

COUNTY OF NEVADA

STATE OF CALIFORNIA

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



BOARD OF SUPERVISORS

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

SUMMARY MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, October 10, 2017	9:00 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

REGULAR MEETING: 9:00 AM

Rollcall

The following Supervisors present:

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

STANDING ORDERS:

Chairman Weston called the meeting to order at 9:02 A.M.

Pledge of Allegiance led by Fire Marshal Terry McMahan, Nevada County Consolidated Fire District.

Corrections and/or deletions to agenda.

ACTION TAKEN: Ms. Julie Patterson Hunter, Clerk of the Board, noted that an Addendum Agenda posted this morning Tuesday, October 10, 2017, adding Agenda Items #20a and 20b.

ACTION TAKEN: Moment of Silence held in honor of the loss of life in Las Vegas, Nevada.

PUBLIC COMMENT: 9:01 A.M.

ACTION TAKEN: Mr. Bill Thomas, District I resident, provided comments regarding "house stealing" and the recent ID Thefts through Equifax. "House stealing" is occurring when people file illegal transfers of property titles. He wanted the Clerk-Recorder to know that there is a program that automatically alerts the current owner of a property if new title paperwork has been filed.

Ms. Linda Chaplin, District I resident, wanted to bring attention to the increase in residential lighting in Nevada County. She requested neighbors be considerate and properly shield their lighting, particularly LED lighting, when installing outdoor lights.

SCHEDULED ITEM: 9:02 A.M.

1. [SR 17-0772](#) Resolution proclaiming October 8-14, 2017 as "Fire Prevention Week 2017" in Nevada County. (Deputy Fire Marshal Terry McMahan, Nevada County Consolidated Fire District)
Adopted.
Enactment No: RES 17-501

ACTION TAKEN: Chairman Weston read the proposed Resolution into the record and the Board presented it to Fire Marshal Terry McMahan, Nevada County Consolidated Fire District.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to adopt Resolution 17-501. On a roll call vote the motion passed unanimously.

CONSENT CALENDAR:

Behavioral Health Director: Rebecca Slade

2. [SR 17-0765](#) Resolution accepting funds in the amount of \$16,224 for the renewal Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) for the Projects for Assistance in Transition from Homelessness (PATH) Grant Program, for Fiscal Year 2017/18.
Adopted.
Enactment No: RES 17-502

District Attorney: Clifford Newell

3. [SR 17-0723](#) Resolution approving a contract between the County of Nevada and Tahoe Safe Alliance for the provision of services to victims of domestic violence, in an amount not to exceed \$3,000 per year, for the period July 1, 2017 through June 30, 2022, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 17-503
4. [SR 17-0724](#) Resolution approving a contract between the County of Nevada and Community Beyond Violence for the provision of services to victims of domestic violence, in an amount not to exceed \$12,000 per year, for the period July 1, 2017 through June 30, 2022, and authorizing the Chair of the Board of Supervisors to execute the contract.
Adopted.
Enactment No: RES 17-504
5. [SR 17-0725](#) Resolution accepting California Department of Insurance Automobile Insurance Fraud grant funds in the amount of \$31,817, for use during the period July 1, 2017 through June 30, 2018, authorizing the District Attorney to execute all necessary contracts, payment requests, agreements and amendments, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 budget. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 17-505
6. [SR 17-0726](#) Resolution accepting California Department of Insurance Workers' Compensation Insurance Fraud grant funds in the amount of \$77,734, for use during the period July 1, 2017 through June 30, 2018, authorizing the District Attorney to execute all necessary contracts, payment requests, agreements and amendments, and directing the Auditor Controller to amend the Fiscal Year 2017/18 budget. (4/5 affirmative vote required)
Adopted.
Enactment No: RES 17-506

Director of Public Works: Trisha Tillotson

7. [SR 17-0781](#) (Waive further reading/Adopt) Ordinance adding Subsection 202 to Section G-IV 3.A.3, and adding Subsection 18 to Section G-IV 3.A.4 of Article 3.A of Chapter IV of the Nevada County General Code pertaining to speed limits on Mount Olive Road. [Twenty-Five Miles Per Hour Prima Facie Speed Limit established on Mount Olive Road from Highway 174 to Miranda Drive, and Thirty Miles Per Hour Prima Facie Speed Limit established on Mount Olive Road from Miranda Drive to Rolphholm Road.] (Dist I)

Adopted.

