

# COUNTY OF NEVADA

## STATE OF CALIFORNIA

*Heidi Hall, 1st District (Vice-Chair)*

*Ed Scofield, 2nd District*

*Dan Miller, 3rd District*

*Susan Hoek, 4th District*

*Richard Anderson, 5th District (Chair)*

\*\*\*\*\*

*Julie Patterson Hunter, Clerk of the Board*

*Alison Lehman, County Executive Officer*

*Alison Barratt-Green, County Counsel*



## BOARD OF SUPERVISORS

950 Maidu Avenue

Nevada City, CA 95959-8617

(530) 265-1480

Fax: (530) 265-9836

[bdofsupervisors@co.nevada.ca.us](mailto:bdofsupervisors@co.nevada.ca.us)

## SUMMARY MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, April 23, 2019	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*

*Susan Hoek, 4th District*

*Richard Anderson, 5th District*

### STANDING ORDERS:

Chairman Anderson called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Ms. Fran Cole, member Historical Landmarks Commission.

Corrections and/or deletions to agenda.

ACTION TAKEN: Ms. Julie Patterson Hunter, Clerk of the Board, noted that Agenda Item #19 is being pulled from consent by staff for discussion.

\*\*\*\*\*

**SCHEDULED ITEMS: 9:01 A.M.****Public Comment:**

ACTION TAKEN: No public comment received.

\*\*\*\*\*

**Clerk of the Board: Julie Patterson Hunter**

1. [SR 19-0285](#) Resolution proclaiming April 29, 2019 as Nevada County Historical Landmarks Commission Day, in recognition of the Commission's 50th Anniversary.  
**Adopted.**  
Enactment No: 19-143

ACTION TAKEN: Mr. Joe Byrne, Secretary/Treasurer, Historical Landmarks Commission (HLC), introduced Ms. Barbara Czerwinski, Vice-Chairman, who was attending in Truckee, and several other attending HLC members.

The Board members thanked the HLC members for the work they do to preserve the historical record of our community.

**MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hoek, to adopt Resolution 19-143. On a roll call vote the motion passed unanimously.**

\*\*\*\*\*

**CONSENT CALENDAR:**

Behavioral Health Director: Phebe Bell

2. [SR 19-0265](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Tahoe Truckee Unified School District for the provision of Wellness Program services in the Eastern County region as a component of the County's Mental Health Services Act Prevention and Early Intervention Plan (Res. 18-450), increasing the maximum contract amount from \$55,000 to \$67,400 to reflect the incorporation of Suicide Prevention services, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the Amendment.  
**Adopted.**  
Enactment No: RES 19-144

3. [SR 19-0283](#) Resolution accepting grant funds in the amount of \$244,060, for the renewal Substance Abuse and Mental Health Services Administration Center for Mental Health Services Community Mental Health Services Block Grant Program, for Fiscal Year 2018/19.

**Adopted.**

Enactment No: RES 19-145

Public Health Director: Jill Blake

4. [SR 19-0299](#) Resolution approving the renewal Subrecipient Agreement 9903-5320-71209-19-20 between the County of Nevada and Essential Access Health (Essential Access), awarding the County's Public Health Department funding up to a maximum amount of \$100,000 for reproductive health and family planning services, for the period April 1, 2019 through March 31, 2020, and authorizing the Director of Public Health to execute the Agreement.

**Adopted.**

Enactment No: RES 19-146

Director of Social Services: Tex Ritter

5. [SR 19-0266](#) Resolution proclaiming May 2019 as Older Americans Month in Nevada County.

**Adopted.**

Enactment No: RES 19-147

Agricultural Commissioner: Chris de Nijs

6. [SR 19-0286](#) Resolution approving a capital asset and authorizing the purchase of a John Deere Utility Vehicle, in the amount of \$31,457, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Agricultural Commissioner's budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 19-148

Director of Public Works: Trisha Tillotson

7. [SR 19-0281](#) Resolution approving projects for inclusion in the Nevada County Transportation Commission's 2019/20 Overall Work Program.

