

STATE OF CALIFORNIA, COUNTY OF NEVADA

BOARD OF SUPERVISORS SUMMARY MINUTES,

SEPTEMBER 22, 2015

Meeting held in the Board Chambers, Eric Rood Admin. Center, 950 Maidu Ave., Nevada City, CA

REGULAR MEETING: 10:00 A.M.

STANDING ORDERS:

Chairman Scofield called the meeting to order at 10:00 a.m.

The following Supervisors present:

Nathan H. Beason, 1st District
Ed Scofield, 2nd District
Dan Miller, 3rd District
Hank Weston, 4th District
Richard Anderson, 5th District

Pledge of Allegiance led by Mr. Martin Polt, Deputy County Executive Officer/Chief Fiscal Officer.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections and/or deletions to the agenda were noted.

PUBLIC COMMENT: 11:45 A.M.

ACTION TAKEN: Mr. Eddie Garcia, District II resident, provided a brief report on the State of Jefferson movement in Northern California. To date, ten counties have adopted a resolution or declaration to form the new State. State of Jefferson representatives are gathering signatures to place it on the ballot next year, and are well underway to achieving that.

Ms. Geneva Bigelow, District I resident, provided an update on the growing conversation regarding homelessness in Nevada County. She requested the Board place an item on an agenda regarding the lease of an unused or underutilized piece of County property to a newly formed nonprofit organization for purpose of providing temporary housing and centralized services for homeless people as well as for those who are at risk of becoming homeless.

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

CONSENT CALENDAR: Chairman Scofield introduced the consent calendar.

Health and Human Services Agency Director: Michael Heggarty

1. Resolution authorizing execution of Amendment 7 to Standard Agreement 06-CalHOME-0188 with the State Department of Housing and Community Development (HCD) for the CalHOME Housing Rehabilitation Program to provide housing rehabilitation services to local low-income owner-occupied households (Res. 07-527), extending the expiration date to January 31, 2016 for a revised contract term of November 5, 2007 through January 31, 2016, with the maximum payable amount remaining unchanged at \$1,000,000. (Housing) ([Resolution 15-440](#) adopted.)

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Interim Behavioral Health Director: Rebecca Slade

2. Resolution authorizing execution of Amendment A02 to Standard Agreement 14-90076 with the California Department of Health Care Services (DHCS) to provide funding for alcohol/drug dependency treatment and prevention services for County residents (Res. 14-507), increasing the maximum payable amount for Fiscal Year 2015/16 to \$1,048,227, revising the total maximum amount from \$2,733,394 to \$2,926,656, for the entire contract term of July 1, 2014 through June 30, 2017. ([Resolution 15-441](#) adopted.)

Interim Public Health Director: Jill Blake

3. Resolution authorizing execution of a renewal Agreement with Tahoe Truckee Community Foundation (TTCF) pertaining to reimbursing Nevada County Public Health Department for the services of a Health Education Specialist for coordinating services related to the Tahoe Truckee Future without Drug Dependency (TT-FWDD) Project, in the maximum amount payable of \$30,366, for the period October 1, 2015 through September 30, 2016. ([Resolution 15-442](#) adopted.)
4. Resolution authorizing execution of a renewal contract with Social Entrepreneurs, Inc. (SEI) for the provision of Community Health Assessment services for the Nevada County Public Health Department's National Accreditation purposes, in the maximum amount of \$91,126, for the period September 15, 2015 through December 31, 2016. ([Resolution 15-443](#) adopted.)
5. Resolution authorizing execution of renewal Agreement 15-10096 with the California Department of Public Health (CDPH) for funding Nevada County's Women, Infants, and Children (WIC) Supplemental Nutrition Program, in the maximum amount of \$2,620,615, for the period October 1, 2015 through September 30, 2019. ([Resolution 15-444](#) adopted.)
6. Resolution authorizing execution of renewal Grant Agreement with NorCal AIDS Cycle (NCAC) awarding Nevada County Public Health Department \$7,500 to support HIV (Human Immunodeficiency Virus) Counseling, Testing and Referral Services, for the period August 20, 2015 through August 20, 2016. ([Resolution 15-445](#) adopted.)

Sheriff-Coroner/Public Administrator: Keith Royal

7. Resolution authorizing execution of Amendment 5 to contract with California Forensic Medical Group, Inc. for the provision of health screening and health services at Wayne Brown Correctional Facility and Carl F. Bryan II Regional Juvenile Hall (Res. 09-273), in an amount not to exceed \$495,334, for the period October 1, 2015 through December 31, 2015. ([Resolution 15-446](#) adopted.)
8. Resolution authorizing execution of renewal Project Agreement G14-03-16-L01 with the State of California, Department of Parks and Recreation, to provide grant funding in the maximum amount of \$19,234 for Off-Highway Vehicle (OHV) law enforcement activities, with the provision that a minimum of 25% in matching funds will be provided as represented by staff time, equipment expenses, and administrative costs, for the period July 8, 2015 through July 7, 2016. ([Resolution 15-447](#) adopted.)

District Attorney: Clifford Newell

9. Resolution accepting Worker's Compensation Insurance Fraud grant funding in the amount of \$73,525 from the California Department of Insurance for investigation and prosecution of Workers' Compensation insurance fraud, for use during the period July 1, 2015 through June 30, 2016, and authorizing the District Attorney to execute all necessary contracts, payment requests, agreements and amendments for the purposes of securing these grant funds and to implement and carry out the Purposes specified in the application. ([Resolution 15-448](#) adopted.)

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Director of Public Works: Steven Castleberry

10. Resolution approving and authorizing execution of the Local Agency Utility Agreement and Joint Use Agreement with AT&T California pertaining to utility relocation for the Newtown Road Class II/III Bicycle Corridor Project, in the amount of \$78,790.46, plus a twenty-five percent contingency, for a total amount not to exceed \$98,488.08. (Dist. I) ([Resolution 15-449](#) adopted.)
11. Resolution directing the Nevada County Department of Public Works to solicit Requests for Qualifications to provide design services for improvements at the McCourtney Road Transfer Station, located at 14741 Wolf Mountain Road, Grass Valley (Pulled from consent by Supervisor Beason.)

Chief Information Officer: Stephen Monaghan

12. Resolution authorizing submittal of an application for a California Department of Transportation Division of Aeronautics matching grant in the amount of \$7,873 to supplement a Federal Aviation Administration Grant for an Airport Layout Plan (ALP) Update and Preparation of Exhibit "A" Airport Property Map, Obstruction Survey and Mitigation Plan, and Pavement Evaluation for the Nevada County Airport, and authorizing the Chief Information Officer to sign any documents required to apply for these funds on behalf of the County of Nevada. (Airport) ([Resolution 15-450](#) adopted.)
13. Resolution approving a Land Use Covenant (LUC) and Agreement with the California Department of Toxic Substances Control (DTSC) for 1.25 acres of County-owned property located at 12627 State Route 49, Grass Valley, Assessor Parcel Numbers (APN) 22-331-05 and -06, and directing the Chief Information Officer to sign the Agreement, return the signed and notarized Agreement to the DTSC, and record said Agreement with the Nevada County Clerk-Recorder's office within ten calendar days upon receipt of the notarized document from DTSC. (Facilities) ([Resolution 15-451](#) adopted.)

