

# COUNTY OF NEVADA

## STATE OF CALIFORNIA

*Heidi Hall, 1st District*  
*Ed Scofield, 2nd District (Chair)*  
*Dan Miller, 3rd District*  
*Wm. "Hank" Weston, 4th District*  
*Richard Anderson, 5th District (Vice-Chair)*



## BOARD OF SUPERVISORS

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*Julie Patterson Hunter, Clerk of the Board*  
*Richard A. Haffey, County Executive Officer*  
*Alison Barratt-Green, County Counsel*

## SUMMARY MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, February 27, 2018	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

### REGULAR MEETING: 9:00 AM

*Rollcall*

*The following Supervisors present:*

*Heidi Hall, 1st District*  
*Ed Scofield, 2nd District*  
*Dan Miller, 3rd District*  
*Hank Weston, 4th District*  
*Richard Anderson, 5th District*

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### STANDING ORDERS:

Chairman Scofield called the meeting to order at 9:00 a.m.

Pledge of Allegiance led by Mr. Mike Dent, Director of Social Services.

Corrections and/or deletions to agenda.

ACTION TAKEN: Ms. Julie Patterson Hunter, Clerk of the Board, noted a correction to the Resolution for Agenda Item #6; Yolo County is no longer part of the Joint Exercise of Powers Agreement.

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**SCHEDULED ITEMS:**

1. [SR 18-0190](#) Certificate of Recognition for Ms. Marty Coleman-Hunt for her thirteen years of dedicated service to the Bear Yuba Land Trust.  
**Recognized.**

ACTION TAKEN: Chairman Scofield introduced the agenda item and Mr. Joseph Byrne, past President, Bear Yuba Land Trust, spoke highly of Ms Coleman-Hunt, and her tenure as Executive Director of the organization.

Chairman Scofield read the proclamation into the record, together the Board members presented it to Ms. Coleman-Hunt and thanked her for her dedicated service to the Land Trust.

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2. [SR 18-0183](#) Resolution proclaiming the month of March 2018 as "Youth Art Month" in Nevada County. (Mr. Scott W. Lay, Nevada County Superintendent of Schools)  
**Adopted.**  
Enactment No: RES 18-065

ACTION TAKEN: Chairman Scofield introduced Mr. Scott Lay, Nevada County Superintendent of Schools, who reported on the importance of arts in education. He reviewed the various art programs that are offered throughout the schools in Nevada County, and thanked the Board for proclaiming March 2018 as "Youth Art Month."

Chairman Scofield read the proclamation into the record and the Board members presented it to Superintendent Lay.

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**PUBLIC COMMENT: 9:15 A.M.**

ACTION TAKEN: Ms. Carol Lawrence, District V resident; Mr. Matthew Coulter, District I resident; and Ms. Deborah Courtney, District I resident, shared concerns that a warming shelter for the homeless community was not made available during the recent storm, and requested one be opened immediately as the extreme cold weather was expected to continue.

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**CONSENT CALENDAR:**

ACTION TAKEN: Chairman Scofield introduced the consent calendar, and Mr. Matthew Coulter, District I resident, requested Agenda Item #24 be pulled from consent for discussion.

**ITEMS PULLED FROM THE CONSENT CALENDAR:**

Chief Information Officer: Stephen Monaghan

24. [SR 18-0186](#) Resolution authorizing a contract between the County of Nevada and Conti Corporation dba Conti MEP Corporation for the Board of Supervisors Chambers Audio-Visual Presentation Systems Upgrade Project, in an amount not to exceed \$124,333, for the period February 27, 2018 through September 1, 2018, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 Information Systems budget. (4/5 affirmative vote required) (Facilities) (Pulled from consent by Mr. Matthew Coulter, District 1 resident)  
Enactment No: RES 18-066

ACTION TAKEN: Chairman Scofield introduced the agenda item, and Mr. Matthew Coulter, District I resident, expressed his displeasure with the poor quality of the Chambers current audio system.

**Motion made by Supervisor Miller, seconded by Supervisor Anderson, to adopt Resolution 18-066. On a roll call vote, the motion passes unanimously.**

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**CONSENT CALENDAR:**

Health and Human Services Agency Director: Michael Heggarty

3. [SR 18-0187](#) Resolution approving an agreement between the County of Nevada and CobbleStone Systems Corp. pertaining to contract lifecycle management software licenses, maintenance, support, and implementation, in the maximum amount of \$52,120.27, commencing upon execution by both parties through June 30, 2019, authorizing the Chair of the Board of Supervisors to execute the agreement, and directing the Auditor-Controller to amend the Purchasing Department's Fiscal Year 2017/18 budget. (4/5 affirmative vote required)  
**Adopted.**  
Enactment No: RES 18-067

4. [SR 18-0177](#) Resolution approving Agreement 17-NPLH-11536 between the County of Nevada and the California Department of Housing and Community Development (HCD) for the No Place Like Home Program Technical Assistance Grant, in the maximum amount of \$75,000, commencing upon HCD approval and shall not terminate until six years after disbursement of the grant funds, and authorizing the County Executive Officer to execute the Agreement.

