



NEVADA COUNTY AIRPORT LAND USE COMMISSION

Grass Valley • Nevada City • Nevada County

TERRI ANDERSEN – Nevada City City Council
NATE BEASON – Nevada County Board of Supervisors
CAROLYN WALLACE DEE – Truckee Town Council
JASON FOUYER – Grass Valley City Council (2015 Vice-Chairman)
ANN GUERRA – Member-At-Large
LARRY JOSTES – Member-At-Large (2015 Chairman)
ED SCOFIELD – Nevada County Board of Supervisors

DANIEL B. LANDON, Executive Director
Nevada County Transportation Commission
Nevada County Airport Land Use Commission

MINUTES OF MEETING January 21, 2015

A meeting of the Nevada County Airport Land Use Commission (NCALUC) was held on Wednesday, January 21, 2015 in the Nevada County Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City, California.

Members Present: Terri Andersen, Nate Beason, Carolyn Wallace Dee, Jason Fouyer, Ann Guerra, Larry Jostes, and Ed Scofield

Staff Present: Daniel Landon, Executive Director; Mike Woodman, Transportation Planner; Nancy Holman, Administrative Services Officer; Toni Perry, Administrative Assistant

Standing Orders: Chairman Larry Jostes convened the Nevada County Airport Land Use Commission meeting at 10:25 a.m.

Chairman Jostes **ADJOURNED AS THE NEVADA COUNTY TRANSPORTATION COMMISSION** at 10:25 a.m. and **CONVENED AS THE NEVADA COUNTY AIRPORT LAND USE COMMISSION (NCALUC)**.

15. NCALUC Minutes

September 17, 2014 NCALUC Meeting Minutes. *Approved.*

Commissioner Guerra made a motion to approve the September 17, 2014 NCALUC Minutes. Commissioner Fouyer seconded the motion. The motion passed with Aye votes from Commissioners Andersen, Dee, Fouyer, Guerra, Jostes, and Scofield. Commissioner Beason abstained due to his absence from that portion of the meeting.

16. Request for Nevada County Airport Land Use Commission Consistency Determination, South Woodlands Project

Executive Director Landon referred to the graphic in the handout that showed the location of the South Woodlands Project, which is a residential project being proposed on the east end of the airport. He said it is a fair distance away from the runway, but touches Compatibility Zones B1, C, and D east of the Nevada County Airport. He reported that fees were collected, which is

typical for this type of project, to consult with Mead & Hunt, Inc., our land use compatibility consultant. Executive Director Landon said he provided excerpts from their report letter with regard to this project. He noted the project has a very simple issue, which is that parts of three parcels actually fall within Zone B1 that has a policy requirement of only having one dwelling unit per ten acres. He said about six acres of this project are included in Zone B1 and there is a potential for two dwelling units within that six acres.

Executive Director Landon said there are a few mitigating factors. One factor is the same owner owns approximately ten acres to the west of the project and it has been dedicated as permanent open space for the purpose of the airport. He stated that gives less density for the area of the potential project. He also reported that the project is about 130 feet below the elevation of the airport runway, so it drops down and gives you more recovery space and also gives less noise influence. He stated there are policies within the Nevada County Airport Land Use Compatibility Plan that allows the Commission to make a finding that a project is consistent, though it is a variation from the general policies. On that basis, as noted in the recommendation from the consultant, Executive Director Landon stated that the adjacent property to the west of the project is dedicated to open space; secondarily, the overall density of the project is less than the maximum allowed under the policies; and thirdly, the project area is lower in elevation than the airport runway, which reduces the potential for excessive noise exposure. Executive Director Landon said the recommendation from staff is that the NCALUC find that the proposed land use will not create a safety hazard to people on the ground, or aircraft in flight, nor result in excessive noise exposure for the proposed use.

Commissioner Scofield asked where the process stood with the Nevada County Planning Commission and if the Nevada County Airport Commission was involved with the project. Executive Director Landon responded that NCALUC staff received the project from the Nevada County Planning Department requesting our review. He stated that Andy Cassano from Nevada City Engineering, Inc. was present at the meeting and he is the project representative, so the question was referred to him.

