

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

3
4 **MINUTES** of the special meeting of November 17, 2021 2:30 p.m., Board Chambers, Eric Rood
5 Administration Center, 950 Maidu Avenue, Nevada City, California via remote
6

7
8 **MEMBERS PRESENT:** Commissioners Duncan, Greeno, Mastrodonato, Milman and Ingram
9

10 **MEMBERS ABSENT:** None
11

12 **STAFF PRESENT:** Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Senior Planner
13 Matt Kelley, Deputy County Counsel, Rhetta VanderPloeg; Administrative Assistant, Shelley Romriell.
14

15
16 **PUBLIC HEARINGS:**

- 17
18 1. General Plan Land Use Map Amendment and Zoning District Map Amendment Page1, Line 50
19 PLN21-0051; GPA21-0001; RZN21-0001; EIS21-0002
20

21 **STANDING ORDERS:** Salute to the Flag - Roll Call - Corrections to Agenda.
22

23 **CALL MEETING TO ORDER:** The meeting was called to order at 2:34 p.m. Roll call was taken.
24

25 **CHANGES TO AGENDA :** Chairman Duncan asked if there were any corrections to the agenda.
26

27 Principal Planner Tyler Barrington advised there were no corrections.
28

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

34 Chair Duncan opened public comment at 2:35 p.m. With no comments coming forward Chair Duncan
35 closed public comment at 2:35 p.m.
36

37 **COMMISSION BUSINESS:**
38

39 **CONSENT ITEMS:**

- 40 1. Acceptance of 2021-10-28 Planning Commission Hearing Minutes.
41

42 **Motion by Commissioner Greeno to approve the minutes as provided. Second by Commissioner**
43 **Mastrodonato.**
44

45 Chair Duncan advised the 2 new Planning Commissioners will abstain from voting on minutes since they
46 were not present at the 10-28-2021 meeting.
47

48 **PUBLIC HEARING:**
49

50 **PLN21-0051; GPA21-0001; RZN21-0001; EIS21-0002:** The project is a proposed General Plan Land Use
51 Map Amendment and Zoning District Map Amendment to change the subject project site, located at 10460
52 Harmony Ridge Road from Rural (RUR) – 5 to Rural (RUR) – 20 and a Zoning District Map Amendment
53 to change the Zoning District from Residential Agriculture (RA) – 5 with Planned Development (PD) to

54 General Agriculture (AG) – 20. The project as proposed, does not include a proposal to develop the parcel
55 and only seeks to change the existing General Plan Land Use Map and Zoning District Map. **ASSESSOR**
56 **PARCEL NUMBER:** 034-160-001. **RECOMMENDED ENVIRONMENTAL DETERMINATION:**
57 Recommend that the Board of Supervisors approve the Negative Declaration (EIS21-0002).
58 **RECOMMENDED PROJECT ACTION:** Recommend that the Board of Supervisors approve the
59 Resolution for the proposed General Plan Amendment (GPA21-0001) and adopt the Ordinance amending
60 Zoning District Map (ZDM) #64 to rezone the subject parcel. **PLANNER:** Matt Kelley, Senior Planner

