

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

3
4 **MINUTES** of the meeting of May 11, 2017, 1:30 PM, Board Chambers, Eric Rood Administration
5 Center, 950 Maidu Avenue, Nevada City, California
6

7
8 **MEMBERS PRESENT:** Chair Aguilar and Commissioners Heck, Duncan and Jensen.
9

10 **MEMBERS ABSENT:** Commissioner James.
11

12 **STAFF PRESENT:** Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Deputy
13 County Counsel, Rhetta VanderPloeg; Administrative Assistant, Tine Mathiasen.
14

15
16 **PUBLIC HEARINGS:**

- 17
18 1. Hansen Brothers Enterprises Page 1, Line 39
19 Z15-004; U15-008; RP15-001; MGT17-0003; EIS15-014
20

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

23 **CALL MEETING TO ORDER:** The meeting was called to order at 1:30 p.m. Roll call was
24 taken.
25

26 **CHANGES TO AGENDA:** None.
27

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

33 **COMMISSION BUSINESS:** None.
34

35 **CONSENT ITEMS:** None.
36

37 **PUBLIC HEARING:**
38

39 **Z15-004; U15-008; RP15-001; MGT17-0003 & EIS15-014:** A Rezone (Z15-004) of APNs 38-
40 370-17, 38-380-15 & -16 and 38-430-02 from Forest-40 (FR-40) to FR-40 with the Mineral
41 Extraction combining district (FR-40-ME); a Use Permit (U15-008) to expand an existing in-
42 stream aggregate mining operation to an additional 38 acres in and on the banks of Greenhorn
43 Creek in the vicinity of the Red Dog Road creek crossing and for work within the 100-year
44 floodplain; a Reclamation Plan (RP15-001) to reclaim and restore the site after mining activities
45 are completed; and a Management Plan (MGT17-0003) for work within a waterway. **PROJECT**
46 **LOCATION:** Within Greenhorn Creek from the northeast corner of Section 25, Township 16N,
47 Range 9E, to Missouri Canyon at the south within Section 36, Township 16N, Range 9E. Red
48 Dog-You Bet area of Grass Valley, CA, approximately 7 miles east of Grass Valley, 2.4 miles
49 north of You Bet Road, and 3.3 miles north of Rollins Reservoir. **ASSESSOR PARCEL Nos.:**

50 38-370-17; 38-380-15, -16; 38-430-02. **RECOMMENDED ENVIRONMENTAL**
51 **DETERMINATION:** Mitigated Negative Declaration EIS15-014. **PLANNER:** Tyler
52 Barrington, Principal Planner.

53
54 Principal Planner Tyler Barrington introduced himself and the Hansen Brothers harvest expansion
55 area project. He discussed the project site including the location, its zoning, and the zoning and
56 uses of surrounding properties. He gave the background and permit history of existing operations.

57
58 Planner Barrington discussed the proposed entitlements, the various supporting studies prepared
59 and the agencies with approval authority. He explained the proposed Rezone legislative action and
60 noted that the ME combining district is required for all surface and subsurface mining activities.
61 The proposed Rezone adds the combining district to four parcels. The Use Permit expands the
62 harvest area of existing operations. There is no proposed change in operation type, the amount of
63 materials to be removed, or the processing plant. The Reclamation Plan will follow existing
64 approved reclamation techniques. Proposed phases, a definition of success and revegetation efforts
65 were discussed. A Management Plan is necessary as there will be disturbance within the setback
66 of an annual waterway, and mitigation measures were explained.

67
68 Planner Barrington then addressed staff comments and concerns. Hazards and hazardous materials,
69 including mercury, were evaluated by various agencies and private consultants. He discussed water
70 sampling and waste discharge requirements and permits. In regard to traffic and circulation,
71 Planner Barrington addressed site access, emergency access, traffic, the Red Dog crossing, road
72 maintenance and proposed mitigation measures. There is no proposed increase in traffic or
73 materials trucked off-site. Current and proposed operations are subject to numerous regulatory
74 agencies and permits in regard to hydrology and water quality. Planner Barrington discussed the
75 prepared biological inventory, local sensitive plant and animal species, and proposed mitigation
76 measures. Next he discussed noise. A noise study was prepared and noise will not exceed county
77 noise standards. He also discussed nearby residences, days and times of operation, and related
78 mitigation measures. Planner Barrington showed photos of the Red Dog Narrows and explained
79 how the Narrows and the creek route will be impacted by the expansion.

