

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

3
4 **MINUTES** of the meeting of July 28, 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; Senior
14 Planner, Jessica Hankins; Deputy County Counsel, Rhetta VanderPloeg; Administrative
15 Assistant, Tine Mathiasen.
16

17
18 **PUBLIC HEARINGS:**

- 19
20 1. Byers Warehouse Project Page 1, Line 41
21 Z16-001; DP15-006; AM14-001; MGT15-020; MGT16-001; MI15-020; EIS15-019
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 **COMMISSION BUSINESS:** None.

36
37 **CONSENT ITEMS:** None.

38
39 **PUBLIC HEARING:**

40
41 **Z16-001; DP15-006; AM14-001; MGT15-020; MGT16-001; MI15-020; EIS15-019:**
42 Combined applications for 1) a Zoning Map Amendment (Z16-001) to remove the SP zoning
43 district overlay on the property and its requirements for floodplain setbacks and water supply; 2)
44 a Development Permit (DP15-006) to construct an 8,750-square-foot warehouse, a fire protection
45 water storage tank, parking overflow areas, lighting, and landscaping; 3) a Map Amendment
46 (AM14-001) to resolve inaccuracies regarding the location of an onsite pond and ditch and
47 remove required setbacks from those features on the existing parcel map; 4) a Biological
48 Resources Management Plan (MGT15-020) to reduce impacts from disturbance of the 100-foot
49 non-disturbance buffer to South Fork Wolf Creek; 5) a Floodplain Management Plan (MGT16-

50 001) to reduce impacts from encroachment into the 100-foot setback to the floodplain; and 6) a
51 Petition for Exception (MI15-020) to reduce the standards for right-of-way width from 50 to 20
52 feet and roadway width from 20 to 15 feet, and eliminate the fuel modification requirement on
53 the west side of Slow Poke Lane. **PROJECT LOCATION:** 11773 Slow Poke Lane, Grass
54 Valley, off East Bennett Road, adjoining Empire Mine State Historic Park to the south and west,
55 and South Fork Wolf Creek to the north. **APN:** 09-320-25 **RECOMMENDED**
56 **ENVIRONMENTAL DETERMINATION:** Mitigated Negative
57 Declaration. **PLANNER:** Jessica Hankins, Senior Planner.

58
59 Senior Planner Hankins began her presentation by introducing herself. She outlined the project
60 with a Power Point presentation. The project is located east of the City of Grass Valley and the
61 site is zoned M1-SP. Surrounding zoning is predominately M1 and OS. Notification was
62 provided to properties along access roads and within 300 feet of the site. Access to the site is via
63 East Bennett Road and Lava Rock Avenue to Slow Poke Lane. Planner Hankins described Slow
64 Poke Lane and the project site, including the topography and existing surrounding uses. She then
65 gave a background of the approved projects and rezones of the site. The primary driver of the
66 project today is to get loosely stored materials and storage containers into a warehouse. Planner
67 Hankins then described each aspect of the project. The primary permit is a Development Permit,
68 allowing a warehouse and associated improvements. The Zoning Map Amendment would
69 remove the SP overlay district from the zoning in order to remove the associated requirements.
70 The Map Amendment would remove many erroneous features on the current Subdivision Map
71 for this parcel, as these features no longer exist on the site. The Aquatic Resources Management
72 Plan allows the applicant to develop within 100 feet of the creek. The Development Permit
73 would include a warehouse, parking lot improvements, landscaping, and a water supply for fire
74 prevention. Planner Hankins described the lighting standards and building design and colors,
75 which are consistent with design guidelines. Conditions would regulate outdoor storage
76 including solid waste and the permitting of storage containers. The project meets parking
77 standards, pervious surface requirements, building setbacks and height limitations. The
78 Biological Management Plan allows for encroaching within 100 feet of the south fork of Wolf
79 Creek and includes various measures to protect the area. The Floodplain Management Plan
80 allows new development within the floodplain setback and requires similar measures to the
81 Biological Management Plan. The Petition for Exceptions allows for a reduction in the easement
82 width on Slow Poke Lane, a reduction of roadway width and a reduction in the fuel modification
83 requirement, all of which are supported by the Department of Public Works, Fire and staff.
84 Planner Hankins described traffic and mitigation fees, overflight noticing and fire protection
85 measures. The project is consistent with the zoning district and General Plan designation and,
86 with the conditions as revised in the staff memo, is compatible with surrounding residential uses.
87 An Initial Study was prepared and circulated and staff received comments from the Department
88 of Fish and Wildlife over the phone after the circulation period. Typical and unique impacts are
89 mitigated to a less than significant level and staff recommends the adoption of the Mitigated
90 Negative Declaration. The staff memo includes comments from Kyle Stoner of the Department
91 of Fish and Wildlife regarding jurisdiction and consultation between the applicant and CDFW.
92 The memo also addresses the timing of permitting the storage containers and clarification of an
93 additional condition regarding trash. Staff recommends the Planning Commission adopt the
94 Mitigated Negative Declaration and recommend the Board of Supervisors approve the Zoning
95 Map Amendment, Management Plans, Petition for Exceptions to Road Standards, Map
96 Amendment and Development Permit. When taking action, Planner Hankins recommends using
97 the revised actions for consideration attached to the staff memo.