**Adopted.**

Enactment No: RES 18-068

Acting Behavioral Health Director: Phebe Bell

5. [SR 18-0160](#) Resolution approving Addendum 1 to the Memorandum of Understanding (MOU) between the County of Nevada and California Health and Wellness Plan (CHWP) for the coordination of services in the delivery of specialty mental health services to CHWP members served by both parties under the Department of Health Care Services Medi-Cal Managed Care Program, commencing on February 27, 2018 and continuing under the terms of the existing MOU, and authorizing the Chair of the Board of Supervisors to execute the MOU.

**Adopted.**

Enactment No: RES 18-069

Public Health Director: Jill Blake

6. [SR 18-0176](#) Resolution approving the Third Amended and Restated Joint Exercise of Powers Agreement between the County of Nevada and Sierra-Sacramento Valley Emergency Medical Services Agency pertaining to participation in the Emergency Medical Services Program (Res. 91-139), and authorizing the Chair of the Board of Supervisors to execute the Agreement.

**Adopted, as corrected.**

Enactment No: RES 18-070

7. [SR 18-0169](#) Resolution approving renewal Agreement 17-10335 between the County of Nevada and the California Department of Public Health pertaining to funding local immunization program services, in the maximum amount of \$237,140, for the period July 1, 2017 through June 30, 2022, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

**Adopted.**

Enactment No: RES 18-071

Director of Social Services: Mike Dent

8. [SR 18-0170](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Community Recovery Resources (CoRR) for the provision of substance abuse related treatment services for CalWORKs participants as referred by the County's Department of Social Services (Res. 17-394), adjusting the daily rates for Perinatal and Non-Perinatal Detox and Residential Treatment services, in the maximum amount of \$80,000, for the period July 1, 2017 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

**Adopted.**

Enactment No: RES 18-072

District Attorney: Clifford Newell

9. [SR 18-0152](#) Resolution accepting the California Office of Emergency Services (CalOES) Grant Award VW17310290 for the Nevada County Victim/Witness Assistance Program, with State Victim Witness Assistance funds in the amount of \$36,366 and Federal Victims of Crime Act funds in the amount of \$180,818, for a total amount of \$217,184, for the period of October 1, 2017 to September 30, 2018.

**Adopted.**

Enactment No: RES 18-073

Director of Public Works: Trisha Tillotson

10. [SR 18-0151](#) Resolution approving the Maintained Mileage Certification for 2018, certifying the total mileage of County maintained roads to be 562.10 miles.

**Adopted.**

Enactment No: RES 18-074

11. [SR 18-0154](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Central Striping Service, Inc. for the 2017 Nevada County Annual Striping Program Phase 1 and Phase 2 - County Contract No 426634 (Res. 17-159), with contract costs totaling \$217,914.60, and directing the Clerk of the Board of Supervisors to record this Notice in accordance with Civil Code Section 9208.

**Adopted.**

Enactment No: RES 18-075

12. [SR 18-0155](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Central Valley Engineering & Asphalt, Inc. for the Nevada City Highway Sidewalk Extension Project, County Contract No. 229622, Federal Project No. CMLL-5917 (090) (Res. 17-227), with contract costs totaling \$529,232.12, and directing the Clerk of the Board of Supervisors to record this Notice in accordance with Civil Code Section 9208. (Dists. I and III)  
**Adopted.**  
Enactment No: RES 18-076
13. [SR 18-0156](#) Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Central Striping Service Inc. for the Nevada County Thermoplastic Safety Project 2017, County Contract No. 225030, Federal Project No. HSIP-5917 (094) (Res. 17-225), with contract costs totaling \$284,979.19, and directing the Clerk of the Board of Supervisors to record this Notice in accordance with Civil Code Section 9028.  
**Adopted.**  
Enactment No: RES 18-077
14. [SR 18-0171](#) Resolution awarding and approving a contract between the County of Nevada and CH2M Hill, Inc. for professional engineering design services for the Rough and Ready Highway Culvert Replacement Project No. 450001 (Res. 17-567), in an amount not to exceed \$281,727, for the period February 27, 2018 to December 31, 2019, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 Department of Public Works Capital Improvement budget. (4/5 affirmative vote required)  
**Adopted.**  
Enactment No: RES 18-078
15. [SR 18-0173](#) Resolution approving bidding documents for the 2018 Road Rehabilitation Project - Contract No. 450002, authorizing the Chair of the Board of Supervisors to sign the documents, authorizing the Director of Public Works to incorporate any final changes into the bid documents prior to advertising for bids, and instructing the Purchasing Division to advertise for bids in accordance with the applicable regulations with the bid opening date to be set by the Director of Public Works. (Dists I, IV, and V)  
**Adopted.**  
Enactment No: RES 18-079