80
81 Staff found this project, pending approval by the Planning Commission and Board of Supervisors,
82 to be consistent with zoning regulations and General Plan policies, including water and mineral
83 resource element policies. An Initial Study/Proposed Negative Declaration was prepared and made
84 available for review. Comment letters, emails and calls were received from various agencies and
85 neighbors. Potential impacts of the proposed project were evaluated and were adequately mitigated
86 to less than significant levels. Planner Barrington then discussed the staff memo with recent
87 amendments to the staff report, including additional public comments from agencies and
88 neighbors, as well as modified conditions and amendments to mitigation measures.

89
90 Planner Barrington concluded by recommending that the Commission find the Mitigated Negative
91 Declaration adequate, approve the Management Plan, Use Permit and Reclamation Plan, and
92 recommend the Board of Supervisors adopt the Mitigated Negative Declaration for the Rezone
93 and approve the Rezone Ordinance.

94
95 Commissioner Duncan disclosed that she contacted the applicant for a site visit. She did not ask
96 questions about the project and asked the applicant to not disclose any information that was not to
97 be a part of today's presentation.

99 Commissioner Jensen asked if the county has experienced any difficulty with the applicant.

100
101 Planner Barrington said no, the county has found that they are responsible operators.

102
103 Commissioner Heck said that it has been stated that there will be no change in the amount of
104 materials harvested, yet it is an expansion. She asked if the existing operation is no longer viable,
105 and whether the expansion harvest would use the same plant.

106
107 Planner Barrington deferred to the applicant's presentation.

108
109 Chair Aguilar asked to hear from Mr. Hansen.

110
111 Jeff Hansen introduced himself and his consultant, Alicia Brenner.

112
113 Chair Aguilar stated that the Commission will listen to the presentation before questions and public
114 comment.

115
116 Alicia Brenner introduced herself as representing Hansen Brothers Enterprises. She gave a
117 presentation about the applicant, existing operations and the proposed expansion. The project
118 includes new and clean-up areas. She gave background information about Hansen Bros., the
119 Greenhorn Plant and the history of the area. She discussed the path of material in Greenhorn Creek
120 toward Rollins Reservoir, its impact on water storage capacity and NID's support of the expansion
121 project. The expansion's intent is to do the same operation in a new area. She highlighted common
122 questions including those about the plant, traffic, logging, the zoning change (just add combining
123 district overlay), water quality impacts, erosion, geotechnical and hydrological concerns, aquatic
124 species affected, cultural and archaeological artifacts handling, historic and current mercury
125 contamination (including sampling and a USGS study), noise creation, air quality impacts
126 (emissions and dust), the Red Dog Narrows, the Red Dog Road crossing, and reclamation efforts
127 and plans. Benefits of project include local sourcing of aggregate products for the community, the
128 provision of material for improvement and waterline projects, improved travel conditions at the
129 Red Dog Road crossing, and improved emergency access and evacuation routes.

130
131 Chair Aguilar asked Ms. Brenner to focus on the project.

132
133 Ms. Brenner highlighted further community benefits including the reduction of deposits into the
134 reservoir, positive impacts to local employment and the economy, and the restoration of the canyon
135 to a more pre-hydraulic mining condition.

136
137 Commissioner Duncan said it was a thorough overview.

138
139 Chair Aguilar opened the public hearing at 2:41 p.m.

140
141 Jo Garst introduced herself as a property owner adjacent to one of the proposed new parcels. The
142 project will directly impact her enjoyment of her property. She pointed out discrepancies regarding
143 images of slopes which have already been mined. She discussed the lack of revegetation on slopes
144 opposite the ones photographed. She also discussed the Narrows, erosion and Rollins Reservoir,
145 and suggested that some deposits from in the reservoir are from active mining operations. She also
146 expressed concern about noise levels as hers will be the closest residence to the operation.