99 Chair Aguilar asked if there were questions of staff.
100
101 Commissioner Jensen asked where the existing well is located.
102
103 Planner Hankins answered that the well is in the proposed warehouse footprint and the applicant
104 will be working with the Environmental Health Department to construct around it.
105
106 Chair Aguilar asked if the parking lot is paved.
107
108 Planner Hankins answered that it is a compacted surface with asphalt chips.
109
110 Chair Aguilar asked if that is considered impervious or pervious.
111
112 Planner Hankins answered that it is considered impervious and was counted as such.
113
114 Chair Aguilar asked if the applicant wants a paved parking lot or if that is something the County
115 is requiring.
116
117 Planner Hankins answered that parking standards require paved parking within community
118 regions.
119
120 Chair Aguilar said there is a conflict regarding materials going into the creek and asked about
121 making the parking areas pervious. He also asked about the condition regarding the permitting of
122 storage containers.
123
124 Planner Hankins discussed the Building Department's methods of working with the applicant on
125 the timing of storage container permitting, as well as the options for containers with questionable
126 permit status.
127
128 Chair Aguilar asked for clarification.
129
130 Planner Hankins said the Building Department requires permits for storage containers.
131
132 Chair Aguilar confirmed that an applicant does not need a review before a commission for a
133 storage container permit.
134
135 Planner Hankins said no.
136
137 Chair Aguilar asked to hear from the applicant.
138
139 Rob Wood with SCO Planning & Engineering introduced himself as the representative of Ray
140 Byers. Mr. Wood gave a history of the Byers company and an overview of the products they
141 provide, which areas they serve, their various sites, the employees and a background of the site.
142 The Development Project allows for a storage warehouse and overflow parking. Mr. Wood
143 explained the various benefits of the project to Nevada County and the environment. The
144 compacted recycled AC chips currently on the site might be considered pervious or semi-
145 pervious and, with the exception of the ADA and EV stalls, the applicant does not want to pave
146 the site. Mr. Wood described the warehouse aesthetics and the parking areas. He clarified the
147 Petition for Exception as keeping the 20-foot right-of-way as-is. He gave the reasons for this and

148 noted that Slow Poke Lane is maintained by Byers. To summarize, the project cleans up the site,
149 allows Byers to grow, brings the site up to current codes, protects water quality and the creek and
150 improves access and circulation. The applicant is in agreement with the conditions of approval
151 and Mr. Wood discussed the modifications to the language. He asked for reconsideration of Fish
152 and Wildlife condition A22 and described the reasons it is unnecessary and unwarranted.

