

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

3
4 **MINUTES** of the meeting of December 8, 2016, 1:30 PM, Board Chambers, Eric Rood
5 Administration Center, 950 Maidu Avenue, Nevada City, California
6

7
8 **MEMBERS PRESENT:** Chair Aguilar and Commissioners Poulter, Duncan, James and Jensen
9 present.

10
11 **MEMBERS ABSENT:** None.

12
13 **STAFF PRESENT:** Planning Director, Brian Foss; Principal Planner, Tyler Barrington;
14 Agricultural Commissioner, Chris Flores; Deputy County Counsel, Rhetta VanderPloeg;
15 Administrative Assistant, Tine Mathiasen.
16

17
18 **PUBLIC HEARINGS:**

- 19
20 1. Agricultural Ordinance Amendments Page 2, Line 51
21 PLN16-0050; ORD16-1; EIS16-0001
22

23 **STANDING ORDERS:** Salute to the Flag - Roll Call - Corrections to Agenda.
24

25 **CALL MEETING TO ORDER:** The meeting was called to order at 1:30 p.m. Roll call was
26 taken.

27
28 **CHANGES TO AGENDA:** None.
29

30 **PUBLIC COMMENT:** Members of the public shall be allowed to address the Commission on
31 items not appearing on the agenda which are of interest to the public and are within the subject
32 matter jurisdiction of the Planning Commission, provided that no action shall be taken unless
33 otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. None.
34

35 **CONSENT ITEMS:**

- 36 1. Acceptance of 7-28-2016 Hearing Minutes
37 2. Acceptance of 8-25-2016 Hearing Minutes
38 3. Acceptance of 9-22-2016 Hearing Minutes
39

40 **Motion** to accept the 7-28-2016 Hearing Minutes by Commissioner Duncan; **second** by
41 Commissioner James. **Motion carried on a voice vote.** **Motion** to accept the 8-25-2016
42 Hearing Minutes by Commissioner Duncan; **second** by Commissioner James. **Motion carried**
43 **on a voice vote.** **Motion** to accept the 9-22-2016 Hearing Minutes by Commissioner Duncan;
44 **second** by Commissioner James. **Motion carried on a voice vote.**
45

46 **COMMISSION BUSINESS:** Presentation of Certificate of Appreciation to Commissioner
47 Poulter.
48

49 **PUBLIC HEARING:**
50

51 **PLN16-0050; ORD16-1; EIS16-0001:** A public hearing to consider the Nevada County
52 Agricultural Advisory Commission's September 21, 2016 recommendation to approve PLN16-
53 0050; ORD16-1; EIS16-001 which includes proposed amendments to the Nevada County Zoning
54 Ordinance (Land Use and Development Code Chapter II) related to agricultural uses including
55 Section L-II 3.3 Agricultural Uses (to update definitions and standards for agricultural direct
56 marketing) and includes updates to the Land Use and Development Code (LUDC) Allowable
57 Use and Permit Requirements Tables for all zoning districts to reflect permitting requirements
58 for Field Retail Stands, Farm Stands and Certified Farmer's Markets; Section L-II 3.10
59 Employee Housing and Section L-II 3.15 Recreational Vehicle Use and Temporary Occupancies
60 (to allow use of a temporary recreational vehicle for agricultural employee housing, to update
61 outdated references/standards and to increase the duration of time allowed for recreational
62 vehicle use as security housing at the site of a church, other community or public facility); and
63 Section L-II 4.3.4 Important Ag Lands (to add the County's updated definition of Farmlands of
64 Local Importance to the County Zoning Ordinance). **RECOMMENDED**
65 **ENVIRONMENTAL DETERMINATION:** Negative Declaration. **PLANNER:** Tyler
66 Barrington, Principal Planner.

