

**NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA**

PARTIAL MINUTES of the meeting of April 27, 2017, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

PUBLIC HEARING:

Z15-001, MIS16-0009, U15-002, MGT15-004, MGT15-005, MGT17-0004, MI15-005, LLA16-0008, LLA16-0014; EIS15-003. A public hearing to consider the combined application of Ananda Church of Self-Realization of Nevada County for a 1) Rezone proposing to alter the boundaries of the existing Rajarshi Park PD-SP zone to fit the existing disturbed area and to correct a zoning map error in the location and size of the zoning boundaries; to alter the boundaries of the existing Village Center C1-PD-SP zone to correct a zoning map error in location, size, and configuration of the zoning area; and to rezone 1.16 acres of AG-PD-SP zoning to PD-SP adjacent to the existing Village Center; 2) Development Agreement proposing an extended development timeline of 15 years with the potential for two 5-year extensions, phasing flexibility, customized sewage disposal inspection fees, and a customized administrative process for development approved under the CMP; 3) Comprehensive Master Plan to increase the residential cap from 87 units to the General Plan maximum density of 195 units within 7 existing clusters and up to 8 new clusters; to allow 41,862 square feet of new non-residential development within 1 remodeled and 37 new structures, and a new RV campground, all within existing non-residential use areas; to allow 4,976 square feet of school uses already approved under U08-013; and to allow public events in the Village Center (up to 200 people per event), Expanding Light Retreat (up to 200 people per event), Amphitheater (up to 400 people per event), and Crystal Hermitage (up to 800 people per day); 4) Petition for Exceptions to the Nevada County Road Standards to allow a 100-foot section of the proposed extension of Village Drive to exceed the 16% standard, up to 18% road grade, and for road width to vary in the Expanding Light area to avoid landmark oaks; 5) Wetland Habitat Management Plan for potential impacts to onsite wetlands; 6) Oak Habitat Management Plan for potential impacts to the oak woodlands areas; 7) Steep Slopes Management Plan for impacts to slopes over 30% for the construction of an approximately 400-foot section of Brindaban Way to access Cluster M; and 8) Lot Line Adjustments (two non-concurrent) to reconfigure parcel boundaries to meet applicable building setbacks and site development standards for individual lots. **PROJECT LOCATION:** 14618 Tyler Foote Crossing Road, approximately 5 miles east of Hwy 49. **APN:** 61-170-12, -16, -23, -32, -34; 61-180-02, -03; 61-210-04, -19, -20; 61-230-06, -08; 61-240-02, -33, -34, -35 & -36. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Adopt Mitigated Negative Declaration EIS15-003 and find that the original Mitigated Negative Declaration EIS08-009 for the school uses is adequate pursuant to CEQA Section 15162. **PLANNER:** Jessica Hankins, Project Manager.

Planner Jessica Hankins introduced herself and the project. She discussed Ananda's current and proposed land use designations and zoning and the site's terrain, access, elevation and water. She described the Ananda Village community and gave a background of its development. She discussed the reasoning for the proposals before the Commission, which ranged from correcting map errors to the desire for additional density. The timeline and details of proposed development were explained. She described each proposal and what it would entail. She discussed the benefits of Ananda to the community, many of which were fire safety related. She discussed staff's analysis of key issues, including noise, traffic, aesthetics, roads and parking. She detailed the exhaustive analysis of the community's water use and management, and Ananda's extensive fire safety measures. She then discussed environmental review and the public comments that were received. Planner Hankins asked

that the Commission adopt and approve the environmental actions, recommend the Board of Supervisors approve the legislative actions, and approve the project actions.

Planner Hankins and Chair Aguilar discussed whether there were any changes in the Staff Report.

Applicant Peter Goering introduced himself as the village manager. He gave a presentation of Ananda's goals, history and infrastructure. He then gave a video tour of the property, noting various points of interest. He discussed areas and patterns of development, property ownership, biological review, wildlife habitat, clustering, business activities and tax contributions to the county. He spoke in detail about current and proposed fire safety measures as well as the community's water status and management. He discussed Ananda's benefits to the community, including the school, affordable housing, open space and the arts, and asked for the Commission's support of the project.

Chair Aguilar asked if there were questions of the applicant.

Commissioner Heck asked about whether there was an intention to seal the ground at the proposed auto repair location to prevent soil contamination.

Mr. Goering said there are strict standards on auto shops that they would have to comply with. They would also install a solar canopy which would divert rainfall.

Commissioner Heck asked about seepage and a nearby well.

Mr. Goering said there will be concrete floors and no rain runoff.