61
62 Senior Planner Matt Kelley introduced himself to the Planning Commission and began his
63 presentation. He provided the location for the proposed General Plan Amendment and Rezone
64 project, 10460 Harmony Ridge Road, in Nevada City, located in Unincorporated Western Nevada
65 County, north of Hwy 20. He explained the project site is currently an undeveloped 91.01 acre
66 parcel and access to the subject site is through an easement from Cooper Road. Planner Kelley
67 explained the project site could potentially be developed with a well and septic for water and
68 sewage disposal. Planner Kelley advised the project site is zoned Residential Agricultural (RA-5)
69 - Planned Development Combining District (PD) with a General Plan Designation of Rural (RUR-
70 5). Planner Kelley explained the application is for a General Plan Land Use Map Amendment from
71 RUR-5 to RUR-20. He explained RUR-5 is a designation of a minimum of 5 acre parcels and
72 RUR-20 is for a minimum of 20 acre parcels. He also explained this application also includes a
73 Zoning District Map Amendment which would change the zoning of the parcel from Residential
74 Agricultural (RA-5) – Planned Development Combining District (PD) to General Agricultural
75 (AG-20) so that the zoning designation and general plan designation would match. He also
76 explained this proposed project does not include any proposed development. Planner Kelley
77 provided an overall site plan which shows access to the project site from North Bloomfield Road,
78 not Cooper Road, as previously mentioned. The deeded access is served through an easement.
79 Planner Kelley stated staff’s recommendation is that the Board of Supervisors approve the
80 proposed zoning map amendment by the Planning Commission’s recommendation to the Board.
81 Planner Kelley provided the similarities and differences between Residential Agricultural and
82 General Agricultural land uses. Similarities include Single Family Dwellings, Community Care
83 Facilities for 6 or fewer, Bed and Breakfast Inns, Medical Clinics, Agricultural uses and buildings
84 (Equipment Storage Structures, Private Stables and Wholesale Plant Nurseries), Wineries, Wood
85 yards, and Churches. Conflicting uses include Community Care Facilities greater than 6,
86 Agricultural Support Uses (Farm Equipment sales, Feed Stores, Feed Lots), Retail Plant Nursery,
87 Airstrips, Heliports, Surfacing Mining, Low density Camp, and Commercial Cannabis Cultivation.
88 Planner Kelley stated the project proposed would change the General Plan Land Use and Zoning
89 to be generally consistent with surrounding AG zoning. He advised the parcel is surrounded by
90 AG - General Ag zoning and changing the zoning from RA to AG would make the subject parcel
91 also consistent with the current zoning. Planner Kelley stated staff does support this zoning change
92 because it would be less impactful. The present density of the project site would allow up to 18
93 dwelling units or 18 parcels. The change in zoning would allow up to 4 dwelling units or parcels
94 which would be less impactful. It would also be more consistent with the current general AG
95 zoning. The general plan policy 2.6 does require an economic study since this is a general plan
96 amendment. Planner Kelley advised the applicant did submit an economic study and it was
97 determined it would have negligible impact to the County’s jobs housing balance while it would
98 be an overall reduction in the number of potential dwelling or housing units. Improvements to the
99 project site would generally happen with residential development. The applicant has stated in their
100 application, and was also discussed in the staff report and initial study, there is a potential for
101 Commercial Agricultural operations including potential commercial cannabis operations. Planner
102 Kelley advised this project did not evaluate those issues because they are not proposed, it was just
103 mentioned in the application and discussed in the economic analysis, and it was determined those

104 potential uses would also provide a negligible impact to the County's jobs housing balance.
105 However, any future development on the site would be required to meet the current development
106 standards within the general plan designation and zoning district of R-20 and AG designations as
107 well. Planner Kelley explained staff did put together an initial study and circulated a Negative
108 Declaration with a public review period between October 8, 2021 and October 27, 2021. It was
109 determined all future development would be subject to applicable local, state and federal codes
110 including any future development for a Commercial Cannabis operation would be subject to the
111 County's land use and development code and would be required to go through the appropriate
112 permitting process which was discussed in the initial study. The proposed project would not result
113 in any physical disturbance to the environment. This is true since this project is a general plan
114 amendment and land use designation change and proposes no additional physical development.
115 Planner Kelley advised staff recommends the Board of Supervisors approve the Negative
116 Declaration with the concurrence and recommendation from the Planning Commission. Planner
117 Kelley stated there is a memorandum attached to the Staff Report which includes three comment
118 letters that were received during the public comment period for the initial study. Planner Kelley
119 advised some of the comments received were in regards to ground water impact concerns and
120 potential future cannabis cultivation. Planner Kelley stated since the applicant stated a potential
121 for a future commercial cannabis cultivation, the proposed project at that time would require a
122 potential Environmental Impact Report. The Negative Declaration that was done for the project
123 was appropriate as CEQA (California Environmental Quality Act) does not allow for future
124 speculation within an Initial Study. While the applicant has stated a potential for a future
125 Commercial Cannabis Cultivation operation, or future Agricultural uses, it is not known at this
126 time if that would occur. The General AG zoning would allow for that however, included in the
127 staff report, is a copy of the Cannabis CEQA checklist which was developed as part of the program
128 Environmental Impact Report (EIR) that was established for the Cannabis Ordinance. All cannabis
129 permits are required to have this CEQA checklist. This was developed from the mitigation
130 measures from the program EIR. All cannabis projects need to go through that review. This CEQA
131 checklist was approved by the Bureau of Cannabis Control which is also required by them as well.
132 This checklist is included in the Commissioners packet as well as a sample to what this checklist
133 requires. Planner Kelley advised there was also a memorandum added to the Staff Report for two
134 additional comment letters received. One letter is in support of the project and one is in opposition
135 of the project. Planner Kelley stated Staff recommends that the Planning Commission recommend
136 that the Board of Supervisors adopt the Resolution for the Negative Declaration (EIS21-0002)
137 pursuant to Section 15074 of the California Environmental Quality Act Guidelines, based on the
138 findings contained with the draft Resolution. Staff also recommends that the Planning Commission
139 recommend that the Board of Supervisors adopt the Resolution amending the General Plan Land
140 Use Map designation of Assessor Parcel Number 034-160-001 from Rural-5 (RUR-5) to Rural-20
141 (RUR-20) based on findings contained within the draft Resolution. Finally, Staff recommends that
142 the Planning Commission recommend that the Board of Supervisors adopt the Ordinance
143 approving the Rezone to amend Zoning District Map No. 64 to rezone Assessor Parcel Number
144 034-160-001 from Residential Agricultural -5 (RA-5) with Planned Development (PD) Combining
145 District to General Agricultural – 20 (AG-20) based on findings contained within the draft
146 Resolution. Planner Kelley concluded his presentation and offered to answer any questions.