67
68 Planner Barrington: These amendments are the result of direction from the Nevada County
69 Agriculture Advisory Commission and the Agriculture Commissioner's office. Note that staff
70 prepared a memo detailing proposed changes to the employee housing section of the code.
71 County Counsel requested that we pull the consideration of those particular changes at this time
72 in order to consider their potential impact county wide. Introduced Chris Flores.

73
74 Agricultural Commissioner Chris Flores: Discussed the make-up of the Ag Advisory
75 Commission. Recently included a Board of Supervisor representative which is currently Ed
76 Scofield. The Ag Commission has been looking at the changes before the Planning Commission
77 today since 2008. The direct marketing language discussion recently evolved to make it
78 consistent with state law. In 2015, the Ag Commission started looking at what the Food and Ag
79 code defines farm stands and field retail stands as and then trying to align Nevada County zoning
80 ordinance definition so that when the Ag Department goes out to do enforcement, we are looking
81 at the same definition. The first item is a change in the definition of the field retail stand to be a
82 basic field stand that is on or near the property of production where they would only be allowed
83 to sell what they are growing on the property. Farm stand definition, based on Food and Ag code,
84 allows what is sold at a field retail stand but also allows value added products like jellies and
85 jams, prepackaged non-hazardous food items, bottled water and soda. In the zoning ordinance,
86 we have added a definition for community supported agricultural. That is now defined in the
87 Food and Ag code. So we would like to add that to the zoning code.

88
89 Planner Barrington: The overall purpose of this ordinance is to support our local agriculture
90 economy. It aligns county definitions of field retail stands, farm stands, and certified farmers
91 markets with state codes and adds the community supported agriculture definition. After
92 discussions with County Counsel, we feel it is necessary to reintroduce the definition of
93 agriculture products so it is clear to the people running these stands exactly what it is they can
94 sell. Standards were carried over from the prior ordinance with minor changes. In the proposed
95 ordinance, a farm stand becomes a field retail stand, a produce stand goes away and becomes a
96 farm stand, the certified farmers market and growers market become a certified farmers market.
97 The most substantial changes related to this portion of the ordinance relate to the permitting
98 requirements for these facilities. Under the proposed ordinance, field retail stands will be treated
99 similarly to the way farm stands were previously treated and be an allowed use in the AG

100 exclusive, General AG, Forest and Residential Agricultural zoning districts. This would be an
101 allowed use subject to zoning compliance and the specific standards of the ordinance. Field
102 retail stands would continue to be prohibited in all other zoning districts.

103 Regarding farm stands, where this ordinance differs from the previous ordinance, we are
104 proposing to simplify the permit processing and allow for farm stands to be located in zoning
105 districts such as the Agriculture Exclusive, General AG, Forest and Residential Agricultural as
106 an allowed use. Previously, this did require an administrative development permit. We felt that
107 the type of use is very similar to a field retail stand and therefore, it would be appropriate to be
108 allowed in those zones. Also, expanding upon where these facilities could be located, staff has
109 proposed, at the recommendation of the Agriculture Advisory Commission, that farm stands be
110 allowed in all of the commercial zoning districts, the business and industrial zoning districts, as
111 well as some special purpose zoning districts. The primary purpose for allowing this is a lot of
112 these areas already have infrastructure that can support a small, temporary, seasonal farm stand
113 such as adequate parking, restroom facilities, and adequate roads. It would be prohibited, under
114 the proposed ordinance, in the R-1, R-2, and R-3 zoning districts to help protect those zoning
115 districts. It continues to prohibit the use in Open Space and in the Timber Production Zone
116 (TPZ). One of the minor changes to the proposed ordinance, over our existing ordinance, is we
117 are proposing to allow farm stands to be permitted for a period of three years. We found that we
118 had a lot of producers and a lot of people who were doing this where they would have to come in
119 each year and they'd be doing it on the same site on the same exact scale and we felt it would be
120 more appropriate to provide them with a little bit longer duration for them to be permitted in
121 doing this activity.

