
486 Development Code; **second by Commissioner Bullock. Motion carried on a roll call vote 4/0**  
487 **(Commissioner Johansen recused).**  
488  
489 **Motion by Commissioner Aguilar** to approve the proposed Conditional Use Permit (CUP18-  
490 0009) subject to the attached Conditions of Approval shown in Attachment 1, making findings A-

491 L, as amended, pursuant to Sections L-II 5.6.G and L-II 5.5.2.C of the Nevada County Land Use  
492 and Development Code; **second by Commissioner Bullock. Motion carried on a roll call vote**  
493 **4/0 (Commissioner Johansen recused).**

494  
495 Chair Duncan noted the 10-day appeal period.

496  
497 *[Minutes for the fourth public hearing redacted.]*

498  
499 Discussion ensued regarding upcoming Commission meetings and ongoing project statuses.

500  
501 **Motion by Commissioner Coleman-Hunt; second by Commissioner Johansen to adjourn.**  
502 **Motion carried on voice vote 4/0 (Commissioner Aguilar absent).**

503  
504 There being no further business to come before the Commission, the meeting was adjourned at  
505 5:50 p.m. to the next meeting tentatively scheduled for March 7, 2019, at 1:30 p.m. at the Town  
506 of Truckee Council Chambers, 10183 Truckee Airport Road, Truckee, California.

507 \_\_\_\_\_  
508  
509 Passed and accepted this      day of      , 2019.

510  
511 \_\_\_\_\_  
512 Brian Foss, Ex-Officio Secretary