County Librarian: Laura Pappani

14. Resolution accepting \$10,278.96 from The Mildred P. Anderson Trust for the Grass Valley Library – Royce Branch, authorizing the Nevada County Librarian to sign the Distributee's Receipt acknowledging receipt of the distribution of the entire share of The Mildred P. Anderson Trust, and directing the Auditor-Controller to amend the Fiscal Year 2015/16 Library budget. (4/5 affirmative vote required.) ([Resolution 15-452](#) adopted.)

Clerk of the Board: Julie Patterson Hunter

15. Resolution endorsing and certifying the Nevada County Historical Landmarks Commission's designation of the Wolf Post Office located at 12582 Garden Bar Road, Grass Valley, as Nevada County Historical Landmark NEV 15-01, directing the Clerk of the Board to submit the Resolution to the Nevada County Clerk-Recorder within ninety days of designation, and directing the Clerk-Recorder to record and index the Resolution, listing the Commission as "Grantor" and the current owner as the "Grantee." (Dist. II) ([Resolution 15-453](#) adopted.)
16. Reappointment of Ms. Sarah Hall Deardorff as the Adult & Family Services Commission's representative to the Area 4 Agency on Aging Advisory Council, for a term expiring June 30, 2018. (Reappointed.)
17. Acceptance of Board of Supervisors minutes for September 8, 2015. (Accepted.)

Supervisor Beason requested Agenda Item #11 be removed from the consent calendar for discussion.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Weston, to approve the consent calendar, less Agenda Item #11. On a roll call vote, the motion passed unanimously.

ITEMS PULLED FROM THE CONSENT CALENDAR:

Director of Public Works: Steven Castleberry

11. Resolution directing the Nevada County Department of Public Works to solicit Requests for Qualifications to provide design services for improvements at the McCourtney Road Transfer Station, located at 14741 Wolf Mountain Road, Grass Valley.

ACTION TAKEN: Supervisor Beason had no objections to the item; he was aware that Waste Management was going to present the Board with a design plan for improvements, although what they submitted was short of the mark. Mr. Castleberry explained that Waste Management did submit a concept plan, although at the end of the term of the franchise agreement the facility will belong to the County and it needs to meet the County's needs.

Chairman Scofield provided an opportunity for public comment.

Mr. Richard Gerdl, District IV resident, commented that previous issues at the McCourtney Road Transfer Station such as noise levels, hours of business, and backup alarms, were worked out through community meetings. He asked for that dialogue to continue. He commended Mr. Bob Elder on his honesty and the level of trust he provides to members of the community and requested Mr. Elder be allowed to continue to work through the issues with them.

Mr. Raymond Herve, District IV resident, provided comments regarding noise at the McCourtney Road Transfer Station. He shared his distrust regarding information provided by the County relating to what is happening at the Transfer Station, and asked if a wood chipper was going to be located there. Mr. Castleberry responded that it has yet to be determined; the decision will be part of the design process.

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

Supervisor Anderson asked if there would be a provision for public review once the plans are prepared. Mr. Castleberry replied that it is fairly early in the process, but he imagined they would prepare a conceptual design, which would be reviewed by the Nevada County Solid and Hazardous Waste Commission at a community meeting. He stressed that there would be both an informal and formal process before the project enters the construction phase.

MOTION: Motion made by Supervisor Beason, seconded by Supervisor Miller, to adopt [Resolution 15-454](#). On a roll call vote, the motion passed unanimously.

DEPARTMENT HEAD MATTERS:

Treasurer-Tax Collector: Tina Vernon

18. Recommendation of mPOWER Placer to administer a Property Assessed Clean Energy (PACE) Program for Nevada County property owners, and direction to staff to draft documents necessary for mPOWER Placer to administer the Program and to return to the Board for approval of these documents.

ACTION TAKEN: Ms. Tina Vernon, Treasurer-Tax Collector, reviewed the staff report and provided background information regarding staff's recommendation for the County to enter into an agreement to

allow mPOWER Placer to establish and administer a Property Assessed Clean Energy (PACE) Program for Nevada County property owners.

Board questioning ensued.

Supervisor Anderson asked Ms. Vernon that when she returns to the Board for approval of the documents to include an indication of how she intended to reach out to members of the community. Ms. Vernon responded that she would provide a full presentation when returning to the Board.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Beason, directing staff to draft documents for mPOWER Placer to administer a Property Assessed Clean Energy (PACE) Program in Nevada County and to return to the Board for approval of the documents. On a roll call vote, the motion passed unanimously.

***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: Supervisor Miller provided information regarding his activities during the past month. Due to the shortness of time, Chairman Scofield requested the remaining Board members continue their announcements after the scheduled items.

Following a short break, Chairman Scofield called the meeting to order.

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

19. Public hearing to consider the Planning Commission's August 27, 2015 recommendation (5-0 vote) to approve combined applications by RCD Engineering, Inc. proposing: 1) a General Plan Amendment changing the 42.1-acre parcel from FOR-40 to PD (FOR-32.9 acres and PD-9.2 acres); 2) a Rezone to change the zoning from FR-40 to FR-PD and PD-SP; and 3) a Comprehensive Master Plan to permit the existing mixed uses on the property including research and development (9.2 acres) and residential and open space (32.9 acres), located at 17100 Salmon Mine Road, Grass Valley, Assessor's Parcel Number (APN) 61-070-04. (Dist. IV)
 - 19a. Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS14-007) in connection with the approval of a Resolution for a General Plan Land Use Map designation amendment (GP14-004) for Assessor's Parcel Number (APN) 61-070-04, a corresponding Ordinance amending Zoning District Map No. 049 (Z14-002) for APN 61-070-04, and a Comprehensive Master Plan (U14-005) to permit the existing mix of uses on the property including research and development (9.2 acres) and rural residential (32.9 acres), making findings A – D, and directing the Clerk of the Board to file a Notice of Determination within five working days after adoption of this Resolution and approval of the proposed Project. ([Resolution 15-455](#) adopted.)
 - 19b. Resolution approving and adopting an amendment to the Nevada County General Plan Land Use Maps (GP14-004), re-designating the 42-1-acre parcel owned by Steve K. Leach Family Trust, Assessor's Parcel Number (APN) 61-070-04, from Forest (FOR) (32.9 acres) to Planned Development (PD) (9.2 acres), and making findings A – D. ([Resolution 15-456](#) adopted.)

- 19c. (Introduce/Waive Further Reading/Adopt) An Ordinance amending Zoning District Map 049, to rezone (A) a 32.9 acre portion of Assessor's Parcel Number 61-070-04 located at 17100 Salmon Mine Road, Nevada City, California, from Forest with a 40 acre minimum (FR-40) to Forest with a Planned Development Combining District (FR-PD); and (B) a 9.2 acre portion of Assessor's Parcel 61-070-04 located at 17100 Salmon Mine Road, Nevada City, California, from Forest with a 40 acre minimum (FR-40) to a Planned Development with a Site Performance Combining District (PD-SP). ([Ordinance 2398](#) adopted.)
- 19d. Resolution approving a Comprehensive Master Plan (U14-005) to allow for RCD Engineering's existing mix of uses and future expansion including research and development (9.2 acres) and Residential and Open Space (32.9 acres) on Assessor's Parcel Number (APN) 61-070-04, and making findings A – K. ([Resolution 15-457](#) adopted.)