122 Regarding certified farmers markets, under this proposal, certified farmers markets could be
123 allowed in virtually all zoning districts with an administrative development permit. They would
124 be prohibited in the R-1, R-2, R-3, Open Space, and TPZ zones. We are, again, looking at
125 allowing these to be permitted for a period of three years versus the one year we currently allow
126 in order to be supportive and minimize the bureaucracy.

127 As Chris mentioned, we are proposing adding a definition of Community Supported Agriculture
128 (CSA). This is an activity that is occurring in our county. It is something that does not result in
129 conflicts with neighborhoods. It is essentially an agreement between the producer and the
130 consumer where they do a prepaid subscription and then pick up locations are identified and
131 approved. The proposed ordinance would require no permits to continue to operate as a CSA.

132 The purpose of these changes is to help support our local agriculture community and provide
133 local foods to our citizens.

134 The next change, as previously mentioned, originally was dealing with temporary occupancy of
135 seasonal employee housing in a recreational vehicle. Again, at the request of County Counsel,
136 we would like to not consider that today. (See attached memo from staff.) But, during the public
137 outreach process, we did get comments from the Penn Valley Fire District and from the Nevada
138 County Fire Marshal requesting minor amendments related to updates and requirements for
139 carbon monoxide detectors in a recreational vehicle. They requested that we update some of our
140 outdated references to the Uniform Building and Mechanical Code which is now the California
141 Fire and Building Code. That has been done.

142 The other change is not actually related to agriculture but we felt, since we were opening this
143 section of the code, we would like to propose this change as a result of clear direction from the
144 Planning Commission. On several occasions we have permitted parks and other institutional
145 type facilities that have recreational vehicles as security housing. Our current code allows for a
146 recreational vehicle to be security housing through approval of a use permit for a period of three
147 years with one additional two year extension of time. The county's permit timeline requirement

148 allows use permits to be extended for two additional two year periods. We are proposing to
149 allow that second two year extension for the security housing in a recreational vehicle.

150
151 Agricultural Commissioner Flores: "Farmlands of Local Importance." The CA Department of
152 Conservation and their farmland mapping and monitoring program create maps for local
153 jurisdictions. They create farmland maps related to soil classifications and land use. They also
154 create maps of prime farmland statewide, important farmland, and unique farmland. You have
155 before you the recommended change from the Ag Advisory Commission. They have been
156 working on this, jointly with the Planning Commission, to update Nevada County's definition of
157 farmlands of local importance and to update the criteria that define it. (Summary of the history of
158 committee work on the issues: categories, grazing land, soil types, definitions of important
159 farmland for Nevada County, etc.) Final result: five soil types that are high rating rangeland
160 production soils. Propose that these be the soil types for our criteria for Farmlands of Local
161 Importance and create a new definition that makes sense for Nevada County.

162
163 Planner Barrington: Purpose of this proposed ordinance amendment is to update and codify the
164 County's definition of Farmlands of Local Importance (FLI). The USDA has this definition but it
165 is not actually in the County's Zoning Ordinance. We do have a section of the code that talks
166 about important agricultural lands so we think this is an appropriate place to locate this
167 definition. Current definition is based on historical agricultural uses in Nevada County but does
168 not take into account any development patterns over time. It does not include a way to measure
169 what the mapping of Farmlands of Local Importance can be based on. This proposal does
170 provide a tangible metric for measuring FLI to be mapped by the USDA using the County's soil
171 survey and the Zoning Ordinance. This will reduce the overall FLI acreage by approximately
172 10,000 acres bringing it down to 11,000. But that is only based on the soils. The state will look
173 at several factors when they do their new mapping for 2016. This does not change development
174 requirements. A management plan would still be required for non Ag projects; setbacks would
175 still apply, etc. Important to note that there is no impact on ability to farm or use land for
176 agricultural purposes. It just gives the USDA and the County a clear definition and a clear
177 metric for mapping this resource.