16. [SR 18-0180](#) Resolution approving bidding documents for the Purdon Road over Shady Creek Bridge Replacement Project, BRLO-5917 (083), Contract No. 224021, authorizing the Chair of the Board of Supervisors to sign the documents, authorizing the Director of Public Works to incorporate any final changes into the bid documents before advertising for bids, and instructing the Purchasing Division to advertise for bids in accordance with the applicable regulations with the bid opening date to be set by the Director of Public Works. (Dist. IV)  
**Adopted.**  
Enactment No: RES 18-080
17. [SR 18-0166](#) Resolution approving the plans, specifications and cost estimate for the 2018 Nevada County Annual Striping Program, Contract No. 426635, authorizing the Chair of the Board of Supervisors to sign the documents, authorizing the Director of Public Works to incorporate any final changes into the bid documents before advertising for bids, instructing the Purchasing Division to advertise for bids in accordance with the applicable regulations with the bid opening date of March 29, 2018 at 3:00 p.m. (All Dists.)  
**Adopted.**  
Enactment No: RES 18-081
18. [SR 18-0165](#) Resolution approving plans, specifications and cost estimate for the 2018 Nevada County Thermoplastic Safety Project, Contract No. 225031, Federal Contract No. HSIP5917 (098), authorizing the Chair of the Board of Supervisors to sign the documents, authorizing the Director of Public Works to incorporate any final changes into the bid documents before advertising for bids, and instructing the Purchasing Division to advertise for bids in accordance with applicable regulations with the bid opening date of March 29, 2018 at 3:30 p.m. (Dists. I, II, III and IV)  
**Adopted.**  
Enactment No: RES 18-082
19. [SR 18-0167](#) Resolution directing the Department of Public Works to solicit a Request for Qualifications from engineering firms with solid waste expertise for on-call engineering support services at the closed McCourtney Road and Hirschdale landfill facilities. (Sanitation)  
**Adopted.**  
Enactment No: RES 18-083

Human Resources Director: Seth Schapiro

20. [SR 18-0161](#) Resolution amending Authorizing Personnel Staffing Resolution 17-507, adopted October 10, 2017, revising staffing patterns for various County departments, adding 1.0 FTE to the total staffing count for a total number of 794.85, effective February 27, 2018.

**Adopted.**

Enactment No: RES 18-084

21. [SR 18-0162](#) Resolution amending Authorized Personnel Salary Resolution 17-508, adopted October 10, 2017, assigning job description titles to various salary ranges, effective February 27, 2018.

**Adopted.**

Enactment No: RES 18-085

Chief Information Officer: Stephen Monaghan

22. [SR 18-0199](#) Resolution authorizing the purchase of a data center core network switch and network management software in the amount of \$124,625, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 Information Systems budget (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 18-086

23. [SR 18-0178](#) Resolution approving an Agreement for Residence Emergency Disaster Assistance between the County of Nevada and the Golden State Finance Authority for grant funding for the provision of temporary housing and shelter assistance associated with the 2017 Wind Complex Fires, in an amount not to exceed \$19,098 to be expended within a two year period according to the terms of the Agreement, and authorizing the Nevada County Director of Emergency Services to execute the Agreement. (Emergency Services)

**Adopted.**

Enactment No: RES 18-087

24. [SR 18-0186](#) Resolution authorizing a contract between the County of Nevada and Conti Corporation dba Conti MEP Corporation for the Board of Supervisors Chambers Audio-Visual Presentation Systems Upgrade Project, in an amount not to exceed \$124,333, for the period February 27, 2018 through September 1, 2018, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 Information Systems budget. (4/5 affirmative vote required) (Facilities) (Pulled from consent by Mr. Matthew Coulter, District 1 resident)

**Adopted.**

Enactment No: RES 18-066



County Executive Officer: Richard Haffey

25. [SR 18-0185](#) Resolution approving a Tax Neutrality Agreement between the County of Nevada and the Pacific Forest and Watershed Lands Stewardship Council for lands located near White Rock Lake (a portion of Assessor's Parcel Number 15-160-02), and authorizing the County Executive Officer to execute the Agreement.