BACKGROUND:

Since 1982 RCD Engineering Inc. (RCD) has designed and developed custom engine parts, primarily for the racing industry, on the San Juan Ridge. RCD employs 23 full-time highly skilled local staff and pays above average working wages, regularly contracts with other local consultants, and generates millions of dollars annually. The parcel's (APN 61-070-04) current General Plan designation and Zoning District is Forest (FOR) with a 40-acre lot minimum for subdividing, and does not allow the manufacturing of engine parts, therefore, for decades RCD has operated as a non-conforming use with regard to County land use regulations. Prior to RCD's ownership, the property has a history of higher intensity use going back 60 years when a machine shop for the repair and maintenance of heavy equipment associated with local mining and logging activities operated on the site. Given the success of this long-established use and the existing clustered development pattern RCD is proposing to amend the General Plan Land Use Designation and Zoning District Map from FOR to Planned Development (PD). The PD contains two base zoning districts, maintaining Forest zoning for 32.9 acres, and changing the zoning of the RCD's 9.2 acre business facility in the northeast corner of the parcel to a customized PD that allows for the existing uses onsite, thereby making the parcel conforming to County zoning and permissible use regulations.

THE PROJECT:

General Plan Land Use Map Amendments (GP14-004): The project will amend the General Plan Land Use Map by changing the current land use designation of the site from FOR (Forest) to PD (Planned Development)

Zone Change (Z14-002): The project includes amending Zoning District Map #49 to change the zoning of the parcel from FR-40 (Forest-40 acre minimum for subdivision) to FR-PD (32.9 acres) and PD-SP (9.2 acres)

Use Permit (U14-005): The Comprehensive Master Plan (Use Permit) component of the application would allow for RCD's existing manufacturing and residential uses to remain, and depicts the location of a potential future building expansion of up to 10,000 square feet of additional floor area located adjacent to the existing buildings onsite.

RCD has operated on the San Juan Ridge for decades without the required land use permits, and generally without compatibility incidents, because of their location and good business practices. Recently, significant upgrades have been made to grow RCD's business including three-phase power connections and fiber-optic broadband internet which are essential utilities not currently available at some other industrial locations in Nevada County. Looking forward RCD desires to continue to operate at their current location and accommodate transition for the next generation of this family business, and as such, RCD is proposing a General Plan and Zoning Ordinance amendment for the purposes of allowing the existing manufacturing use in the developed northeast corner of the property to conform to current County zoning requirements, and designate a future building expansion area with a cap of 10,000 square feet of additional engine part manufacturing area. There are no proposed building details at this time (i.e., elevations, floor plans, etc.) and any future expansion of structures will require a building permit and Planning Department design review approval.

Use Permit (U14-005)

Land Use

The closest General Plan land use designation that would fit RCD's operations is "Industrial"; however industrial land uses are not permitted within the Rural Regions of the County. The existing onsite clustered development is consistent with the Planned Development site design standards and zoning of Ananda Village directly to the west, and the proposed land use and zoning amendments recognize the successful historical use of the site and its unique business that benefits the County and its residents. A Site Performance combining zone district is established with the rezone to ensure the proposed land use and zoning amendments include protections to ensure the project does not change the character of the area or cause a loss of enjoyment of property, or result in incompatibility with surrounding uses. No changes to drainage, lighting, landscaping or hazardous materials storage are proposed at this time.

Economic Development

The applicant has submitted an Economic Analysis as required for General Plan and Zoning Amendments. This project-specific analysis concludes that RCD's manufacturing activities in its current location meet Goal 2.1 of the General Plan's Economic Development Element by providing a strong economic base while protecting and maintaining communities and neighborhoods. The loss of RCD in the San Juan Ridge area would increase the unemployment rate, worsen the desired jobs to housing balance, and reduce local spending on goods and services.

Public Services

Existing infrastructure, facilities, and basic services already serve RCD. Individual septic systems, wells, emergency water storage, 18-foot wide paved roads, three-phase power, and fiber optic high speed internet are all available to adequately serve the needs of RCD. RCD particularly relies on the 3-phase power and fiber-optic broadband available on this site. If the additional building expansion is pursued in the future, basic services will be re-evaluated to ensure they are functioning and conform to current regulations. The proposed project would not result in need for additional schools, parks, and police protection because it does not increase population.

Traffic, Circulation, and Parking

RCD is not a significant traffic generator. All product sales are offsite and most of their 23 employees live in close proximity, including the owners and other staff living onsite. The site is accessed from State Highway 49 via Tyler-Foote Crossing Road, a County-maintained public road. Tyler-Foote Crossing Road is considered a Major Collector by the Nevada County General Plan Circulation Element, with volumes of 1,988 vehicles trips per day, and is has a Level of Service A designation. Tyler-Foote Crossing Road intersects with Sages Road, a privately maintained road approximately 18 feet in width with gravel shoulders on each side and extending northerly. Existing parking is located in a gravel lot and parking spaces are not delineated, however the area can conservatively accommodate parking requirements assuming 9-foot by 18-foot stalls.

Based on 10,000 square feet of additional manufacturing area at build out, RCD could staff approximately 8 additional employees and generate up to 38 additional daily vehicle trips (calculated using ITE Trip Generation Manual statistics of 0.73 trips daily per 1,000 square feet of additional industrial manufacturing floor area) which would not cause the roadway Level of Service to drop. The proposed project will not adversely affect County roadway or intersection capacity, safety, and emergency access requirements.

Noise

RCD's operations are primarily indoors which minimizes noise impacts to surrounding areas. Additionally, RCD maintains a large buffer between adjacent properties and remains subject to Rural area noise standards. For these reasons the proposed project will not create impacts related to noise.

Reports Prepared and Submitted for the Project

The following documents were submitted to the County as a part of the original project submittal or as a part of the project processing process. The information provide within these studies were utilized for the preparation of the project specific Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and/or as a part of the review of the project. The documents are kept on file with the Planning Department and are available for review upon request.

- Greg Matuzak, Project Biologist. December 2014. *RCD Engineering, Inc. Rezoning Project Biological Inventory.*
- Sean Michael Jensen, December 24, 2014. *Archaeological Inventory Survey: RCD Re-Zone Project, circa 9.2-acres, Nevada County, California*
- SCO Planning, Engineering & Surveying, Inc. August 2014. *Comprehensive Master Plan RCD Engineering, Inc.*

ENVIRONMENTAL REVIEW:

The initial study identifies potential adverse impacts associated with air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, and noise. Potential impacts will be mitigated by the application of standard mitigation measures that have been commonly applied to recent projects. With the incorporation of the recommended mitigation measures addressing all of the potentially significant impacts, and as may be modified during this public hearing, the project can be processed using a Mitigated Negative Declaration.

ZONING AND GENERAL PLAN CONSISTENCY:

RCD is consistent with the intent of the General Plan and the Plan's four central themes of: fostering a rural quality of life; sustaining a quality environment; development of a strong diversified, sustainable local economy; and land use patterns with public services appropriate to the character, economy, and environment of each region. There are no immediate plans for construction or site changes to the property and if the proposed addition is built the project will have minimal impact to the environment, site, and surrounding area given the scale and intensity of the proposed project. The project will maintain the existing uses onsite, and preserve the rural lifestyle, character, and economy consistent with Goal 1.3 of the Zoning code. As conditioned the project allows for growth while protecting, maintaining and enhancing communities and neighborhoods in accordance with Goal 1.6. Consistent with Policy 1.7.3 this project provides for specific intensities of use for non-residential uses in Rural Regions. "As built" plans are being prepared for any unpermitted buildings and it does appear the exiting development meets Plan standards such as setbacks and building height. As conditioned, the Comprehensive Master Plan (Use Permit) would not become effective until all of the existing buildings are up to Code (e.g., ADA improvements, structural engineering, etc.) and have been permitted by the Building Department. As a basic sector service, RCD has provided sustainable economic growth for decades with thoughtful consideration of the environment and surrounding uses. For these reasons the proposed Plan amendments, rezoning, and use permit are consistent with the Zoning Ordinance and General Plan.

