

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

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4 **MINUTES** of the special meeting of April 16, 2026, 1:30 p.m., Board Chambers, Eric Rood  
5 Administration Center, 950 Maidu Avenue, Nevada City, California.  
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8 **MEMBERS PRESENT:** Chair Milman (part time) and Commissioners McAteer, French, Foley,  
9 and Garst

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11 **MEMBERS ABSENT:** Chair Milman (part time)

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13 **STAFF PRESENT:** Planning Director, Brian Foss; Senior Planner, Steve Geiger; Associate  
14 Planner, Zachary Ruybal; Assistant Planner, Aleena Church; County Counsel, Sims Ely; Clerk to  
15 the Planning Commission, Jodeana Patterson  
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17  
18 **PUBLIC HEARINGS:**

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- 20 • Commercial Rafting Permits for Tahoe Whitewater Tours, Dream Catcher River Tours,  
21 Tributary Whitewater Tours, and IRIE Rafting Company (**PLN26-0033, 0034, 0035 &**  
22 **0038: RAF26-0001, 0002, 0003 & 0004**) Page 2, Line 59
  - 23
  - 24 • Flaherty Conditional Use Permit (**PLN25-0106; CUP25-0005**) Page 4, Line 165
  - 25
  - 26 • Nevada County Safety Element Update (**PLN25-0022; GPT25-0001; EIS25-0001**):  
27 Page 16, Line 746
  - 28

29 **STANDING ORDERS:** Salute to the Flag. Roll Call. Corrections to Agenda - none.

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

33  
34 **CHANGES TO AGENDA:** None

35  
36 **PUBLIC COMMENT:** Members of the public shall be allowed to address the Commission on  
37 items not appearing on the agenda which were of interest to the public and were within the subject  
38 matter jurisdiction of the Planning Commission, provided that no action shall be taken unless  
39 otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code.

40  
41 Vice-Chair McAteer opened public comment at 1:31 p.m.

42  
43 *[minutes follow as direct transcript]*

44  
45 Vice-Chair McAteer: So, now we'll open it up to public comment. If you have something to say  
46 about an item that's not on our agenda today, we would invite you up to the podium. There you'd  
47 state your name, and you have three minutes to chat with us. So, is there anyone who would like  
48 to take that opportunity at this point?  
49

50 Seeing and hearing no additional public comments coming forward, Vice-Chair McAteer closed  
51 public comment at 1:33 p.m.

52  
53 **COMMISSION BUSINESS:** None

54  
55 **CONSENT ITEMS:** None

56  
57 **PUBLIC HEARINGS:**

58  
59 **1:30 p.m. PLN26-0033, 0034, 0035 & 0038: RAF26-0001, 0002, 0003 & 0004:** Four separate  
60 Commercial Rafting Permit Applications, for Tahoe Whitewater Tours, Dream Catcher River Tours,  
61 Tributary Whitewater Tours, and IRIE Rafting Company proposing guided tours on the Little Truckee  
62 and Truckee Rivers pursuant to Nevada County Code Title 6 Chapter 5. Guided tours are proposed  
63 from Boca Dam to Floriston, consistent with past operations. All guided tours will have a staging area  
64 for customer parking below the Boca Dam pursuant to a lease from the USFS. IRIE Rafting Co. will  
65 be additionally staging outside of Nevada County at their office location. **LOCATION:** Boca Dam  
66 off Stampede Meadows Road (ingress) and I-80 @ Floriston Interchange on left and right side of the  
67 river (egress). **ASSESSOR'S PARCEL NUMBER:** 048-160-003 (ingress) and 048-130-022  
68 (egress). **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Exempt per CEQA  
69 Section 15061 (b)(3). **RECOMMENDED PROJECT ACTION:** Recommend approval of a rafting  
70 permit for each applicant. **PROJECT PLANNER:** Aleena Church, Assistant Planner.

71  
72 *[minutes follow as direct transcript]*

73  
74 Vice-Chair McAteer: Seeing none, we will move on to our first agenda item, which happens to be  
75 the River Rafting permits on the Truckee River. And so, Aleena, I'll turn it over to you at this point.

76  
77 Assistant Planner Church: Thank you and good afternoon, Commissioners and everyone else. My  
78 name is Aleena Church and I'm the Assistant Planner here with the Nevada County Planning  
79 Department and the project planner for the 2026 and 2027 rafting permits of the Little Truckee  
80 and Truckee River in eastern Nevada County in front of the Planning Commission for review  
81 today. Commercial rafting permits are being sought by Tributary White Water Tours, Tahoe White  
82 Water Tours, Dream Catcher River Tours, and Irie Rafting Company. The rafting ordinance within  
83 the General Code requires permits for commercial rafting on the Truckee River from Boca to the  
84 Sierra County line and establishes regulations for commercial rafting operations. Among other  
85 things, these include hours of operation, number of permits, number of rafts operating, parking  
86 requirements, and permit cycle length. These regulations are intended to prevent disturbance to the  
87 greatest extent possible to the river, while allowing the use of the river intended by the General  
88 Code. The permitting use of the Truckee River started in 1994 and has been renewed every two  
89 years. There are two access points proposed: the ingress point on the Little Truckee River, right  
90 above the Boca Dam, just north of the town limits of the town of Truckee; and the egress is  
91 proposed on both the east and west banks of the Truckee River at the I-80 overpass in the Floriston  
92 community. The ingress site below the Boca Dam on the federal land is US Forest. The US Forest  
93 Service has a temporary Special Use Permit to allow river ingress to the applicants at that point.  
94 The Special Use Permit **Tru** 297, issued by the US Forest Service, allows commercial rafting  
95 operators to stage vehicles at designated parking area just below the Boca Dam. At the 10660  
96 address, this staging area serves as the primary location for the participant parking prior to river  
97 access and provides sufficient capacity to accommodate peak use associated with permitted rafting  
98 activities. It is noted that Irie Rafting Company will be staging outside of Nevada County at their  
99 office in Placer County, utilizing the shuttle buses at the put-in location. In addition, Special Use

100 Permit **Tru** 655, issued by the US Forest Service, authorizes Tahoe Whitewater and Dream Catch  
101 River Tours to utilize the staging area at the Boca put-in location. That's the 10550 address shown  
102 above. This permit allows for the placement of a portable restroom facility, a temporary 12-by-30-  
103 foot structure to support operational needs, and has adequate space to accommodate customer  
104 vehicles, guide vehicles, and shuttle buses associated with the rafting operations. For this  
105 permitting cycle, the egress is proposed at both the east and west banks of the Truckee River at the  
106 I-80 overpass in Floriston. Egress at the east of the river, also known as the Sand Shed side, would  
107 result in the parking at the Caltrans maintenance facility parking lot. There is an existing pathway  
108 from the riverbank to the staging area. Egress from the west bank of the river results in parking  
109 under the overpass. The proposed west bank egress location has been used for many years, and  
110 the existing footpath leads from the west bank of the Truckee River up to a gravel turn-around in  
111 the state right-of-way, where the parking is located and where a porta potty would be placed. Both  
112 areas have adequate room for parking, and each have adequate room for the porta potty, the  
113 applicants have the right-of-way Use Agreement with Caltrans, allowing for that ingress and egress  
114 within the state right-of-way of Floriston, near the I-80 bridge. The Conditions of Approval that  
115 have been crafted over the many years include the prohibition of stops, signage, ancillary business,  
116 requires a porta potty, communication devices, first aid and safety equipment on shuttle buses, and  
117 no parking in the rights-of-way outside of the Caltrans lease agreement. Again, these Conditions  
118 of Approval have been crafted per the General Code regulations. The conditions applied that allow  
119 safe recreational experience for commercial rafting of the Little Truckee and Truckee River while  
120 preventing disturbance to the greatest extent possible for the maintenance of site for the health in  
121 the river. The Planning Department staff does conduct inspections throughout the rafting season  
122 to ensure that the rafting guides are complying with site conditions, and it is noted that there were  
123 no violations or complaints in the 2024-26 permitting cycle. In conclusion, staff recommends that  
124 the Planning Commission find that these projects exempt from environmental review pursuant to  
125 Section 15061(b)(3) of the California Environmental Quality Act and approve the four individual  
126 RAF permits, making Findings A through G in the staff report. Thank you, and I'm here to answer  
127 any questions.

128  
129 Vice-Chair McAteer: Thank you very much, Aleena. My first question is, are there any changes  
130 that have occurred between two years ago and today to these permits?

131  
132 Planner Church: Not necessarily. They renewed all of the permits through the US Forest Service  
133 and Caltrans that they did in the years prior. The only maybe addition that there was the continued  
134 use recently of the 106550 Stampede, which was the staging area and parking area, below the Boca  
135 Dam. They utilized it last year as well, but that was kind of the most recent effect between 2023  
136 to now.

137  
138 Vice-Chair McAteer: OK. Thank you. So, any questions here? Nothing from you, Commissioner?  
139 Anything, Steve?

140  
141 Commissioner French: So, did you mention that you've had no complaints from the public the  
142 past three years, was it?

143  
144 Planner Church: From the 24-25 season, we haven't had any known complaints.

145  
146 Commissioner French: All right. Thank you.