Enactment No: ORD-2443

Interim Human Resources Director: Alison Lehman

8. [SR 17-0769](#) Resolution amending the Authorized Personnel Staffing Resolution 17-277, adopted July 2, 2017, allocating positions to various County Departments, with the total number of FTE changing from 788.85 to 793.85, effective October 10, 2017.

Adopted.

Enactment No: RES 17-507

9. [SR 17-0770](#) Resolution amending Authorized Personnel Salary Resolution 17-278, adopted July 2, 2017, assigning job description titles to various salary ranges, adding the position of Director of Facilities Management, effective October 10, 2017.

Adopted.

Enactment No: RES 17-508

10. [SR 17-0768](#) Resolution approving a contract between the County of Nevada and Liebert Cassidy Whitmore pertaining to legal employment relations services and review of Personnel Code and Administrative Code, in the total amount of \$86,000, for the period September 8, 2017 through June 30, 2018, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 Human Resources budget (4/5 affirmative vote required)

Adopted.

Enactment No: RES 17-509

11. [SR 17-0774](#) Resolution approving Amendment Two to the contract between the County of Nevada and GovernmentJobs.com for purchase and implementation of an employment application management system (Res. 15-026), adding the Perform module to optimize the performance review process, in the amount of \$28,175 for Fiscal Year 2017/18, \$20,675 for Fiscal Year 2018/19, and \$20,675 for Fiscal Year 2019/20, for the period October 1, 2017 through June 30, 2020, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Fiscal Year 2017/18 Human Resources budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 17-510

Chief Information Officer: Stephen Monaghan

12. [SR 17-0763](#) Resolution continuing the Proclamation of a Local Emergency in Nevada County due to Extreme Tree Mortality resulting in extreme levels of combustible fuels and the severe threat of wildfires. (Emergency Services)

Adopted.

Enactment No: RES 17-511

13. [SR 17-0764](#) Resolution continuing the Proclamations of Local Emergencies in Nevada County due to extreme and cumulative precipitation, atmospheric rivers and storms in January and February 2017 resulting in flooding, subsidence and other damage to public and private infrastructure and facilities. (Emergency Services)

Adopted.

Enactment No: RES 17-512

Clerk of the Board: Julie Patterson Hunter

14. [SR 17-0778](#) Election of Supervisor Ed Scofield to continue as representative, and Supervisor Hank Weston to continue as alternate, to the California State Association of Counties (CSAC) Board of Directors for the 2017/18 Association Year, beginning Tuesday, November 28, 2017.

Appointed.

15. [SR 17-0773](#) Appointment of Ms. Nicole Bowden as a Consumer member to the Nevada-Sierra Connecting Point Public Authority Governing Board, for a 3-year term ending June 30, 2020.

Appointed.

16. [SR 17-0761](#) Approval of Grass Valley School District's amended Conflict of Interest Code. (Updating the Designated Positions to include the Assistant Superintendent and adding an Appendix to include Disclosure Categories, Designated Positions, and Disclosures for Consultants.)
Approved.
17. [SR 17-0766](#) Acceptance of Board of Supervisors Summary Minutes for September 26, 2017.
Accepted.

ACTION TAKEN: Chairman Weston introduced the consent calendar.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Hall to approve the consent calendar. On a roll call vote, the motion passed unanimously.