Chair Aguilar asked about Ananda's two-story maximum building height in relation to the 20 percent slopes. He cautioned the applicant about limiting potential basement area and the County's role in implementing those limitations.

Mr. Goering said the intention was to have two main stories with a partial basement.

Chair Aguilar spoke about not being able to live in the basement.

Mr. Goering said there are some daylight basements on the slopes.

Commissioner Jensen asked about wording in the Staff Report regarding public comments and public hearings on the Initial Study.

Planner Hankins confirmed that Commissioner Jensen understood the wording correctly.

Planner Barrington said this is that meeting in which public comments are considered.

Chair Aguilar opened the public hearing at 3:26 p.m. and noted that each public comment would be limited to three minutes.

Pat Leach introduced herself as a close neighbor to Ananda and that she would speak on the North San Juan Fire District's behalf as well. She has been thrilled with Ananda's monitoring and management of water. She discussed their mindfulness of emergency egress routes and work to reroute Sages Road. She believes Ananda contributes to the wellbeing of whole community. She also discussed their fire safety measures and the resulting benefits to the Ridge. She supports Ananda's application.

102 Robyn Martin spoke as a property owner of land bordering Ananda. She stated concerns that the
103 Ananda expansion may threaten the quality and character of her property and the community. Only a
104 limited number of property owners received notice about the hearing and the community needs time
105 to review documents and site history. There should be more public hearings. The archeological
106 significance of the area needs to be considered and she has found artifacts on her own land. She is
107 concerned with impacts to water resources and the infrastructure in this part of county. She is concerned
108 about the roads in a fire emergency. She is concerned about property owners adjacent to Ananda that
109 have not been participatory. She discussed the limited infrastructure including lack of public
110 transportation and the single gas station. She is concerned about the depletion of groundwater, pollution
111 of surface water, excessive pumping and impact of drainage to neighboring properties. She is
112 concerned about development.

113
114 Jo Ann Fites-Kaufman noted that she had provided her comments in writing. She is a neighbor near
115 the reroute of Sages Road. She described her PhD and experience, and the nature of scientific studies.
116 She and her husband have serious significant concerns. She does not believe a Negative Declaration is
117 supported because of too little information included, not accounting for climate change, the scale and
118 the scope. She discussed her well and whether Ananda's wells would affect it. She has a serious
119 concern about fire and evacuation routes. Some of Ananda's property is not well managed for fire. The
120 Fire Chief thinks the new evacuation route is great but wants the other road, too. Ananda is a fairly
121 okay neighbor but she has no intention of giving up her easement. A big fire concern is whether the
122 Sheriff can evacuate residents, neighbors and guests during a special event. She discussed the
123 proposed fire engine bay and that the priority should have been to build one on Cruzon in an
124 underserved area. The expansion does not maintain the rural character of the area. Her other
125 environmental concerns are documented in writing and she would love the opportunity to talk to the
126 Commission again.

127
128 Larry Engel has property on Sages Road and shares a common boundary with Ananda. He agrees with
129 Ms. Leach and disagrees with the others. He has found Ananda to be a responsible and good neighbor.
130 Their fire prevention is critical to the area and diminish all concerns about the project. He believes this
131 is not a bad project and Ananda is a responsible developer. They have hired responsible experts and
132 invited neighbors to meet them and ask questions. Noise, traffic and water are not issues, but fire is.

133
134 Michael Olivier introduced himself as a resident of Ananda. He hopes the Commission will approve
135 the Master Plan.

136
137 Larry Goodson introduced himself as living on Robinson Road. He agreed with all the positive
138 comments and disagreed with the negative comments. He said Ananda has not ignored anyone in this
139 process and he appreciates all their fire prevention work.

140
141 Lyn Syns read a statement of support from Rhea Williamson, a neighbor of Ananda. Ms. Williamson
142 has always felt heard and never been disappointed in their management of land and community. Their
143 road, water and fire maintenance efforts are appreciated. She commended the inclusion of neighbors
144 in Ananda's decision-making process and said they addressed concerns in a collaborative and open
145 manner. All issues have been addressed and safeguards are incorporated into the plan. She supports
146 the project.

147
148 Carol Noble introduced herself as living on Sages Road. She was notified by Ananda of the public
149 hearing and thinks they are great neighbors. She has a problem with fire issues. In the case of a fire,
150 she would have to cross Ananda to get off the Ridge. There are not enough roads and they are not
151 maintained well enough. She said Ananda needs to maintain the old Sages Road too and that fire is
152 going to be a problem.

