

47 **GP14-004; Z14-002; U14-005; EIS14-007:** Combined applications by RCD Engineering
48 proposing: 1) General Plan Amendment changing the 42.1-acre parcel from FOR-40 to PD FOR
49 (32.9 acres) and PD (9.2 acres); 2) a Rezone to change the zoning from FR-40 to FR-PD and PD-
50 SP; and 3) a Comprehensive Master Plan to permit the existing mixed uses on the property
51 including research and development (9.2 acres) and residential and open space (32.9 acres).
52 **LOCATION:** 17100 Salmon Mine Road, Grass Valley **ASSESSOR'S PARCEL NO.:** 61-070-
53 04 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Mitigated Negative
54 Declaration. **PLANNER:** Patrick Dobbs, Senior Planner.

55
56 Patrick Dobbs, Senior Planner, outlined the project with a Power Point presentation. He began
57 his presentation with an outline of the four components of the project, a General Plan
58 Amendment, Zoning Map Amendment, Comprehensive Master Plan which serves as the Use
59 Permit and the environmental documentation which is a Mitigated Negative Declaration. He
60 noted that two letters of project support had been received. He stated that the project is located
61 approximately ½ mile north of the Tyler Foote Road and Sages Road intersection, about 3 miles
62 east of the town of North San Juan. He presented a slide showing the project notification area
63 as well as the existing land use pattern surrounding the property which highlighted both
64 consistency with surrounding zoning and buffering from surrounding properties. He explained
65 that the Forest (FOR) zoning designation does not allow for the existing usage, however he noted
66 that the two residences on the property are consistent with that designation.

67
68 Planner Dobbs presented a slide showing some of the business operations and explained that they
69 have been operating at the current location since 1982. RCD is a large employer, employing 23
70 full time employees, as well as others for things like bookkeeping and information technology.
71 The company has a reputation for running a clean operation which is light on the land. The
72 workforce is local and the company has revenue exceeding \$4 million annually coming from out
73 of the County yet spent within the County.

74
75 Planner Dobbs continued by explaining the existing general plan designation as FOR-40 and that
76 the request was to amend the designation to Planned Development. The Planned Development
77 area would be customized to where the existing development occurs in the northeast 9.2-acre
78 corner of the property. He also stated that the change would include a zoning district map
79 amendment, maintaining a base layer of FOR with the Planned Development combining district
80 on 32.9-acres of the property and an SP combining district on the other 9.2-acres. This would
81 allow continued use of the facility as well as a 10,000 square foot expansion in the future. The
82 proposed Comprehensive Master Plan or Use Permit would require the company to come in to
83 compliance with current building standards such as ADA compliance. No construction or site
84 changes are proposed in the immediate future.

85
86 Planner Dobbs explained that the project is consistent with the General Plan and Zoning of the
87 surrounding uses like Ananda and is consistent the description of a Planned Development and its
88 intent to encourage innovative and creative cottage industries. There are protections in place to
89 preserve the character of the area and the project helps implement the County's economic
90 development goals.

91

92 Planner Dobbs summarized by stating that the County completed the Initial Study as well as
93 prepared and circulated the Mitigated Negative Declaration that concludes that the Conditions of
94 Approval and Mitigation Measures result in less than significant impacts. No public comments
95 on the environmental document were received.

96
97 Planner Dobbs referenced a memo prepared for the Commissioners dated 8/27/15 that
98 recommended two changes to the Conditions of Approval. A condition of approval is proposed
99 to be added to require that RCD be required to demonstrate legal access on Sages Road. The
100 memo also showed that Condition of Approval E.3. is proposed to be deleted as it was an
101 emergency access gate requirement on Lady Jane Road that was inadvertently put in the Staff
102 Report.

103
104 Planner Dobbs restated that the project is consistent with and accelerates implementation of the
105 General Plan. He recommended that the Planning Commission recommend that the Board of
106 Supervisors adopt the Mitigated Negative Declaration, approve the General Plan Amendment,
107 adopt the Ordinance to approve the Rezone and approve the Resolution for the Comprehensive
108 Master Plan as proposed and amended with the memo as presented.

109
110 Chair Duncan asked her fellow commissioners if they had any questions for Staff.

111
112 Commissioner Jensen asked if the 10,000-square foot addition was brought up by the applicant
113 or if it was due to the site of the property.

114
115 Planner Dobbs said that the applicant identified that addition as a part of the Comprehensive
116 Master Plan as required by the General Plan Amendment.

117
118 Commissioner Aguilar asked for a clarification between the wording Comprehensive Master
119 Plan versus Use Permit.

120
121 Principal Planner Barrington explained that the County Zoning Ordinance requires
122 Comprehensive Master Plans to be processed through a Use Permit so the Comprehensive
123 Master Plan and action are synonymous to Use Permit.

124
125 Mr. Rob Wood, SCO Engineering, representing the applicant, RCD Engineering, introduced
126 himself and Pat Leach of RCD. He explained that the project was intended to implement their
127 succession plan and allow the next generation to continue with the use and move forward into the
128 future.

129
130 Mr. Wood asked Ms. Leach to present what the business is all about.