147
148 Chair Duncan asked if there are any questions for staff.

149
150 Commissioner Mastrodonato asked if a General Plan Amendment and Rezone can be attached to
151 a development proposal. Can those be done at the same time?

152

153 Planner Kelley advised they can both be done at the same time. He stated there have been
154 applications in the past that are for both for development and a rezone.
155
156 Commissioner Ingram stated if there is a Negative Declaration which states no impacts, however
157 in a zoning of AG-20, there is an allowable cannabis cultivation which is not allowed on smaller
158 parcels, would a reasonable and foreseeable future problem be the smell of cannabis leaving the
159 project property and impacting neighbors?
160
161 Planner Kelley stated as proposed the project is a General Plan and Rezone Amendment. Odors
162 and odor mitigation would be evaluated as part of a cannabis project and it is not known that this
163 time if the applicant would propose a cannabis project. The program EIR for the Cannabis
164 Ordinance did take odors into account and those would be evaluated and mitigated appropriately
165 should a cannabis project be proposed in the future.
166
167 Commissioner Milman asked if this project is approved, and the project doesn't come together the
168 way people anticipate that it will, if somebody decided to put in a surface mining operation or an
169 airstrip, is that be an administrative approval later when those project come through?
170
171 Planner Kelley advised that if a future project such as a surface mining application was to be
172 submitted, it would go through its own discretionary review and CEQA review process and would
173 require a Use Permit. The project would be evaluated on its own potential impacts. CEQA requires
174 that the project be evaluated for impacts to the environment. The process would require its own
175 discretionary review, CEQA evaluation and then approved by the Planning Commission or Zoning
176 Administrator and potentially the Board of Supervisors.
177
178 Chair Duncan asked if the project site has any illegal activity or code violations.
179
180 Planner Kelley stated there are currently no violations or code cases open on the proposed project
181 site. We did receive a code enforcement complaint for the potential cultivation of cannabis on the
182 site. This complaint was investigated by our Code Compliance Department and they determined
183 no cannabis was being grown on the project site or any other code violations.
184
185 Chair Duncan asked if any structures were erected on the subject parcel.
186
187 Planner Kelley advised he does not believe so.
188
189 Commissioner Milman asked when the code case was opened.
190
191 Planner Kelley advised the open code case was last month, in October.
192
193 Chair Duncan stated water issues seem to have come up in the comment letters that were received.
194 She stated on the surface this seems like a great project to down zone to a less intense development.
195 She asked if there would be more water consumption from an AG operation than if it were
196 residential.
197
198 Planner Kelley stated there is potential that there could be additional water impacts. However, it
199 is not known at this point if that would occur based on the proposed project. Planner Kelley stated
200 Residential Agricultural also allows Agricultural uses and they may have a similar impact as
201 General AG but those uses would be allowed in both in both zoning districts.