**Adopted.**

Enactment No: RES 19-149

- 
8. [SR 19-0280](#) Resolution authorizing the Nevada County Department of Public Works to request Regional Surface Transportation Program (RSTP) fund allocations from the Nevada County Transportation Commission, for a total Fiscal Year 2019/20 RSTP funding request in the amount of \$2,085,107.  
**Adopted.**  
Enactment No: RES 19-150
9. [SR 19-0275](#) Resolution rejecting all bids for the 2019 Road Rehabilitation Project - Contract No. 450003 (Res. 19-081). (Dists. I, III and IV)  
**Adopted.**  
Enactment No: RES 19-151
10. [SR 19-0276](#) Resolution approving bidding documents and re-advertising for bids for the 2019 Road Rehabilitation Project - Contract No. 450003, authorizing the Chair of the Board of Supervisors to sign the documents, 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, III, IV)  
**Adopted.**  
Enactment No: RES 19-152
11. [SR 19-0278](#) Resolution awarding a contract between the County of Nevada and Apply-A-Line, LLC. for the 2019 Nevada County Annual Striping Program - Contract No. 426636 (Res. 19-033), in the amount of \$294,309.36, plus a ten percent contingency, for a grand total of \$323,740, and authorizing the Chair of the Board of Supervisors to execute the contract.  
**Adopted.**  
Enactment No: RES 19-153
12. [SR 19-0253](#) Resolution approving Amendment 1 to the Agreement between the County of Nevada and Holt of California for the repair of heavy equipment for Nevada County Fleet Services (PESM3622), increasing the maximum amount to a new amount not to exceed \$67,000, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Fleet Maintenance budget. (4/5 affirmative vote required)  
**Adopted.**  
Enactment No: RES 19-154

13. [SR 19-0262](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Robinson Enterprises, Inc. for leachate transport services at the McCourtney Road Closed Landfill/Transfer Station (Res. 17-322), increasing the maximum contract amount from \$350,000 to an amount not to exceed \$450,000, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Solid Waste Western budget. (4/5 affirmative vote required)  
(Sanitation)  
**Adopted.**  
Enactment No: RES 19-155
14. [SR 19-0279](#) Resolution authorizing the Chair of the Board of Supervisors to execute Federal Fiscal Year 2019 Certifications and Assurances for Federal Transit Administration Assistance Programs. (Transit Services)  
**Adopted.**  
Enactment No: RES 19-156
15. [SR 19-0282](#) Resolution approving submittal of the Fiscal Year 2018/19 Low Carbon Transit Operations Program applications in the amount of \$152,313 for continuation of a fare incentive project to offer improved mobility options on Gold Country Stage (\$40,000) and for implementation of a low-income fare subsidy program (\$112,313), returning to the Board of Supervisors upon approval of the grant for acceptance, with the Department of Public Works-Transit Services Division the Lead Sponsor and the Nevada County Transportation Commission a Contributing Sponsor, and authorizing the Director of Public Works to execute the applications. (Transit Services)  
**Adopted.**  
Enactment No: RES 19-157

Director of Human Resources : Steven Rose

16. [SR 19-0289](#) Resolution amending Authorized Personnel Staffing Resolution 18-240, effective April 23, 2019, with the total number of FTE changing from 798.35 to 797.85.  
**Adopted.**  
Enactment No: RES 19-158
17. [SR 19-0291](#) Resolution amending Authorized Personnel Salary Resolution 18-241, allocating positions to various salary ranges, effective April 23, 2019.  
**Adopted.**  
Enactment No: RES 19-159