DEPARTMENT HEAD MATTERS:

Clerk of the Board: Julie Patterson Hunter

18. [SR 17-0771](#) Resolution designating the W. C. Jones Memorial Hospital, also known as the Swan Levine House, located at 328 South Church Street, Grass Valley, CA 95945 (APN 08-403-05-000) as Nevada County Historical Landmark No. NEV 17-02, and directing the Clerk of the Board to record a certified copy of this Resolution with the Nevada County Clerk-Recorder's office within ten days after adoption hereof. (Dist. III)
Adopted.
Enactment No: RES 17-513

ACTION TAKEN: Chairman Weston introduced the agenda item and Ms. Julie Patterson Hunter, Clerk of the Board, reviewed the staff report regarding the Historical Landmarks designation.

Mr. Joseph Burn, Secretary/Treasurer, Nevada County Historical Landmarks Commission, spoke on behalf of the Commission's recommendation, and thanked Howard and Peggy Levine for caretaking the W.C. Jones Memorial Hospital, also known as the Swan-Levine House, for forty-two years.

Mr. Howard Levine, owner of the W.C. Jones Memorial Hospital, most recently known as the Swan Levine House, provided a brief history of the Swan Levin House. He spoke to Peggy Levine's contributions to the community and to Nevada County's history.

The Board members thanked Mr. Levine and provided comments regarding the importance of Howard and Peggy Levine's work.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hall, to adopt Resolution 17-513. On a roll call vote the motion passed unanimously.

County Librarian: Laura Pappani

19. [SR 17-0617](#) Resolution approving an agreement between the County of Nevada and the Friends of the Libraries of Nevada County (Friends) pertaining to the management of the Doris Foley Library for Historical Research, fundraising, and general support by the Friends, for the period July 1, 2017 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 17-514

ACTION TAKEN: Ms. Laura Pappani, County Librarian, reviewed the staff report regarding the agreement between the County and the Friends of the Libraries of Nevada County (Friends), which stepped up in 2010 to manage the Doris Foley Library when the library was facing fiscal challenges. She spoke to the efforts of the Friends which included the operational costs and provided daily oversight. Ms. Pappani reported that with the passage of Measure A, the Friends requested the County take over the management of the Doris Foley Library. She thanked the Friends for the past seven years of work for the Doris Foley Library.

Chairman Weston provided an opportunity for public comment.

Ms. Linda Chaplin, District I resident, provided her support for the Doris Foley Library. She encouraged the County invest additional dollars in the Library.

There being no further public comment, Chairman Weston closed the public comment period.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Scofield, to adopt Resolution 17-514. On a roll call vote the motion passed unanimously.

20. [SR 17-0777](#) Resolution approving an agreement between the County of Nevada and the San Juan Ridge Community Library (SJRCL) to support the operation of SJRCL, in the amount of \$50,000, for the period October 10, 2017 through June 20, 2018, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 17-515

ACTION TAKEN: Ms. Laura Pappani, County Librarian, reviewed the staff report regarding the proposed agreement between the County and San Juan Ridge Community Library (SJRCL). She provided a brief history of the library and reported on the services currently provided plus the additional services that will be made available to the public upon approval of the agreement.

Chairman Weston provided an opportunity for public comment.

Ms. Roo Cantada, Librarian, SJRCL, thanked the County, the volunteers, and the County Librarian, and provided comments regarding the operation of the SJRCL.

There being no further public comment, Chairman Weston closed the public comment period.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Hall, to adopt Resolution 17-515. On a roll call vote the motion passed unanimously.

Chief Information Officer: Stephen Monaghan

- 20a. [SR 17-0806](#) Motion of the Board of Supervisors finding that there is a need for immediate action to proclaim a local emergency to ensure the continued ability to respond to and assist with an emergency situation regarding the Wind Complex Fires and that the need for this action came to the attention of the County subsequent to the posting of the October 10, 2017 Agenda, and adding Item 20b to the Agenda. (4/5 affirmative vote required)

Approved.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to find that there is a need for immediate action to proclaim a local emergency. On a roll call vote the motion passed unanimously.