147

148 Vice-Chair McAteer: Are there any of the applicants that want to address us on any of these  
149 points? I don't know. You're welcome to come up to the podium if you need to. OK. John, you're  
150 OK? You're good? Good. *[Addressing Commissioner Garst]* This is your project.

151  
152 Commissioner Garst: It is in my district. Can you put up the recommendations? Is it just these two  
153 here?

154  
155 **Motion made by Commissioner Garst to find the permits to be categorically exempt from**  
156 **exempt pursuant to CEQA 15061(b)(3).**

157  
158 **Second by Commissioner Foley. Motion carried on a 4/0 vote.**

159  
160 **Motion made by Commissioner Garst to approve the four commercial rafting permits,**  
161 **making Findings A through G in the staff report.**

162  
163 **Second by Commissioner Foley. Motion carried on a 4/0 vote.**

164  
165 **1:40 p.m. PLN25-0106; CUP25-0005:** A Conditional Use Permit application proposing to allow  
166 a special events venue for up to 150 guests. Events will be held outside and within a 4,800-sq.-ft.  
167 barn between the hours of 9am-10pm. The frequency of events is a maximum of 50 times per  
168 year. **LOCATION:** 13447 American Ranch Court, Grass Valley, CA 95949. Approximately 0.1  
169 mile south of McCourtney Road, 3.0 miles southwest of the City of Grass Valley in  
170 unincorporated western Nevada County. **ASSESSOR'S PARCEL NUMBER:** 025-580-008.  
171 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Adopt the Mitigated  
172 Negative Declaration and Mitigation Monitoring and Reporting Plan pursuant to Section 15074  
173 and 15097 of the California Environmental Quality Act. **RECOMMENDED PROJECT**  
174 **ACTION:** Recommend approval of a Conditional Use Permit for a Special Events Center.  
175 **PROJECT PLANNER:** Aleena Church, Assistant Planner.

176  
177 *[minutes follow as direct transcript]*

178  
179 Vice-Chair McAteer: Thank you very much, Aleena. You're staying around for Part 2. OK. So  
180 now we'd like to move to the Conditional Use Permit on McCourtney Road for an event venue.  
181 So, why don't you take it away, please?

182  
183 Planner Church: Hello again, Aleena Church, Assistant Planner of the Nevada County Planning  
184 Department and the project planner for the Special Events Conditional Use Permit at 13447  
185 American Ranch Court in front of the Planning Commission for review today. The project parcel  
186 is located in western Nevada County. The APN is 025-580-008 and is accessed off McCourtney  
187 Road. Additionally, it is three miles from the City of Grass Valley. The project site is zoned  
188 General Agricultural, with a minimum parcel size of 20 acres and is approximately 23.42 acres.  
189 The project parcel is currently developed with residential and commercial activity, including a  
190 primary residence, an ADU, pool, animal husbandry barn, gravel parking lot, ground-mount solar,  
191 well, and septic system. On April 24th, 2024, the Outdoor Events Permit application with the  
192 Nevada County Planning Department was approved. That is for one year and limits eight events  
193 per year. The applicant did renew the annual permit that was approved in February 2025 and is set  
194 to expire in April of 2026. The project proposes a special events venue for private celebrations  
195 such as weddings, anniversaries, family reunions, memorials, birthdays, for up to 150 guests with  
196 a maximum of 50 events per year with event hours restricted to between 9:00 AM and 10:00 PM.

197 Special events may be held seven days a week. However, it is anticipated that most of the events  
198 will be scheduled on the weekends. The proposed special events area will primarily be within the  
199 already constructed 4,800-square-foot agricultural barn and a small portion of the events held  
200 within the ceremony lawn area. Food and drinks will be allowed at events. However, all food  
201 preparation shall be done off site and then brought to the venue. The proposed plan has 95 parking  
202 spaces; 92 of the spaces are standard spaces located within the existing gravel parking area, and  
203 aisles will be delineated by landscape, trees, and barrels, along with 288 compliant spaces, and  
204 then one van accessible space in all, in compliance with the parking of the Nevada County Code.  
205 Nevada County does not have a specific parking standard for outdoor event land use. However,  
206 the code directs a planning agency to determine the required number of spacing for general outdoor  
207 recreational uses with a similar proposed use; therefore, determined by the Nevada County  
208 Planning Department, the parking plan as proposed meets those parking standards. The project site  
209 contains existing landscaping and provides screening and is generally consistent with the  
210 landscaping section of the Nevada County Code. Although the existing landscaping may not meet  
211 all current perspective landscaping standards, the code does allow planning agency to approve  
212 modifications where site constraints or existing conditions achieve the same overall landscaping  
213 effect. Given that the landscaping is already established and provides both adequate visual and  
214 screening consistent with the purpose of the ordinance, the existing landscaping is considered  
215 acceptable for this project. Again, the only landscaping improvement proposed is the addition of  
216 the three landscape trees and barrels to define parking aisles in compliance with Section 12.04.107  
217 of the Nevada County Code. The project is substantially consistent with the design guidelines of  
218 Western Nevada's County design guidelines because it establishes the proposed event venue as a  
219 prominent building appropriate for its use and by using appropriate building materials such as a  
220 metal roof, wood siding, using of gable-style roof, roof overhangs, and muted soft colors and doors  
221 to reduce a visual impact of the building as shown in the photograph here. Additionally, the  
222 agricultural barn includes 16 exterior lights installed along the perimeter of the building. There are  
223 10 LED downlit rectangular shield and six round downlight gooseneck-style LED lights. All 16 of  
224 the proposed lights are downward facing and fully shielded to prevent light sources or lenses from  
225 being visible from adjacent properties and roadways that are compatible with Section 12.04.108  
226 of the Nevada County Code. Primary access to the special events venue will be provided from  
227 McCourtney Road by a dedicated existing driveway identified on the picture in yellow above.  
228 That driveway traverses APN 025-580-007, which is owned by James and Jennifer Flaherty, the  
229 applicants here today, and will be exclusively used for the events. Secondary access for emergency  
230 purposes will be available by the American Ranch Court, which currently serves the main access  
231 for the residents. Screening thresholds identified by the Nevada County Transportation  
232 Commission and vehicle miles traveled (VMT) implementation shows that it can be screened out  
233 by 630 vehicle miles traveled per day. The maximum occupancy of the special events venue at any  
234 given event has a maximum of 150 people and would not be representative of typical daily use.  
235 The special events venue would be used at a maximum of 50 times per year and serves the  
236 community by holding private celebrations on specific occasions when rented out by a private  
237 party. It's unlikely to create regional draw because access to the special events venue is restricted  
238 to private uses and private parties who have rented it out. While the Nevada County Department  
239 of Public Works did not require a traffic study to be done, a trip generation calculation was done  
240 by Public Works that concluded the proposed project would expect to result in 21 trips per day.  
241 The Nevada County Public Works Department reviewed the project and provided trip generation  
242 to determine that is unlikely to create substantial draw. Thus, it would only have minimal impact  
243 to vehicle miles traveled. The project area is proposed primarily within areas that have been  
244 previously disturbed. The project site contains shrub oaks. No protected oak trees, as defined by  
245 the Nevada County Code, would be removed or impacted by implementation of the project. The

246 project parcel contains one aquatic feature in the southernmost portion of the site: a seasonal creek  
247 identified as Dry Creek. The development portions of this site, including an existing driveway,  
248 parking area, agricultural building, are all located in the northern portion of the parcel,  
249 approximately 500 feet from that seasonal creek. Therefore, the project as proposed will not have  
250 any potential adverse effects on any environmentally sensitive areas. A Condition of Approval  
251 from the Nevada County Fire Marshall will require vegetation clearance around structures that  
252 meet minimum requirements from the Public Resources Code. Additionally, due to the high Fire  
253 Severity Zone designation, a fire protection plan and evacuation plan were submitted as part of the  
254 application. A Condition of Approval provided by the fire marshal to reduce the fire risk is that  
255 the applicant shall be required to create and maintain 10-foot-wide vegetation fuel modification  
256 zone on both sides of the driveways measured from the shoulder and by removing vegetation that  
257 contributes to significant fire risk, and that all structures shall be compliant with the Public  
258 Resources Code defensible space requirements. Amplified music associated with the events is  
259 primarily within the existing 4,800-square-foot barn structure. Limited outdoor amplified sound  
260 may occur during such events like weddings that typically last approximately 20 minutes on the  
261 ceremony lawn area where the amplified music would then be relocated indoors. All amplified  
262 sound is controlled within the barn. In lieu of a comprehensive noise study, the property owner has  
263 implemented real-time noise monitoring during events using onsite sound monitoring devices.  
264 Noise levels were actively monitored during the duration of each event to ensure the compliance  
265 with Nevada County noise standards. According to monitoring data collected from approximately  
266 12 events, including events ranging from 75 to 250 attendees with an average duration of  
267 approximately five hours, measured noise levels at the property lines ranged from 35 to 44  
268 decibels, which is below the applicable 50 decibels standard for the 7:00 PM to 10:00 PM time  
269 period. Events are required to conclude by 10:00 PM, and no amplified music is permitted after  
270 that time. Additionally, Mitigation Measure 13A shall be implemented to continue real-time  
271 monitoring during those events, and that the County can request those records at any time. The  
272 project currently does operate under the Outdoor Event Permit application, which allows eight  
273 event outdoor events per year. To the County's knowledge, no noise complaints have been filed  
274 or received related to the operation of those events. The project area is also influenced by existing  
275 ambient noise sources, notably the McCourtney Road Transfer Station that's approximately 0.3  
276 miles north of the project, that generates regular daytime noise. The project parcel has a General  
277 Plan Land Use designation of Rural 20 and a zoning designation of General Agricultural with a  
278 minimum size of 20. The Rural General Plan designation intended to provide for development and  
279 compatible uses with the rural setting. The development of special events is compatible with the  
280 AG20 Rural 20 land designation because it is allowed with a Use Permit. The proposed project  
281 meets all site development standards of the General Agricultural with minimum parcel size of 20  
282 acres as well as community design standards. Therefore, the project proposed is consistent with  
283 those in the Nevada County Zoning and General Plan. The Planning Department prepared and  
284 drafted an initial study and proposed Mitigated Negative Declaration for the proposed project, EIS  
285 25-0013. The initial study was available for public review during the period of February 23rd to  
286 March 27th. The initial study identified potential impacts to this project in regard to air quality,  
287 biological resources, cultural resources, geology, soils, hydrology, water quality, noise, tribal  
288 cultural resources, and possible impacts to utilities and service systems. Mitigation measures were  
289 identified to reduce potential impacts to less than significant levels. Based on the technical  
290 information with this application, review of potential policy and regulatory documents, in  
291 consultation with appropriate local, state, and federal agencies, all the potential impacts that were  
292 identified have been mitigated. Therefore, a Mitigated Negative Declaration is the appropriate  
293 environmental document for this project. The Planning Department has received nine letters of  
294 support and 0 letters of opposition for this project. There was a memo sent out on Tuesday the

