

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

MINUTES of the meeting of May 10, 2018, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

MEMBERS PRESENT: Chair James and Commissioners Jensen, Aguilar and Duncan.

MEMBERS ABSENT: Commissioner Heck.

STAFF PRESENT: Principal Planner, Tyler Barrington; Senior Planner, Coleen Shade; Associate Planner, Janeane Martin; Deputy County Counsel, Rhett VanderPloeg; Fire Planner and Deputy Fire Marshal, Matt Furtado; Administrative Assistant, Tine Mathiasen.

PUBLIC HEARING:

- | | |
|------------------------------------|-----------------|
| 1. Paye Rezone | Page 1, Line 42 |
| PLN17-0051; RZN17-0002; EIS17-0030 | |
| 2. Tim the Tree Man Woodyard | Page 2, Line 52 |
| U16-007; EIS18-0014 | |

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

CALL MEETING TO ORDER: The meeting was called to order at 1:30 p.m. Roll call was taken.

CHANGES TO AGENDA: None.

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

COMMISSION BUSINESS: None.

CONSENT ITEMS: None.

PUBLIC HEARING:

PLN17-0051; RZN17-0002; EIS17-0030: A public hearing to consider the proposed rezone of two parcels (six assessor parcel numbers, APNs) from Timber Production Zone-40 (TPZ-40) to Residential Agriculture-10 (RA-10) and General Agriculture-30 (AG-30). If approved, the rezone will initiate the TPZ ten-year roll-out process in compliance with California Government Code Section 51110. **LOCATION:** The two parcels make up a contiguous project area situated south of Quaker Hill Cross Road located approximately four (4) miles southeast of downtown Nevada City. Specifically the project area includes the following addresses: 14344 Banner Quaker Hill Road, 14343 Banner Quaker Hill Road, 15596 Banner Lava Cap Road, 15631 Banner Lava Cap

50 Road, 14650 Red Dog Road, 14657 Red Dog Road & 14695 Red Dog Road, Nevada City,
51 California. **APNs:** 38-330-01, 38-330-02, 38-330-03, 38-330-04, 38-330-87 & 38-330-86
52 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Negative Declaration (EIS17-
53 0030). **RECOMMENDED PROJECT ACTION:** Recommend that the Board of Supervisors
54 adopt the project specific Negative Declaration (EIS17-0030) pursuant to the California
55 Environmental Quality Act (CEQA) making Findings A-D. And, recommend approval to the
56 Nevada County Board of Supervisors for the proposed rezone (RZN17-0002) to amend Zoning
57 District Maps #064a and #077 from TPZ-40 to RA-10 for APNs 38-330-01, 02, 03, 04 & 87 (152
58 acres) and TPZ-40 to AG-30 for APN 38-330-86 (154 acres) to initiate the ten-year process to roll-
59 out of TPZ making Findings A-C. **PLANNER:** Coleen Shade, Senior Planner

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61 Planner Coleen Shade discussed the project application and process, including the background of
62 the TPZ zoning designation. The proposal is for a 10-year rollout of TPZ into RA and AG, in
63 which the new zoning will become effective 10 years after a decision by the Board of Supervisors.
64 The site's general plan designation will not change and the proposed zoning will become consistent
65 with the land use designations. Planner Shade then discussed the existing and proposed densities
66 and the number of residential units. There were errors (incorrect zoning district noted) in the
67 NOA/NOI and on the location map in the initial study, and the memo distributed to the Planning
68 Commission addresses the correction of those mistakes. Environmental review included the
69 preparation and circulation of an initial study/negative declaration. It was found that there are no
70 impacts to environmental resources. An additional finding was added to the CEQA
71 recommendation regarding the mistakes in the NOA/NOI and the map in the initial study. Staff
72 recommendations that the Planning Commission recommend the Board of Supervisors adopt the
73 negative declaration and approve the rezone.

74
75 Chair James asked for questions from Commissioners.

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77 Commissioner Aguilar asked for the difference between AG-30 and RA-30.

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79 Planner Barrington said the county does not have an RA-30 zone. The intent is to match the
80 existing zoning in the area, RA-10 and AG-30.

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82 Commissioner Duncan asked if the general plan supports this type of conversion.

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84 Planner Shade said yes.

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86 Chair James asked if any action is needed at the end of the roll out. He asked if the rezone takes
87 effect automatically or if another action is needed at the end of the ten-year period.

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89 Planner Shade said automatically. Staff worked with legal counsel on the ordinance language to
90 ensure that the zoning map update becomes operational ten years from the approval date.

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92 Chair James said that no other actions or hearings are necessary. He invited the applicant to make
93 a presentation.

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95 Ron Dundas introduced himself as representing the Paye estate. He discussed the history of the
96 parcel and the project area. The applicant has decided that timberland maintenance in what is now
97 a developed area is not the best way forward. This proposal is the way out of the TPZ contractual
98 agreement so that ten years from now the applicant can move forward.