178 Based on these proposed changes, staff prepared a draft initial study and proposed negative
179 impact declaration which were distributed and posted as required. We received a comment letter
180 from CVRQCB which really does not apply and a call from Department of Conservation with no
181 formal comment from them. No other public comments were received. The AG Advisory
182 Commission recommended approval to BOS.

183
184 Chair Aguilar asked for questions of staff.

185
186 Commissioner Jensen asked if by changing the definition, fifty percent of the FLI is lost.

187
188 Planner Barrington confirmed that is his understanding, as it effectively removes the designation
189 from sites that are not actually Farmlands of Local Importance.

190
191 Commissioner Jensen asked for clarification on the acreage.

192
193 Planner Barrington confirmed the acreage, and noted that it was based on soils alone.

194

195 Agricultural Commissioner Flores clarified that acreage was lost when certain designations were
196 pulled out of Farmlands of Local Importance, though those areas are still considered choice soils
197 and still require a Management Plan.

198
199 Commissioner Jensen asked if this process requires a General Plan change.
200

201 Planner Barrington said it does not require a General Plan change. It is meant to better define
202 where the Farmlands of Local Importance are. It does not change agricultural zoning.

203
204 Commissioner Jensen asked how downgrading the importance affects the General Plan.
205

206 Planner Barrington said it does not change any standards of the zoning ordinance or any General
207 Plan designations. It better defines where the areas are and which might require a Management
208 Plan for non-agricultural uses.

209
210 Commissioner Jensen clarified that some land that is currently classified as Important Farmland
211 actually is not so owners will be able to request a change in their classification.
212

213 Planner Barrington gave an example. He noted that while it is a reduction in Farmlands of Local
214 Importance, it is meant to be based on what is truly productive agricultural land.

215
216 Commissioner Jensen said he has other questions for after public hearing.
217

218 Commissioner Duncan said there are not special provisions for CSA designations outside
219 agriculturally zoned areas.
220

221 Planner Barrington said correct.
222

223 Commissioner Duncan asked why this is included under zoning.
224

225 Planner Barrington said the purpose is to recognize as an activity that is occurring in the county.
226 The zoning ordinance ties to it to specific language in the land use tables. It also gives the
227 Agricultural Commissioner's office the ability to enforce regulations.
228

229 Commissioner Duncan asked if there are special regulations that relate to land use with a CSA.
230

231 Planner Barrington said just that the use has to be in an area where crop and tree growing is an
232 allowed use.
233

234 Commissioner Duncan said it is excessive to regulate CSAs.
235

236 Director Foss said because the County has a permissive ordinance, if a use is not listed it is
237 presumed to be not allowed. By putting in, the County is recognizing that CSAs are an allowed
238 use that will continue to be allowed. Their existence will be codified and protected. Whether or
239 not they are in the land use code, they are still regulated through the Agricultural
240 Commissioner's office. The intent is to eliminate any confusion that they might not be an
241 allowed use.
242

243 Commissioner Duncan said it is excessive government regulation to include the definition under
244 land use zoning. It is not necessary as it is no different from other agricultural uses.
245
246 Director Foss said it is the component of the public coming to the site and the commercial aspect.
247
248 Commissioner Duncan said it is excessive. She asked about farm stands and whether a co-op
249 could exist for farmers to sell together.
250
251 Agricultural Commissioner Flores said farm stands can have up to ten growers sharing a site if
252 they are growing in Nevada County selling near the point of production. Her office certifies the
253 producers and validates their certificates. This minimization of regulations is based on state law.
254
255 Chair Aguilar asked if that takes a permit.
256
257 Planner Barrington said in the agricultural zones, it is an allowed use and no permit is required.
258 Other zones take a ADP permit.
259
260 Chair Aguilar asked about selling eggs in residential zones.
261
262 Agricultural Commissioner Flores said that is different from the true commercial aspect being
263 discussed today.
264
265 Chair Aguilar said CSAs are regulated.
266
267 Agricultural Commissioner Flores said yes, through the state.
268
269 Chair Aguilar said they don't take a permit.
270
271 Agricultural Commissioner Flores said they do, certifying that they are producers.
272
273 Planner Barrington clarified they do not take a land use permit.
274
275 Commissioner Duncan asked whether the public going to a site to pick a crop requires a permit.
276
277 Planner Barrington said there is nothing about that.
278
279 Commissioner Duncan said there is no definition or regulation of the public going to land to pick
280 a crop.
281
282 Planner Barrington said they don't have that.
283
284 Commissioner Duncan said it is troubling that that is not regulated but that CSAs require a
285 permit.
286
287 Planner Barrington said there is no permit required for a CSA. The intent is to codify that it
288 exists and is a land use that is beneficial.
289
290 Commissioner Duncan said to pick your own would not be recognized.
291