295 14th, regarding two Conditions of Approval that have been amended in regard to solid waste and  
296 neighbor notification requirements. The condition regarding the neighborhood notification is  
297 intended to reflect the general standard in the Outdoor Event Permit that currently exists. However,  
298 the Planning Commission retains full direction to amend or further refine the condition deemed  
299 appropriate. As stated in the memo, the condition regarding the neighbor notification states that  
300 the applicant shall provide written notice to all property owners within 500 feet of the project no  
301 later than April 1st of each year, identifying the anticipated schedule of events for the upcoming  
302 calendar year or event season to the extent known at that time. It is recognized that not all events  
303 may be scheduled by April 1<sup>st</sup>, and additional or last minute events may occur. Such events shall  
304 be allowed without additional mail notice, provided that all events remain in compliance with the  
305 approved use and applicable Conditions of Approval, and proof of that notification shall be  
306 maintained by the applicant and made available upon County request. The solid waste condition  
307 is to submit a solid waste disposal plan prior to operation. In conclusion, staff recommends the  
308 Planning Commission take the following actions: Adopt the Mitigated Negative Declaration and  
309 Mitigation Monitoring and Reporting Program pursuant to Section 15074 and 15097 of the  
310 California Environmental Quality Act, making Findings A through C, as shown in the staff report;  
311 and approve the proposed Use Permit CUP25-0005 subject to the attached Conditions of Approval  
312 shown in Attachment 1, making Findings A through L pursuant to Section 12.02.030 in Title 12,  
313 Chapter 4 of the Nevada County Code. Thank you so much. I'm here to answer any questions.

314  
315 Vice-Chair McAteer: Thank you very much, Aleena. So, I think we'll begin. Mr. Flaherty, do you  
316 have anything you'd like to share, or Mrs. Flaherty, regarding this project that hasn't been already  
317 shared? No. OK, then I'll open it up for public comment at this time.

318  
319 Vice-Chair McAteer opened public comment at 1:56 p.m.

320  
321 Vice-Chair McAteer: Anyone would like to address the Commission regarding this project? You  
322 have three minutes at the podium. Please state your name, and off we go. Yes, ma'am. Whoops,  
323 we're going to get your mic going.

324  
325 Public speaker Ms. Hinman: My name is Kathy Hinman, and I'm a resident of Penn Valley. I work  
326 here in Grass Valley and manage the Association of Realtors. I'm here today to speak to you as a  
327 local resident to the fact that our county has been in need of a venue like this. We struggle with  
328 the lack of venues. In fact, we had a venue that was taken over by a supply company, down on off  
329 East Main and off right...not off of East Main, but right by the new dispensary. Sorry, I haven't  
330 been up speaking for a while.

331  
332 Vice-Chair McAteer: It's OK, we don't bite.

333  
334 Ms. Hinman: But I'm an individual citizen who works with various community groups, and as a  
335 manager of the member organization, I am challenged time after time. We're trying to find a venue  
336 for just a small business meeting or a community engagement venue. As a citizen who works with  
337 these various groups, I've lived here for over 20 years and discovered this amazing gem during the  
338 holidays when I was invited to a recognition event, and I was astounded by the beauty. Just the  
339 beauty of the property and the proximity to Grass Valley, Penn Valley, and the neighboring  
340 communities. I was also recognizing the safe access the wonderful site plan that they set up to  
341 establish a viable parking lot and safe access to that well-designed parking, large covered facility,  
342 and versatile grounds. Our entire county can benefit from these amenities with little impact on the  
343 neighboring properties, unlike other current and proposed venues. Costello Vista is a unique

344 property set apart from the residential neighborhoods and the congestion and parking issues that  
345 we face with other venues. As you've learned and possibly experienced, it sits on over 25 acres,  
346 and a site plan is so carefully designed to stay within the aesthetics of the community. If it's made  
347 more available to our residents, it could solve many of our challenges that we deal with day-to-  
348 day with organizations, with community fundraisers, and to small family gatherings. In fact, my  
349 daughter is looking for a venue to get married, and we'll probably have to have it in our backyard  
350 at this point because there are no local facilities available.

351  
352 **Vice-Chair McAteer:** Whoops, that that ends your time. Thank you very much, Kathy. Thanks for  
353 your input. Anyone else would like to address the Commission? Come on down.

354  
355 **Public speaker Mr. Leishman:** Hi there, my name is Seth Leishman, and we recently purchased  
356 the property at 13197 American Ranch Court, almost right next door. I'd like to publicly voice my  
357 support for this Use Permit and project. The Flahertys have done everything possible to create an  
358 amazing and beautiful spot in Nevada County for events like weddings and charitable fundraising.  
359 This is a needed venue within our county. They've accommodated the neighborhood by adding  
360 their own entrance and road off of McCourtney, keeping all event traffic away from American  
361 Ranch. They're not throwing raging, loud late night parties. This venue is quiet and serene and  
362 beautiful. It's provided charitable organizations such as the Rudiger Foundation, NU FFA, and  
363 Sierra Harvest, all of which I've personally attended, and others. A gorgeous location with ample  
364 parking. That ample parking is something that many venues here in Nevada County do not offer.  
365 It is up to date and has all of the right facilities. As their newest neighbor, and having known about  
366 and attended events at their property, I have no issues or problems with the Flahertys using their  
367 own property for these venue purposes. Thank you.

368  
369 **Vice-Chair McAteer:** Thank you, Seth. Anyone else?

370  
371 **Public speaker Ms. Hamberlin:** Hello, I also am their newest neighbor at American Ranch Court  
372 and stand in support of the ...

373  
374 **Vice-Chair McAteer:** I'm sorry, I'd love to know your name.

375  
376 **Ms. Hamberlin:** Yes. I'm Tisha Hamberlin. I'm speaking in support not only as their neighbor,  
377 but also a very involved community member. I currently stand as the Nevada Union FFA Boosters  
378 president, the Nevada Union Baseball Boosters president, I am the president of a primary program  
379 at a local church, and the list could go on, actually, of the other events that I help coordinate. I too  
380 have experienced the problem of a lack of places that we can provide safe and wonderful high  
381 quality events in Nevada County. I have personally attended four events on their property and  
382 have found it to be absolutely exceptional. And again, as a new neighbor, I also am very much in  
383 support of how they run their property and for these events.

384  
385 **Vice-Chair McAteer:** Thank you, Tisha. Anyone else would like to address the Commission?

386  
387 **Public speaker Ms. Ralstab:** I'm Cheryl Ralstab. I'm a 42-year resident of Nevada County and I'm  
388 involved in the community, and I support a lot of local charities, and I think this is an amazing  
389 venue. I couldn't hear one negative thing, and if the next door neighbor thinks it's a good idea, I  
390 think we all should. Thank you.