147

148 William McCardigan has lived in the area for 29 years and recently purchased nearby property.
149 He discussed the passibility of Red Dog Road crossing, the Narrows, mercury, dirt bike riders and
150 erosion. He then discussed maintenance of the crossing, yellow-legged frogs, timber and noise. He
151 does not believe the project should be done. He thinks it is a bad plan and he only received notice
152 of it two days ago. He is highly opposed to the project.

153
154 Bruce Ivy introduced himself as a neighbor along Greenhorn Creek. He was involved in the
155 original Hansen Brothers mining permit. Any concerns his family has had have been mitigated and
156 the Hansens have been good neighbors. His priority has been that the aggregate is harvested in a
157 way neighbors can live with. He supports the issuance of the permits. Hydraulic mining waste
158 should be utilized and he supports the application's approval.

159
160 Mark Lampinen said he has family-owned property. He said the Red Dog crossing has not been
161 passible recently and asked for a definition of passible. He requested that monuments used for the
162 survey of his property not be destroyed. Because the banks have sloughed, some monuments have
163 already disappeared and some gravel from his parcel is no longer on his property.

164
165 Keoni Allen introduced himself as a long-time resident and contractor. He discussed the impacts
166 a denial of the expansion would have on the community. He believes that the project has a high
167 positive value and a low cost negative. He hopes the Commission approves it.

168
169 Sandy Jansen introduced herself as a neighborhood leader. When the expansion came up, she
170 encouraged Hansen Brothers to hold a town hall meeting, which was well attended and highlighted
171 impacts and benefits. Many neighbors expressed to her that the project would be reasonable to live
172 with. One of their biggest concerns is truck traffic, and she thanked Hansen Brothers for having
173 courteous drivers. The other concern is noise, which can't be mitigated well in the canyon but
174 Hansen Brothers has tried to create a buffer from residential use. She is concerned with mercury
175 issues and looks forward to working with Hansen Brothers to ensure all local mining operations
176 do proper testing. She welcomes having the Red Dog crossing back as it is a vital evacuation route.
177 Everyone needs to stay alert to new information on methylated mercury as it is a problem in the
178 region.

179
180 Jerry Spangler introduced himself as having family that are close neighbors to the proposed project
181 area. He believes that Hansen Brothers are great neighbors, are very courteous and do much to
182 maintain the roads. Their presence has discouraged public misuse of the area and thus reduced dirt
183 bike noise. He stated that the company is a pillar in the community.

184
185 Jody Raymond introduced herself as the Benefits Manager at Hansen Brothers. She spoke to the
186 standard of excellence Hansen Brothers works toward. She discussed benefits to the community
187 including material donation, local employment, the provision of benefits and healthcare to their
188 workforce, and adding to the local economy and county revenue.

189
190 Chair Aguilar closed the public hearing at 3:06 p.m.

191
192 Planner Barrington commented on the area around Red Dog Road, and deferred the other issues
193 to the applicant. He noted that the area Ms. Garst referred to as not revegetated was outside the
194 permitted area and therefore Hansen Brothers has had no opportunity to revegetate the slope.

195

196 Chair Aguilar asked to clarify that the public wanted the road maintained but that Hansen Brothers
197 does not own the property.
198
199 Planner Barrington said the expansion will allow Hansen Brothers to work in the area and improve
200 the road. He spoke about Nevada County road standards. He recommended that the applicant
201 address some of the concerns.
202
203 Chair Aguilar stated that Hansen Brothers can currently only work on one side of road.
204
205 Planner Barrington said correct.
206
207 Chair Aguilar asked what the zoning is on the parcels that are being operated on.
208
209 Planner Barrington said FR-40.
210
211 Chair Aguilar asked if they had an ME overlay.
212
213 Planner Barrington said correct.
214
215 Chair Aguilar asked if the zoning has existed like that.
216
217 Planner Barrington said correct.
218
219 Commissioner Jensen asked if it would have to be a fire approved road and meet those standards.
220
221 Planner Barrington said correct.
222
223 Chair Aguilar invited the applicant to comment.
224
225 Ms. Brenner clarified that Hansen Brothers owns both approaches at Red Dog Road. One approach
226 is included in the existing mining operation and one is under the proposed expansion. The
227 company is currently only permitted to maintain one side and if the project is approved they will
228 be able to maintain both sides.
229
230 Chair Aguilar asked Mr. Hansen what the hours of operation will be, and whether it needs to
231 operate as late as 6pm.
232
233 Mr. Hansen said there are times in summer during peak demand that they run operations that late.
234 It is not the norm but they are a service provider.
235
236 Commissioner Heck asked the applicant to respond to Ms. Garst's concerns about the slope
237 reclamation and the noise. She wondered about cumulative noise and whether both the current and
238 new sites will be used at the same time.
239
240 Ms. Brenner noted that the parcel Ms. Garst recently purchased is less than 60 feet from the
241 existing permitted operation area. She also noted that this project application was submitted in the
242 summer of 2015, while Ms. Garst purchased her property this last November.
243
244 Chair Aguilar asked Ms. Brenner to repeat herself.