153

154 Chair Aguilar asked for questions of the applicant.

155

156 Commissioner Jensen asked that the roof be a non-reflective flat brown.

157

158 Mr. Wood agreed to a non-reflective type of paint.

159

160 Commissioner James asked for staff's recommendation regarding condition A22.

161

162 Planner Hankins said she would not like to presume to know or interpret CDFW's codes and that
163 she was informed by one of their staff that this project would require consultation. The
164 rewording in the staff memo allows for flexibility regarding communication and notification.
165 Staff recommends keeping the condition. In regard to the paved parking issue, the parking lot
166 would meet the requirement of being paved if it is compacted properly.

167

168 Commissioner Duncan asked if the Fish and Wildlife representative called Planner Hankins after
169 the time period was up.

170

171 Planner Hankins confirmed the of the close of the CEQA comment period was July 13th and the
172 phone call was received on July 20th.

173

174 Commissioner Duncan asked if CDFW is asking for additional notification without specifying
175 regulations in order to later determine jurisdiction.

176

177 Planner Hankins said correct.

178

179 Commissioner Duncan said this was excessive and questioned why jurisdiction was not
180 determined during their review. She expressed discomfort with the lack of a definitive answer,
181 the phone call format and the timing of the comments.

182

183 Planner Hankins said while she agrees with many of Commissioner Duncan's comments, CDFW
184 did not have all of the information needed to make a jurisdiction determination.

185

186 Commissioner Duncan asked if CDFW followed up with letter.

187

188 Planner Hankins said they did not.

189

190 Chair Aguilar opened the hearing for public comment at 2:15 p.m.

191

192 James Powell (1773 Loretta Lane) owns property on Slow Poke Lane next to Byers. He
193 expressed concerns about visual enhancement, landscaping and road paving requirements. He
194 discussed a recent appraisal of his property and a realtor's opinion of the Byers property. He
195 discussed the aesthetics of the Byers site and noted that the pictures shown do not reflect what
196 property actually looks like. He asked the Commissioners to go to the site before they make a

197 final judgement on the proposal. He discussed people parking on Slow Poke Lane, trash versus
198 contractor materials and what people are looking at when drive down Slow Poke Lane. He noted
199 that none of the images shown indicate where Slow Poke Lane is. Mr. Powell noted that Byers
200 employees parking on the other side of Slow Poke Lane does not enhance the area or improve
201 property values. He discussed the parking situation and the need to have a traffic impact survey
202 done. Despite doing more business, Byers has done no improvements on the facility. There has
203 been degrading of property values in the area and Byers needs to enhance the visual impact. Mr.
204 Powell asked for visual enhancement, landscaping, road paving and adequate parking, and asked
205 whether it is acceptable for Byers employees to park on the creek side of Slow Poke Lane. He
206 has problems with the Exception for the easement and reduction of the road width.

207

208 Chair Aguilar closed public comment at 2:23 p.m.

209

210 Commissioner Duncan asked for clarification on there being 90 employees.

211

212 Planner Hankins clarified the number of employees working from the site at any given time.

213

214 Commissioner Duncan asked Planner Hankins if she is familiar with Mr. Powell's parcel.

215

216 Planner Hankins showed the location of Mr. Powell's property.

217

218 Commissioner Duncan asked if there are two residences.

219

220 Mr. Powell said there is a detached garage and a single family home.

221

222 Planner Hankins stated the location of Slow Poke Lane.

223

224 Commissioner Duncan asked if there is an easement for access.

225

226 Planner Hankins said correct.

227

228 Commissioner Duncan asked what the zoning is in that area.

229

230 Planner Hankins answered M1.

231

232 Chair Aguilar asked about another parcel near the site.

233

234 Planner Hankins answered that it is another residence accessed from a different roadway. She
235 noted the location of the two sites accessed by Slow Poke and commented on the view of the
236 Byers site from those parcels. She responded to Mr. Powell's comments by noting that during a
237 site visit of the project, it was observed that vehicles were parked on the western side of Slow
238 Poke on what appeared to be state park property. She discussed the intentions and reasons for the
239 overflow parking area. Street buffer landscaping is in place and a condition of approval requires
240 screening of outdoor stored materials and as well as extended fencing.