Ms. Alison Barratt-Green requested a correction to a typo in item 20a in the Addendum Agenda; the date of February 14, 2017 should have been October 10, 2017.

20b. [SR 17-0807](#) Resolution proclaiming a local emergency in Nevada County due to the Wind Complex Fires and related evacuations in the affected communities and requesting that the Governor continue to maintain a State of Emergency for the County of Nevada. (Emergency Services)

Adopted.

Enactment No: RES 17-516

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Miller, to adopt Resolution 17-516. On a roll call vote the motion passed unanimously.

ACTION TAKEN: Mr. Stephen Monaghan, Chief Information Officer, provided an update on the emergency, evacuations taking place, and the opening of emergency shelters.

Mr. John Gulserian, Office of Emergency Services Program Manager, reported on the emergencies and containment of the fires. CALFIRE and local fire departments are working diligently to bring the fires under control. He spoke to the loss of structures and reported on the efforts for damage assessment.

Mr. Monaghan reported that on Monday staff is expecting to open a service center to assist members of the public who have lost their homes including a dedicated phone line. He spoke to how the community has come together, and the efforts provided by the Fire Districts, Sheriff's Office, Non-Profits, Churches, Animal Rescue staff, and County staff.

Mr. Gulserian reported that the McCourtney fire is 60% contained. The current estimate for the McCourtney fire is 10 structures lost.

Mr. Richard Haffey, County Executive Officer, asked where members of the public should go for the most current information. Mr. Monaghan responded that the two main vehicles of communication for the public to obtain information are: the County's website "MyNevadaCounty.com", on the Emergency Alert page, where information from the Emergency Operations Center (EOC) is regularly updated; and the Office of Emergency Services' Facebook page.

The Board members thanked staff for their efforts.

Mr. Terry McMahan, Fire Marshal Consolidated Fire District, mentioned that CALFIRE is working to find the cause of the fire. He thanked the public for their cooperation during the evacuations.

***CLOSED SESSION:**

[SR 17-0792](#) Pursuant to Government Code Section 54956.9(d)(2), County Counsel is requesting a closed session with the Board of Supervisors to discuss three matters in which there is a significant threat of litigation against the County.

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the title of the closed session into the record and the Board entered into closed session.

Due to the subject matter of the first closed session, Chairman Weston recused himself. He then entered into the closed session for the additional two matters.

Following the closed session, Ms. Barratt-Green reported that nothing occurred in closed session that is required to be reported out by law.

***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.

Recess for lunch: Meeting recessed at 11:04 A.M.

AFTERNOON SESSION: 1:30 P.M.**SCHEDULED ITEM: Brian Foss, Planning Director**

21. [SR 17-0767](#) Public hearing to consider the appeal filed by Kim and Don Crevoiserat, et. al. of the Nevada County Planning Commission's August 10, 2017, approval (4-1 vote) of a Development Permit (DVP16-8) for the Northern Sierra Propane Project. (Dist. 1)

Resolution denying the appeal filed by Kim and Don Crevoiserat, Gary and Pauline Rudolph, Kenneth and Elise Stupi, Robert and Candace Burbage, Carter and Louise Taylor, Sterling and Connie Bailey, Dana and Fayrene Dickey, and Ron and Mary Arneson regarding the Planning Commission's August 10, 2017 approval of a Development Permit (DVP16-8) for Northern Sierra Propane located at 13145 Loma Rica Drive, Grass Valley, Assessor's Parcel Number 06-920-10, and sustaining the Planning Commission's approval of the Development Permit, based on findings 1 through 6.

Adopted.

Enactment No: RES 17-517

ACTION TAKEN: Chairman Weston called the meeting to order at 1:30 p.m. and reviewed the appeal process.