153
154 Cullen Lewis read a comment letter by Boyd Johnson, Battalion Chief at North San Juan Fire District.
155 Chief Johnson supports the master plan. Ananda is conscientious and cooperative, an example and
156 quiet leader on the Ridge. Ananda is a proactive supporter of fire safety and emergency services to the
157 benefit of North San Juan and Nevada County. Mr. Lewis then made a personal comment that many
158 more homes, including those of the folks who spoke against the project, would have been threatened
159 by a large fire in 2004 if Ananda had not been the location of the fire defense line.

160
161 Pat Leach added that the old Sages Road route will not be abandoned and will still exist. A portion of
162 Sages will be rerouted onto Ananda property for fire safety but the other section will still be maintained.

163
164 Suzanne Betts introduced herself as a resident of Ananda Village. She acted as the Ananda liaison to
165 the San Juan Ridge fire department and worked for the San Juan Ridge Taxpayers Association. Ananda
166 has made a big effort to be a part of the larger community on the Ridge and reach out to neighbors.
167 Ms. Betts then read a letter by Alexa Wondergem, a neighbor with a long history of good relations
168 with Ananda. She appreciates their careful land use planning. As neighbor, she believes the negative
169 impact will be fairly small. Positive impacts could include better internet connectivity, more workers
170 and jobs, a bigger voice in the county, more housing available on the Ridge when Ananda members
171 living outside the village move into the Ananda community and thus free up San Juan Ridge housing,
172 and an influx of peaceful neighbors. Ms. Wondergem supports the project.

173
174 Chair Aguilar closed the public hearing at 3:54 p.m.

175
176 Planner Hankins displayed the public notice map and also noted the public outreach meetings Ananda
177 held. She discussed the multiple studies addressing any cultural and archeological resources on site.
178 The Initial Study outlines that all historic features found are considered common features in Nevada
179 County and not significant cultural resources under CEQA. She then discussed the fire protection plan,
180 including provisions being implemented for areas of new development. There are some newly acquired
181 parcels on which work does need to be done but work has begun already in some of those areas. There
182 is a mitigation measure for scotch broom included in the conditions of approval. Water use has already
183 been addressed and Planner Hankins offered to answer any specific water questions the Commission
184 may have. She then deferred to the Fire Marshal to discuss emergency evacuation on Tyler Foote.

185
186 Chair Aguilar asked if Sages Road is staying.

187
188 Planner Hankins said correct, the original would stay in place.

189
190 Chair Aguilar asked if there would be any improvements to the existing section of road.

191
192 Planner Hankins said not that she is aware of. It is not Ananda's responsibility nor is it on their property.

193
194 Commissioner Duncan asked if the North San Juan Taxpayers group was notified.

195
196 Planner Hankins said yes.

197
198 Commissioner Duncan said the group then disseminates information to their people if some members
199 are more remote.

200
201 Planner Hankins said yes.

Commissioner Duncan said it is important to note that people are noticed to the best of our abilities and that an extensive effort was made to insure that property owners are informed of projects that might affect them.

Mr. Goering said Ananda did several things to notify surrounding neighbors. Two years ago, they sent letters to their neighbors, had conversations with the Tax Payers Association, and held a public comment open house. A few weeks ago, they did the same again: sent letters, went to the San Juan Ridge Taxpayers Association annual meeting, had an open house and made phone calls. He noted that Ms. Fites-Kaufman did not show up at the open house or return his call.

Commissioner Heck asked to hear from the Fire Marshal about the fire routes.

Matt Furtado, Deputy Fire Marshal, said fire threat is Nevada County's number one disaster potential. There has been extensive work done on the property in an ongoing effort to make it as fire safe as possible. He discussed Sages Road as a future fuels treatment area in order to make another escape route. Worrying about fire is part of living in the area and everyone is doing the best they can in the ongoing battle.

Commissioner Heck asked about whether a particular road was an evacuation route.

Deputy Fire Marshal Furtado asked Mr. Goering to clarify.

Mr. Goering answered that it was an extension of Brotherhood Way which acts as secondary egress by a maintained egress easement. It does not currently meet all standards but it is available and useable as an evacuation route. A new road will also provide access to development.

Commissioner Jensen asked if anyone on site can operate the fire engine.

Mr. Goering said the idea was to provide storage in proximity to the station. He also clarified that Ananda offered to provide either a cash gift to the fire department, potentially to be used to build a station at North Columbia, or to build a garage at Ananda. The department chose the option on Ananda land for its proximity to the firefighters and the existing station.

Commissioner Duncan noted to Planner Hankins that it was an extensive report.

Chair Aguilar said that the project is well thought out and is in compliance better than most projects. Public comment demonstrates that there is a concern about fire and that Ananda has been an excellent neighbor for many years. Benefits to the community include fire protection, spiritual growth, open space, clustering and a self-sustaining community. He is also comfortable with their water management.