202
203 Chair Duncan stated with the current parcel size, it might dictate what would happen, if it were to
204 be subdivided down to the 5 acre minimum parcels.

205
206 Planner Kelley advised those types of uses have to be evaluated based on what is proposed. He
207 stated with the overall rural nature of the parcel itself, it would lend itself to larger parcel sizes.
208 There are areas of greater than 30% slopes and future subdivisions might require secondary access
209 and all of those types of things would need to be looked at for any future subdivision.

210
211 Chair Duncan asked if there was only access point to this parcel from North Bloomfield Road.

212
213 Planner Kelley advised that is correct.

214
215 Chair Duncan asked that even though the project is zoned based on site suitability and the ability
216 to create parcels, it might be significantly less than what is allowed.

217
218 Planner Kelley stated presently with the RA-5 Zoning District it would allow up to 18 units and
219 the project as proposed would allow up to 4 units based on the overall density of the parcel.

220
221 Chair Duncan thanked Planner Kelley and asked if the Applicant is ready to do a presentation.

222
223 Andy Cassano, a Land Use Planner with Nevada City Engineering, introduced himself and his
224 client Dylan Murty. Mr. Cassano is the Representative for the applicant, Dylan Murty. Mr. Cassano
225 thanked Planner Kelley for all of his work on this project. Mr. Cassano explained the location of
226 the project parcel is in a remote location with rough ground. There is no access to the parcel from
227 Harmony Ridge Road and must be accessed from North Bloomfield Road. He stated the Applicant
228 has started fuel management enhancing fire safety for the neighborhood. In doing so, they have
229 discovered some useful areas on the property. Mr. Cassano explained his Applicant is wanting to
230 downzone which will reduce the potential development from 18 units to 4 units, which is a 78%
231 reduction. It is a huge opportunity for the county to take a second look at this property and apply
232 zoning that is more appropriate than how it is currently zoned. Mr. Cassano stated there have been
233 some objections to this application for fear that this project would result in cannabis cultivation.
234 Mr. Cassano continued by explaining the Board of Supervisors were very careful in trying to
235 protecting neighborhoods and limiting impacts of cannabis cultivation. As it stands right now, this
236 91 acre parcel would be entitled to apply for 10,000 square feet of cultivation if zoned AG-20,
237 which is less than a quarter of an acre. In the future, if it was divided into 4 parcels of 20 acres of
238 larger, the sum total of cannabis cultivation would be less than 1 acre on the total 91 acres. Mr.
239 Cassano advised some envision the entire parcel with rows and rows of cannabis for cultivation
240 but that is just not the case. Mr. Cassano stated thanks to the Board of Supervisors, they fashioned
241 the ordinance in a way that would allow people the opportunity to pursue commercial cannabis,
242 but also with the thought of protecting the neighborhood and limiting the amount of ground water
243 and other resources needed to do that. Mr. Cassano continued by stating this project is not a
244 proposal for cannabis cultivation, it is a downzoning which seems like a great opportunity for the
245 County. Mr. Cassano asked if he could reserve the opportunity to answer any questions or rebut
246 any information that comes from the public hearing.

247
248 Chair Duncan thanked Mr. Cassano for his presentation and asked if there are any questions for
249 Mr. Cassano.