391

392 Vice-Chair McAteer: Thank you, Cheryl. Appreciate it. Yes, Sir. You want to come down? And  
393 I can tell you're chomping at the bit to chat with us.  
394

395 Public speaker Mr. Ferdel: Hi, my name is Jules Ferdel. I'm representing my sister as well, Lynn  
396 Ferdel. It seems like this center is already in place. We own the south half of Section 8, so we're  
397 just on the southern border of this lot. My concern is, we have an animal corridor there, right now,  
398 and you...  
399

400 Vice-Chair McAteer: Speak up a little. I'm sorry, you had an animal...what? Corridor? OK.  
401

402 Mr. Ferdel: We have, like I say, we have 320 acres there, and we also have, like I say, a lot of  
403 people that go on that property and sometimes hunt and sometimes shoot, sometimes ride their  
404 vehicles and stuff, which is... might be a little bit of a liability for these folks that are putting  
405 together this center, and I just don't know if they're aware that there may be people shooting out  
406 there. And, like I say, we have no way of, you know, keeping these folks out when they're hunting  
407 or running their vehicles and stuff. So, I don't know if this was ever addressed by the County. We  
408 were never notified in regards to what they had planned. We plan to look into it further, and we  
409 also, because we at one time back in 1984 had a kind of a bogus survey done by the County for a  
410 pistol range. I don't know if anybody remembers that, but anyway, we have a Record of Survey in  
411 place on file here. And now we're planning on, with what's going on here, there's probably going  
412 to be a little discrepancy in that boundary line. So, what we want to do is, clear this up probably  
413 before it goes any further with the plans these folks have with this project of theirs. Anyway, I  
414 just figured I'd give you a little bit of a heads up here. This is something we'll be doing in the next  
415 few months, working on our Record of Survey and stuff. And, here again, too, at times it gets a  
416 little crazy out there with people with guns and stuff, so...just so they kind of know what's going  
417 on.  
418

419 Vice-Chair McAteer: Thank you very much. Appreciate it. Anyone else would like to address the  
420 Commission? Seeing none, we'll close the public hearing.  
421

422 Seeing and hearing no public comments coming forward, Chair Milman closed public comment at  
423 2:05 p.m.  
424

425 Vice-Chair McAteer: Aleena, can you address this gentleman's concerns at all? Have you have  
426 you known of the...? Could you show us the parcel maps again, so we all have an understanding  
427 of where the gentleman's property is in relationship to this venue.  
428

429 Planner Church: Sorry, trying to bring it up.  
430

431 Vice-Chair McAteer: And Mr. Flaherty, you're more than welcome to join in the conversation  
432 here.  
433

434 Planner Church: *[Referencing slide presentation]* So, this is the surrounding vicinity map  
435 highlighted in red outline. That's Flaherty's property, and then the kind of crossed-over surrounding  
436 properties are the ones that were in 500 feet that got notified. So, I'm not exactly sure where this  
437 gentleman's property is.  
438

439 Vice-Chair McAteer: Sir, Sir, would you mind again, coming back to the podium and telling us  
440 where, just for our clarification, in relationship to this map up there.

441  
442 Mr. Ferdel: OK. Which... the American Ranch properties is the... I guess the northwest quarter,  
443 that's where the white and red section is, there, and we are the south half. So, what's it? Yeah,  
444 there's... well, it's the south half. And it's been kinda....  
445  
446 Vice-Chair McAteer: I'm still sort of lost in this AG-20 district. Can you..., you can't put your  
447 pointer on there, can you?  
448  
449 Planner Church: *[Referencing slide presentation]* Yeah. Here we go. This property, here.  
450  
451 Vice-Chair McAteer: Good. Is that the property you're referring to?  
452  
453 Mr. Ferdel: Yes, that's the south half of Section 8.  
454  
455 Vice-Chair McAteer: So, who owns that property?  
456  
457 Mr. Ferdel: My sister and I.  
458  
459 Vice-Chair McAteer: That entire AG-20? That entire parcel, or just a portion of it?  
460  
461 Mr. Ferdel: Yes. That south half, including the 20-acre parcel that's in the upper right-hand corner,  
462 there. *[Referencing slide presentation]* That's part of the south half.  
463  
464 Vice-Chair McAteer: OK. So, who owns that - your sister or you, or ...own that parcel, ...  
465  
466 Mr. Ferdel: Right.  
467  
468 Vice-Chair McAteer: And do you own this AG-20 parcel?  
469  
470 Mr. Ferdel: Yeah.  
471  
472 Vice-Chair McAteer: You do?  
473  
474 Mr. Ferdel: Yeah, it's the south half of Section 8, which is 320 acres.  
475  
476 Vice-Chair McAteer: OK. So, that AG-20 plus that other parcel accounts for 320 acres, is that  
477 correct?  
478  
479 Mr. Ferdel: Yes.  
480  
481 Vice-Chair McAteer: And you're saying that at certain times of the year, you have some hunting  
482 that takes place? What specific times of the year are these?  
483  
484 Mr. Ferdel: Well, I'll put it to you this way. I know the neighbors in the area. There are a lot of  
485 times they hear shooting and stuff, or they'll hear the vehicles and stuff in the area, and they'll kind  
486 of report it to me. I have contact with those neighbors in the area, not so much in the American  
487 Ranch properties area or the transfer station that's there, but that area's left all raw acreage. And  
488 here again, too, you can see the parcels and stuff.  
489

490 Vice-Chair McAteer: And do people have to gain permission to get onto your property and hunt?  
491  
492 Mr. Ferdel: No, we don't give any permission. As a matter of fact, we've posted "no hunting or  
493 no shooting, no trespassing."  
494  
495 Vice-Chair McAteer: So, who's ever on there, shooting, is doing this illegally?  
496  
497 Mr. Ferdel: Yes.  
498  
499 Vice-Chair McAteer: So, OK, I got a better perception now. I thought that everybody was under  
500 your permission.  
501  
502 Mr. Ferdel: No.  
503  
504 Vice-Chair McAteer: OK.  
505  
506 Mr. Ferdel: Like I say, I'm just bringing this up. That's why I came back, because I've got...  
507  
508 Vice-Chair McAteer: Thank you very much. I appreciate it. Any other questions to this  
509 gentleman? OK. Thank you very much. Appreciate your time. Anyone else who would like to  
510 address the Commission? OK. So, Aleena, why don't we open this up to questions for you and  
511 staff and others? And so, we'll begin with Mr. French. Steve, any questions on this project?  
512  
513 Commissioner French: No, I don't think so. I've been up to see it.  
514  
515 Vice-Chair McAteer: OK. Jo, I'm going to turn to you next.  
516  
517 Commissioner Garst: Thanks. Just a disclosure: I went out to the site and met with the applicants.  
518 It's a very beautiful property. Though one of the questions I have is about the waste management  
519 of the operations. What ... I'm curious, maybe this is more of a question to the applicant, is what is  
520 the current procedure for removal of waste produced by events?  
521  
522 Planner Church: Before Mr. Flaherty comes up, and I think he would be best to answer, that is the  
523 reason for the Condition of Approval in that memo, was to provide a solid waste disposal kind of  
524 plan to us, because he did disclose to me that most of it is going to be hauled away either day of  
525 or next day to the transfer station, but to make sure that we have that within the approved  
526 conditions: that that is a solidified plan. But if Mr. Flaherty wants to come up and speak more on  
527 that, I'd be more than happy.  
528  
529 Applicant Mr. Flaherty: Hello, thanks for your guys time and consideration. James Flaherty. So,  
530 the waste after every event: the guests have an option. They can remove it that night, and if they  
531 don't, then the trash stays inside the barn. So, we have it all... We have trash cans, and then the  
532 waste gets bagged up, so the trash stays inside. And then the next day, they have until 11:00 to  
533 come back or earlier, and the option is that they usually take it then or I haul it out. So, the trash  
534 does not stay there for more than 12 hours. If we had an outside trash enclosure, it would actually  
535 probably have critters: foxes and, you know, any other thing that would probably get in there that  
536 might try and pull the trash out. So, our best thing is to actually take the trash within that time that  
537 we have for the projects. It's just way better for all the events and then helps keep any type of trash

538 from being accidentally torn open or pulled out of a trash can, even if there was an enclosure. So  
539 that's how we handle it. Is that good, Jo?  
540  
541 Commissioner Garst: Yeah, I appreciate that. Thank you.  
542  
543 Mr. Flaherty: OK. Thank you.  
544  
545 Commissioner Garst: I imagine that might be difficult on weekend events when the dump is  
546 closed on Mondays and Tuesdays.  
547  
548 Mr. Flaherty: Yeah, the events usually end Saturday, so Sunday is the last ...they're open Sunday  
549 until 4:00, so it's perfect. I've never had a problem for the last two event permits that we've had for  
550 the last few years. It's worked out perfect.  
551  
552 Commissioner Garst: OK, thank you. The other question I had was about the landscaping. There  
553 was a comment about it. I guess one of the questions I had was, the parking lot: typically, a project  
554 like this is required to have, I think it's 30% of the parking lot shaded within 10 years. Is that  
555 condition met by the trees and the barrels?  
556  
557 Director Foss: So, Commissioner Garst, typically, that requirement is for commercial-type  
558 businesses when it's paved and it's more in the community region. This being a commercial  
559 operation, but in the rural area, we try to find a balance between requiring additional paving for,  
560 you know, 95 parking spaces, keeping something rural, acknowledging that there's a family that  
561 lives on this property and, while it utilizes it for some commercial-type events, that it is rural and  
562 residential in nature. So, we try to look at the intent of the landscaping requirements, and given its  
563 rural location, not being visible from nearby properties, extensively, or public roadways, we try to  
564 be flexible in these kind of hybrid commercial/rural areas. We did want a little bit of landscaping  
565 just between the drive aisles to help delineate those two sides of the parking area. But given that  
566 fact that the parking area is not paved, it doesn't create the heat index, as other paving would be.  
567 So, in keeping with the rural character, we analyzed the surrounding landscaping, existing  
568 landscaping, and felt comfortable that it met the intent of what our code requires.  
569  
570 Commissioner Garst: OK. Thank you. That was all I had.  
571  
572 Vice-Chair McAteer: John?  
573  
574 Commissioner Foley: Yeah, thank you. I have a few. Aleena, when the applicant originally applied  
575 for this Use Permit, was the 150 guests part of his application? Is that what he requested?  
576  
577 Planner Church: Yes it is.  
578  
579 Commissioner Foley: That's what he requested? And 50 events per year?  
580  
581 Planner Church: Yes, it is.  
582  
583 Commissioner Foley: OK. That was my main question. I was just making sure that the applicant's  
584 gone through this whole process to make sure that what's been approved actually works for his  
585 business plan, and he has the flexibility and room to grow his business as he sees fit. So, if that's  
586 what he was requesting, then I'm happy with that. Thank you.