Commissioner James agreed with Chair Aguilar's comments.

Motion by Commissioner James to adopt the proposed Mitigated Negative Declaration (EIS15-003) pursuant to Sections 15073.5 and 15074 of the California Environmental Quality Act Guidelines; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

Motion by Commissioner James to find that original Mitigated Negative Declaration (EIS08-009) provides adequate environmental review for the approval of the school uses within this project (U15-002) and therefore further environmental review is not required pursuant to Section

15162 of the California Environmental Quality Act Guidelines; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

Motion by Commissioner James to recommend the Nevada County Board of Supervisors amend Zoning District Map 049 (Z15-001), altering the boundaries of the existing Rajarshi Park PD-SP zoning area from the 6-acre area shown on the Zoning District Map to the proposed 9-acre area to correct a mapping error and better conform to existing and proposed development areas; modifying the boundaries of the 1.5-acre C1-PD-SP area to correct a mapping area and conform to the 3-acre area approved under the previous Master Plan; and amending the zoning of a 1.16-acre AG-PD-SP zone area adjacent to the Village Center to PD-SP to allow for more intensive existing and proposed development in that area, as shown in Attachment 4. In doing so, the Commission recommends that the Board of Supervisors makes the findings found in the attached Ordinance Amending Zoning District Map 49; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

Chair Aguilar noted that the first two actions were subject to a ten-day appeal period but that the last one was not as it was a recommendation to the Board of Supervisors.

Motion by Commissioner James to recommend approval of the Development Agreement (MIS16-0009) to the Board of Supervisors, making Findings A-E pursuant to Nevada County Land Use and Development Code Sec. L-II 5.18.E; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

Chair Aguilar noted that there was no appeal period.

Motion by Commissioner James to approve the Boundary Line Adjustment (LLA16-0008) subject to the Conditions of Approval and Mitigation Measures shown in Attachment 1, making Finding A, pursuant to Nevada County Land Use and Development Code Sec. L-II 4.1.3.; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

Chair Aguilar noted that there is a ten-day appeal period.

Motion by Commissioner James to approve the Boundary Line Adjustment (LLA16-0014) subject to the Conditions of Approval and Mitigation Measures shown in Attachment 1, making Finding A, pursuant to Nevada County Land Use and Development Code Sec. L-II 4.1.3.E; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

Chair Aguilar noted that there is a ten-day appeal period.

Motion by Commissioner James to approve the Petition for Exception to Road Standards (MI15-005) subject to the Conditions of Approval and Mitigation Measures shown in Attachment 1, making Findings A-E pursuant to Nevada County Land Use and Development Code Sec. L-IV 2.4 and 2.6 and L-XVII 3.12, and California Government Code Sec. 66474; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

Chair Aguilar noted that there is a ten-day appeal period.

300 **Motion by Commissioner James** to approve the proposed Steep Slopes Management Plan
301 (MGT17-0004) subject to the Conditions of Approval and Mitigation Measures shown in
302 Attachment 1, making Findings A-E pursuant to Nevada County Land Use and Development Code
303 Sec. L-II 4.3.13.B.3, in that encroachment into steep slopes is necessary in order to provide project
304 infrastructure; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

305
306 Chair Aguilar noted that there is a ten-day appeal period.

307
308 **Motion by Commissioner James** to approve the proposed Oak Habitat Management Plan
309 (MGT15-005) subject to the Conditions of Approval and Mitigation Measures shown in
310 Attachment 1, making Findings A-C pursuant to Section L-II 4.3.3.B of the Nevada County Zoning
311 Code; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

312
313 Chair Aguilar noted that there is a ten-day appeal period.

314
315 **Motion by Commissioner James** to approve the proposed Wetland Habitat Management Plan
316 (MGT15-004) subject to the Conditions of Approval and Mitigation Measures shown in
317 Attachment 1, making Findings A-B pursuant to Section L-II 4.3.3.B of the Nevada County Zoning
318 Code, in that encroachment into watercourse setbacks is necessary in order to provide project
319 infrastructure; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

320
321 Chair Aguilar noted that there is a ten-day appeal period.

322
323 **Motion by Commissioner James** to approve the Use Permit application (U15-002) to establish a
324 Comprehensive Master Plan for the project site subject to the Conditions of Approval and
325 Mitigation Measures shown in Attachment 1, or as may be modified at the public hearing, making
326 Findings A-M pursuant to Nevada County Land Use and Development Code Section L-II 5.6.G
327 and 5.5.2.C; **second by Commissioner Jensen. Motion carried on a voice vote 5/0.**

328
329 Chair Aguilar noted that there is a ten-day appeal period.