245
246 Ms. Brenner clarified that Ms. Garst purchased the property in 2016.
247
248 Chair Aguilar asked how long the Hansens have owned the properties.
249
250 Ms. Brenner said the three properties since the 1980s.
251
252 Mr. Hansen confirmed this.
253
254 Chair Aguilar asked about the three parcels that act as a buffer.
255
256 Mr. Hansen said he believed they were all mid-80s purchases.
257
258 A member of the public commented on when the properties were purchased.
259
260 Ms. Brenner discussed the slopes and erosion. The sand and gravel deposits from historic hydraulic
261 mining erodes whether or not there are operations. Hansen Brothers provides the benefit of
262 removing the deposits before they move into the reservoir. Also, soil erosion will stop once the
263 banks are closer to their natural state. Because the Narrows are acting as a dam, material upstream
264 will stay backed up and material downstream will continue to erode whether the operation is there
265 or not. Inspections look for creek bank erosion rather than deposit erosion, and the creek beds are
266 not eroding. The man-made waste product is eroding and Hansen Brothers is helping to remediate
267 this.
268
269 Chair Aguilar asked whether the monuments mentioned in public comment were part of the
270 erosion.
271
272 Mr. Hansen said they were part of the natural erosion. There is nothing they can do and Hansen
273 Brothers cannot mine that steep section. They periodically survey to ensure they work within the
274 permitted areas and property lines.
275
276 Ms. Brenner clarified which property the monuments disappeared from and said the property
277 corner is on a bank of sand and gravel. If the aggregate moves, the property corner is lost. This
278 would happen regardless of whether the operation existed.
279
280 Chair Aguilar asked about new regulations on diesel equipment and whether those engines are
281 quieter or if the regulations mainly addressed emissions.
282
283 Mr. Hansen said the main focus was emissions, not noise. However, modern equipment is
284 significantly quieter than equipment 30 years ago.
285
286 A member of the public commented on noise reduction features on modern equipment.
287
288 Commissioner Jensen asked to clarify that the crushing equipment is staying in its current location.
289 The only noise on the new parcels will be from loaders and trucks.
290
291 Mr. Hansen said correct, there are no intentions to move the plant.
292

293 Chair Aguilar commented on the mitigation measures addressing dust. He asked if there have been
294 problems with dust to the point where operations have to be shut down.
295
296 Mr. Hansen said the wind usually creates more dust than the operations do. They water constantly
297 and pack the roads in an effort to be good neighbors and avoid creating dust.
298
299 Chair Aguilar said that Mr. McCardigan mentioned yellow-legged frogs upstream but that Hansen
300 Brothers could not do anything about them because they were upstream and not in the project area.
301
302 Commissioner Duncan expressed empathy for people looking for their piece of paradise and said
303 longtime residents may have a different view of the area than newcomers. Ms. Garst's property
304 purchase was recent compared to ongoing Hansen Brothers operations. Commissioner Duncan
305 assumed Ms. Garst was made aware of existing mining operations before her purchase.
306
307 Commissioner Heck asked about cumulative noise again.
308
309 Ms. Brenner said that the intent is that operations will not be operating in the new and existing
310 areas at same time as the same quantity of material needs to get to the plant. As operations would
311 not be taking place in both at the same time, there would be no cumulative impact.
312
313 Commissioner Heck said okay.
314
315 Ms. Brenner added that all buildable area for a future residence on the Garst parcel should be out
316 of the noise contour regulated area.
317
318 Chair Aguilar asked to clarify that Ms. Brenner's noise criteria was 47 decibels and the county's
319 was 44.
320
321 Planner Barrington said the county's decibel level is 55.
322
323 Chair Aguilar asked whether the report said it wouldn't be greater than 44 at the property line.
324
325 Ms. Brenner said they are talking about two different parcels. One parcel is 44 and the other is 47.
326 The regulation is 55 so both are well below the threshold.
327
328 Chair Aguilar asked if there are lights on at night.
329
330 Mr. Hansen said no.
331
332 Chair Aguilar clarified that there are three actions and one recommendation.
333
334 Planner Barrington said correct.
335
336 Commissioner Jensen asked whether to reference the actions from the staff memo.
337
338 Planner Barrington said correct.
339
340 Commissioner Jensen asked if staff had anything to add.
341