---

Chief Information Officer: Stephen Monaghan

18. [SR 19-0264](#) Resolution continuing the declaration of a Local Emergency in Nevada County due to the Airport Hangar Fire. (4/5 affirmative vote required) (Airport)  
**Adopted.**  
Enactment No: RES 19-160
19. [SR 19-0298](#) Resolution authorizing the Nevada County Airport Manager to submit an application for a California Department of Transportation (Caltrans) loan in the amount of \$45,000, for the capital asset purchase of an AVGAS refueling truck from the Truckee-Tahoe Airport, authorizing the Nevada County Airport Manager to accept and execute the Caltrans loan agreement, approving the purchase of the capital asset, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Airport budget. (4/5 affirmative vote required) (Airport) (Pulled from consent by staff for discussion)  
**Adopted.**  
Enactment No: RES 19-167
20. [SR 19-0284](#) Resolution approving Amendment 1 to the contract between the County of Nevada and James White Construction for snow removal and sanding services at Nevada County facilities in Truckee (PESM3699), increasing the contract amount from \$25,000 to a maximum contract price of \$60,000 due to increased snow levels in the Truckee area, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Facilities)  
**Adopted.**  
Enactment No: RES 19-161
21. [SR 19-0297](#) Resolution approving a contract between the County of Nevada and M. Arthur Gensler Jr. & Associates, Inc. for architectural design services at the Nevada County Madelyn Helling Library for the Madelyn Helling Library Remodel Project, in the amount of \$50,750, for the period April 23, 2019 through June 30, 2020, authorizing the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Facilities Management budget. (4/5 affirmative vote required) (Facilities)  
**Adopted.**  
Enactment No: RES 19-162

22. [SR 19-0263](#) Resolution approving a License Agreement between the County of Nevada, the Gold Country Kiwanis, and the Fire Safe Council of Nevada County pertaining to the non-exclusive use of the Nevada County Eric Rood Administrative Center to host the Sixteenth Annual Children's Safety and Health Carnival - Community Wildfire Preparedness Day on Saturday May 4, 2019, and authorizing the Director of Emergency Services to execute the Agreement. (Emergency Services)

**Adopted.**

Enactment No: RES 19-163

23. [SR 19-0292](#) Resolution approving Amendment 1 to the Memorandum of Understanding (MOU) between the Nevada County Office of Emergency Services and the South Yuba River Citizens League for the provision of four Satellite Communication Devices to ensure public safety along the Yuba River (Res. 18-354), revising the MOU to purchase an additional two Satellite Communication Devices, and authorizing the Director of the Office of Emergency Services to execute the MOU. (Emergency Services)

**Adopted.**

Enactment No: RES 19-164

County Librarian: Yolande Wilburn

24. [SR 19-0273](#) Resolution accepting a grant from the California State Library for \$6,800 in funding to support the Lunch at the Library Program at the Nevada County Community Library, for use during the period May 1, 2019 through August 30, 2019, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Library budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 19-165

25. [SR 19-0274](#) Resolution authorizing a Software as a Service Agreement between the County of Nevada and Innovative Interfaces Incorporated for the implementation of and five-year subscription to the Polaris Hosted Integrated Library System, in an amount not to exceed \$327,462, authorizing the Chair of the Board of Supervisors to execute the Agreement, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Library budget. (4/5 affirmative vote required)

**Adopted.**

Enactment No: RES 19-166

Clerk of the Board: Julie Patterson Hunter

26. [SR 19-0267](#) Acknowledge Supervisor Hoek's acceptance of resignation from Ms. Fran Cole as District IV representative to the Nevada County Historical Landmarks Commission.  
**Acknowledged.**
27. [SR 19-0277](#) Approve the appointments of Mr. Robert Graham as a Cattle Industry representative and Ms. Aleta Barrett as a Farming Industry representative, both for unexpired 4-year terms ending March 31, 2022, approve the appointment of Mr. Seth Rosmarin as an Other Agricultural Interests representative, for a 4-year term ending March 31, 2023, and approve the redesignation of Ms. Laura Barhydt as a Cattle Industry representative, all to the Agricultural Advisory Commission.  
**Appointed.**
28. [SR 19-0301](#) Resolution making findings, accepting the appeal filed by Jens Larson, et al, from the decision of the Zoning Administrator's approval of a combined application for a Conditional Use Permit, and a Petition for Exceptions to Driveway Standards (PLN17-0074; CUP17-0016; MIS18-0012; and EIS17-0023) for the construction of an unmanned 110-foot-tall monopine telecommunication tower and equipment facility with a 1,500-square-foot lease area located at 13803 Wild Life Lane, Grass Valley (APN 012-720-045), and scheduling the appeal for public hearing on May 28, 2019 at 10:30 a.m. (Dist. I) (Pulled from consent by Ms. Janet Tache, District IV resident)  
**Adopted.**  
Enactment No: RES 19-168