241

242 Chair Aguilar asked if the applicant had comments.

243

244 Mr. Wood noted that the bulk of the public comments addressed visual issues and the cleanup of
245 the site, and said approval of this Development Permit is a remedy for those issues. He discussed

246 landscaping and the roadway easement, describing the easement and noting that they are not
247 asking to reduce the physical roadway that is already there. He also addressed the number of
248 people Byers employs and how many of them work from this site and live in Nevada County.
249

250 Commissioner James asked if following the landscape plan will meet landscape requirements.
251

252 Planner Hankins said yes.
253

254 Commissioner James asked about the reasonableness of asking employees to park on site.
255

256 Planner Barrington said it is reasonable.
257

258 Commissioner James asked about adding that as a condition.
259

260 Planner Barrington noted that it is within the Commission's purview.
261

262 Chair Aguilar asked for other comments.
263

264 Commissioner Poulter asked why the overflow parking was labeled as such.
265

266 Planner Hankins answered that the parking is not required.
267

268 Commissioner Poulter suggested changing the wording to make the overflow parking required.
269

270 Planner Hankins said she would look at the wording.
271

272 Planner Barrington discussed the current condition regarding minimum parking and noted that
273 while it is above and beyond what the code requires, it is within the Commission's purview to
274 require more parking.
275

276 Commissioner Poulter thanked Planner Barrington.
277

278 Chair Aguilar described the surrounding zoning and surrounding uses, including Mr. Powell's
279 property, as being quasi-residential and quasi-commercial. As it seems like there is enough room
280 even with cars parked on Slow Poke, he doesn't think the Commission needs to implement an
281 additional condition regarding parking. He discussed property improvements, landscaping and
282 the view from surrounding properties. He discussed modifying the paving requirement and not
283 modifying the other condition.
284

285 Commissioner Duncan asked about the City of Grass Valley's comments on the project.
286

287 Planner Hankins discussed the City's design, drainage and fire requirements.
288

289 Commissioner Duncan presumed that the City is happy with the improvements.
290

291 Planner Hankins agreed.
292

293 Commissioner Duncan indicated that she was ready to take action on the project.
294

295 Commissioner Poulter mentioned Fish and Wildlife and asked about employees parking on the
296 property.
297
298 Mr. Wood discussed the convenience and precedent of parking on Slow Poke Lane.
299
300 Commissioner Poulter noted that the parking bothers Mr. Powell.
301
302 Chair Aguilar discussed his own experience parking at the site.
303
304 Commissioner Poulter agreed with Chair Aguilar's sentiments.
305
306 Chair Aguilar said there is a modification to mute the roof and asked for a motion.
307
308 Commissioner Jensen wondered about the consequences of ignoring Fish and Wildlife.
309
310 Commissioner Poulter agreed with Commissioner Jensen.
311
312 Commissioner Duncan said Fish and Wildlife is not on the record for having comments during
313 the specified comment period and asked about the seriousness of a telephone conversation.
314
315 Director Foss discussed the nature of the comment period and noted that permit requirements
316 don't go away because comments were received outside of the designated period.
317
318 Commissioner Duncan said it bothers her that the comments were not formalized in a letter and
319 that Fish and Wildlife did not say the project is definitively within their purview.
320
321 Planner Barrington gave an example of this being a standard process regardless of there being a
322 condition specific to it.
323
324 Commissioner Duncan asked about the timing of notifying Fish and Wildlife.
325
326 Planner Barrington said notification likely would be required and said that Fish and Wildlife's
327 comments are on record in the memo.
328
329 Commissioner Duncan asked for clarification on whether they have gone on the record.
330
331 Planner Barrington confirmed that the phone conversation is on the record.
332
333 Director Foss discussed follow up with Fish and Wildlife to get more clarification and noted that
334 it may not matter if the condition is included.
335
336 Commissioner Duncan commented on the excessiveness of including the condition.
337
338 Chair Aguilar agreed with Commissioner Duncan and argued in favor of leaving off the
339 condition and allowing Fish and Wildlife to argue that it is in their jurisdiction.
340
341 Planner Barrington said that staff does not want to get in the position of overriding state law.
342
343 Chair Aguilar said there is no indication that staff or the Commission is overriding state law.