250

251 With none coming forward, Chair Duncan opened up for public comment.

252

253 Mr. Lee Auerbach introduced himself as the owner of the property located at 10522 Harmony
254 Ridge Road in Nevada City. His parcel is located just east of the project parcel. He stated he is
255 addressing the Commission on his own behalf and as a spokesperson for other local property
256 owners. Mr. Auerbach stated he submitted a letter to Planner Kelley dated October 27, 2021 signed
257 by the property owners he is representing. Mr. Auerbach stated there are CEQA violations that he
258 addressed in his letter addressed to Planner Kelley. He stated it is obvious the applicant is setting
259 this parcel up for future cannabis cultivation or at least to be able to market the parcel for future
260 cannabis cultivation. He stated there does not need to be speculation as to whether cannabis
261 cultivation will take place as there is no other reason for this proposed rezoning from RA, which
262 does not allow for cannabis cultivation, to AG, which does. Mr. Auerbach stated the applicant has
263 already produced a large amount of cannabis cultivation unlawfully, immediately after closing
264 escrow in 2020. Mr. Auerbach stated he submitted a photo of the grow site with his letter to Planner
265 Kelley. Mr. Auerbach continued by stating there is no other agricultural use that would be practical
266 or makes economic sense for this parcel. He invited the Applicant or Mr. Cassano to tell the
267 Commission if there are any other reasons to change the zoning from RA to AG if not for cannabis
268 cultivation. He continued by stating that under CEQA guidelines, the County can't turn a blind
269 eye to what is clearly the applicants transparent objective and the County is required to consider
270 the ultimate activity and environmental consequences that foreseeably would result from project
271 approval. He stated the draft Initial Study failed to do that. He continued by stating he has not seen
272 the CEQA checklist that was previously mentioned by Planner Kelley but believes there is no
273 opportunity to address ground water concerns down the road. He asked if there was a full
274 environmental review that addresses ground water impacts submitted with a cannabis cultivation
275 application and if so, he would like to see that. Mr. Auerbach stated we are looking at up to 40,000
276 square feet of cultivation with the resulting foreseeable over drafting ground water supplies. He
277 stated 2.5 years ago the County prepared a full Environmental Impact report (EIR) in connection
278 with the enactment of the cannabis ordinance. The findings essentially stated cannabis cultivation
279 proposes significant and unavoidable impacts to ground water. Mr. Auerbach stated these
280 comments came directly from the Planning Department and it is inconceivable that the Planning
281 Department can say the current proposed project poses less than a significant impact to ground
282 water. The draft Initial Study ignores the impact to ground water. Mr. Auerbach stated just 2.5
283 years ago the County declared cannabis cultivation would not be allowed in RA zoned parcels
284 because of foreseeable significant unavoidable ground water impacts among other things. In 2019,
285 the County determined a finite number of parcels zoned AG, AE and FR that the unavoidable
286 impacts of cannabis cultivation were outweighed by other benefits. But the same environmental
287 impacts were not outweighed in parcels zoned RA and cannabis cultivation on these parcels is
288 infeasible. Mr. Auerbach continued by stating rezoning a parcel from RA to AG does not magically
289 transform an infeasible project into a feasible one, instead it creates a new problem. There may be
290 a flood of applications from owners of RA zoned parcels that request the County to change their
291 zoning designation to AG so they too can cultivate cannabis. If the County sets a precedent with
292 this project, it will open the door to many similar requests. Mr. Auerbach continued by stating the
293 issues he had addressed here today and in his letter do not appear to have been considered in the
294 preparation of the draft Initial Study and proposed Negative Declaration and they do not appear in
295 publicly available documents. Mr. Auerbach asked that the Planning Commission send this project
296 back to the Planning Department for further consideration. Mr. Auerbach stated in his view it
297 should result in the preparation of an EIR or an issuance of a mitigation Negative Declaration
298 which reduces the true foreseeable impacts of this project to a less than significant level. For