**ACTION TAKEN:** Chairman Anderson introduced the consent calendar. Agenda Item #19 pulled from consent by Staff and Agenda Item #28 pulled from consent by Ms. Janet Tache, District IV resident.

*Approval of the Consent Agenda*

**Adopted.**

**MOTION:** Motion made by Supervisor Scofield, seconded by Supervisor Miller to approve the consent calendar less Agenda Item #19 and Agenda Item #28. On a roll call vote, the motion passed unanimously.

\*\*\*\*\*



**ITEMS PULLED FROM THE CONSENT CALENDAR:**

Chief Information Officer: Stephen Monaghan

19. [SR 19-0298](#) Resolution authorizing the Nevada County Airport Manager to submit an application for a California Department of Transportation (Caltrans) loan in the amount of \$45,000, for the capital asset purchase of an AVGAS refueling truck from the Truckee-Tahoe Airport, authorizing the Nevada County Airport Manager to accept and execute the Caltrans loan agreement, approving the purchase of the capital asset, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Airport budget. (4/5 affirmative vote required) (Airport) (Pulled from consent by staff for discussion)  
Enactment No: RES 19-167

ACTION TAKEN: Ms. Elise Strickler, Administrative Services Officer, reported that they were making recommended changes to the proposed Resolution, removing items #2 through #4 in the NOW, THEREFORE section, leaving only item #1, amending the Resolution to clarify that the item was to submit a loan application only.

Board questioning ensued.

**MOTION: Motion made by Supervisor Hall, seconded by Supervisor Hoek, to adopt Resolution 19-167, as amended. On a roll call vote the motion passed unanimously.**

\*\*\*\*\*

Clerk of the Board: Julie Patterson Hunter

28. [SR 19-0301](#) Resolution making findings, accepting the appeal filed by Jens Larson, et al, from the decision of the Zoning Administrator's approval of a combined application for a Conditional Use Permit, and a Petition for Exceptions to Driveway Standards (PLN17-0074; CUP17-0016; MIS18-0012; and EIS17-0023) for the construction of an unmanned 110-foot-tall monopine telecommunication tower and equipment facility with a 1,500-square-foot lease area located at 13803 Wild Life Lane, Grass Valley (APN 012-720-045), and scheduling the appeal for public hearing on May 28, 2019 at 10:30 a.m. (Dist. I) (Pulled from consent by Ms. Janet Tache, District IV resident)  
Enactment No: RES 19-168

**ACTION TAKEN:** Ms. Janet Tache, District IV resident, requested the item receive a public hearing. She shared concerns regarding cell towers and their effects on people's health and urged the Board to accept the appeal.

Board discussion ensued.

**MOTION: Motion made by Supervisor Hall, seconded by Supervisor Scofield, to adopt Resolution 19-168. On a roll call vote the motion passed unanimously.**

\*\*\*\*\*

**\*DEPARTMENT HEAD MATTER:**

**Public Health Director: Jill Blake**

29. [SR 19-0308](#) Measles Outbreak informational presentation.

**ACTION TAKEN:** Ms. Jill Blake, Director of Public Health, and Dr. Cutler, Health Officer, provided a PowerPoint presentation regarding the current Measles Outbreak.