344
345 Planner Barrington discussed the notification process for projects near a streambed environment.
346
347 Commissioner Duncan asked if a notice will be sent regardless of if there is a condition.
348
349 Planner Barrington said it is the applicant's responsibility.
350
351 Commissioner Duncan asked if staff or the Mr. Wood would advise them on that.
352
353 Planner Barrington said correct.
354
355 Chair Aguilar noted that this was rolling the dice.
356
357 Mr. Wood said he would agree to remove the condition.
358
359 Commissioner Jensen said Nevada County is going to have a harder time getting projects
360 through Fish and Wildlife if projects do not follow their instructions.
361
362 Commissioner Duncan said the applicant has to comply with the law but this condition would be
363 an excessive amount of oversight that this not required.
364
365 Chair Aguilar asked Commissioner James how he felt.
366
367 Commissioner James said it is inappropriate.
368
369 Commissioner Poulter asked for confirmation that staff's analysis is that the condition is not
370 required.
371
372 Planner Barrington noted that that was the applicant's position.
373
374 Commissioner Poulter confirmed that it was the applicant's, not staff's, position.
375
376 Commissioner Duncan said that staff went with that position and determined that it was accurate.
377
378 Planner Hankins said she had found the same information that Mr. Wood had regarding Fish and
379 Wildlife requirements but noted that it may not be the full picture. She discussed the extent of the
380 regulatory authority. Mr. Stoner with Fish and Wildlife said he did not have enough information
381 at the moment to make a final determination. She further discussed the condition and her plan for
382 further communication with Mr. Stoner.
383
384 Chair Aguilar said these projects are dependent on time and when a state agency does not
385 address an issue in a timely matter, the presumption is that the issue is not important. He does not
386 think the condition is necessary.
387
388 Planner Hankins said the condition will not necessarily change anything the applicant will do to
389 protect creek water quality. There are other measures in place and she agreed with Director
390 Foss's earlier statements.
391

392 Commissioner Jensen said that he would agree to remove the condition if that is what the rest of
393 the Commission wanted.

394

395 Chair Aguilar said he appreciates that.

396

397 Commissioner James agreed that there is no reason to have the condition and discussed Fish and
398 Wildlife's intentions.

399

400 Mr. Powell again addressed the offsite parking and said it would enhance the property for
401 everyone if parking were restricted to the Byers site.

402

403 Chair Aguilar thanked Mr. Powell.

404

405 Commissioner Duncan said she is ready to make a motion and noted the revised documents
406 received prior to the meeting.

407

408 **Motion by Commissioner Duncan** to adopt the proposed Mitigated Negative Declaration
409 (EIS15-019), making Findings A through C pursuant to Section 15074 of the California
410 Environmental Quality Act Guidelines; **second by Commissioner Jensen. Motion carried on**
411 **a voice vote 4/1.**

412

413 **Motion by Commissioner Duncan** to recommend the Nevada County Board of Supervisors
414 amend Zoning District Map 052b (Z16-001), removing the "SP" combining district and
415 repealing its associated notes as previously adopted under Ordinance No. 1101, which include a
416 90-foot setback from the high water mark of the 100-year flood plain of South Fork Wolf Creek
417 and public water connection for domestic and fire flow water supply for any use requiring water
418 in excess of the previously approved plan for the site (SP82-004). In doing so, the Commission
419 recommends that the Board of Supervisors makes the findings found in the attached Ordinance
420 Amending Zoning District Map 052b (Attachment 4).; **second by Commissioner Jensen.**
421 **Motion carried on a voice vote 5/0.**

422

423 **Motion by Commissioner Duncan** to approve the Biological Resources Management Plan
424 (MGT15-020), subject to the Conditions of Approval and Mitigation Measures shown in
425 Attachment 1, making Findings A and B pursuant to Nevada County Land Use and Development
426 Code Section L-II 4.3.3.B; **second by Commissioner Jensen. Motion carried on a voice vote**
427 **4/1.**