292 Chair Aguilar asked for a map of the three definitions being removed from the choice land.

293

294 Agricultural Commissioner Flores said there is a GIS layer.

295

296 Planner Barrington explained a map from his presentation.

297

298 Commissioner James asked about the extension for security housing in parks. Concern about
299 how financially adequate districts are. Why not consider every two years to review the housing
300 and, if no problems, give another two years? Park districts may be in a bind after only two years
301 due to finances.

302 Planner Barrington responded that recreational vehicles are not meant to be permanent housing
303 and seven years is a long time to occupy one. So this balances what we would allow and what is
304 actually considered permanent.

305 Chair Aguilar brought up possibility that, if finances prevent a park from securing permanent
306 housing for a guard, that guard would have to go away. Then we create a more serious problem.
307 Commissioner James discussed important factor of possible loss of security and other services
308 for parks if the park cannot afford to build permanent housing after the allowed time period to
309 utilize a recreational vehicle for these staff.

310 Chair Aguilar stated that they will not vote on this item at this time.

311 Planner Barrington noted that it is within the purview of the Planning Commission to amend and
312 modify.

313 Director Foss stated correction that this item is still in the recommended approval today.

314 Chair Aguilar discussed understanding of the need for a time limit.

315 Chair Aguilar stated the benefit outweighs the potential of “blight.” He likes Commissioner
316 James’s idea. He asked for other commissioner ideas.

317 Commissioner Poulter stated use of a recreational vehicle for housing can’t go on forever. Seven
318 years is a long time. We are not creating new parks, these parks already exist. They need to have
319 a plan. She asked about Penn Valley.

320 Commissioner James stated that RV is gone. The individuals who were providing security to the
321 park left.

322 Commissioner Poulter asked if they need security there?

323 Commissioner James replied yes, in his opinion they do.

324 Commissioner Poulter reiterated that she does not feel the use of an RV can go on forever and it
325 doesn’t seem to take a lot to get an extension.

326

327 Commissioner Duncan expressed concern about public investments being vandalized and
328 budgets being stretched thin to make repairs. Having security living on site was meant to deter
329 this type of criminal activity. She argued that seven years is a short time span when trying to
330 raise money to build permanent housing. She agreed with Commissioner James’s proactive
331 solution.

332

333 Chair Aguilar said it does take time.

334

335 Commissioner Jensen said RVs are a pile of junk after living in one for seven years. Two year
336 renewals must include an evaluation of appearance in the County’s inspection.