**Adopted.**

Enactment No: RES 18-088

26. [SR 18-0189](#) Resolution amending various Nevada County budgets through the Second Consolidated Budget Amendment for Fiscal Year 2017/18. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 18-089

Clerk of the Board: Julie Patterson Hunter

27. [SR 18-0181](#) Resolution making findings and accepting the appeal filed by Andrew R. Cassano, Susan Rideout, Claudia Anne Baker, and Patricia Frega from the decision of the Planning Department issuing a Notice of Conditional Approval for Boundary Line Adjustment (PLN17-0135; LLA17-0024) located at 15144 and 15200 Lake Lane, Nevada City (APN 38-500-01; and APN 38-120-06, respectfully); and scheduling a public hearing for March 27, 2018 at 10:30 a.m.

**Adopted.**

Enactment No: RES 18-090

28. [SR 18-0198](#) Acceptance of resignation from Ms. Mali Dyck as Citizen-at-Large on the Solid and Hazardous Waste Commission.

**Accepted.**

29. [SR 18-0168](#) Reappointment of Mr. Terry Jochim, as the Cattle Industry member to the Agricultural Advisory Commission, for a four-year term ending March 01, 2022.

**Reappointed.**

30. [SR 18-0195](#) Appointments of Ms. Lindy Beatie to fill a private sector vacancy for a two-year term ending April 30, 2020, Ms. Cheyenne Little to fill one public vacancy for an unexpired two-year term ending April 30, 2019, and Mr. Langdon Waters to fill the second public vacancy for a two-year term ending April 30, 2020, to the Adult and Family Services Commission.

**Appointed.**

*Approval of the Consent Agenda*

**Adopted.**

**Motion made by Supervisor Miller, seconded by Supervisor Hall, to adopt the consent calendar, less Agenda Item #24. On a roll call vote, the motion passed unanimously.**

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**DEPARTMENT HEAD MATTERS:**

**Director of Public Works: Trisha Tillotson**

31. [SR 18-0164](#) Discussion regarding the Nevada County Department of Public Works "Ask Nevada County" Customer Relationship Management System.

ACTION TAKEN: Ms. Trisha Tillotson, Director of Public Works, introduced Mr. Joshua Pack, Principal Civil Engineer, who provided a PowerPoint presentation and overview of the Public Works Department's "Ask Nevada County" Customer Relationship Management System.

Board questioning ensued.

Chairman Scofield provided an opportunity for public comment.

Mr. Matthew Coulter, District I resident, asked if the system would make it easier for the public to identify the correct jurisdiction when reporting road issues. Mr. Pack explained that the different jurisdictions are in the system and are identified by the map boundaries. CalTrans has jurisdiction over roads, which are identified by lines in the system. They have developed a default response for CalTrans requests, which provides the requester contact information for CalTrans.

There being no further public comment, Chairman Scofield closed the public comment period and thanked staff for the presentation.

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**\*ANNOUNCEMENTS:**

ACTION TAKEN: Updates were provided by members of the Board.

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Chairman Scofield recessed the meeting for lunch at 10:23 a.m.

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**AFTERNOON SESSION****SCHEDULED ITEM: 1:30 P.M.**

Chairman Scofield called the meeting back into order at 1:30 p.m. He reviewed the public hearing process, and the procedures the Board would follow for the afternoon items; three appeals regarding decisions made by the Planning Commission on October 26, 2017 for proposed Dollar General Store Projects located in Alta Sierra, Rough and Ready, and Penn Valley.

**Planning Director: Brian Foss**

32. [SR 18-0184](#) A Public Hearing to:  
**Public hearing held.**

32a. [SR 18-0202](#) Consider the appeal filed by Charisse Lolli and Donald Mooney (Representative), (“Appellants”) to the Planning Commission’s actions on the Penn Valley Dollar General project (DP15-004, MGT15-013, COC17-0001, LLA16-006; EIR15-001) pertaining to the certification of the project specific Environmental Impact Report (EIR), approval of the project development permit, wetlands and water course management plan, certificate of compliance and lot line adjustment at property located at 17652 Penn Valley Drive (proposed store parcel) (APN 51-120-06) and 17630 Penn Valley Drive (Lot-Line Adjustment and Certification of Compliance), Penn Valley, CA 95946 (Dist. IV); and

Resolution denying the appeal filed by Donald Mooney, Attorney on behalf of Charisse Lolli regarding the Planning Commission’s October 26, 2017 decision to certify Environmental Impact Report (EIR15-001) for the Dollar General Store Projects in Alta Sierra, Rough and Ready Highway and Penn Valley and the approvals of Development Permit (DP15-004), Wetlands and Watercourse Management Plan (MGT15-013), Certificate of Compliance (COC17-0001), and Lot-Line Adjustment (LLA16-006) for a proposed 9,100 square foot Dollar General Store and associated improvements located at 17652 Penn Valley Drive (proposed store parcel) (APN 51-120-06) and 17630 Penn Valley Drive (Lot-Line Adjustment and Certificate of Compliance) (APN 51-150-29) Penn Valley, California and sustaining the Planning Commission’s Certification of the Project Environmental Impact Report (EIR15-001) and approval of the Project Entitlements (DP15-004; MGT15-013; COC17-0001; and LLA16-006).