Mr. Brian Foss, Planning Director, introduced Mr. JD Trebec, Associate Planner. Mr. Trebec provided a PowerPoint presentation and reviewed the staff report regarding the Northern Sierra Propane Project. He provided a brief history of the project and some background regarding the Planning Commission's August 10, 2017 approval of the Project (4-1 vote). The Project proposes an office, warehouse, outdoor stage, two 30,000 gallon propane tanks and includes a sound screening wall and a security fence. Subsequently, an appeal was filed by Kim and Don Crevoiserat and 7 other property owners, presenting four arguments against the permit; arguing that the Nevada County Airport Land Use Commission (NCALUC) Resolution 17-01, is inconsistent with the Land Use and Development Code (LUDC) and the Loma Rica Drive Industrial Area Plan (LRDIAP), inconsistent with the General Plan, and inconsistent with conditions for the previously approved 10-unit condominium project on this lot. Mr. Trebec responded to the first of the Appellant's arguments.

Board questioning ensued regarding the Airport Land Use Commissions' decision and the Airport Land Use Compatibility Plan.

Mr. Trebec continued his response to the arguments regarding the Airport Land Use Commission's decision, the Zoning Code and the Loma Rica Drive Industrial Area Plan, inconsistencies with the General Plan, and the previous conditions and mitigation measures that had been approved for a previous project.

Mr. Trebec completed his presentations recommending the Board adopt the Resolution denying the appeal and upholding the Planning Commission's decision to approve the Development Permit (DVP16-8).

Ms. Crevoiserat, Appellant, provided the Appellants presentation, referring to the documents she provided earlier to the Board members. She reviewed a number of items in the Land Use Airport Commission's decision that she felt were incorrect and not applicable to this site. Therefore, she argued that the Land Use Airport Commission's decision should be ignored. Also, if there is a 750 foot zone handbook guide, it should be made clear to the public as it is not included in the code. She stressed that the Project is not in compliance with the planning principles outlined in the County General Plan, arguing that the mitigation measures do not protect neighbors from the close proximity of the Project and dramatically change the esthetic of the residential neighborhood. She suggested the Project should look like the residential parcels close in proximity. It will greatly alter the view from her home. She stressed that neighborhood property values will be decreased due to the Project, and will make the neighboring properties difficult to sell. She further added that the proximity to this fire hazard will increase the cost of the neighborhood residential insurance.

She disagreed that it was consistent with the neighborhood, believing the Project to be unsuitable and a fire hazard. She also felt that the Project exceeds the acceptable code noise limits and will violate the code requirement for no outdoor activity. Ms. Crevoiserat reviewed photos supporting her appeal arguments, and concluded her presentation with a request for the Board to uphold the appeal. She further requested the Board halt any additional propane storage within the Loma Rica Industrial Park.

Mr. Kevin Nelson, Nelson Engineering, provided the Project Proponent's presentation, in conjunction with Mr. Rich Watts, Attorney-at-Law, representing Northern Sierra Propane. Mr. Nelson responded to the Appellant's appeal, pointing out that from the very beginning of the Project they have worked closely with the Wanona Madrona Homeowners Association, as well as, Mr. and Mrs. Crevoiserat and felt that the initial concerns presented by the Appellants had all been addressed. He spoke to the discussion that took place during the Planning Commission's August 10, 2017 meeting. He felt that all of the Development Code General Plan use criteria have been met. They worked with staff and with the neighbors the best they could. He stressed that the Project was desirable for the community and requested the Board deny the appeal.

Mr. Watts reported that the Planning Department spent a significant amount of time researching the compatibility of the Project. He stressed that the propane tanks were an approved use for the site's zoning. He appreciated the Appellant's concerns, but stressed that this use fits strictly within the nature of the land use zoning.

Supervisor Miller requested clarification of the difference between Zone 5 and Zone B2. Mr. Brian Foss, Planning Director, responded that the Project was routed through the Airport Land Use Commission for final determination and clarification on the zoning of the Project.

Supervisor Hall wanted to be sure that the facility would not be operating without proper fire protection water systems. Mr. Foss read from the Project plan, which states the fire hydrant and water pressure requirements that will need to be met.