299 example, accepting the plan amendment but not the rezoning or restricting the Agricultural uses.
300 Mr. Auerbach offered to answer any questions.
301
302 Chair Duncan asked if there was anyone else that would like to offer comments. With none coming
303 forward, Chair Duncan closed public comment.
304
305 Chair Duncan advised the action today is for a recommendation to the Board of Supervisors for
306 their action.
307
308 Commissioner Greeno asked if the applicant considered changing the zoning to Residential
309 Agricultural 20 instead of AG-20.
310
311 Mr. Cassano stated they had not considered that as zoning tends to dictate what is proposed. Mr.
312 Cassano stated if the zoning remained RA they would be looking at a way to achieve more building
313 sites through clustering or conventional subdivision. Mr. Cassano asked if he could comment on
314 public testimony once questions are complete.
315
316 Commissioner Greeno asked if the intention of changing the zoning from Rural Agricultural to
317 Agricultural for the potential use of cannabis.
318
319 Mr. Cassano stated that possibility makes the downzoning worthwhile in the sense that the property
320 may have a better market as a 5 acre parcel in this location. He continued by stating cannabis is
321 one of the potential agricultural uses that Planner Kelley had stated was allowed.
322
323 Commissioner Greeno stated the applicant indicated .25 acre of the 91 acres could support
324 cannabis based on the current land use codes and if accurate would be 10,000 square feet.
325
326 Planner Kelley advised that is correct.
327
328 Director Foss stated 10,000 square feet is the max amount allowed by the cannabis ordinance of
329 parcels over 20 acres. Parcels under 20 acres have a smaller amount allowed.
330
331 Commissioner Milman asked if the .25 acre is already predetermined. Has someone already
332 decided where that would be located?
333
334 Planner Kelley stated the cannabis ordinance requires certain setbacks and requirements for all
335 proposed cannabis projects. He continued by stating the cannabis ordinance also has access
336 requirements that would also need to be met.
337
338 Commissioner Milam asked if the 10,000 square feet is in the ordinance not site specific.
339
340 Planner Kelley advised that is correct.
341
342 Commissioner Greeno asked if it's a 91 acre parcel and it was zoned as 20 acre parcels, they would
343 have roughly 4-4.5 parcels and each parcel could have an agricultural area of 2,000 square feet per
344 parcel.
345
346 Director Foss advised that is correct. The cannabis ordinance allows for 10,000 square feet for
347 parcels 20 acre or larger in Agricultural zoning. Director Foss continued by stating a maximum of

348 4 lots and each one potentially meeting setbacks, each could potentially qualify for a cannabis
349 grow.

350
351 Commissioner Greeno asked in an area 10x20 area, how many plants would be grown.
352

353 Director Foss stated there are a number of different ways and techniques in ways that people set
354 up their gardens so he is not qualified to answer that question.

355
356 Chair Duncan asked if Mr. Cassano would have that answer.

357
358 Mr. Cassano stated he does not know how many plants would go into a 10,000 acre grow. There
359 are a number of ways to build a garden.

360
361 Commissioner Ingram asked why they are requesting a minimum of 20 acre parcels instead of 10
362 acre parcels.

363
364 Mr. Cassano stated he didn't give much thought into 10 acre parcels. He continued by stating one
365 of the things being lost in this conversation is the nature of the property which is fairly steep and
366 remote. He stated most professional Planners would agree 20 acre parcels are better given the
367 nature of the property.

368
369 Chair Duncan gave Mr. Cassano a chance to respond to public comments.

370
371 Mr. Cassano stated he is surprised the Planning Commission doesn't see Cannabis permits and
372 that the standards and the ordinance are pretty tough. He stated it's been suggested going to a
373 zoning that would allow 40,000 square feet or 1 acre of grow on a 91 acre parcel would create
374 some terrible impact. Mr. Cassano stated the cannabis application requires an assessment of the
375 well water and what is available. Well water isn't regulated in Nevada County. If you have 5 acre
376 parcels, that could have trees or landscaping, and there would be no limitations. If you have 20
377 acre agricultural properties with large clearings that have orchards would also use water. Throwing
378 this application into a water impact situation where nobody in the county is regulated seems a bit
379 unfair. Mr. Cassano stated every Planning application stands on its own merit and should not be
380 considered precedent setting.

381
382 Chair Duncan asked if there are any further questions or if there is a motion.

383
384 Chair Duncan continued that this application is troubling. The application seems good on the
385 surface however there are a lot of issues to think about. She stated the action today would be a
386 recommendation to the Board of Supervisors for their action.

387
388 Commissioner Greeno stated the questions he was asking is to help him clarify the direction this
389 project might go. He stated the project before us today is not to approve cannabis or water use but
390 the recommendation is to approve land use code. In light of that, Commissioner Greeno stated he
391 does not have a problem with the direction this is going. He stated a 10x20 area does not seem like
392 it would be a significant use of water. Commissioner Greeno stated the recommendation to bring
393 this from 5 acre to 20 acre developments, even if they are clustered like Mr. Cassano had
394 mentioned, would be a much reduced use of the land.