342 Planner Barrington said he had nothing to add.

343
344 **Motion by Commissioner Jensen** to adopt the proposed Mitigated Negative Declaration (EIS15-
345 014) and Mitigation Monitoring and Reporting Program pursuant to Section 15074 of the
346 California Environmental Quality Act, making Findings A through D; **second by Commissioner**
347 **Duncan. Motion carried on a voice vote 4/0 (Commissioner James absent).**

348
349 Planner Barrington clarified that the EIS number is EIS15-014 and that there was no need to add
350 “as modified.”

351
352 **Motion by Commissioner Jensen** to approve Management Plan (MGT17-003) to address impacts
353 as a result of work within 100-feet of a perennial stream as described and mitigated in the project
354 Management Plan, which have been incorporated into the project specific environmental
355 document, making Findings A-B pursuant to LUDC Section L-II 4.3.3.C and Section L-II 4.3.17;

356
357 Planner Barrington clarified the project number.

358
359 **Second by Commissioner Duncan. Motion carried on a voice vote 4/0 (Commissioner James**
360 **absent).**

361
362 **Motion by Commissioner Jensen** to approve the Use Permit (U15-008) and Reclamation Plan
363 (RP15-001), subject to the Mitigation Measures and Conditions of Approval, and making Findings
364 A through M pursuant to LUDC L-II Section 5.9; **second by Commissioner Duncan.**

365
366 Chair Aguilar called for discussion.

367
368 Commissioner Heck referred to the mitigation measure allowing harvest close to property lines
369 and asked for discussion about increasing the distance.

370
371 Chair Aguilar said large lots act as natural buffers.

372
373 Commissioner Heck said 20 feet feels really close.

374
375 Chair Aguilar commented on city setbacks.

376
377 Commissioner Heck said she understands but 20 feet is very close.

378
379 Commissioner Jensen said the area will be returned to a more natural condition through the
380 removal of waste deposits, which he considers a good thing. He said he would leave the motion
381 the way it is.

382
383 Commissioner Duncan said she agrees.

384
385 **Motion carried on a voice vote 4/0 (Commissioner James absent).**

386
387 Chair Aguilar noted that the first three actions are subject to a 10-day appeal period.

388
389 **Motion by Commissioner Jensen** to recommend the Board of Supervisors adopt the Mitigated
390 Negative Declaration and amend Zoning District Map #78 to reflect the rezoning of the APNs 38-

391 370-17, 38-380-15, 38-380-16 and 38-430-02 acres from FR-40 (Forest – 40 acre density) to FR-
392 40-ME (Forest – 40 acre density – Mineral Extraction); **second by Commissioner Duncan.**
393 **Motion carried on a voice vote 4/0 (Commissioner James absent).**

394
395 Chair Aguilar said there is no appeal period on the final action as it is a recommendation.

396
397 Planner Barrington said correct.

398
399 Discussion ensued regarding upcoming Commission meetings.

400
401 **Motion by Commissioner Jensen; second by Commissioner Duncan to adjourn. Motion**
402 **carried on voice vote 4/0 (Commissioner James absent).**

403
404 There being no further business to come before the Commission, the meeting was adjourned at
405 3:34 p.m. to the next meeting tentatively scheduled for June 22, 2017, in the Board of Supervisors
406 Chambers, 950 Maidu Avenue, Nevada City.

407 _____
408

409 Passed and accepted this day of , 2017.

410 _____
411

412 Brian Foss, Ex-Officio Secretary