Andy Cassano, Land Planner with Nevada City Engineering, stated that he represents the Sacher family on this project. He said the status of the application is they filed the subdivision application with the County of Nevada and they recently met with county staff. County staff has given him assignments on additional information that is needed, which they are currently responding to. Mr. Cassano said the Planning Department has not yet prepared and circulated the environmental documents. He said he began conversations with Executive Director Landon on the project before they made submittal and they paid a fee to the Commission to help provide for the consultant, Mead & Hunt, Inc., to review the application. He noted that they put a lot of thought into the density and placement of everything, and they are pleased with the final design. Commissioner Scofield said he has an Airport Commissioner that is fairly vocal at times and he wondered if he would be getting a phone call about this project or if the project is being reviewed directly through the Airport Commission. Mr. Cassano replied that it was his understanding the airport review would be at the NCALUC level at this meeting. Commissioner Scofield asked if anyone has talked with the Airport Commission. Executive Director Landon replied that he has not spoken to Lee Ocker, the Nevada County Airport Manager, but he had correspondence with Mr. Ocker about three months previously when the Nevada County Planning Department first sent the project to him. He said that Mr. Ocker did not have a problem with the project, but he did not know if Mr. Ocker took the project before the Airport Commission. Executive Director Landon said he could find out. Mr. Cassano said the Airport Manager was present at an assembly of county staff of all the departments reviewing the application. Commissioner

Scofield said that he did not want an Airport Commissioner coming to him and wondering why they were not involved with the review of the project. Commissioner Scofield said the way Executive Director Landon described the process is the NCALUC makes a finding, which means, in essence, the project is compatible and there is no override involved when the application comes through. Executive Director Landon said that is correct.

Commissioner Fouyer said since the project has not completely gone through the county processes yet and no environmental work has been completed yet, he asked Mr. Cassano if he anticipated any potential changes to the project. Mr. Cassano said he does not. He said the application was prepared with his firm's working knowledge of environmental issues and county standards and he thought they presented a project that is compatible and clean with respect to county resource standards, airport planning, and all of the issues. He hoped there would not be any dramatic changes. Commissioner Fouyer commented that if there are changes then Mr. Cassano would have to come back to the NCALUC. Mr. Cassano said if there were any changes with the project that had anything to do with density under the airport flight zones, then it would have to come back to the NCALUC for further review.

Chairman Jostes asked if there are any entities that can be identified, including airport operations, which to him is an important part of this, that we would expect pushback from on this decision. Executive Director Landon said, to his knowledge, there are not. He stated there is a lengthy list of firms and agencies that the planning notice went out to, and he has not heard any negative comments on the project.

Commissioner Scofield asked if the project will go to the Nevada County Planning Commission. Mr. Cassano said it will, so there will be an opportunity for interested citizens or agencies to be involved in the review process.

Executive Director Landon noted that the findings made that day by the NCALUC affect only airport land use compatibility and, as noted, the environmental and the operational issues are separate from this Commission and would have to be dealt with at the county level. Chairman Jostes commented that this is only a piece of the review process for the project and it will be reviewed several times by other agencies before the process is over. Executive Director Landon noted that two things are accomplished in the NCALUC resolution: 1) The two parcels that are within Zone B1 would require that aviation easements are dedicated to the county as the operator of the airport; 2) The other parcels within the project area have overflight notices recorded with them. Executive Director Landon explained an "aviation easement" is very similar to a utility easement in that it says the property owner acknowledges and provides an easement of the airspace for the airport use. He said, in essence, it becomes the airport's airspace; not the land, but the airspace. He explained that the "overflight notice" is a notice that goes on the deed and informs anyone looking at that property that they are in the area of an airport, there is overflight occurring, and they may have noise issues or other things related to airport operations. Executive Director Landon said the two parcels within Zone B1 would have the aviation easement, which means that airspace is owned by the county. He stated the overflight notice does not include ownership of airspace, but is simply a recorded notice to the purchasers of all of the parcels that they will have impacts from the airport operations, so they cannot come back and say they did not know there was an airport near their property.

Commissioner Fouyer made a motion to adopt Nevada County Airport Land Use Commission Resolution 15-01, finding that the proposed South Woodlands project is consistent with the Nevada County Airport Land Use Compatibility Plan. Commissioner Guerra seconded the

motion. The motion passed unanimously with Aye votes from Commissioners Andersen, Beason, Dee, Fouyer, Guerra, Jostes, and Scofield.

Chairman Jostes ADJOURNED AS THE NEVADA COUNTY AIRPORT LAND USE COMMISSION at 10:37 a.m. and RECONVENED AS THE NEVADA COUNTY TRANSPORTATION COMMISSION.

Respectfully submitted: Antoinette Perry
Antoinette Perry, Administrative Assistant

Approved on: May 17, 2017

By: LA Jostes
Lawrence A. Jostes, Chairman
Nevada County Airport Land Use Commission