587  
588 Vice-Chair McAteer: Aleena, is there some statement regarding how many events you can have  
589 in a rural setting like this? Is there, in our codes, at all, is there anything?

590  
591 Planner Church: We do not have specific regulations to the number of events and number of  
592 attendees at the capacity.

593  
594 Vice-Chair McAteer: So, if Mr. Flaherty and Mrs. Flaherty find out that the project's great and  
595 we've got more demand than they have, can they come back to you, then? How does that happen?

596  
597 Planner Church: They can certainly amend the Use Permit to increase those numbers for a number  
598 of events and attendees, do keeping in mind that that would affect their septic system and their  
599 water systems. So, as long as they're able to meet those capacities, they can always come back to  
600 amend it in the future.

601  
602 Vice-Chair McAteer: And Mr. Flaherty, since you now..., from the time you applied to now, is  
603 there any different thoughts relative to your 50 days? Is that meeting your needs, or is there greater  
604 demand than you believe?

605  
606 Mr. Flaherty: So, I'm not sure I was thinking 50 was good to where I wouldn't have to count. I'm  
607 not thinking I'm doing 50 weddings by any means, but more to do birthday parties, special events,  
608 celebrations of life, a lot of smaller events, birthday parties, baby showers. We get a lot of requests  
609 for a lot of these smaller events. They want to come to a place like ours to experience this  
610 indoor/outdoor experience instead of just stirring at four walls in a hotel room or a hotel  
611 convention-type center. So yeah, I mean it, maybe it could grow, I don't know. I mean, 50 is just  
612 a number that I pick thinking that might be OK, but maybe if there's a lot smaller stuff that happens  
613 during the week, maybe there'd be some more that might happen.

614  
615 Commissioner Foley: And then, while you're up there, Mr. Flaherty, along the same lines: if the  
616 business... the last thing I would hate to see is in two years, you have to come back to Brian and  
617 Aleena and say, "Guys, my business is doing great. I have more demand than I was originally  
618 authorized for. I also have customers that are requesting a vendor that holds larger than 150 people.  
619 You've built the project out for a larger capacity...

620  
621 Mr. Flaherty: Yeah.

622  
623 Commissioner Foley: I'm just making sure that you're comfortable with what's being... what you  
624 originally requested, and it sounds like there's a pathway for you to do an amendment in the future  
625 if things go well and the business expands.

626  
627 Mr. Flaherty: Yeah. If there's more, the building capacity, per Patrick Mason, can hold up to 298  
628 people, per their fire code with the size of that structure.

629  
630 Commissioner Foley: And just doing some simple math, I think the project requires 60 parking  
631 spots, if I'm correct? You have 95, so I mean, right there, that's just going off what the calculations  
632 are, that that's 225.

633  
634 Mr. Flaherty: Yeah, we have more parking that's available on the side of the barn that's not even  
635 shown on the drawings, on the site plan, so there's room for growth there, for sure. I don't know

636 if there's any..., some of the, like, the fairgrounds, will have extra porta potties brought in if you  
637 have some more people that show up, or even shuttles that come in. Durham Transportation: some  
638 of the wedding guests have been using Durham locally to bring, to shuttle people up. So, they're  
639 not even using all the parking. So, there's more of that that's happening. Groups: there's some  
640 private shuttles that will collect parties from our hotel, the Gold Miners, the Courtyard Suites, and  
641 then also the new RV Park. We're getting them quite a bit of business, because people from out of  
642 the area want to come up and they don't want to drive. So ,a lot of them will take the shuttles or  
643 hire Durham, which is the buses that we have locally. So, they're supporting all these communities.  
644 So yeah, that's all open to discussion, and whatever you guys see fit, talking to Aleena and Brian  
645 trying to figure out how to make it work. But we certainly have the space, and it works well. It's  
646 been really good for the food bank, Sierra Harvest, Rudiger Foundation, those sorts of private  
647 nonprofits that do those events. It's been really good to help them grow. And we basically don't  
648 hardly charge them at all for anything, just to help them out, so that they can grow and be an asset  
649 to our community, and that's what I want to do.

650  
651 **Vice-Chair McAteer:** Thank you. So, Brian, if the guest capacity was increased, does that change  
652 anything other than traffic fees, essentially?

653  
654 **Director Foss:** Yeah, it changes all of the analyses that we've provided to the State: our initial  
655 study, the sewer septic capacity. All the other departments would have to re-review an increase in  
656 the number of events and the number of people. It wouldn't be something we could do today. If  
657 there was a desire to continue the item, to bring it back with an increased number, you know, we  
658 could certainly do that. But there are definitely permit paths in the future that if he wanted to  
659 increase. It's kind of dependent on the level of increase. If we're adding a couple of more events  
660 or if we're sticking with the same events and it's an increase in number of people, some of those  
661 changes, after proper analysis, might be able to be done administratively. If they're larger-type  
662 changes or significant increases that change the need to revise our initial study and Mitigated  
663 Negative Declaration, it potentially would need to come back to the Commission for decision. So,  
664 it kind of just depends on the frequency and intensity of changes being made, but not something  
665 that all of the supporting documentation today could be really done on the fly.

666  
667 **Commissioner Foley:** OK. Well, I think as long as there's a pathway forward for future growth  
668 and flexibility, I think that's the most important thing. It seems like Mr. Flaherty's happy with.  
669 Where the levels are right now, and I certainly don't want to cause him anymore delays.

670  
671 **Vice-Chair McAteer:** I have just two questions. Mr. Flaherty, if you don't mind coming up again.  
672 Is there a pricing structure relative...? You've been very generous in terms of nonprofits. Is there  
673 a different pricing structure if I have a family wedding and/or I'm a Sierra Harvest?

674  
675 **Mr. Flaherty:** Yeah, quite drastically. You know, the wedding business could be considered bread  
676 and butter, because it's more impact. And so, I'm very strict on, you know, keeping these things at  
677 150 max. The catering goes really expensive and gets up. The nonprofit's: yeah, they're nonprofit  
678 for a reason. And so, I want to do everything I can to help them. I grew up here, my wife and I  
679 grew up here in this community, went to grade school here, we're heavily involved in FFA and  
680 4H. We give the barn for free to a lot of these, some of these venues, and then we expect very little  
681 from a non-profit to kind of just help with some table and chair rental. But we really want to see  
682 them thrive and do really well in our backyards here in Nevada County.

683

684 Vice-Chair McAteer: Great. So, my second question is about signage. I was on my scooter, and I  
685 drove right by it. Is there something that...? I didn't find anything in here. Aleena, can you tell us  
686 what's allowed in the signage proposed in the...?

687  
688 Planner Church: There's no signage proposed in the...  
689

690 Vice-Chair McAteer: There's no signage proposed? And Mr. Flaherty?

691  
692 Mr. Flaherty: Yeah, I didn't want to call attention to the venue where I'd get random people that  
693 might want to just drive up. We do keep the gate closed so that people don't do that, so there's no,  
694 you know, through traffic coming through. And when we do the special events, like Edward Jones  
695 did a Christmas party there. They put their sign out on ...I have a post out there, so I'll hang some  
696 balloons or put a sign on the tract, depending on what it is that people are doing. I'm not opposed  
697 to putting a sign out, I just didn't want to cause more potential problems with traffic to upset my  
698 neighbors, to have maybe someone accidentally come up and get up on the property and then go  
699 around American Ranch Court for any reason. That's really the only reason why I didn't do it.

700  
701 Vice-Chair McAteer: OK. Thank you very much. For the notation, I too went out to the property,  
702 and I know, Jo, you went out there and John, you've done that. And Steve too? So, all four of us  
703 have been out there. Thank you for the invitation. John, this is your project.

704  
705 **Motion made by Commissioner Foley to adopt the Mitigated Negative Declaration and**  
706 **Mitigation Monitoring and Reporting Plan pursuant to section 15074 and 15097 of the**  
707 **California Environmental Quality Act, making Findings A through C.**

708  
709 **Second by Commissioner Garst. Motion carried on a 4/0 vote.**

710  
711 Vice-Chair McAteer: John, before the second one, which is the Use Permit, I'd really love to give  
712 them an extra five days just for nonprofits, because I don't want to steal their bread and butter. And  
713 it sounds like Brian's willing to give a little bit. But if they would extend for five days for these  
714 nonprofits, which are really struggling in the County.

715  
716 Commissioner Garst: I think what Brian was saying was that in order to add anything...,

717  
718 Vice-Chair McAteer: Anything, Brian?

719  
720 Commissioner Garst: ...at this time, it would necessitate a continuation, right?

721  
722 Director Foss: Everything is kind of structured around the 50.

