

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

NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

MINUTES of the meeting of February 28, 2019, 1:30 p.m., 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:

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

65
66 Planner Martin gave an overview of the proposed Mena rezone. The presentation included
67 specifics of the project site and a detailed project description. She discussed the existing and
68 proposed zoning designations and allowed uses in each. Property valuation, resource preservation,
69 and the tax implications of the proposed project were explained. Planner Martin reviewed the
70 multi-step rezone process and recommended that the Commission recommend the project to the
71 Board of Supervisors.

72
73 Commissioner Coleman-Hunt asked how the TPZ zone is more restrictive than the FR zone.

74
75 Planner Martin showed a list of uses that would potentially be allowed in FR that would not be
76 allowed in TPZ. There are similarities between the two zoning districts but the commercial
77 opportunities on each are very different.

78
79 Commissioner Coleman Hunt asked if either district restricts cannabis.

80
81 Planner Martin noted that the cannabis ordinance is not yet in place, but stated that her
82 understanding is that TPZ is not being considered for that use.

83
84 Director Foss said that the draft cannabis ordinance does not include an allowance for cannabis
85 activity other than personal use in TPZ. In contrast, FR is included in the ordinance.

86
87 Commissioner Coleman-Hunt noted that difference.

88
89 Director Foss agreed.

90
91 Chair Duncan invited the applicant's representative to speak.

92
93 Forester Peter Walden said he is here to answer questions.

94
95 As there were no questions of the applicant's representative, Chair Duncan opened public
96 comment at 2:11 p.m. There being no comments, Chair Duncan closed public comment at 2:11
97 p.m.

98
99 Commissioner Bullock commended the owner for his active management of the property and
100 investment in treating the forest fuels issue. Commissioner Bullock stated his support of staff's
101 recommendations.

102
103 Commissioner Aguilar asked about the feasibility and tax implications of rezoning the site back to
104 FR.

105
106 Planner Martin said that TPZ is a 10-year rolling contract between the County and the applicant.
107 A notice of non-renewal would be followed by the site coming out over ten years.

108
109 Commissioner Aguilar asked if they are stuck for 10 years and cannot get out early by paying
110 back-taxes.

111
112 Planner Martin explained the rolling nature of the 10-year contract. If there is a public benefit to
113 changing the zoning quickly, there is a process in place. However, timber production is typically
114 a long game and the contract will continue to roll forward.

115
116 Commissioner Bullock asked if yield tax would still have to be paid on product removed from the
117 site if the zoning is TPZ.

118
119 Planner Martin confirmed this.

120
121 Commissioner Johansen asked if this works like the Williamson Act with the 10-year rollover.

122
123 Planner Martin said it is very similar.

124
125 Commissioner Johansen said it is nice to see a concentration on agriculture and timber production.

126
127 Commissioner Bullock, Chair Duncan and Director Foss discussed the procedure to make a
128 motion. Director Foss requested that one action be taken at a time as each action will require a
129 separate vote.

130
131 **Motion by Commissioner Bullock** to recommend that the Board of Supervisors find that the
132 adoption of timberland preserve zones is statutorily exempt from the requirement to prepare an
133 EIR or Negative Declaration pursuant to Section 15264 of the CEQA Guidelines; **second by**
134 **Commissioner Coleman-Hunt. Motion carried on a roll call vote 5/0.**

135
136 **Motion by Commissioner Bullock** to recommend that the Board of Supervisors adopt the
137 Ordinance amending Zoning District Map (ZDM) Number 97 to rezone APN: 065-280-001 from
138 Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone
139 with the Subdivision Limitation Combining District (TPZ-X), based on the findings contained with
140 the Ordinance; **second by Commissioner Coleman-Hunt. Motion carried on a roll call vote**
141 **5/0.**

142
143
144
145
146 (End of minutes relevant to the Mena project.)