337

338 Commissioner James said he agrees.

339

340 Chair Aguilar said the Commissioner would like to consider the issue so it could be pulled if
341 staff needs more time to work on it.
342
343 Planner Barrington said staff would like clear direction from the Commission regarding the
344 extensions. He expressed concern about being in conflict with the code in regard to Use Permits.
345
346 Chair Aguilar asked about the Staff Report packets and the State's definitions.
347
348 Planner Barrington confirmed Chair Aguilar's statement.
349
350 Director Foss explained the current allowance for extensions. He presented the option of
351 recommending approval of the ordinance today with direction to continue to look at it.
352
353 Commissioner Duncan asked if it would be appropriate to review it with the RV component.
354
355 Director Foss said the Commission could.
356
357 Commissioner Duncan said it is hasty to give them two more years now. She suggested staff take
358 it back and talk about more options.
359
360 Director Foss said the Commission could remove it and give staff a completely different
361 direction.
362
363 Commissioner Duncan said it is a matter of being realistic and assessing the situation.
364
365 Director Foss said he hesitates because there are a lot of issues and concerns countywide
366 regarding RV use. He is concerned it will not move forward at all so he is encouraging the
367 Commission to take what it can get.
368
369 Commissioner Duncan said she thought RV use is restricted to agricultural.
370
371 Director Foss said security housing applies to all zoning districts if there is an active permit.
372
373 Chair Aguilar said Director Foss's advice is well taken. If the Commission decides to approve it,
374 the additional two year extension is approved with the direction to look into the issue.
375
376 Chair Aguilar opened the public hearing at 2:22 p.m.
377
378 Rich Johansen of Penn Valley introduced himself as being on the Agricultural Advisory
379 Commission. He said the state of Nevada County agriculture is not healthy. He discussed small
380 farmers, markets and labor. He asked that the Commission consider temporary employee housing
381 today and urged approval of both items.
382
383 Susan Hoek of Penn Valley said agriculture is alive and well in Nevada County. The county
384 benefits from supporting farmers to stay in business. She hopes the Planning Commission will
385 pass the items.
386
387 Chair Aguilar closed the public hearing at 2:26 p.m. and brought it back to staff.
388

389 Planner Barrington said there were no questions from the public.
390
391 Chair Aguilar said he was pleased to see this effort to help farming.
392
393 Commissioner Jensen mentioned a mandarin festival and asked if that was similar to what is
394 being discussed today.
395
396 Agricultural Commissioner Flores said no.
397
398 Commissioner Jensen clarified that he was talking about the physical stands.
399
400 Agricultural Commissioner Flores said yes, if they are permanent stands.
401
402 Commissioner Jensen asked how sales tax is handled, in selling food and antiques.
403
404 Agricultural Commissioner Flores said farm stands and field retail stands can only sell food.
405
406 Commissioner Jensen asked how marijuana fits into this issue.
407
408 Agricultural Commissioner Flores said it does not. The Food and Ag Code is very specific about
409 what can be sold. Various departments are adamant about protecting the rights of food producers
410 and have no interest in cannabis being sold at farm stands, field retail stands or farmer's markets.
411
412 Commissioner Jensen said the codes say what can be sold. He would be more comfortable with
413 explicitly saying no cannabis.
414
415 Agricultural Commissioner Flores said the ag product definition in the Zoning Ordinance
416 specifically says what can be sold at farm and field retail stands in the County.
417
418 Commissioner Jensen said an ordinance like this is constrained by rules and regulations. He
419 asked what percentage of County farmers fit under the current written ordinance. He asked if the
420 ordinance would be eliminating many of them with regulations. He gave the example of
421 driveways.
422
423 Agricultural Commissioner Flores said the zoning code proposal expands the allowance by
424 expanding the zoning districts that allow the uses. If farmers aren't able to set up a stand on their
425 property because of issues like access, they may be able to at a close location.
426
427 Commissioner Jensen said driveways were a difficult issue for grape growers.
428
429 Planner Barrington said these existing standards are basic health and safety and are carried over.
430
431 Commissioner Jensen confirmed that there was an effort to include as many farms as possible.
432
433 Commissioner Duncan asked if farms stands have to have direct access onto a public road.
434
435 Planner Barrington read the applicable section and clarified that the stands need to be on a public
436 road or participate in private road maintenance.
437

438 Commissioner James said he had a question.

439
440 Commissioner Duncan asked for a discussion on security housing.