723  
724 Vice-Chair McAteer: OK, I sort of heard that you were a little bit malleable on that. So that's OK.

725  
726 Director Foss: Yeah, I mean, administratively, that if they come in with plans that we can route  
727 around and get input from Environmental, Fire, we may be able to increase it administratively at  
728 that time.

729  
730 Vice-Chair McAteer: OK. Thank you. John?

731

732 **Motion made by Commissioner Foley to approve the proposed Use Permit CUP25-0005,**  
733 **subject to the Amended Conditions of Approval, as shown as an attachment to the April 14,**  
734 **2026, memorandum, and as directed in the Planning Commission meeting, making Findings**  
735 **A through L, pursuant to Section 12.02.030 and Title 12, Chapter Four of the Nevada County**  
736 **Code.**

737

738 **Second by Commissioner French. Motion carried on a 4/0 vote.**

739

740 Vice-Chair McAteer: Well, thank you very much. Best wishes to you in that venue. We look  
741 forward to coming out and supporting nonprofits or weddings or whatever else. Best wishes to  
742 you, Mr. and Mrs. Flaherty, and I see that our chair is back, so I'll turn the gavel over to her for  
743 our third and final item.

744

745 **1:50 p.m. PLN25-0022; GPT25-0001; EIS25-0001:** The project is an update to the Nevada  
746 County Safety Element, Chapter 10 of the General Plan, which was previously adopted by Nevada  
747 County in 2020. The Safety Element update is required by Government Code Section 65302(g).  
748 The Safety Element addresses potential and existing hazards in the County, which are outlined in  
749 the following categories: Emergency Preparedness, Geological Hazards/Seismic Activity, Flood  
750 Hazards, Airport and Military Airspace Hazards, Hazardous Materials, Mining Hazards, Public  
751 Safety Services and Facilities, Fire Hazards and Protection, Severe Weather Hazards, Climate  
752 Change Resiliency and Mitigation, and Environmental Justice and Vulnerable Populations.  
753 **PROJECT LOCATION:** Unincorporated area of Nevada County. **RECOMMENDED**  
754 **ENVIRONMENTAL DETERMINATION:** Recommend adoption of the Negative Declaration  
755 (EIS25-0001). **RECOMMENDED PROJECT ACTION:** Recommend approval and adoption of  
756 the Resolution approving the revisions to the Nevada County General Plan, Chapter 10, Safety  
757 Element. **PROJECT PLANNER:** Zachary Ruybal, Associate Planner.

758

759 Chair Milman: Good afternoon. Sounds like we've moved on to Item no. 3 and ready for staff  
760 presentation. If you guys are ready.

761

762 Associate Planner Ruybal: Thank you, Chair Milman.

763

764 Chair Milman: You guys cleared out the crowd.

765

766 Planner Ruybal: Well, good afternoon and thank you all for being here today. My name is Zachary  
767 Ruybal and I'm an associate planner with the Nevada County Planning Department, and to my left  
768 here is Senior Planner Steve Geiger. He and I were both the project planners here for the 2026  
769 Safety Element Update in front of the Planning Commission for review today. Overall, the Safety  
770 Element is Chapter 10 of the General Plan, and the General Plan is a legislative document that  
771 requires a long term perspective, and it is used to guide land use planning decisions. All land use  
772 projects, zoning ordinances, and specific area plans are required to be in conformance with the  
773 General Plan. And so then, the purpose of the Safety Element is to reduce the potential short and  
774 long term risk for loss of life, injuries, damage to property, and economic and social dislocation  
775 from natural and human caused public safety hazards. The Safety Element applies to all of the  
776 unincorporated areas of Nevada County, and the last update that was done to the Safety Element  
777 was completed in 2020. State law requires that the Safety Element is updated upon a revision of  
778 the Housing Element or an update to the Local Hazard Mitigation Plan. In September of 2025,  
779 FEMA adopted Nevada County's updated 2025 Local Hazard Mitigation Plan, and therefore it  
780 triggered the need for us to update the Safety Element as well. For the proposed project, it kind of

781 started off by amending the General Plan’s Safety Element, which is Chapter 10. What we did is,  
782 we updated all of the category elements with current data and more information relevant to the  
783 current times. We incorporated the 2025 Local Hazard Mitigation Plan and its findings and some  
784 of their figures and stuff into this Safety Element Update as well. In addition, we also incorporated  
785 SB99. SB99 was implemented and requires the Planning Department to review and update the  
786 Safety Element to include information identifying residential development in hazard areas that do  
787 not have at least two emergency evacuation routes. In addition to that, we also incorporated  
788 AB747, and AB747 requires that a review and update is necessary to identify evacuation routes  
789 and their capacity, safety, and viability under a range of emergency scenarios; those were included  
790 in this update as well. Mining hazards were separated from hazardous materials to create its own  
791 section due to the potential hazards of mining in this county; and the extreme heat information and  
792 policies were added to the Severe Weather Hazards section, as that was a requirement; and then  
793 the Public Safety Services and Facilities Sections include all new information. We did remove  
794 outdated specific details and requirements in the policies and regulations, and there was the  
795 addition of lots of new policies and revisions to existing policies and programs as well. The state  
796 of California, pursuant to Government Code Section 65302 establishes the requirements and  
797 content of the Safety Element, and Section 65302.5 requires the Safety Element is submitted to  
798 the California Board of Forestry and Fire Protection and the California Geological Survey of the  
799 Department of Conservation for review. The Safety Element is organized in the following format.  
800 It starts off with the introduction and setting, and then it goes down into statutory requirements  
801 pursuant to the update. From there, we get into each of the categories of hazards. It starts off with  
802 emergency preparedness, then goes down to geological hazards and seismic activity, to flood  
803 hazards, airport and military airspace hazards, hazardous materials, and then now we have a new  
804 section just for mining hazards that was separated from the hazardous materials, public safety  
805 services and facilities, fire hazards and protection, severe weather hazards, climate change  
806 resiliency and mitigation, and environmental justice and vulnerable populations. It finishes up with  
807 all the goals, policies, and programs that are being implemented. To go over some of the specific  
808 revisions during this update, to the emergency preparedness section, we did have minor text  
809 amendments. We incorporated the 2025 Nevada County Local Hazard Mitigation Plan. We  
810 provided new information based off of the 2024 Nevada County Evacuation Study, and there were  
811 several policy updates in addition to that as well. For the geological hazards and seismic activity,  
812 there were minor text amendments and there was new information provided on both the Polaris  
813 and the Dog Valley that are found over in eastern Nevada County. For the flood hazard sections,  
814 there were minor text amendments on flooding and then several revisions and additions to the dam  
815 failure aspect. For the airport and military airspace hazards, there were just minor text amendments  
816 that were done to that. For the hazardous materials, there were some minor text amendments and  
817 additional information on hazardous materials and some revisions to the existing policies. Then  
818 the big one here was the separation of the mining hazards from the hazardous materials. Now,  
819 mining hazards its own section, and we did that specifically to separate them because of the mining  
820 history and the potential vulnerability in Nevada County. For the public safety and services and  
821 facilities aspects, there was a completely new background information for this section, new  
822 information regarding the types of critical facilities and community lifeline facilities in Nevada  
823 County, text amendments to some of the existing policies, and the addition of two new programs.  
824 Additionally, for the fire hazards and protection section, this one experienced the most change.  
825 There were several revisions and additions to this section to update information on hazards, causes  
826 of hazards, and wildfire behavior, and we updated some of the code sections that were referenced  
827 because previous ones were referencing old code. There were some text amendments that were  
828 done to existing policies and programs in the addition of many new policies and programs as well.  
829 We also had minor text amendments and additions on the fire safe circulation aspect, roadside

830 vegetation management, emergency water storage, critical facilities and support organizations, and  
831 there was new information included regarding the Tahoe Helitack. For the climate change and  
832 resiliency and mitigation category, there were minor text amendments and additional information  
833 provided. The resource resiliency road map was included; that's something that was done by  
834 Nevada County more recently since this previous update. We also included references to that 2025  
835 Nevada County Local Hazard Mitigation plan as well. There were some minor amendments to  
836 existing policies, and then an addition of one new policy. For the severe weather hazards, there  
837 were several additions and minor revisions to add current information and to reference the 2025  
838 Local Hazard Mitigation Plan. There's new background information to include extreme heat.  
839 There's the addition of Figure 10.4 in that document as well that goes over extreme heat and  
840 exposure levels, minor text amendments to that as well, and then the addition of five new policies  
841 specific to extreme heat. In the environmental justice and the vulnerable populations category,  
842 there was some information added just in general about the environmental justice element purpose,  
843 what the element promotes, and then three new policies were added to this.