PLANNING COMMISSION ACTION:

On August 27, 2015, the Nevada County Planning Commission held a public hearing to consider a recommendation to the Board of Supervisors regarding all aspects of the proposed project. During the public hearing two additional project supporters spoke, including a representative from Ananda Village. After closing the public hearing, the Planning Commission subsequently voted 5-0 to recommend that the Board of Supervisors approve RCD's rezone and expansion project.

ACTION TAKEN: Mr. Patrick Dobbs, Senior Planner, reviewed the staff report and provided a PowerPoint presentation regarding the Planning Commission's August 27, 2015 recommendation to approve applications for property owned by Race Car Dynamics (RCD) Engineering, Inc., located at 17100 Salmon Mine Road, Grass Valley. Mr. Dobbs reported the Planning Commission approved the proposed Project by unanimous vote. He recommended Board approval of the entire Project.

Board questioning ensued.

Mr. Dale Creighton, Project Engineer, SCO Planning and Engineering Inc., reported that one of the unique aspects of the site is that it is one of the rare areas in Nevada County that has a three-phase power and fiber optic line running through the property. He explained that SCO prepared an exhaustive General Plan Consistency Analysis to prove to County staff that their Plan was consistent with the General Plan. He gave thanks to the Community Development Agency (CDA) and Mr. Brian Foss, Planning Director, for working closely with them to help develop a business that has grown up organically in the community rather than allowing it to slip out of the area.

Ms. Pat Leach, Race Car Dynamics (RCD) Engineering Inc., provided a PowerPoint presentation highlighting the work of RCD.

Chairman Scofield opened the public hearing for public comment. There being no public comment, Chairman Scofield closed the public hearing.

Board discussion ensued.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Anderson, to adopt [Resolution 15-455](#). On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Beason, to adopt [Resolution 15-456](#). On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Anderson, to waive further reading and adopt [Ordinance 2398](#). On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Beason, to adopt [Resolution 15-457](#). On a roll call vote, the motion passed unanimously.

Ms. Leach read a letter into the record thanking SCO Planning and Engineering Inc. and Mr. Dobbs for their assistance throughout the process, Economic Resource Council (ERC) for their support, and the Board of Supervisors for recognizing the importance of supporting an organization such as ERC that bridges government, academia and all forms of business.

SCHEDULED ITEM: 11:00 A.M. Brian Foss, Planning Director

Video Conferencing located at Truckee Joseph Center, Hobart Mills Conference Room, 10075 Levon Ave., 2nd Floor, Suite 205, Truckee, California.

20. Public hearing to consider the Planning Commission's September 3, 2015 recommendation (4-0 vote, 1 absent) to approve a combined application requested by the Truckee Tahoe Airport District proposing: 1) a General Plan Amendment for a 4.81-acre portion of the larger 225-acre Truckee Tahoe Airport property from Industrial (IND) to Community Commercial (CC); 2) a Zoning Map Amendment from Light-Industrial-Site Performance (M1-SP), with the SP combining district requiring airport related uses to Community Commercial (C2); and 3) a Use Permit proposing a 12,840 square foot office/warehouse building and associated improvements, including parking, lighting, signage and landscaping with 10,840 square feet dedicated to office use and 2,000 square feet dedicated to rental car use. Project includes demolition of the existing car rental building and the repurposing of the existing long term airport parking, construction of new office, car rental and long term parking, and the widening of Truckee Tahoe Airport Road, including the undergrounding of overhead utilities. Located at 10356 Truckee Tahoe Airport Road, Truckee, CA. Assessor's Parcel Number 19-440-68. (Dist. V)

- 20a. Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS15-006) in connection with the approval of a Resolution for a General Plan Land Use Map designation amendment (GP15-001); a corresponding Ordinance amending Zoning District Map No. 139 (Z15-002); and a Use Permit (U15-004) allowing for the construction of a 12,840-square foot office/warehouse building, new long-term airport parking and associated improvements for a 4.81-acre portion of Assessor's Parcel Number (APN) 19-440-68, making findings A – E, and directing the Clerk of the Board to file a Notice of Determination within five working days after adoption of this Resolution and approval of the proposed Project. ([Resolution 15-458](#) adopted, as modified.)
- 20b. Resolution approving and adopting an amendment to the Nevada County General Plan Land Use Map (GP15-001), re-designating the 4.81-acre portion of Assessor's Parcel Number (APN) 19-440-68, owned by Truckee Tahoe Airport District, from Industrial (IND) to Community Commercial (CC), and making findings A – E. ([Resolution 15-459](#) adopted.)
- 20c. (Introduce/Waive Further Reading/Adopt) An Ordinance amending Zoning District Map 139, to rezone a 4.81 acre portion of Assessor's Parcel Number 19-440-68 located at 10356 Truckee Tahoe Airport Road, Truckee, California, from Light Industrial-Site Performance (M1-SP) to Community Commercial (C2) (Z15-002) (Truckee Tahoe Airport District Property Owner). ([Ordinance 2399](#) adopted.)
- 20d. Resolution approving the Use Permit (U15-004) to allow for the development of a 12,840-square foot office/warehouse building with 10,840-square feet of office use and 2,000-square feet of car rental use, new long-term airport parking and associated improvements including 322 parking spaces, lighting, landscaping and signage on a 4.81-acre portion of Assessor's Parcel Number (APN) 19-440-68, and making findings A – L. ([Resolution 15-460](#) adopted as modified.)

BACKGROUND:

The project site is located on an approximately 35-acre light industrially zoned portion of the larger approximately 225-acre Truckee Tahoe Airport District property. Due to its location, this project is subject to the Airport Master Plan and Airport Land Use Compatibility Plan. This light industrially zoned section of the airport property includes a Site Performance (SP) Zoning Combining district which requires airport related uses on the site that was created to ensure consistency with the Airport Master Plan. Around 2010, in anticipation of the potential future development of this area, the Airport District revised their plans to remove the requirements that this site be developed for airport use, yet the County's SP Combining District requirement has remained. In initial discussions with the applicant, the County recommended an Office Professional (OP) designation to support this project. The applicant is proposing Community Commercial (C2) however, because of their desire to conduct rental car activities out of the proposed building, which are not allowed in the OP zoning district. Under the C2 Zoning District, Office uses are allowed subject to the approval of a Development Permit. Auto and Truck Rental and Leasing as well as the proposed Parking, however require the approval of a Use Permit. Pursuant to Nevada County Land Use and Development Code (LUDC) Section L-II 5.5.E.2 (Development Permits, Level of Processing, Most Restrictive Use) when a project involves more than one use listed on a table, the most restrictive permit shall apply. In this case the most restrictive permit is the Use Permit required for Auto and Truck Rental and Leasing and the Parking and subsequently, this permit is also adequate for the proposed Office use on the site.