**Adopted.**

Enactment No: RES 18-091

ACTION TAKEN: Mr. Brian Foss, Planning Director, introduced Mr. Tyler Barrington, Principal Planner, who provided staff's presentation regarding the Planning Commission's October 26, 2017 certification of the Penn Valley Dollar General Store's Environmental Impact Report (EIR) and approval of the project. Mr. Barrington reported that SimonCRE, on behalf of Dollar General, applied for three development permit applications and associated entitlements proposing a 9,100 square foot Dollar General store at three locations in Nevada County; Penn Valley, Alta Sierra, and Rough and Ready. He noted that the Applicant agreed to prepare one Environmental Impact Report (EIR) for all three projects to allow each project to be considered a separate project under CEQA (California Environmental Quality Act). On October 26, 2017 the Planning Commission certified the EIR as adequate for all three projects by a 5-0 vote. He noted that the Planning Commission did consider each project individually prior to taking action on the EIR, and each has its own Impact and Alternatives Analysis, Mitigation Monitoring and Reporting Program, and CEQA Findings of Fact. The Planning Commission ultimately denied the Project Oak Management Plan and Development Permit for the Alta Sierra Project; approved all project entitlements for the Penn Valley Project; and denied the Development Permit for the Rough and Ready Highway Project. Mr. Barrington explained that it is the Board's discretion to overrule or modify any action of the Planning Commission; and also has the ability to change, delete, or add conditions of approval.

Mr. Barrington introduced the first appeal filed by Mr. Donald Mooney, Attorney on behalf of Ms. Charisse Lolli, regarding certification of the EIR and approval of the Penn Valley Project Entitlements. The appeal requests the Board grant the appeal and vacate and rescind the Planning Commission's certification of the Final EIR and all approvals that relied on the Final EIR. He reviewed the issues raised in the appeal, including: traffic impacts; delivery truck size; economic impacts of a big box store; parking; proposed tree removal (four of which are landmark oak trees); offsite wastewater disposal; drainage/storm water runoff; building orientation and size; visual impacts; significant and unavoidable impacts; and project approval. He noted that all of the issues raised by Ms. Lolli's appeal apply to the Alta Sierra proposal, with an occasional reference to the Rough and Ready Highway project. Mr. Barrington concluded that the EIR applies to all three projects, stressing that the project is consistent with comprehensive site development standards, design guidelines, and zoning regulations, and with the goals and policies of the County's General Plan, as well as with the property's Zoning and General Land Use Designation.

Mr. Barrington recommended the Board deny the appeal, and uphold the decision of the Planning Commission to certify the Project EIR.

Board questioning ensued.

Mr. Donald Mooney, Attorney for Ms. Charisse Lolli (Appellant), provided the Appellant's presentation. He reviewed the purpose for appealing the EIR, noting that Ms. Lolli's main concern relates to the Alta Sierra Dollar General Store Project. He explained that the EIR certification covers all three projects to some degree, which is the purpose for the appeal.

Ms. Lolli stressed that although her issues were raised a number of times, Planning staff has not responded to her concerns. She alleged that the EIR does not properly address the impacts, and suggested that the oak trees within the area are likely to die due to the wastewater drainage. She addressed her concerns regarding potential parking and traffic issues, and urged the Board to deny the project at the Alta Sierra location.

Ms. Sabrina Teller of the Law Office of Remy Moose Manley LLP, Attorney for Applicant Simon CRE, directed her response to Ms. Lolli's complaints relating to the EIR. She stressed that the EIR discloses to the public all of the potential impacts of the proposed development, and identifies ways the impacts can be resolved. She responded to the concerns raised in the appeal, including the oak tree mitigation plan and aesthetics of the proposed project. She concluded her presentation, stressing that she has seen no evidence in the record that calls into question the adequacy of the EIR, and she requested the Board move forward with the certification.

Chairman Scofield opened the public hearing for public comment.

The following members of the public provided comments in opposition to the certification of the EIR and related projects: Ms. Robin Voight, District IV resident; Ms. Maureen Collins, District IV resident; Ms. Nadeane Diede, District IV resident; and Ms. Sarah Hatton, District IV resident.