99 Commissioner Aguilar asked for the logic for RA-10 and -30.

100 Mr. Dundas said to be compliant with the existing general plan.

101 Commissioner Aguilar asked if that was what the general plan said for that area.

102 Planner Shade said yes.

103 Commissioner Aguilar asked if it said RA-5.

104 Planner Barrington said no.

105 Mr. Dundas said the applicant wishes it did.

106 Commissioner Aguilar said there is RA-5 around it.

107 Mr. Dundas agreed.

108 Chair James noted that Commissioner Duncan had a question for the fire folks.

109 Commissioner Duncan asked for the fire professionals' opinion on the proposal.

110 Deputy Fire Marshal Furtado asked what Commissioner Duncan would like an opinion on.

111 Commissioner Duncan said adding more residential development to the area.

112 Deputy Marshal Furtado said they do not have an opinion on whether one should.

113 Commissioner Duncan added that she was asking for an opinion based on what is on the ground out there. She asked if Deputy Marshal Furtado saw this as a problem.

114 Deputy Furtado said it is no different. As long as they are complicit with all the laws of the Public Resources Code and the county at the time of future development, there should not be an issue.

115 Chair James opened public comment at 1:51 p.m.

116 George Olive said his property is contiguous to the Paye property and near the lots being considered for rezoning. He asked whether 10 years from now the owners could ask for further subdivision. He does not agree with some of the adjectives describing the area. The area at end of Banner Lava Cap road is a rural and quiet area. The new roads are not necessarily progress. He asked if redesignation of the parcels would make them possible legal cannabis grow sites. He would have concerns about that.

117 Chair James asked staff to address public comment.

118 Planner Shade discussed the possibility of rezoning the property again in the future. The county can entertain an application but a rezone to RA-5 would not be consistent with the general plan. It is a much higher hurdle to amend the general plan to allow smaller lot sizes.

Chair James said someone could make an application but there would be an extensive process to go through.

Planner Shade said correct.

Planner Barrington noted that further subdivision would require approval at the discretion of the Planning Commission or Zoning Administrator. There is a public process. He added that the county is working to create an ordinance regarding cannabis. An ordinance would likely allow some kind of growing in the AG zones. At this time, the RA zone is not an allowed area for cannabis activities. However, the ordinance is still being developed.

Commissioner Aguilar asked about density averaging and if it allows for the clustering of development.

Planner Barrington said county code encourages and requires a clustered option be provided with maps within the Rural general plan designation. This might include building envelopes or smaller lots with open space.

Commissioner Aguilar asked if that would be without a general plan change.

Planner Barrington said correct. Staff's support of this amendment is related to the fact that the proposed zoning is consistent with the underlying general plan, which anticipated the number of dwelling units that would be built on these parcels as a part of the general plan process and approval.

Commissioner Aguilar ensured that Mr. Olive understood.

Erin Brutlag introduced herself as a property owner adjacent to parcels 1 and 2. They were excited to be next to timber zoning because of less residential congestion and zoning. She has seen a sign about a shaded fuel break around the area of Red Dog and Banner and assumes this would be beneficial. She asked if changing zoning to Residential would make the fuel break go away. She asked if this was a lost benefit that needs to be considered.

Chair James asked staff to answer the question.

Planner Barrington said staff is not purview to fuel break project, though the Fire Marshals might be. Regardless of the zoning on the discussed parcel, that would be an important part of managing fuels in the area.

Deputy Marshal Furtado said the driver for fuel breaks is the protection of life, property and the environment. It is more of a demonstration fuel break in that area, though there is a historic fuel break on Banner Mountain. They are always actively trying to increase fuel breaks throughout the county.

Chair James closed public hearing 1:59 p.m.

Commissioner Aguilar said he likes the idea of a 10-year rollout so neighbors can plan ahead. Development in Nevada County is slow.

Motion by Commissioner Jensen to recommend that the Board of Supervisors adopt the project specific Negative Declaration (EIS17-0030) pursuant to the California Environmental Quality Act (CEQA) making Findings A-D; **second by Commissioner Aguilar. Motion carried on a voice vote 4/0 (Commissioner Heck was absent).**

Motion by Commissioner Jensen to recommend approval to the Nevada County Board of Supervisors for the proposed rezone (RZN17-0002) from TPZ-40 to Residential Agriculture RA-10 for APNs 38-330-01, 02, 03, 04, & 87 (152 acres) and TPZ-40 to General Agriculture AG-30 for APN 38-330-86 (154 acres) to initiate the ten-year process to roll out of TPZ making Findings A-C; **second by Commissioner Aguilar. Motion carried on a voice vote 4/0 (Commissioner Heck was absent).**

Planner Barrington noted that there is no appeal period.