STAFF COMMENT:

Project Description: The proposed project is a request by the Truckee Tahoe Airport District for a General Plan Land Use and Zoning District Map (ZDM No. 139) Amendment proposing to change the existing designation of a 4.81-acre portion of the 225.15 acre Truckee Tahoe Airport property from Light Industrial-Site Performance (IND/M1-SP) to Community Commercial (CC/C2). The project

includes a Use Permit proposing the construction of a 12,840 square foot office/warehouse building with 10,840 square feet used as office space and 2,000 square feet for rental car use. If approved the project will result in the removal of the existing 500 square foot car rental building from the project site and the repurposing of the car rental building site and existing long term airport parking for the construction of the building and associated improvements including signage, parking (322 spaces total), lighting, landscaping, onsite drainage facilities, an outdoor approximately 500-square foot patio/employee picnic area, an outdoor trash enclosure and snow storage areas. The project also includes the widening of the Truckee Tahoe Airport Road from Soaring Way to Chandelle Way including installing new curb, gutter and sidewalk and the undergrounding of utilities along Truckee Tahoe Airport Road.

Project Special Studies: Several studies prepared by qualified professionals have been submitted with this project to support the suitability of this project on the project site. These studies were utilized for the completion of the project specific environmental document and include the following: Cultural; Geotechnical; Traffic; Air Quality; Drainage; Biological; Special Plant Species Survey (*Plumas Ivesia*); Protocol Level Special Plant Survey; Wetlands Determination. In addition several agencies and existing policy documents were consulted to determine the adequacy of this project on this site.

Building Design: As described in the project description, the project proposes to construct a building utilizing materials, colors and architectural features that are compatibility with the Tahoe/Truckee style. The proposed building design is consistent with surrounding airport and non-airport related uses in the vicinity of the project and with the Eastern Nevada County Design Guidelines, which provide guidance for building design in the Truckee Area.

Lighting/Landscaping and Signage: The proposed project will introduce new sources of lighting on the proposed building and within parking areas. The applicant has provided a technical specification sheet detailing each of the lighting fixtures proposed. All of these fixtures are designed to provide the maximum downward lighting without glare utilizing fully shielded lighting fixtures, consistent with LUDC Lighting Ordinance and International Dark Sky requirements.

The proposed project includes a preliminary landscaping plan to assist screening and blending this site into its surrounding environment. Due to the location of the site being at an elevation of approximately 5,900 feet above mean sea level, the project's preliminary landscaping planting pallet has incorporated primarily native and adaptive plant types. These types of materials are anticipated to be most successful during the harsh winter months that are common on the eastside of the Sierra Nevada. As discussed in the "snow removal" section of this staff report, the applicant has worked with their landscape architect to design the landscaped areas to double as snow removal areas, so careful consideration to the type and location of new plantings was taken into consideration when designing the preliminary landscape plan. Staff has reviewed the proposed landscape plan and finds that it meets the intent of the County's Landscape Ordinance.

Overall the project proposes five signs total. These include two roadside monument signs along Truckee Tahoe Airport Road, one internal monument sign and two wall mounted car rental signs. The proposed signs will use similar colors and materials as the proposed building and are intended to blend in with other signage in the area. In total the project will include approximately 54-square feet of sign face area. The proposed amount of sign area, the sign design/location and the maximum proposed sign height is consistent with the County's Sign Ordinance for a structure of this size on this site.

Parking: The proposed project will repurpose the existing rental car and long-term airport parking to provide for new long-term airport parking, rental car parking spaces and primary and overflow office uses. In total 322 parking spaces are proposed with this project as follows: 145 spaces are provided for long-term airport parking; 63 spaces are provided for building parking; 57 spaces for overflow building parking; and 57 spaces for car rental parking. In total this project has provided more than adequate parking, including parking for persons with disabilities and low emission vehicle parking.

Snow Removal: One of the unique challenges for projects in the Truckee area is the potential for receiving significant snowfall events during the winter season. As such, projects in the Truckee area have to take into account how snow removal will be managed. This includes providing adequate areas for storage and having access to sufficient equipment to maintain parking and other public use areas. The applicant has shown several areas on their site plan as designated snow storage areas (*Sheet A1.1*). The applicant has worked with their engineers and landscape professionals to ensure that the designated landscape/snow storage areas could coincide with one another without damaging landscaping. Based on the details provided by the applicant regarding the potential sites for snow storage, the snow removal procedure plan that was provided, as well as the Airport District's history of removing snow on the airport property, snow removal is adequately planned for on this project site.

Traffic: The project site is served by several regional (Interstate 80, Highways 89 and 267) and local roads (Brockway Road, Soaring Way, Joerger Drive, Truckee Tahoe Airport Road and Chandelle Way). Primary access to the site is provided in two locations along Truckee Tahoe Airport Road and two locations on Chandelle Way. Segments of these roadways potentially travel through three jurisdictions including Placer and Nevada County as well as the Town of Truckee. Since, the project will result in the relocation of an existing business from within the Town of Truckee to this site, many of the regional impacts associated with traffic generated by this business are already accounted for and occurring within the regional road network. The primary increase in traffic and the identified impacts associated with this increase will occur primarily on the intersections and road segments which are under the jurisdiction of the Town of Truckee and Placer County. When taken into account with existing and planned projects in the area, some of the studied intersections could drop below allowable thresholds resulting in potential Level of Service impacts. The payment of the Town of Truckee's Traffic Impact Fee has been identified within the Traffic Study as appropriate mitigation for any potential traffic impacts for this project. In consultation with the Town of Truckee, Placer County and LSC Traffic Consultants, the Nevada County Department of Public Works has agreed that the payment of the Town's mitigation fees would be appropriate for this project because it has been determined that the majority of impacted roads/intersections are outside of the County's jurisdiction. Additionally, improvements to address these impacts have already been planned for by the Town of Truckee/Placer County Traffic Impact Fee programs. The Town of Truckee and Placer County have established a Traffic Impact Fee Agreement, so payment of the Town's fee would adequately mitigate any impacts to Placer County's roads/intersections. Therefore, with the payment of the Town of Truckee Traffic Impact Fee, this project is not anticipated to result in significant traffic and circulation impacts.

Land Use Compatibility: The project site is a small approximately 4.81-acre portion of the larger airport property that is currently developed as a car rental facility and long-term parking for the airport. The airport has multiple zoning districts assigned to it, including C2, P, M1-SP, OS, and BP, with the existing zoning for the project site being M1-SP. The airport straddles the boundary between Nevada and Placer counties and the Town of Truckee surrounds the airport on the north and west, but the airport property is not within the town limits. In addition to several airport related uses, the project site is surrounded by both public and private office, professional, and commercial uses. Since the project site is within the Truckee Tahoe Airport Land Use Compatibility Plan compatibility Zone B2, the project has been reviewed by the Truckee Tahoe Airport Land Use Commission and has been found to be compliant with the requirements for development within the B2 zone, including being below the maximum allowed height limit and intensity (i.e. number of persons onsite).

The project includes the consideration of a General Plan Amendment and Zoning District Map Amendment to change a 4.81-acre portion of the project site from Light Industrial (IND/M1-SP) to Community Commercial (CC/C2). Both the proposed office and rental car uses are allowed within the C2 zone as is the long-term parking subject to the approval of a development or use permit. This project will also remove the site's Site Performance (SP) Combining District that specifically required airport related uses. As discussed in the background section of this staff report, the SP zoning was included on this site to be consistent with the airport development plans (Master Plan), which has subsequently been amended by the Airport District to remove this stipulation. If approved, there will still be approximately 30-acres of M1-SP zoning that will remain available for future development of potentially light industrial and airport related uses. The removal of this 4.81-acre site out of the light

industrial zone is not anticipated to result in a conflict with surrounding airport, public or private commercial/office uses. Additionally, two of the uses of this site, both existing and proposed, are directly related to the use of the airport (rental car/long-term airport parking) and subsequently this project will not result in a conflict with surrounding existing and planned land uses.