Dr. Cutler noted the symptoms, and reviewed some of the severe complications, reporting that for some individuals the disease can be fatal. He stressed that the vaccine is safe, and it is suggested it be given to children by the age of 5 years old. There are large measles outbreaks in countries that are often visited by U.S. citizens, who are bringing it back to the United States. He reviewed how the outbreak affects Nevada County, explaining that we have a higher-level than average number of students who have not been vaccinated. Dr. Cutler reported on the actions that the Nevada County Public Health Department is taking to address the Measles outbreak, including; communications with local providers and hospitals; immunization outreach; public messaging; working with schools; assistance with diagnosing and laboratory testing; and continued monitoring of the situation.

Dr. Cutler concluded his presentation and Board questioning and discussion ensued.

Chairman Anderson provided an opportunity for public comment.

Ms. Marin Lipowitz, District IV resident, asked if Dr. Cutler could speak about 1) the 1986 Supreme Court ruling that exempted vaccine manufacturers from litigation and; 2) what accounts for the spike in the number of vaccines children are now required to have and; 3) have the contents of the vaccines changed, and why.

Dr. Cutler explained that he was not a lawyer, although some liability protection was granted to manufacturers with the thought that this would promote new research, however a compensation fund was also created for those who are harmed by vaccines (a very small percentage approximately one out of one million) and systems were put in place to track the public safety of vaccines. Often adverse event data is misused, although researchers regularly complete studies to review the public safety of vaccines. Some parents believe that too many vaccines are given too early in life, Dr. Cutler responded that there is not good evidence that vaccines are adversely effecting children. He stressed that over time, vaccines have improved and their safety has increased.

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

\*\*\*\*\*

**\*ANNOUNCEMENTS:**

*Pursuant to Government Code Section 54954.2, Board members and County Executive Officer may make a brief announcement or brief report on his or her activities. Board members and County Executive Officer may also provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.*

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

\*\*\*\*\*

**SCHEDULED ITEM: 10:00 A.M.****Agricultural Commissioner: Chris de Nijs**

30. [SR 19-0304](#) Public hearing, pursuant to Government Code Section 65858, to review and approve the written report outlining the measures taken to alleviate the conditions which led to the adoption of County Ordinance No. 2464 and to consider the adoption of an extension of the April 09, 2019 Urgency Ordinance (County Ord. No. 2464), extending the temporary moratorium on the cultivation of Industrial Hemp within the unincorporated areas of the County of Nevada for a period of 10-months and 15-days from date of the expiration of the original 45-day moratorium.

(Introduce/Waive Further Reading/Adopt) An Interim Ordinance extending the temporary moratorium on the cultivation of Industrial Hemp within the unincorporated areas of the County of Nevada for an additional ten months and fifteen days period. (4/5 affirmative vote required)

**Adopted.**

Enactment No: ORD-2465

ACTION TAKEN: Mr. Chris de Nijs, Agricultural Commissioner, provided a PowerPoint presentation regarding a proposal to extend the 45-day moratorium on cultivation of Industrial Hemp within the unincorporated areas of Nevada County for a period of ten (10) months and fifteen (15) days. He reported that staff has been reviewing new State regulations and needs additional time to study the issue and how it relates to Cannabis regulations. He requested the Board adopt the Ordinance and extend the moratorium on cultivation.

Chairman Anderson opened the public hearing for public comment and the following members of the public provided comments: Ms. Sonja Sokolow, District II resident; and Ms. Diana Gamzon, District I resident and Executive Director of Nevada County Cannabis Alliance.

There being no further public comment, Chairman Anderson closed the public comment portion of the public hearing.

Board questioning and discussion ensued.

**MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Hall, to introduce, waive further reading and adopt Ordinance 2465. On a roll call vote the motion passed unanimously.**

\*\*\*\*\*

**\*CLOSED SESSIONS:**

[SR 19-0302](#) Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case: Sullivan, a minor, et al. v. Lake Wildwood Association, et al., Nevada County Superior Court, Case No. CU18-083052.

[SR 19-0312](#) Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case: In Re: PG&E Corporation and Pacific Gas and Electric Company, Debtors., United States Bankruptcy Court, Northern District of California, San Francisco Division, Case No. 19-30088.