Staff responded to Board questioning.

Supervisor Scofield reported that he is on the Nevada County Transportation Commission, which also sits as the Airport Land Use Commission. He reviewed the support for the Commission's decision. At the time, he was disappointed that the Airport Manager was not in attendance, although he understood that the Airport Manager did review the project and approve prior to the decision being made. He reported that the Airport Land Use Commission did not raise any concerns on the zoning, and noted that neighbors had not raised any concerns prior to this appeal.

Supervisor Anderson, who also sits on the Tahoe Truckee Airport Land Use Commission, shared concerns regarding restrictions allowed in B5 zoning versus what is allowed in B2 zones. This project would not be allowed in a B2 zone, per land use code.

Chairman Weston referred to the B2 zoning versus the B5 zoning. He asked how staff came to the determination that B2 was only for noise and there was nothing in the document stating that it was one or the other. Mr. Foss responded that the information was provided by the consultant who wrote up the Plan, which was subsequently approved by the Nevada County Airport Land Use Commission. Chairman Weston was in agreement with Supervisor Anderson's concerns.

Mr. Trebec clarified that the Airport Land Use Compatibility Plan was derived from the State and is contained in the State Airport Land Use Handbook, which suggests that a composite zone is easier to use rather than having many distinct zones. However, the Handbook also states that a specific and complex project may have to take into account that the noise and safety concerns as two different concerns.

Chairman Weston asked for clarification regarding notification of the hearing and when the neighbors were responding to the project. Mr. Trebec responded that his point of contact with the Wawona Madrono Homeowners Association was advised of upcoming hearings.

Board questioning continued.

Chairman Weston requested clarification of the process for a Use Permit as opposed to a Development Permit. Mr. Foss responded that the process is approximately the same. He reviewed some of the differences. The zoning code requires the same findings, level of review, as well as the same review by the Planning Commission and staff.

Chairman Weston asked the Fire Marshal about concerns regarding the lack of fire hydrants and how they would respond to an emergency. Mr. Terry McMahan, Fire Marshal, Consolidated Fire District, responded that the initial response would be by the Fire District, and any secondary or major response would be answered by a coordinated team from Placer, Nevada and Yuba County plus CALFIRE responders. They have a basic response team that would mitigate the hazard.

Supervisor Hall asked if a tank the size that was proposed would cause what could be considered a major explosion. Fire Marshal McMahan responded that, to his knowledge, there are many safety features on the tanks that stop any stored propane gas from escaping and exploding.

Supervisor Anderson asked what would happen if an outside source, such as a burning tree falling on a tank, would cause the tank to catch on fire.

Captain Matt Furtado, CALFIRE Fire Prevention Planner, responded for a heat source to cause an explosion it would have to be on or next to a tank for a very long time in order to cause such an event. He stressed that this site is subject to County requirements for defensible space. It is unlikely that an explosion would take place.

Board questioning continued regarding fire hazards.

Mr. Ed Rogers, Northern Sierra Propane owner, responded to concerns regarding the likelihood of an explosion of fire event due to the propane tanks. He explained the process of "vaporizing off" from a propane tank. The tanks placed in people's backyards are not as strong as the larger tanks proposed for this Project. Tanks of either size can be ruptured, but will 'vapor-off', not explode. Explosion is not likely to happen due to fire. Fire Marshal Furtado stressed that the propane tanks are very safe. He was not speaking to whether or not the Project was a good Project - he was speaking to the safety of the propane tanks.

In response to questioning, Mr. Foss clarified that the Airport Land Use Commission acts as an advisory body. Approval of the Project is ultimately the Board's decision.

Board questioning continued.

Chairman Weston opened the public hearing for public comment.

The following members of the public spoke in opposition to the proposed Project: Mr. Sterling Bailey, District I resident; Mr. Gary Rudolph, District I resident; Mr. Del Rowden, District I resident; Mr. Nathaniel Crevoiserat, District I resident; Mr. Ron Arneson, District I resident; Mr. Bob Burbridge, District I resident; Ms. Louise Taylor, President, Wawona Madrona Homeowners Association; and Ms. Melissa Mann, District I resident.