ENVIRONMENTAL REVIEW:

The Planning Department prepared a draft initial study and proposed Mitigated Negative Declaration for the proposed project (EIS15-006). The initial study was submitted to the State Clearinghouse and made available for a public review period of 30 days. The initial study identified potential impacts associated with this project to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise and Transportation and Circulation. Based on the technical information submitted with this application, review of pertinent policy and regulatory documents, and consultation with appropriate local, state and federal agencies, all of the potential impacts that were identified have been mitigated below significant levels. Through the public review period, no additional issues or concerns were raised that were not adequately addressed through the draft initial study and proposed Mitigated Negative Declaration. Subsequently, the Planning Commission recommended that the Board of Supervisors, after considering the proposed project and the public testimony provided at the public hearing, utilizing your independent judgment to find that the proposed Mitigated Negative Declaration is the appropriate environmental document for this project and adopt the proposed Mitigated Negative Declaration.

ZONING AND GENERAL PLAN CONSISTENCY:

With the approval of the proposed General Plan Land Use Designation and Zoning District Map Amendment, the use of this site for a 12,840 square foot office/warehouse building, with 10,840 square feet of office use and 2,000 square feet dedicated to car rentals and for long-term airport parking will be consistent with the allowable uses within the proposed Community Commercial land use/zoning designation as outlined in Land Use and Development Code (LUDC) Section L-II 2.4: Commercial Zoning Districts, Table L-II 2.4.D. Further, the project has been designed to meet the Commercial Comprehensive Site Development Standards, including but not limited to setbacks, height, impervious surfacing coverage, and onsite parking, as provided for in Table L-II 2.4.E of LUDC Section L-II 2.4. Additionally, the project has been found to be consistent with the various sections of the Comprehensive Site Development Standards, including but not limited to signage, lighting, parking and landscaping as well as protection of sensitive environmental resources required by the County Resource Protection Standards.

Regarding the General Plan, the project furthers several of the goals and policies of the County's General Plan including goals and policies contained in the Land Use, Economic Development, Public Facilities, Circulation, Noise, Safety, Water, Soils, Wildlife and Vegetation, and Air Quality Chapters. In addition to being consistent with several goals and policies of the General Plan, with adherence to the proposed conditions of approval and mitigation measures the project is consistent with the allowable land uses within the Community Commercial land use designation should the proposed General Plan Amendment be approved.

PLANNING COMMISSION ACTION:

On September 3, 2015, the Nevada County Planning Commission held a public hearing (special meeting) at the Town of Truckee Council Chambers to consider a recommendation to the Board of Supervisors regarding all aspects of the proposed project. Following staff's presentation, the Commission requested that clarifying language be added to the mitigation measure that is intended to protect burrowing animals (Mitigation Measure 4.B/Condition A.11) to add the specific species types that are being protected. The Commission also requested that a copy of the Airport Land Use Compatibility Plan Overflight Compatibility Map be provided to the Board as a part of the staff report. After directing staff to make these changes, taking public testimony and deliberating on the project, the Planning Commission voted 4-0 (1 absent) to recommend that the Board of Supervisors approve all aspects of the Project.

SUMMARY:

The Truckee Tahoe Airport District has proposed a General Plan Land Use and Zoning District Map Amendment to facilitate a Use Permit proposing a 12,840 square foot office/warehouse building with approximately 10,840 square feet dedicated to the office use and 2,000 square feet utilized for car rental use. The project includes associated improvements including lighting, landscaping, and 322 parking spaces (145 long-term airport parking spaces, 63 primary office parking spaces, 57 overflow spaces for the building and 57 rental car parking spaces). The proposed General Plan and Zoning Map amendments, if approved, will change a 4.81-acre portion of the site from Light Industrial-Site Performance (requiring airport related uses) to Community Commercial, which is necessary to allow for the office, long-term airport parking and rental car use. All anticipated project impacts have been discussed and mitigated for pursuant to CEQA with the adoption of the project specific Mitigated Negative Declaration. The project conditions of approval will ensure local, state and federal development standards are met. No adverse comments have been received as a result of the County's outreach on this project and subsequently, the Planning Commission has recommended that the Board of Supervisors approve all entitlements associated with this Project.

ACTION TAKEN: Mr. Tyler Barrington, Principal Planner, reviewed the staff report and provided a PowerPoint presentation regarding the Planning Commission's September 3, 2015 recommendation to approve applications for the Truckee Tahoe Airport District, located at 10356 Truckee Tahoe Airport Road, Truckee.

Mr. Barrington reported that staff received a California Environmental Quality Act (CEQA) letter early this morning, although the CEQA comment period closed on September 8, 2015. The letter raises issues that were not identified at the September 3, 2015 Planning Commission meeting. They were sent by the Law Office of Donald B. Mooney on behalf of Mr. Ciro Mancuso, highlighting issues related to the adequacy of the traffic study, as well as the proposed Project description related to parking, and overall size of the building and the number of employees. The letter suggested that this may be a precursor to future expansion. Mr. Barrington stressed that there is no future expansion proposed at this time. Mr. Barrington noted that Mr. Mancuso previously submitted a letter within the CEQA timeframe, although the issues in the current letter were not raised at that time. Mr. Barrington concluded his report and requested Board approval of the entire Project.

Mr. Kevin Smith, General Manager, Truckee Tahoe Airport District, provided a PowerPoint presentation stressing the importance of the Project for the Truckee Tahoe Airport and the surrounding community.

Referencing handwritten page #25 of the staff report, the proposed resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Supervisor Anderson noted that Section #16 states "...in accordance with the regional traffic impact fee agreement between the Town of Truckee and Placer County, payment of appropriate fees under the Truckee impact fee program is considered to mitigate the impacts on roadway facilities in Placer County." This suggested to him that the Truckee impact fee in fact takes care of Placer County's traffic impact fee; however, on handwritten page #98, Section C.8 states "Prior to issuance of building permits, the project shall pay its fair-share of the intersection improvements identified in the Placer County Capital Improvement Program..." Supervisor Anderson stressed that these sections state two different things. He asked if he was correct, and if so, how to take care of the problem. Mr. Barrington responded that the mitigation measure is taken directly from the traffic study. The Placer County Department of Public Works reviewed that traffic study in the Mitigated Negative Declaration, and as he pointed out during his presentation, this Project is not actually located in the Town of Truckee because it is in Nevada County, so that agreement does not apply and therefore Placer County Public Works Department recommended the Condition be added stating that they shall pay their fair share for those improvements in Placer County. The application of the fee to the Town of Truckee will hopefully take into account this payment directly to Placer County. Therefore, Mr. Barrington assumed the overall fee may not be as much as was quoted in the Initial Study. Supervisor Anderson noted that the confusion was that currently in Truckee, no fees are paid to Placer County. Eight or nine years ago when the Town of Truckee and Placer County updated their General Plans, it was found that traffic impacts across both

jurisdictions were roughly in parity, so there was no reason for either jurisdiction to collect fees for each other. Supervisor Anderson stressed that the proposed Project increases the intensity of development within the Truckee/Placer County area, so it would make sense for the Project to pay a fee to Placer County as Mitigation #8 indicates. Supervisor Anderson read the staff report as saying two different things, and wondered if the language should be modified for consistency purposes. Mr. Barrington agreed that the language could be clarified in the Mitigated Negative Declaration per Supervisor Anderson's direction.