**ACTION TAKEN:**

Ms. Alison Barratt-Green, County Counsel, read the titles of the closed session items into the record and the Board members entered into closed session.

Following closed session, County Counsel reported that nothing occurred in the first closed session that was required to be reported out by law and, with respect to the second closed session, the Board voted to authorize County Counsel to hire a firm.

\*\*\*\*\*

**SCHEDULED ITEM: 10:30 A.M.****Planning Director: Brian Foss**

31. [SR 19-0288](#) Public hearing to consider the appeal filed by Jennifer D' Andrade of the Nevada County Planning Commission's March 1, 2019, Notice of Conditional Approval for a Conditional Use Permit (CUP18-0009), an Amendment to an Approved Map (AAM18-0002), a Seasonal and Ephemeral Stream Management Plan (MGT18-0019), and the adoption of a Mitigated Negative Declaration (EIS18-0012). The project is to allow up to twenty (20) special events per year with up to 125 guests, including event attendees, vendors and employees, at a 15.05-acre parcel that is developed with a single-family residence and accessory structures. All event activities would be outdoors only. The project includes improvements for a 350-square-foot restroom facility, a new septic system, driveway improvements, the installation of a 10,000-gallon water tank for fire suppression, a pathway, curtain drain, an additional driveway off Cattle Drive, a fifty-nine (59) space parking area and landscaping, and two additional ADA-compliant parking spaces. The Amendment to the Approved Tentative Parcel Map (PM16-002) allows the additional building envelope, to include the 59-space parking area. 17860 Cattle Drive, Rough and Ready (APN 051-110-004). (Dist. IV) (Supervisor Hoek recused herself from the public hearing.)

Resolution denying the appeal filed by Jennifer D'Andrade regarding the Planning Commission's February 28, 2019 approval of the Conditional Use Permit (CUP18-0009), the Amendment to the Tentative Parcel Map (AAM18-0002), and the Seasonal and Ephemeral Stream Management Plan (MGT18-0019); and adoption of the Mitigated Negative Declaration (EIS18-0012), to allow outdoor special events on the property located at 17860 Cattle Drive, Grass Valley, in the unincorporated area of Nevada County (APN 051-110-004). (Hoek-Absent)

**Adopted as amended.**

Enactment No: RES 19-169

**ACTION TAKEN:** Chairman Anderson introduced the public hearing, Supervisor Hoek recused herself and left the Chambers.

Mr. Brian Foss, Planning Director, introduced Ms. Sadie Caldas, Associate Planner, who provided a PowerPoint presentation regarding the appeal of a project to allow up to twenty (20) special events per year with up to 125 guests, including event attendees, vendors and employees, at a 15.05-acre parcel that is developed with a single-family residence and accessory structures. She reviewed the project approved by the Planning Commission, which includes Conditional Approval for a Conditional Use Permit (CUP18-0009), an Amendment to an Approved Map (AAM18-0002), a Seasonal and Ephemeral Stream Management Plan (MGT18-0019), and the adoption of a Mitigated Negative Declaration (EIS18-0012).

Ms. Caldas responded to the issues raised in the appeal including; ephemeral stream concerns, parking area concerns; and regarding the agricultural uses allowed in Agricultural Zoning, noting that the proposed use is not taking away any opportunity for agriculture.

Ms. Caldas responded to concerns regarding impacts to the view from state Highway 20, noting that the area is not a scenic corridor, and the project includes a landscape plan to reduce visual impacts; an Oak Tree Management Plan; a Best Management Practices plan to protect resources; both noise and traffic mitigation plans; and a Nesting Bird Survey requirement prior to construction. The property owner has provided an alternative landscape plan to allow landscaping to blend in better with the existing area, and to revise the parking area from a gravel parking area to parking on native soil.

Ms. Caldas reported that based on reports by biologists, there are no unmapped seasonal streams in or around the parking area on the property and reviewed the "Nevada County Right to Farm Notice" which allows that agricultural operations are not considered a nuisance.

Staff recommends the Board adopt the Resolution denying the appeal, upholding the Planning Commission's decision. She concluded her presentation.