441
442 Commissioner James asked for elaboration on the removal of the section on employee housing.
443 He asked for a timeline on when it would come before the Commission.

444
445 Planner Barrington said it is specifically related to the potential for misuse for non-agricultural
446 uses in Nevada County.

447
448 Commissioner Duncan said that has been a perpetual suspicion on the part of the County. The
449 public has said it is essential and the Commission should be as open minded as possible. She
450 asked for the schedule of the issue coming back to the Commission.

451
452 Counsel VanderPloeg said the issue must be vetted further with input from other agencies and
453 entities.

454
455 Commissioner Duncan asked if the input had not yet begun to be gathered.

456
457 Counsel VanderPloeg said it is being gathered and it is a very fluid area.

458
459 Commissioner Duncan said it is a touchy subject but also a critical component to farmer's
460 operations. She asked it be taken care of in real time rather than government time.

461
462 Chair Aguilar said the Commission can make a statement in the recommendation that they see
463 the need for this critical housing for agriculture and that the Board of Supervisors continue
464 expanding the allowance. All the Commission is doing today is making a recommendation, not
465 approving the issue. He suggested that the recommendations include a strong statement that this
466 is something the Commission wants pursued.

467
468 Commissioner Duncan asked if the Commission wanted to separate out the issue of time
469 extensions.

470
471 Commissioner Poulter said no.

472
473 Chair Aguilar said the problem is that if the Commission doesn't include the additional two year
474 extension now, it may be a long time before it is brought up again and he doesn't want the
475 Commission to regret that delay. He thinks the Commission should include it with idea that they
476 would like to pursue the housing issue further. Temporary housing is a complicated issue. He
477 mentioned building permit extensions, for example.

478
479 Director Foss said the Building Department sometimes allows a lot of extensions that can go on
480 for years.

481
482 Chair Aguilar said that is true.

483
484 Commissioner James said he likes Director Foss's suggestion to go forward with the two year
485 extensions now and direct staff that the Commission would like to see it come back.

486

487 Commissioner Jensen asked if this applied to public locations only.

488

489 Commissioner James said he is thinking of parks.

490

491 Planner Barrington said it is also allowed as part of an institutional use, for example by a school
492 or church.

493

494 Commissioner Duncan said she would like to continue offering this as a source of security.

495

496 Chair Aguilar asked if that was enough direction.

497

498 Planner Barrington said yes.

499

500 Chair Aguilar asked for a motion.

501

502 **Motion by Commissioner Duncan** to recommend that the Board of Supervisors adopt the
503 Resolution approving the proposed Negative Declaration (EIS16-0001), finding that the adoption
504 reflects the judgment that the project will not result in a physical change to the environment;
505 **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

506

507 **Motion by Commissioner Duncan** to recommend that the Board of Supervisors adopt the
508 Ordinance (ORD16-1) amending Chapter II of the Nevada County Land Use and Development
509 Code Sections L-II 3.3, 3.10, 3.15 and 4.3.4; **second by Commissioner Jensen.**

510

511 Planner Barrington clarified the changes and that the ordinance being recommended is the one
512 attached to the memo, not the staff report.

513

514 Commissioner Duncan amended the motion.

515

516 Commissioner Jensen seconded the amended motion.

517

518 **Motion carried on a voice vote 5/0.**

519

520 Chair Aguilar said there is no appeal period as it is a recommendation.

521

522 Discussion ensued regarding upcoming Commission meetings.

523

524 **Motion by Commissioner Poulter; second by Commissioner Duncan to adjourn. Motion**
525 **carried on voice vote 5/0.**

526

527 There being no further business to come before the Commission, the meeting was adjourned at
528 2:46 p.m. to the next meeting tentatively scheduled for January 2017, in the Board of Supervisors
529 Chambers, 950 Maidu Avenue, Nevada City.

530

531

532 Passed and accepted this day of , 2017.

533

534

535 _____
Brian Foss, Ex-Officio Secretary