Supervisor Anderson understood that the current property owner of the building leased by Clear Capital has concerns regarding the propriety of a public agency developing and renting space, thus competing with private landowners. He asked if the County had any policy or direction that might provide guidance. Mr. Brian Foss, Planning Director, responded that the County does not have any policy that separates or creates a different process for an airport district or other type of district. This Project was processed and treated like any other development project. It went through the same review as would a private developer on a privately-owned piece of property. Mr. Foss reiterated that there are no existing County policies or standards that dictate any different treatment.

Board questioning ensued.

Supervisor Beason did not believe that a public entity leasing property to a private enterprise violates any laws regarding the government competing with the private sector. Ms. Alison Barratt-Green, County Counsel, concurred with Supervisor Beason's statement.

Chairman Scofield opened the public hearing for public comment.

Mr. John Jones, Chairman, Tahoe Truckee Airport District, explained that they are trying to provide an opportunity for a substantial part of the local community to remain in the area. He added that with Board support, 130 local residents will be able to remain working in California.

The following members of the public provided comments in support of the proposed Project: Ms. Carol Maher, Executive Director, KidZone Museum; Mr. Mark Tanner, District 5 resident; Mr. Helge Hukari, Chief Administrative Officer (CAO) and General Counsel, Clear Capital; Ms. Kristina Wright, Clear Capital employee and District 5 resident; and Mr. Christian Bennett, Clear Capital employee and District 5 resident.

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

Board discussion ensued.

Chairman Scofield asked staff if they were comfortable proceeding, given Mr. Mooney's concerns. Mr. Foss responded that after conversations with County Counsel, staff believes the CEQA document is adequate. The issues raised regarding the square footage and number of employees are not related to CEQA. Mr. Foss stressed that the Project has been adequately mitigated and reviewed. Staff has one change to make to Mitigation Measure #16 per Supervisor Anderson's comments, regarding the impact fee to Placer County. They recommend simply striking that language; the remaining language would remain applicable in that the payment of fees would offset the impacts to traffic related facilities within the Town of Truckee, and Condition C.8 would still be applied for paying fees for impacts to Placer County.

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Mr. Barrington noted that because of this change, some minor language changes need to be made to the Resolution adopting the Mitigated Negative Declaration. There is already a clarifier for Mitigation Measure 4.B. Staff also recommends adding the amendment to Mitigation Measure 4.B. to clarify which burrowing mammals are intended to be protected, and in 16.A, remove the reference to payment of fees to Placer County, as already required by Condition C.8, be added to the Resolution for that document. Staff would also note that should the Board decide to take action on the Use Permit, in taking that action, to reference that the Conditions have been modified per direction of the Board.

Board discussion ensued.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Miller, to adopt [Resolution 15-458](#), as modified. On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Beason, to adopt [Resolution 15-459](#). On a roll call vote, the motion passed unanimously.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Miller, to waive further reading and adopt [Ordinance 2399](#). On a roll call vote, the motion passed unanimously.

Supervisor Anderson asked if the final Resolution also needed to be modified. Mr. Barrington concurred with Supervisor Anderson's comment.

MOTION: Motion made by Supervisor Weston, seconded by Supervisor Miller, to adopt [Resolution 15-460](#), as modified. On a roll call vote, the motion passed unanimously.

***CLOSED SESSIONS:**

Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case:
People v. Siegfried, Nevada County Superior Court, Case No. F11-00317.

Pursuant to Government Code Section 54956.9(d)(2), County Counsel is requesting a closed session with the Board of Supervisors to discuss one matter in which there is significant exposure to litigation against the County.

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read both closed session items into the record. Following a short break, the Board entered into closed session.

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

Recess for lunch: Chairman Scofield recessed for lunch at 12:34 p.m.

AFTERNOON SESSION: Chairman Scofield called the meeting to order at 1:30 p.m.

SCHEDULED ITEMS: 1:30 P.M.

Planning Director: Brian Foss

21. Status Report on the Safety Element Fire Protection Policies and Programs pursuant to the 2015 Board Objectives.

ACTION TAKEN: Chairman Scofield introduced the agenda item, explaining that it is in response to a discussion that took place at the Board's January Workshop. No action would be taken on the item at this time, although there may some be further direction provided to staff.

Mr. Brian Foss, Planning Director, reviewed the status report regarding the Fire Protection Policies and Programs contained in the Safety Element of the General Plan, which is coming forward as a Board Objective from the January 2015 Workshop and was given a Priority "A". Mr. Foss explained that the Safety Element contains 6 goals, 43 policies and 29 programs that relate to fire protection within Nevada County, and noted that the Status Report was put together through the coordination and input from the Office of Emergency Services, CAL FIRE, Nevada County Fire Planner, Department of Public Works, and Planning Department, and includes information from Fire Safe Council of Nevada County. He reviewed highlights of the Report, and concluded his presentation with a request for the Board to provide some initial direction with the ultimate direction to be provided at the January 2016 Workshop.

Board questioning ensued.

Supervisor Miller asked if anyone other than the County paid attention to the Safety Element Fire Protection Policies and Programs. Mr. Castleberry responded that it varies from neighborhood to neighborhood; some are very aggressive about keeping their roads clear. Supervisor Miller was aware of Fire Safe Council's Fire Safe Communities, but he wondered if other entities looked at the document and paid attention to fulfilling some of the Policies and Programs. Mr. Castleberry replied that if they do, they don't report it to the County. Supervisor Miller wondered if local fire districts had their own set of policies and programs that they accomplish, aside from what the County has in place. Mr. Foss believed that would be better answered by CAL FIRE representatives as they work closer with our local Fire Districts.

Supervisor Beason noted that there is very little mention of fire departments in the document. He wondered why they did not come to the table, and asked if they were invited. He believed that local fire chiefs are involved in the Community Wildfire Prevention Program (CWPP) process. Mr. Victor Ferrera, Program Manager, Office of Emergency Services, explained that local fire districts are involved in the CWPP; it has to be adopted by local government, local fire agencies, and CAL FIRE. Supervisor Beason wondered if the fire districts sent representatives to meetings regarding County policies and programs. Mr. Ferrera could not speak to County policy, but the fire districts are members of numerous committees that make policy and report back to the Fire Chief's Association. Supervisor Beason thought the County should encourage local fire districts to become more involved in the effort. He suggested the Nevada County Resource Conservation District should also become more involved.

Board discussion continued.

Chairman Scofield opened the meeting for public comment.

Ms. Joanne Drummond, Executive Director, Fire Safe Council of Nevada County, thanked the Board for the support they receive from the County for their programs and objectives. In terms of educational programs for natural fire and forestry, she provided information regarding existing funding opportunities that could be used to implement programs in the community. Ms. Drummond reported that some of the local volunteer fire departments have requested Fire Safe Council serve as their fire prevention program.

Mr. Jim Henderson, District 3 resident, requested the Board address the logging of new timber and the removal old timber from the forest to prevent fire.

Ms. Lynn Lorenson, President, Nevada County Resource Conservation District (RCD), provided an update on RCD's programs.

Ms. Barbara Des Champs, District 5 resident, addressed an emergency egress dispute she is having with the Bureau of Land Management (BLM) that affects nearly three dozen homes in her area and requested assistance solving this problem with BLM. Supervisor Anderson asked Ms. Des Champs to leave her contact information with the Clerk of the Board.