428

429 **Motion by Commissioner Duncan** to approve the Floodplain Management Plan (MGT16-001)
430 for encroachment into the 100-foot setback to the floodplain, subject to the Conditions of
431 Approval and Mitigation Measures shown in Attachment 1, or as may be modified at hearing,
432 making Findings A and B pursuant to Nevada County Land Use and Development Code Section
433 L-II 4.3.3.B; **second by Commissioner Jensen. Motion carried on a voice vote 4/1.**

434

435 **Motion by Commissioner Duncan** to approve the Petition for Exceptions (MI15-020) subject to
436 the Conditions of Approval and Mitigation Measures shown in Attachment 1, making findings A
437 through D pursuant to Nevada County Land Use and Development Code Sections L-IV 2.4 and
438 2.6 and L-XVII 3.12, and California Government Code Sec. 66474; **second by Commissioner**
439 **Jensen. Motion carried on a voice vote 5/0.**

440

441 **Motion by Commissioner Duncan** to the Map Amendment (AM14-001) subject to the
442 Recording of an Amended Map or Certificate of Correction for Parcel 2 of PM3/222, pursuant to
443 the Conditions of Approval and Mitigation Measures shown in Attachment 1, making Findings A
444 through G pursuant to Land Use and Development Code Section L-IV 2.18.D; **second by**
445 **Commissioner Jensen. Motion carried on a voice vote 5/0.**

446
447 **Motion by Commissioner Duncan** to approve the Development Permit application (DP15-006)
448 to allow for the construction of an 8,750-square-foot warehouse, a fire protection water storage
449 tank, parking overflow areas, lighting, and landscaping, subject to the Conditions of Approval
450 and Mitigation Measures shown in Attachment 1, as may be modified at the public hearing,
451 making Findings A through L pursuant to Nevada County Land Use and Development Code
452 Section L-II 5.6.G and 5.5.2.C.

453
454 Director Foss asked for clarification of the changes. He understood the changes to be the flat
455 paint and modification of the parking paving requirement.

456
457 Commissioner Duncan said she was proposing that the Commission was in agreement on the
458 modifications as discussed, including roof color, but she did not recall additional parking
459 modifications.

460
461 Chair Aguilar clarified the paving issue.

462
463 Commissioner Duncan if that was a change to what was included.

464
465 Planner Barrington said there was no specific condition on paving and noted staff's indications.

466
467 Commissioner Duncan asked if that was included in the original report.

468
469 Planner Barrington said correct, there was not a need to modify that condition.

470
471 Commissioner Duncan said the one modification is regarding the paint.

472
473 Planner Barrington said yes, unless there is a modification to increase the parking space
474 requirement.

475
476 Commissioner Jensen said that the overflow parking is offered but not required.

477
478 Chair Aguilar suggested that Commissioner Duncan withdraw the motion.

479
480 Commissioner Duncan withdrew her motion.

481
482 Chair Aguilar suggested that the Commission and staff discuss parking.

483
484 Planner Barrington discussed the minimum requirement and what the site plan shows.

485
486 Commissioner Duncan said the applicant exceeded the required amount and therefore no
487 modifications are necessary.

488
489 Commissioner Jensen said to go ahead with the motion.