There being no further public comment, Chairman Scofield closed this portion of the public comment period.

The Project Proponent/Appellant chose not to provide a summation.

Mr. Foss provided staff's summation, touching on the concerns that were raised regarding the traffic study.

Staff responded to Board questioning.

**Motion made by Supervisor Weston, seconded by Supervisor Miller, to adopt Resolution 18-091, denying the appeal filed by Donald Mooney, Attorney, on behalf of Ms. Charisse Lolli, upholding the decision of the Planning Commission to certify the Project Environmental Impact Report (EIR).**

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**32b. [SR 18-0203](#)** Consider the appeal filed by Simon CRE, CJS Development, LLC and Peter Lemmon (Representative), (“Appellants”) to the Planning Commission’s actions on the Alta Sierra Dollar General project (DP14-001, MGT14-010, EIR15-001) pertaining to the denial of the project Development Permit and Oak Tree Management Plan at property located at 10166 Alta Sierra Drive (proposed store parcel) (APN 25-430-08), 10120 Alta Sierra Drive (septic line parcel) (APN 25-430-10), and 15675 Johnson Place (septic leach field parcel) (APN25-430-12) Grass Valley, CA 95945 (Dist. II); and

Resolution denying the appeal filed by Peter Lemmon, Attorney on behalf of Simon CRE, CJS Development II, LLC regarding the Planning Commission’s November 9, 2017 denial of Development Permit (DP14-001) and Management Plan (MGT14-010) for a proposed 9,100 square foot Dollar General Store and associated improvements located at 10166 Alta Sierra Drive (APN 25-430-08); septic line located at 10120 Alta Sierra Drive (APN 25-430-10); and septic leach field located at 15675 Johnson Place (APN 25-430-12) Grass Valley, California and sustaining the Planning Commission’s denial of the Development Permit (DP14-001) and Management Plan (MGT14-010) proposing to allow disturbance of 1.40-acres of landmark oak grove and four individual landmark oak trees.

**Motion of Intent.**

**ACTION TAKEN:** Chairman Scofield introduced the agenda item and reviewed the process that would be followed for the appeal of the Planning Commission's denial of the Development Permit and Oak Tree Management Plan for the proposed Alta Sierra Dollar General Project.

Mr. Tyler Barrington, Principal Planner, continued his presentation, focusing on the proposed Alta Sierra Project. He reported that the Project is located on three separate parcels, and proposes a septic line, leach field, and Dollar General Store. The Development Permit proposes a 9,100 square foot retail facility, includes a request for a reduction in the amount of required parking spaces from 46 to 34, lighting, landscaping, and drainage improvements, as well as retaining walls and signage, and a single shared encroachment that is proposed for access from Alta Sierra Drive.

Mr. Barrington reported that the Management Plan is proposed due to potential impacts to a Landmark Oak Grove, which is located in close proximity to the proposed leach field. He reviewed the site location, which is zoned for C1 (Neighborhood Commercial), and reported on the layout for the proposed Project. Mr. Barrington reported on the overall design materials and features, noting mitigation measures that have been included to improve the appeal of the Project's signage. He explained that the size of the building is identified as a significant impact to the area, and other potential impacts include the aesthetics, air quality, biological, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, and noise. Mr. Barrington stressed that all impacts have been minimized to less than significant levels, except for the aesthetic impacts, which are significant and unavoidable.

Chairman Scofield continued the hearing by providing the Appellant the opportunity to begin their presentation.

Mr. Barrington explained that the appeal requests the Board approve the Project, which the Planning Commission believed to be in conflict with the General Plan. In denying the Alta Sierra Project, the Planning Commission found that the facility was overbuilt for the site due to the reduction of parking, the offsite leach field, potential impacts to oak trees and the oak grove, the need for several retaining walls to meet grades, and determined that the Project was inconsistent with the General Plan and neighborhood.

In conclusion, Mr. Barrington recommended the Board adopt the proposed Resolution denying the appeal, and uphold the decision of the Planning Commission, denying the Development Permit and Management Plan for the Alta Sierra Dollar General Retail Store Project.

Mr. Joshua Simon (Appellant and Project Proponent), Simon CRE, provided a PowerPoint presentation, suggesting that the proposed Dollar General Store is a mainstream retail store for rural communities, much like WalMart. Dollar General offers general merchandise, which is different than you would find at a Dollar Store. He reviewed the Project's history, and spoke to the importance of property rights. He reported that the Nevada County General Plan calls for Neighborhood Commercial Zoning; they have addressed staff's concerns, as well as the concerns received from the public. They have met all requirements and addressed all of the required mitigations. He reviewed the Projects benefits, which include the potential for job creation and tax revenue, and probable savings for fixed-income residents living near the proposed site. Mr. Simon believed the Planning Commission was incorrect in their denial of the proposed Project. He reviewed the Planning Commission's nine findings, disputing each of them. Mr. Simon concluded that any commercial development on the site would require the same mitigations that have been required by the Dollar General Store Project.