844  
845 Planner Geiger: Good afternoon, Commission members. Steve Geiger, Senior Planner with  
846 Nevada County Planning. We're doing this as kind of a joint effort here, so I get the next few slides  
847 to wrap things up. Just by way of background, as far as the update process, this process started  
848 back a little over a year ago, in March of last year. It began with basically contacting and  
849 consulting with many different agencies including different departments from Community  
850 Development, Office of Emergency Services, local fire districts, Airport Land Use Commission,  
851 local Native American tribes, basically telling them that we are in the process of updating our  
852 Safety Element, "Do you have any issues or concerns?" So that began the process. Staff began  
853 working on the draft document which took us through the summer. Then in September, we did  
854 make a couple of presentations before both the Penn Valley Area Municipal Advisory Council as  
855 well as the South County Municipal Advisory Council. After that, the draft Safety Element was  
856 basically completed, and at that point, we distributed it for public review. That was done beginning  
857 December. That was distributed to, as you can see, 280 agencies, departments, and groups: so, a  
858 wide distribution. Hard copies were made available to the public at various locations, and it was  
859 also posted to Planning Department's webpage. As Zach hinted at earlier, there are some  
860 departments that do require that they have the opportunity to review your document, one being the  
861 State Department of Forestry. We worked with the Board of Forestry on the draft Safety Element  
862 and, again, formally submitted it to them at the beginning of December of last year for their review,  
863 and there were no comments or recommendations provided by the Board of Forestry in their  
864 review. It was sent to Cal OES; there were no comments received from them. The California  
865 Geological Survey was consulted; they requested some minor edits be made to the geological  
866 hazards section, in addition to showing additional information regarding active faults near Truckee  
867 in eastern Nevada County. It was also circulated to the town of Truckee Emergency Services  
868 manager as well as Nevada County OES, who both commented basically requesting that the term  
869 "code red" be removed and be replaced with "Nevada County alert and warning system." So,  
870 updating us on that information. It was also circulated in the Northern Sierra Air Quality  
871 Management District, and they provided a comment just a few days ago which was provided to  
872 you with a supplemental memo basically asking for some minor revisions, including additional  
873 information on asbestos in the hazardous materials section, as well as commenting to include  
874 language to protect mature fire-resistant street-side trees. There was a full environmental review  
875 done in accordance with CEQA, and their the negative declaration for the project was circulated  
876 between January 23rd and February 23rd of 2026. This project is for text amendments to a policy  
877 document, so it is not a specific project development, so it is relative to a policy document. The  
878 Initial Study Negative Declaration was sent to the state clearinghouse for a 30-day review, and

879 there were no comments received. So, that gets us to our recommendation today. We are  
880 recommending that the Commission recommend to the board of Board of Supervisors after  
881 reviewing it, to approve the proposed Negative Declaration and adopt the draft resolution that's  
882 included in the staff report, as well as recommending that the Commission recommend the Board  
883 approve the draft resolution that would approve the proposed amendments to the Safety Element  
884 in the County's General Plan and as amended by the April 15th memorandum that was previously  
885 sent to you. This concludes our presentation, unless there's any questions from the Commission  
886 at this time.

887  
888 Chair Milman: Let's open this up for questions. Commissioner Garst? Commissioner McAteer?

889  
890 Commissioner McAteer : None.

891  
892 Chair Milman: No questions? Anywheres?

893  
894 County Counsel Ely: Briefly, Commission, although...

895  
896 Commissioner McAteer: *[inaudible]*... audience.

897  
898 County Counsel Ely: Yeah, I was going to say, no one's in the audience, but we should have  
899 public comment as well, for the purposes of the decorum.

900  
901 Chair Milman: OK, let's have some invisible community participation here. OK. We will open  
902 this up formally for public comment.

903  
904 Chair Milman opened public comment at 2:41 p.m.

905  
906 Seeing and hearing no additional public comments coming forward, Vice-Chair McAteer closed  
907 public comment at 2:41 p.m.

908  
909 Chair Milman: I did have a couple of questions, and maybe I didn't totally understand what this  
910 document does, but when we separated out the mining hazards, and then read through that, would  
911 this have impacted the Gold Rise application in any way, or if somebody were to come in the  
912 future, would this change the conversation in the County in some way?

913  
914 Planner Ruybal: It wouldn't have changed, let's say the Gold... that one, just per se, because this  
915 document wasn't into effect or wasn't proposed until this current time, and so they would have  
916 been subject to whatever the previous Safety Element General ...or what the policies and  
917 everything were. With this new one, since we did add a new policy, there are some new aspects  
918 to this mining hazard section. Therefore, let's just say somebody worked to submit for a new mine,  
919 then yes, then they would be subject to being compliant with the Safety Element policies that  
920 would be newly established and adopted, if that were the case.

921  
922 Chair Milman: So, where would I find those? I'm looking on page 134, but is there another mining  
923 section that I missed?

924  
925 Planner Ruybal: It looks like page 10-19 at the bottom, I guess, would be page 133, is the section  
926 that we separated out for mining hazards. So, just a few pages behind probably where you're  
927 looking at.

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Chair Milman: But the new added language is what's in red on page 134, correct?

Planner Ruybal: That's correct, Chair.

Planner Geiger: So basically, with the mining hazards, what we wanted to do is, the discussion on mining in the existing Safety Element is pretty minimal, and we wanted to definitely supplement that and provide much more background. With input from our Environmental Health Department, other agencies, we did that and tried to separate it out. We felt that it definitely needed its own separate section, because of the safety element risk of mining. That's why it was separated out and basically supplemented with more information.

Chair Milman: And so, did this feel like it gave you the teeth that you would want in the event of another application?

Director Foss: Commissioner Milman, let me jump in. It really wouldn't change future projects for mining anything that we've added, it really is focusing on legacy mine cleanup and identifying hazards, either through abandoned shafts or chemical contamination and encouraging, basically, studying and analyzing where those are, where they may be, and then coordinating with DTSC [California Department of Toxic Substances Control], the state, or property owners to help clean up those legacy mine hazards. It really didn't add any conditions or standards or requirements for future mining. The policies are... well, I thought I had it in front of me. Thank you. They're in a few places. On page 103. They're also on page 163. Basically, added policies requiring Phase 1 environmental site assessments just to ensure that property is in a clean condition prior to any type of future development; providing some information through environmental health on knowledge of legacy sites in the county; and condition discretionary approval on identification and evaluation of mitigation of environmental physical hazards related to legacy mining. Again, it's related to being aware of mines from hundreds of years, 150 years ago, and cleaning up those sites where appropriate to avoid conflicts with future development on those sites or existing development in the surrounding area, so it's not really applicable to new projects so much as like development standards as just general policy of awareness and cleanup.

Chair Milman: OK, thank you. I don't have any other questions. Thank you. Well, this apparently is in all of our districts. Would anybody like to make a motion?

**Motion made by Commissioner French to recommend the Board of Supervisors, after reviewing and considering the proposed Negative Declaration, adopt the draft resolution approving the proposed Negative Declaration EIS 25-0001.**

**Second by Commissioner Foley. Motion carried on a 5/0 vote.**

**Motion made by Commissioner French to recommend the Board of Supervisors adopt the draft resolution approving the proposed amendments to the Nevada County General Plan, Chapter 10 Safety Element, as amended by the April 15th, 2026, memorandum GPT 25-0001.**

**Second by Commissioner Foley. Motion carried on a 5/0 vote.**

Chair Milman: Excellent. Let's see, where are we?

977  
978 Commissioner McAteer: Thank you very much. I know this is a thankless job of doing updates  
979 to Safety Plans but thank you very much.

980  
981 Chair Milman: For a year and a half. Thank you.

982  
983 Planner Ruybal: Thank you all very much. Thank you.

984  
985 Chair Milman: You guys do that by short straw? I'm kidding.

986  
987 **INFORMATIONAL ITEMS & ON-GOING PROJECT UPDATES:**

988  
989 Chair Milman: OK. Let's see. How about upcoming Planning Commission meetings? What do  
990 we have on the docket?

991  
992 Director Foss: I was looking for a little help. I wasn't getting it. I don't believe we have anything  
993 scheduled at this time. I don't think we'll have anything in early May. There's technically still time  
994 for something in late May, but it'll more likely be a June meeting. We'll try to keep you updated  
995 as soon as we know and try to coordinate calendars to give you as much advance warning as  
996 possible to, you know, try to make everyone available for that meeting. But nothing on the calendar  
997 right now that we can confirm.

998  
999 Commissioner McAteer: Brian, I have a question. Could you fill us in on, since I don't know, the  
1000 Holiday Market? Did that go through? And where are we with the...it went to the Board of  
1001 Supervisors, the recreational vehicle thing? So, could you tell us?

1002  
1003 Director Foss: Yeah, the Penn Valley Market was approved by the Board of Supervisors. I forget  
1004 exactly – March, I believe, was it, Steve? February. Sorry.

1005  
1006 Planner Geiger: February.

1007  
1008 Director Foss: February, a couple of months ago. Minimal changes from what the Planning  
1009 Commission recommended, if any, and at this point, we'll just be waiting for them to submit  
1010 building permits to construct it. Where: I don't believe we've seen the building permit submitted,  
1011 but we had anticipated that any week now as far as I'm aware of the project still wanting to move  
1012 forward. With the Alternative/RV Ordinance, that item was heard at the Board. That one was in  
1013 March, on March 10th, and they made some recommendations to continue the item and primarily  
1014 to look at including more of a hardship criteria for eligible folks to be eligible to live in one of  
1015 these types of living units. So, it was continued. We're looking to go back not until July, July 28<sup>th</sup>,  
1016 with some revised language that has some eligibility criteria. The development standards for the  
1017 RVs, as far as location and set back requirements and all the development standards that were in  
1018 there aren't likely to change. It's more of developing what we're calling a hardship criterion, which  
1019 hasn't been fully developed yet, but will most likely be based on income qualification, probably  
1020 low to very low. Haven't worked it out yet, but around that 50% AMI, potentially, right in that  
1021 area, probably not over that. So, we're working on that. They did ask for it to be restructured  
1022 slightly and put under the section of the code that addresses RV living for other circumstances,  
1023 medical as well as temporary recreational RV, which, it kind of is in there already, but we're going  
1024 to reformat it to try to follow kind of some of the existing formatting and language that's already  
1025 in the code. It's a really minor kind of formatting type stuff, but the major change is the eligibility

1026 requirements that we're looking to develop and bring back to the Board in July for their  
1027 consideration.