Board questioning ensued.

Chairman Anderson provided the opportunity for the Appellant to provide their presentation.

Ms. Jennifer D'Andrade, Appellant, provided her presentation and showed photographs of the location of the unmapped ephemeral stream that she believes is located on the property in question. She shared concerns regarding potential flooding that could exist on her property without mitigations.

---

Board questioning ensued.

Mr. Rob Wood, Principal Planner, Millenium Planning and Engineering, representing the Applicant, Ms. Mardalynne Caldwell, provided the Project Proponent's presentation. He reviewed the project proposing to allow outdoor wedding events on the property. He stressed that the Conditional Use Permit, which was allowed in Agricultural Zoning, provides for an economical benefit to the County. He spoke to the location, which is easily accessible to the highway, and spoke of the beauty of the location. They went through an extensive environmental review, including biological, cultural, traffic, noise, and drainage. They agreed to the modifications that were suggested, including the change in parking from gravel (no associated grading) to native soil. They could also move the parking area further from the stream and wetlands, closer to Cattle Drive. Mr. Wood explained that they completed a topographical survey, biological inventory, management plans and additional drainage evaluations. He suggested that the flooding shown in the photos shown by the Appellant was caused by the extreme rainfall that the County experienced this winter. The water ponded during the heavy rainfall, but slowly dissipated as the soil absorbed the additional rainfall.

Mr. Wood suggested that the project does not conflict with agricultural zoning. He stressed that the Agricultural Advisory Commission found there would be minimal impacts to farmland; there is existing agriculture on the site; use does not preclude agriculture onsite or surrounding areas.

Board questioning ensued.

Chairman Anderson provided an opportunity for public comment.

The following members of the public provided comments: Mr. Matthew Coulter, District I resident; Mr. Jerry Wood, District IV resident; Ms. Laura Barhydt, District II resident and Agricultural Advisory Commissioner; Mr. Mike Mastrodonato, District IV resident and Penn Valley Municipal Advisory Council member; Ms. Laurie Oberholzer, District I resident; Ms. Alexa DeSena, District I resident and employee of Rough and Ready Vineyards; Ms. Olivia Torbett, District IV resident; Mr. Gary Richard, District IV resident; Ms. Diane Schafer, District IV resident; Ms. Barbara Rivenes, District III resident; Ms. Shari Bockelmann, North Auburn resident; Ms. Sandy Schmidt, Nevada County resident; Ms. Saundra Mutascio, District IV resident; Mr. George, Yuba County resident and employee of Rough and Ready Vineyards; Ms. Robin Galvan-Davies, Greater Grass Valley Chamber of Commerce Executive Director; Ms. Cathy Whittlesey, Nevada City Chamber of Commerce Executive Director; Mr. Jeff Christensen, District I resident; Mr. Roy Weaver, District IV resident; Ms. Heather Featherston, District IV resident; Mr. Damen Riner, District III resident; Ms. Valerie Moberg, District I resident; Mr. Kurt Chittock, District IV resident.



There being no further public comment, Chairman Anderson closed public comment.

Ms. Mardalynne Caldwell, property owner, provided the Project Proponent's Summation and responded to the concerns presented at today's meeting.

Board questioning and discussion ensued.

Supervisor Scofield was disappointed that the representatives from the District had to recuse themselves - maybe this process should be reviewed as it relates to making decisions. Ms. Alison Barrett-Green, County Counsel, explained the conflict of interest that can happen and the considerations for recusal.

**MOTION: Motion made by Supervisor Miller, seconded by Supervisor Scofield, to adopt Resolution 19-169, amended to include the proposed changes by the Project Proponent to not gravel the driveway and to include Oak trees as shown by the revised site plan. On a roll call vote the motion passed unanimously.**

\*\*\*\*\*

**ADJOURNMENT:**

ACTION TAKEN: Chairman Anderson adjourned the meeting at 1:07 P.M.

\*\*\*\*\*

Signature and Attestation

Richard Anderson, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board