Mr. Larik Butyrin, District 2 resident, provided comments regarding roadside vegetation management. He suggested that with an emergency declaration, public funding should be made available to do strategic clearing on private lands with the property owner's consent.

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

Chairman Scofield asked staff if the Board provided them with enough direction. Mr. Foss responded that their next step would be to talk with local fire districts and RCD to get more of a well-rounded input on some of the other programs and policies, and also to look at other jurisdictions to see what plans they have in place. He added that staff will have some of that information available at the Board's January 2016 Workshop.

Chief Information Officer: Stephen Monaghan (Emergency Services)

22. (Introduce/Waive Further Reading) An Ordinance amending Subsections G-IV 7.1.A, 7.1.D, 7.3.F, 7.3.I through 7.3.K and Sections G-IV 7.2, 7.4, 7.5, 7.6, and 7.8 of Article 7 of Chapter IV, and adding Sections G-IV 7.3.H to Article 7 of Chapter IV, of the Nevada County General Code regarding Hazardous Vegetation Abatement.

ACTION TAKEN: Chairman Scofield introduced the agenda item and read the title of the Ordinance into the record.

Ms. Alison Barratt-Green, County Counsel, requested a short break to address some technical issues.

Following the short break, Chairman Scofield called the meeting to order.

Mr. Victor Ferrera, Program Manager for the Office of Emergency Services, reviewed the staff report and provided a PowerPoint presentation regarding the proposed update to the Hazardous Vegetation Ordinance.

Supervisor Beason believed the consensus was that the County should require a fuel break of 50 feet between an unimproved parcel and an improved parcel where they're contiguous, not to be confused with the 100-foot defensible space. Ms. Alison Barratt-Green, County Counsel, concurred, although that would only apply in a residentially zoned area. It would be up to the Board to decide if they wanted to change those parameters.

Supervisor Anderson's concern is definitional, in the sense that if it is in the General Plan as Rural Residential and has an AG 5 zoning designation, that in essence is still a rural residential area. He thought the County may be missing something by ignoring those types of zoning designations.

Supervisor Beason suggested the word "clear" be substituted for "thin," "treat," or "reduce." Some people think that "clear" means they have to cut all of their trees down.

Referencing the wording "Improved Parcel" in Section #F of the proposed Ordinance, Supervisor Weston did not think it should take away the fact that bigger ranches also need to meet defensible space requirements. Ms. Barratt-Green responded that the zoning (R-1, R-2, R-3, or R-4) could be removed, although she did not think it was as applicable because the only place the zoning will come into play would be for the fuel modification area; but staff could take that wording out. Supervisor Weston's two concerns were road clearance, for access and to allow ingress and egress, and protection for the neighbors living next to unmaintained lots.

Supervisor Weston did not see the reason to put rules into place if they were ignored. He asked if the ordinance would assist CAL FIRE in addressing the issues. Chief George Morris III, CAL FIRE Nevada-Yuba-Placer Unit Chief, confirmed that the ordinance would provide CAL FIRE inspectors with an additional tool.

Supervisor Beason requested clarification of the road clearance requirements. Supervisor Weston responded that the requirements were recently changed to “15 feet by 15 feet,” which means 15 feet on the shoulder and 15 feet high. Chief Morris added that the size of the firefighting apparatus is larger now. Mr. Matt Furtado, Fire Protection Planner, clarified that the roadside clearing includes isolated trees, all brush, and all ladder fuels need to be removed from the shoulder. Mr. Furtado stressed that the point is so two fire engines can pass each other, or a fire engine can make access while an individual is trying to egress at the same time.

Board discussion ensued.

Chairman Scofield opened the meeting for public comment.

Ms. Joanne Drummond, Executive Director, Fire Safe Council of Nevada County, asked for clarification regarding vegetation management requirements for defensible space if the adjacent property was also improved. Ms. Barratt-Green responded that the ordinance as presented did expand the scope to include both improved and unimproved by removing the word unimproved, so now it applies to all parcels, including for defensible space.

Mr. Jeff Peach, Friends of Banner Mountain representative and District 1 resident, asked what happens when a neighbor doesn't comply with this ordinance and how it is enforced. Chairman Scofield explained that they would address that question after the public comment period.

The following members of the public spoke in support of the proposed ordinance: Mr. Jim Hurley, Lake Vera/Round Mountain/Rock Creek Neighborhood representative and District 1 resident; Mr. Dom Lindars, Chairman of Selby Lane Neighborhood Association; Mr. Don Bessee, Alta Sierra Property Owners Association and Federation of Neighborhood Associations (FONA) representative.

Mr. Jim Henderson, District 3 resident, asked if the provision for charging the owner of an improved parcel fifty percent of the cost of extending his defensible space into the unimproved parcel was still there. Chairman Scofield responded that it still is in the ordinance. Mr. Henderson suggested there be some other way of charging the owner of the unimproved property rather than his neighbor, which he believed violates constitutional rights. He also raised questions regarding the requirements for roadside clearing and asked how the costs would be apportioned. Supervisor Weston responded that as the law is currently written, the property owner would be responsible for their own costs. If a road association hired someone to do so, then they would apportion the costs. The County cannot control what private road owners do; they can only say that it has to meet State standards.

Ms. Barbara Des Champs, District 5 resident, addressed the importance of the 15 foot rule. She shared concerns that agricultural parcels are not included in the ordinance and asked for clarification. Ms. Des Champs explained that her property is zoned AG 30, although none of the parcels in her neighborhood are 30 acres.

Ms. Sandy Jansen, District 5 resident, commented that the ordinance is a major change in it affects far more property owners than the original version that was passed last year. She suggested it be opened up for further readings, and asked for the wording in the draft ordinance to be corrected according to the information brought forward today regarding the “15 feet by 15 feet” requirement. Ms. Jansen brought up her concerns regarding ingress and egress in the You Bet/Red Dog Roads area, as well as the private road owner's responsibility versus the County's responsibility.

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Mr. Larik Butyrin, District 2 resident, provided comments regarding the possibility for fundraising to get some of the work done, adding that there just does not seem to be enough money to go around. He wanted to remind the public that it is about stewardship of the land.

Ms. Carole Gibson, District 1 resident, agreed that the word “clear” should be changed to “thinned” or “reduced.” She spoke in support of the ordinance.

There being no further public comment, Chairman Scofield closed the public comment period. The Board responded to questions asked during public comment.

Board questioning and discussion ensued.

Chairman Scofield asked staff how soon the ordinance could be brought back. Ms. Barratt-Green believed staff received enough direction and feedback to return with a recommendation in December.

Ms. Sandy Jenson requested clarification of whether the item would return as a first reading or a second reading. Ms. Barratt-Green responded that technically the Board has to read the full title of an ordinance every time it comes before them and the Board invariably waives that requirement. It doesn't mean the process is changing in any way or the County is not going to have hearings on the ordinance. It simply means the Chairman of the Board does not have to read the entire title of the ordinance into the record every time it comes before him.

MOTION: Motion made by Supervisor Anderson, seconded by Supervisor Beason, to direct staff to make changes to the Ordinance per Board discussion and reintroduce it at the December 8, 2015 meeting. On a voice vote, the motion passed unanimously.

***ANNOUNCEMENTS:** (Continued)

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: Additional updates were provided by the remaining Board members.

ADJOURNMENT: There being no further business, Chairman Scofield adjourned the meeting at 3:55 p.m.

Edward C. Scofield, Chairman

ATTEST:

By:

Julie Patterson Hunter, Clerk of the Board