Chairman Scofield opened the public hearing for public comment.

The following members of the public provided comments in opposition to the Alta Sierra Dollar General Store Project: Mr. Scott Peterson, Nevada County resident; Ms. Robin Voight, District II resident; Mr. Ray Yedding, District II resident; Mr. Hal Lindvall, Nevada County resident; Ms. Charisse Lolli, District II resident; Ms. Kathryn Scortiss, District II resident; Ms. Wendy, District II resident; Ms. Beverly Powell, District II resident; Mr. Tom Schultz, District II resident; Attorney Donald Mooney, Counsel for Ms. Charisse Lolli; and Mr. Richard Chandler, District II resident.

The following members of the public provided comments in support of the proposed Project: Mr. Michael Brady, District II resident; Mr. Lee French, District II resident; Mr. Don Bessee, District II resident; and Mr. Keoni Allen, District III resident.

There being no further public comment on this portion of the public hearing, Chairman Scofield closed the public comment period.

Ms. Sabrina Teller, Attorney for the Appellant, provided the Project Proponent's summation, responding to the concerns that were raised during the appeal and to the comments made by members of the public. She stressed that the Board has discretion to interpret Nevada County's General Plan and to approve the Alta Sierra Dollar General Project.

Mr. Joshua Simon, SimonCRE, added that they would continue to work with staff on the mitigation measures to make it a great project for the community.

Mr. Barrington provided the staff summation, responding to concerns that were raised by members of the public. He urged the Board to uphold the decision of the Planning Commission and deny the appeal.

Board questioning and discussion ensued.

Chairman Scofield spoke in support of the proposed Project. He noted that the surrounding commercial development was failing and he believed the proposed Project could be a positive addition to the area. Supervisor Miller stressed that the Project meets the needs of the commercial center, and he did not believe the Board had legal grounds to deny the Project.

Supervisor Anderson asked if the Planning Commission found the site to be inappropriate for commercial development or if it was inappropriate for the scale of the Project. Mr. Barrington responded that the Planning Commission's issue was the scale of the Project. Although Supervisor Anderson was sympathetic to the Planning Commission's decision, he was inclined to approve the Project.



Supervisor Hall acknowledged the work of the Planning Commission; she empathized with the cost of development, but stressed that the public was not interested in having such a large store on the proposed site, and she has not heard anything that would urge her to go against the Planning Commission's recommendation.

Supervisor Weston did not believe this development would save the surrounding shopping center; he suggested that the store could be smaller than what is being proposed. His main concerns are the proposed reduction in parking and the pumping of wastewater to a site located two parcels away from the Project. He did not believe the Planning Commission over-stepped their boundaries; they likely were responding to concerns raised by the public. Supervisor Weston shared his concerns about potential legal challenges and was torn about which way to lean.

Staff responded to Board questioning and discussion continued.

**Motion of Intent made by Supervisor , seconded by Supervisor , and passed unanimously to sustain the appeal, and direct staff to return with a revised Resolution at the March 13, 2018 meeting.**

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**32c.** [SR 18-0204](#) Consider the appeal filed by Simon CRE, Harley V, LLC and Peter Lemmon (Representative), (“Appellants”) to the Planning Commission’s actions on the Rough and Ready Highway Dollar General project (DP15-001, EIR15-001) pertaining to the denial of the project development permit at property located at 12345 Rough and Ready Highway (APN 52-122-03) Grass Valley, CA 95945 (Dist. III).

Resolution denying the appeal filed by Peter Lemmon, Attorney on behalf of Simon CRE, Harley V, LLC regarding the Planning Commission’s October 26, 2017 denial of Development Permit (DP15-001) for a proposed 9,100 square foot Dollar General retail store and associated improvements located at 12345 Rough and Ready Highway, Grass Valley, California, Assessor’s Parcel Number 52-122-03, and sustaining the Planning Commission’s denial of the Development Permit (DP15-001)

**Adopted.**

Enactment No: RES 18-092

**ACTION TAKEN:** Following a short break, Chairman Scofield called the meeting back into order, and turned the floor over to staff for their presentation.