1028

1029 Commissioner McAteer: I read in the article written by the gentleman who's sort of the proponent  
1030 of this, that it was a one to four vote. Was there actually a vote on this?

1031

1032 Director Foss: Not an official vote on the ordinance. There was a little bit of confusion regarding  
1033 voting to take a break or the timing of how to come back with the item. So, the official vote was  
1034 five to zero (5-0) to continue the item, but there was a little bit of back and forth between "are we  
1035 doing it on the screen right now?" "No, we need to take a break." And so, there's a little bit of  
1036 confusion and some disagreement, but eventually it was 5-0 to continue.

1037

1038 Commissioner McAteer: Danny brought up the mine. Are you, as the planning director, actively  
1039 involved still in its litigation of this, of the mine?

1040

1041 Director Foss: I would not say actively involved. It's really through the court system and in our  
1042 County Counsel's office. The only involvement I have, every once in a while, is an update or, not  
1043 recently, but providing information for the administrative record, making sure we had all our files  
1044 in order.

1045

1046 Commissioner McAteer: Great. Thank you very much.

1047

1048 Commissioner Garst: I have a quick question. Last year we had an application that led to Danny  
1049 and I having a bit of a side conversation about looking into changing some of our vegetation  
1050 requirements on new commercial projects to include some TBD percentage of native plants, and I  
1051 wanted to just inquire about it, I want to pick that up again, and I want to know what the procedure  
1052 is for us recommending an amendment to the design guidelines in that capacity.

1053

1054 Director Foss: Sure, probably a couple of ways to go about it. I'm thinking the best way could  
1055 potentially, and Sims, tell me if I'm getting out of line here, but we could have kind of a small ad  
1056 hoc committee made up of yourself and Commissioner Milman, take a look at some of the  
1057 language. You can work together, maybe provide staff with some suggested language  
1058 amendments. We could draft that up, bring that back to the full Planning Commission as a proposal  
1059 of what's recommended to be forwarded on to the Board of Supervisors as a recommendation from  
1060 the Planning Commission. So, I'd probably start with "Let's figure out what changes and things  
1061 you want to make." Bring it to the Commission, get a full recommendation, and take it through to  
1062 the Board.

1063

1064 Commissioner Garst: Perfect. Thank you.

1065

1066 Commissioner McAteer: And I also want to say thank you. I know that you met with the Safe  
1067 Tech people, and I truly appreciate that, OK. Getting them in the loop was valuable for that  
1068 community. Thank you.

1069

1070 Director Foss: Yes, absolutely. Thank you. And just as you're likely aware that that item was heard  
1071 at the Board on Tuesday, just a couple of days ago.

1072

1073 Commissioner McAteer: How did that go?

1074

1075 Director Foss: The Board approved the ordinance. Trying to remember; it was two days ago. I  
1076 was there the whole time, and I'm blanking on if they make any changes. Sims, do you recall? I  
1077 can't remember.

1078  
1079 County Counsel Ely: Yeah, I believe they passed the ordinance substantively as it was presented.  
1080 They did pass it with the caveat that any pending applications that were not deemed complete at  
1081 the time of the adoption, which would be three days after the passage of the ordinance, would be  
1082 subject to previous ordinance. So, anything that was complete at the time the new ordinance comes  
1083 through would be subject to the old ordinance. So as far as things...

1084  
1085 Commissioner McAteer: Same as our recommendation?

1086  
1087 County Counsel Ely: Yeah, well, I believe it was very similar.

1088  
1089 Director Foss: Yeah. Thank you for the reminder and total blank there. It was basically the same.  
1090 They did carve out the setback requirement for any application that wasn't complete. It only would  
1091 apply to three additional applications. So, we have three incomplete applications, and those  
1092 incomplete applications would be subject to all of the new standards except for the increased  
1093 setbacks. That was the one modification that was made.

1094  
1095 Commissioner McAteer: And then we'd also agreed unanimously that it was going to go back to  
1096 sort of being reviewed again. Did the Board do anything with that?

1097  
1098 Director Foss: At the results of that meeting, they did not provide any direction to revisit it within  
1099 any type of time frame or with any specific direction. There's always an opportunity that it could  
1100 be amended, or something could be proposed, but at this time, our direction was to make the  
1101 changes to the applicability, and that was as far as it went.

1102  
1103 Commissioner Garst: To that point, I went out with Hardy Bullock to look at the site where there's  
1104 a telecommunication tower proposed on Corchero Lane, I believe. Is that something that would  
1105 come before us, or is that an administrative review?

1106  
1107 Director Foss: That one is an application that is complete. They are looking at potentially changing  
1108 the location, but we haven't had any official changes. Because it was complete, it's under the old  
1109 ordinance, which would come to the Zoning Administrator for any type of hearing.

1110  
1111 County Counsel Ely: I can provide a brief update on the mine litigation. We have had several  
1112 hearings on the issue for the court, and they have not scheduled any new hearings. They've taken  
1113 under submission, and we are expecting at some point to get a ruling from the judge on the issues  
1114 before the court. We have not had those yet. We're on bated breath.

1115  
1116 Director Foss: Sorry, just wanted to clarify that that's the Dog Bar site; Corchero's up off Hwy.  
1117 20.

1118  
1119 County Counsel Ely: No, I'm talking about the mine.

1120  
1121 Director Foss: OK. Sorry.

1122  
1123 County Counsel Ely: Yeah, the mine litigation. We're waiting for that ruling still.

1124  
1125 Commissioner McAteer: So, is it all based on...sorry, is it all based on the issue of them having  
1126 vested rights? Is that still the main topic on this mine?  
1127  
1128 County Counsel Ely: That's one of the issues. There were the two issues that came before your  
1129 Commission, before the Board. One was for the vested rights issue, and one was for the  
1130 Conditional Use Permit. They did have hearings on the vested rights issue, and whether it was  
1131 vested and whether it was abandoned. Those issues came before the court at hearings and court  
1132 has taken it under submission. They have not scheduled any new hearings. Usually, they'll have  
1133 another hearing if they have more questions. They haven't done so, and now it's with the court,  
1134 and we expect a ruling at some point.  
1135  
1136 Commissioner McAteer: And is this Superior Court, or is ...?  
1137  
1138 County Counsel Ely: Correct:  
1139  
1140 Commissioner McAteer: ...this Court of Appeals? Superior local...?  
1141  
1142 County Counsel Ely: Local Nevada County Superior Court.  
1143  
1144 Commissioner McAteer: In Nevada County?  
1145  
1146 County Counsel Ely: Correct.  
1147  
1148 Commissioner McAteer: OK, thank you.  
1149  
1150 Chair Milman: I had one more question. I believe the County regulations govern view corridors,  
1151 right?  
1152  
1153 Director Foss: Well, in some ways, and in some ways not.  
1154  
1155 Chair Milman: Right. So, like what's happening south of Grass Valley. Is that in any way  
1156 controlled by the County?  
1157  
1158 Director Foss: No, that is all Caltrans, Caltrans right-of-way. So, all that tree removal is within  
1159 Caltrans right-of-way.  
1160  
1161 Chair Milman: So, do we know if that's what the view is going to look like coming into town  
1162 for...until new trees grow? Or, is there a sound wall? Is there any...? Do you know if there's any  
1163 plans down there?  
1164  
1165 Director Foss: I do not. There are likely some Caltrans plans out there, but I have not seen them  
1166 or been involved. I can talk to our Public Works Department, who would have some limited  
1167 involvement in that, and see if they have any plans available that I can forward.  
1168  
1169 Commissioner McAteer: I suggest you come to my community forum on May 1<sup>st</sup>, which I'm  
1170 having with the three people that are involved in the whole thing, and they'll tell you all the plans.  
1171  
1172 Chair Milman: I'll watch for your e-mail. It's not like you're going to put the trees back, though.

1173  
1174 Commissioner McAteer: Nope.

1175  
1176 Chair Milman: Anything else anyone's got on their mind? We're in the, at this point, very  
1177 amorphous discussion and announcements. OK then. I believe that we can conclude this meeting.  
1178 Thank you guys very much.

1179  
1180 Chair Milman adjourned the meeting at 3:03 p.m.

1181  
1182 There being no further business to come before the Commission, the meeting was adjourned at  
1183 3:03 p.m. to the next meeting to be held on a date to be determined in the Board Chambers, Eric  
1184 Rood Administration Center, 950 Maidu Avenue, Nevada City, California.

1185  
1186  
1187 \_\_\_\_\_  
1187 Passed and accepted this \_\_\_\_ day of \_\_\_\_\_, 2026

1188  
1189 \_\_\_\_\_ Brian Foss, Ex-Officio Secretary