490
491 Commissioner James wondered if it would be appropriate to require employees to park onsite.
492
493 Chair Aguilar asked to hear from the applicant.
494
495 Ray Byers said he doesn't like requirements because then things become mandated. The goal is
496 to have everybody onsite. He asked if this is required of all businesses.
497
498 Chair Aguilar discussed requirements within the cities of Grass Valley and Nevada City.
499 Generally, there aren't requirements that require onsite parking in the county.
500
501 Mr. Byers said that's his question.
502
503 Chair Aguilar said generally if there is plenty of parking, people want to park closer to the
504 building.
505
506 Mr. Byers said he doesn't like requirements on his employees' parking. He stated that there is an
507 easement through his property to access Mr. Powell's property.
508
509 Chair Aguilar asked if it was Mr. Byers' property.
510
511 Mr. Byers said a piece of his property abuts it and it is an easement that goes through his
512 property to the other two homes.
513
514 Chair Aguilar again clarified that it was Mr. Byers' property.
515
516 Mr. Byers said he has had it surveyed.
517
518 Chair Aguilar clarified that it was on the deed.
519
520 Mr. Byers answered that it has been surveyed.
521
522 Commissioner Duncan stated that Slow Poke Lane is owned by the applicant.
523
524 Mr. Byers said yes.
525
526 Commissioner Duncan said the cars don't impede access to the other properties. This is the
527 applicant's employees parking on their own site.
528
529 Chair Aguilar said he knows where she is going.
530
531 Commissioner James withdrew his suggestion.
532
533 Chair Aguilar asked to continue and he and Commissioner Duncan clarified which motion they
534 were on.
535
536 Commissioner Duncan said discussed being good neighbors. The issue for her is that Slow Poke
537 Lane is part of the site.
538

539 **Motion by Commissioner Duncan** to approve the Development Permit application (DP15-006)
540 to allow for the construction of an 8,750-square-foot warehouse, a fire protection water storage
541 tank, parking overflow areas, lighting, and landscaping, subject to the Conditions of Approval
542 and Mitigation Measures shown in Attachment 1, as modified at the public hearing, making
543 Findings A through L pursuant to Nevada County Land Use and Development Code Section L-II
544 5.6.G and 5.5.2.C; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

545

546 Chair Aguilar said there is a 10 day appeal period on these actions.

547

548 Deputy County Counsel Rhetta VanderPloeg noted that on the motion that was just made,
549 Commissioner Duncan did not include the action of having the flat paint in the record.

550

551 Commissioner Duncan noted she had said “as modified at the hearing.” She asked if that was
552 sufficient.

553

554 Counsel VanderPloeg said the Commission had discussed several modifications but the only one
555 Commissioner Duncan was speaking to was the flat paint. She suggested withdrawing the motion
556 and taking it again, making it clear for the record that only one modification was being agreed to.

557

558 Chair Aguilar asked how to withdraw the last motion.

559

560 Counsel VanderPloeg said the Commission can say the motion is being withdrawn to make a
561 clarification for the record and that the motion will be renewed with clarification.

562

563 Chair Aguilar said on the last motion—

564

565 Counsel VanderPloeg said to vacate it.

566

567 Commissioner Duncan asked if they need a vote to withdraw the motion.

568

569 Counsel VanderPloeg suggested withdrawing the motion with a roll call vote.

570

571 **Motion by Commissioner Duncan to withdraw motion seven; second by Commissioner**
572 **Jensen. Motion carried on voice vote 5/0.**

573

574 **Motion by Commissioner Duncan** to approve the Development Permit application (DP15-006)
575 to allow for the construction of an 8,750-square-foot warehouse, a fire protection water storage
576 tank, parking overflow areas, lighting, and landscaping, subject to the Conditions of Approval
577 and Mitigation Measures shown in Attachment 1, as modified at this public hearing regarding the
578 flat paint color for the roof, making Findings A through L pursuant to Nevada County Land Use
579 and Development Code Section L-II 5.6.G and 5.5.2.C; **second by Commissioner Jensen.**
580 **Motion carried on a voice vote 5/0.**

581

582 Chair Aguilar said there is a 10 day appeal period.

583

584 Discussion ensued regarding upcoming Commission meetings.

585

586 **Motion by Commissioner Duncan; second by Commissioner Jensen to adjourn. Motion**
587 **carried on voice vote 5/0.**

588
589 There being no further business to come before the Commission, the meeting was adjourned at
590 3:19 p.m. to the next meeting tentatively scheduled for **August 25, 2016**, in the **Town of**
591 **Truckee Council Chambers.**

592 _____

593
594 Passed and accepted this day of , 2016.

595
596 _____

597 Brian Foss, Ex-Officio Secretary

DRAFT