Mr. Tyler Barrington, Principal Planner, continued his presentation, and reviewed the proposed Rough and Ready Highway Dollar General Store Project. Mr. Barrington reported that the Project proposes a 9,100 square foot facility, includes a request for a parking reduction to 29 improved parking spaces, includes associated lighting, landscaping and drainage permits, an underground fire/water suppression storage unit, onsite septic system, and signage. He explained that for this Project, there are two encroachments proposed: one on Rough and Ready Highway and a second access on West Drive. He reported that Project is located within an eight acre area zoned Neighborhood Commercial and is surrounded by Rural Residential (RA) zoned parcels. Mr. Barrington reviewed the Project location and design features, as well as the potential impacts, including aesthetics and land use compatibility, air quality, biological, cultural, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, land use capability, public services and utilities, and transportation and traffic. He reported that all impacts were mitigated to less than significant levels except the aesthetics and the land use compatibility, which were found to be significant and unavoidable. The Planning Commission found the Project was larger than any other in the area, and that it conflicts with the General Plan, as the size and scale proposed was too large for the area. West Drive was not adequate to support the use proposed, and suggested that smaller commercial development would be more compatible in the area. The Planning Commission found that the Project was inconsistent with several General Plan's goals and policies intended to protect the rural character of the County and existing neighborhoods. He urged the Board to uphold the decision of the Planning Commission and deny the Development Permit.

Board questioning ensued.

Ms. Sabrina Teller, Attorney for the Applicant, provided the Applicant's presentation. She stressed that the General Plan zoning forms the basis for proposed development, and provides a promise to landowners and those looking to develop surrounding properties. The property is zoned for Neighborhood Commercial, which serves the needs of a local neighborhood. Ms. Teller stressed that the purpose of a Dollar General Store is to be a neighborhood grocery store. She believed staff's interpretation of the General Plan's policies and goals to be somewhat narrow, and gave more weight to certain polices and goals to the exclusion of language in those goals and policies, which seek to balance employment and economic development. She suggested that possibly the County should consider rezoning the parcel if no commercial development will be allowed on the site. Ms. Teller stressed that the store has been designed sensitively for the neighborhood, and every effort has been made to make the project fit within the neighborhood. She concluded her presentation, offering to answer questions.

Chairman Scofield opened the public hearing for public comment.

The following members of the public provided comments in opposition to the proposed Project: Ms. Beth DeVecchio, District IV resident; Mr. Frasier Hardy, District IV resident; Ms. Sarah Hatton, District IV resident; Ms. Juanita Hoffman, District IV resident; Ms. Lily Valorie, District IV resident; Mr. Tom Vagird, District IV resident; Mr. Bill Haire, District IV resident; Mr. Richard Tessman, District IV resident; Ms. Robin Voight, District IV resident; and Ms. Charisse Lolli, District II resident.

There being no further public comment Chairman Scofield closed the public comment period.

Ms. Sabrina Teller, Attorney for the Applicant, provided the Project Proponent's summation. She suggested that if it is the desire of the Board, the Applicant would be willing to work with staff to see if the smaller 7,500 square foot version of Dollar General would be more compatible.

Chairman Scofield provided an opportunity for rebuttal by members of the public.

The following members of the public took an opportunity to provide additional comments in rebuttal to the proposed development: Ms. Juanita Hoffman, District IV resident; Ms. Lily Valorie, District IV resident; and Ms. Sarah Hatton, District IV resident.

Chairman Scofield closed the public hearing for public comment.

Board discussion ensued.

Supervisor Miller stressed that the General Plan provides zoning for the purpose of protecting, maintaining, and enhancing neighborhoods. His position was that this is not the correct location for a 9,100 square foot Dollar General Store, and he did not believe the parcel should be zoned Commercial.

Supervisor Anderson was in agreement with Supervisor Miller, and with Planning Commission's position that the Project does not work for the area or the parcel.

Supervisor Hall noted that the only appropriate site for a Dollar General Store that was agreed upon by staff, the Planning Commission, and the neighborhood was the Penn Valley location.

Supervisor Weston suggested the parcel should be rezoned. Mr. Foss suggested the Board give staff direction to review the parcel and initiate the rezone process.

Supervisor Scofield shared his thoughts about the Dollar General Store proposed for Alta Sierra; he believed that for the area it made sense. However, he was in agreement with his colleagues that the Dollar General Project does not fit in this neighborhood.

**Motion made by Supervisor , seconded by Supervisor Hall, to adopt Resolution 18-092, denying the appeal and upholding the decision of the Planning Commission to deny the Development Permit.**

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**ADJOURNMENT:**

Chairman Scofield adjourned the meeting at 5:40 p.m.

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Signature and Attestation

Edward Scofield, Chairman

ATTEST:

By:

Julie Patterson Hunter, Clerk of the Board