There being no further public comment, Chairman Weston closed public comment and gave the Project Proponent an opportunity to provide their summation.

Mr. Nelson provided the Proponent's Summation, responding to concerns raised by the Board and members of the public. He stressed that as part of the Fire Code, the building will have sprinklers onsite, defensible space, and fire hydrants.

Mr. Watts responded to concerns regarding the interpretation of land use code, zoning regulations, and safety issues. In M1 zoning, hazardous materials are distinguished as well as other categories of fuels. It is zoned for the sale and storage of fuels. The property owners have property rights and the right to do business on their property. He submitted that the issues discussed are not factual regarding what hazards might happen with propane tanks. It is important to consider the facts, rather than the emotions and anecdotes.

Mr. Nelson sympathized with the resident's concerns and felt they have addressed them as well as they reasonably could. The Project owners have gone above and beyond the requirements.

Board questioning ensued.

Supervisor Hall had concerns regarding the issues that have been raised including the zoning and the hazardous materials. She empathized with the business owner as well as staff, but she was not convinced that this was the correct place for this type of facility.

Ms. Crevoiserat provided the Appellant's Summation. She shared her concerns regarding the defensible space and the large delivery trucks that would be used on the property which is bordering heavily forested properties. She stressed that the California Aeronautics's Handbook

and the Federal Aviation Administration's Handbook provided differing and conflicting information regarding safety zones. Northern Sierra Propane is already working and already has one 30,000 gallon tank within the Loma Rica Industrial Park. Denying the Project won't prevent them from doing business; she suggested they could find a more suitable location.

Chairman Weston provided an opportunity for rebuttal from members of the public.

Mr. Sterling Bailey, District I resident requested that fire hydrants be provided in the Wawona Madrona residential neighborhood all along the remainder of Loma Rica Drive prior to the Project proceeding. He commented that the Airport requirements may be different from residential requirements and may not take residences into consideration. He requested that the Board take the neighborhood into consideration.

Chairman Weston provided an opportunity for the Staff's Summation.

Mr. Foss advised the Board that staff had no additional or new information, but was open to respond to Board questioning.

Board questioning ensued.

Supervisor Anderson asked if the Handbook used by the Planning Commission and County Staff was the deciding factor in decision's regarding projects like this one. Mr. Trebec responded that the quote he used during his presentation is from the handbook and was one of the options that was offered in the construction of the compatibility plan.

Supervisor Miller responded to the public regarding sufficient water supplies. The homeowners responded that they had either Nevada Irrigation District (NID) water or were on wells. Supervisor Miller explained that it is not a requirement for insurance companies to offer fire insurance to a homeowner, although they usually recognize the Fire Safe Council's recommendations.

Supervisor Miller commented on concerns regarding noise levels. He pointed out that these properties are right next to the Airport, which already has a certain noise level. He was concerned that no matter what was proposed for the parcel, the neighbors would appeal so that the property remained vacant. He stressed that it is zoned M1, and the impacts have been mitigated.

Motion made by Supervisor Hall to deny the permit and uphold the appeal.

Ms. Alison Barratt-Green, County Counsel, suggested that if it is the Board's intent to deny the appeal it needs to be a motion of intent to give staff time to return with findings and support for the recommendation.

Motion denied for lack of a second motion.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Scofield, to adopt Resolution 17-517. On a roll call vote the Resolution denying the appeal passed. Ayes: Supervisors Miller, Anderson, Scofield and Weston. Noes: Supervisor Hall.

Chairman Weston thanked the public for their input and requested the County staff pursue a risk assessment regarding the number of propane tanks that are in this specific area.

ADJOURNMENT:

ACTION TAKEN: Chairman Weston adjourned the meeting at 3:59 A.M.

Signature and Attestation

Hank Weston, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board