395

396 Commissioner Milman stated twice it was brought up if there was an illegal grow on the property
397 and how that would impact the conversation if there had been an illegal grow.
398
399 Planner Kelley stated it would not impact it too much. If there was a code violation on the property,
400 our Code Compliance department would handle and regulate that. Generally speaking, General
401 Plan Amendments and Rezone projects do not have conditions of approval so we would not be
402 able to condition the General Plan Amendment and Rezone to clear a violation.
403
404 Commissioner Milam stated on Google Earth it looks like somebody was growing on the property
405 but asked if legally that doesn't have any bearing on the decision regarding the rezone.
406
407 Planner Kelley advised that is correct.
408
409 Chair Duncan stated there may have been evidence of some illegal activity but Code Enforcement
410 verified there is no illegal activity at this time.
411
412 Planner Kelley confirmed that is correct.
413
414 Commissioner Ingram asked if the 10,000 square feet is 100x100.
415
416 Planner Kelley advised that is correct.
417
418 Commissioner Greeno stated he was breaking down the grow size by parcel.
419
420 Commissioner Ingram stated if there are 4 parcels, wouldn't it be 100x100 per parcel.
421
422 Commissioner Greeno stated .25 acre which is 10,000 square feet which is 400 square feet per
423 parcel.
424
425 Commissioner Milam asked if its .25 acre per parcel.
426
427 Director Foss advised she is correct.
428
429 Commissioner Ingram stated that would essentially be 1 acre of grow.
430
431 Principal Planner Tyler Barrington stated we are speculating that the property owner is going to
432 subdivide the property. 10,000 square feet applies to the 91 acre parcel as is. If the property is
433 subdivided then it would create the 4 parcels. However, there is no subdivision being proposed at
434 this time.
435
436 Chair Duncan stated we are not hear to speculate, we are here to look at what is being presented
437 and what is allowed. She asked if there are any other questions or if the Commission is ready for
438 a motion.
439
440 **Motion by Commissioner Greeno** to, Recommend that that Board of Supervisors adopt the
441 attached Resolution for the Negative Declaration (EIS21-0002), pursuant to Section 15074 of the
442 California Environmental Quality Act Guidelines, based on the findings contained with the draft
443 Resolution (*Attachment 1*).
444

445 **Second by Commissioner Milman. Motion Carried on a 3/1 vote with 1 abstention. (Commissioner**
446 **Mastrodonato voted no, Commissioner Ingram abstained)**

447
448 **Motion by Commissioner Greeno** to, Recommend the Board of Supervisors adopt the attached
449 Resolution amending the General Plan Land Use Map Designation of Assessor Parcel Number:
450 034-160-001 from Rural-5 (RUR-5) to Rural-20 (RUR-20) based on findings contained within
451 the draft Resolution (*Attachment 3*).

452
453 **Second by Commissioner Milman. Motion Carried on a 3/1 vote with 1 abstention. (Commissioner**
454 **Mastrodonato voted no, Commissioner Ingram abstained)**

455
456 **Motion by Commissioner Greeno** to, Recommend the Board of Supervisors adopt the attached
457 Ordinance approving the Rezone to amend Zoning District Map No. 64 to rezone Assessor
458 Parcel Number: 034-160-001 (from Residential Agricultural - 5 (RA-5) with Planned
459 Development (PD) Combining District to General Agricultural - 20 (AG-20) based on the
460 findings contained within the draft Ordinance (*Attachment 4*).

461
462 **Second by Commissioner Milman. Motion Carried on a 3/1 vote with 1 abstention. (Commissioner**
463 **Mastrodonato voted no, Commissioner Ingram abstained)**

464
465 Chair Duncan advised this is a recommendation to the Board of Supervisors and there will not be an appeal
466 period.

467
468 Chair Duncan asked if there are any further questions or if there is a motion to adjourn.

469
470 Chair Duncan asked if there were any information item or updates for the Commission.

471
472 Director Foss advised there are no upcoming meetings scheduled.

473
474 Deputy County Counsel, Rhetta VanderPloeg introduced herself to the Commissioners and welcomed
475 Commissioners Ingram and Milman.

476
477 Director Foss advised we do anticipate our next meeting will be in-person.

478
479 **Chair Duncan adjourned the meeting at 3:38pm.**

480
481 There being no further business to come before the Commission, the meeting was adjourned at 1:43 p.m.
482 to the next meeting is to be determined, in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada
483 City.

484
485 _____
486 Passed and accepted this day of , 2021.

487
488 _____
489 Brian Foss, Ex-Officio Secretary