131
132 Ms. Leach explained that the business is not just a research and development and manufacturing
133 company but in many ways they are an entertainment company working with motor sports. The
134 company was founded in 1967 and was relocated to Nevada County in 1982. The existing
135 building had been used for heavy equipment repair for the logging and mining industries.
136 Access to the property is from Sages Road and Salmon Mine Road off of Tyler Foote Road. She
137 explained that the bulk of their customers are drag racers. She showed slides of some of the

138 various high quality, original parts. She explained that the research and development allows new
139 designs to be created that are used globally. All parts are designed, engineered and custom-made
140 onsite. She gave a description of various parts as well as the materials they are made of and the
141 machinery utilized. Parts are distributed via direct mailing in many countries around the world,
142 with 99% of sales being outside of the County.

143
144 Ms. Leach stated that some of their 23 employees started right out of high school and learned
145 skills on the job. The company's succession plan is for the founder's son and three other
146 experienced staff to lead the business into the future. Opportunities for future company growth
147 will help keep the jobs local. She briefly explained the existing infrastructure, buildings (totaling
148 23,000-square feet) and stated that the company is committed to being a good steward of the
149 land.

150
151 Mr. Wood continued the presentation by explaining that the project would allow flexibility to
152 allow the existing use to continue. He explained that the business provides a better jobs to
153 housing balance. The Economic Analysis for the project calls the project a "basic sector firm"
154 which is a driver of economic growth in a region which pulls money in from outside of a local
155 region. The project promotes economic development, high skilled living wage job opportunity
156 to local residents. He stated that they had read and understood the conditions.

157
158 Commissioner Aguilar asked Mr. Wood if there it would be a problem to get the deeded access
159 issue worked out.

160
161 Mr. Wood stated that it would not.

162
163 Chair Duncan asked what the wages were.

164
165 Ms. Leach stated that a new employee with no experience would start at \$11 per hour but that the
166 average wage is approximately \$25.

167
168 Chair Duncan opened the public hearing at 2:00.

169
170 Peter Goering, Manager for Ananda Village, stated Ananda's support for the project and noted
171 that they have been a great neighbor for decades. He mentioned that Steve and Pat Leach
172 support many local things both economically and with their personal time, serving on
173 committees and boards.

174
175 Sarah Johnson stated that she is a customer of RCD and was surprised that the company was
176 local. She explained that the industry is growing especially for veterans with PTSD as the
177 industry helps them deal with their issues after war. It is fantastic to hear that they are in our
178 County.

179
180 Chair Duncan closed the public hearing at 2:02 and asked her fellow Commissioners if they had
181 any further questions.

182

183 Commissioner Poulter stated that she has been to the facility, it is an asset to the community and
184 she supports the project.

185
186 Commissioner James stated that he has toured the facility and found it to be impressive.

187
188 **Motion by Commissioner James** to recommend approval of the Resolution to the Board of
189 Supervisors of the Mitigated Negative Declaration for the proposed General Plan Amendment
190 (GP14-004), Rezone (Z14-002), and Comprehensive Master Plan (U14-005), **second by**
191 **Commissioner Jensen. Motion carried on a voice vote 5/0.**

192
193 **Motion by Commissioner James** to recommend approval of the Resolution to the Board of
194 Supervisors for the General Plan Amendment (GP14-004) and Rezone (Z14-002), **second by**
195 **Commissioner Jensen. Motion carried on voice 5/0.**

196
197 **Motion by Commissioner James** to recommend the Board of Supervisors adopt the Ordinance
198 to approve the Rezone (Z14-002), **second by Commissioner Jensen. Motion carried on voice**
199 **vote 5/0.**

200
201 **Motion by Commissioner James** to recommend approval to the Board of Supervisors for the
202 Resolution for the proposed Comprehensive Master Plan (U14-007), as modified, **second by**
203 **Commissioner Jensen. Motion carried on voice vote 5/0.**

204
205 Chair Duncan explained that the project will move to the Board of Supervisors for final approval.

206
207 **GP12-002; Z12-002; EIS12-002: Housing Element Rezone Program Implementation**
208 **Project.** Project proposes changing the General Land Use and Zoning Designation for up to 17
209 rezoned candidate sites (formerly 18 sites) to Urban High Density/high density residential zoning
210 (UHD/R3), or the equivalent of, and adding the Regional Housing Need (RH) Combining
211 District (LUDC Sec L-11 2.7.11) to accommodate the future development of a minimum of 699
212 high density housing units, as mandated by the State Department of Housing and Community
213 Development. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Certify Final
214 Environmental Impact Report (EIR12-002). **LOCATION:**

- 215 • Grass Valley Sphere of Influence: Site 1: (APN: 07-380-17) 11263 McCourtney Rd. Grass
216 Valley, CA 95949; Site 2: (APN 29-350-12) Unknown Address, La Barr Meadows Road,
217 southeast of McKnight Way and La Barr Meadows Road, Grass Valley, CA 95945; Site 3:
218 (APN 35-412-15) 11791 Ranchview Ct. Grass Valley, CA 95945; Site 4: (APN 35-412-17)
219 11704 Ranchview Ct. Grass Valley, CA 95945; Site 5: (APN 35-412-18) 11840 Ranchview
220 Ct. Grass Valley, CA 95945; Site 6: (APN 35-412-19) 10715 Brunswick Rd. Grass Valley,
221 CA 95945; Site 7: (APN 35-412-21) 10844 Brunswick Rd. Grass Valley, CA 95945; Site 8:
222 (APNs 35-550-15 & 35-412-20) 10757 Bubbling Wells Rd. and 10792 Brunswick Rd. Grass
223 Valley, CA 95945; Site 9: (APN 35-412-16) 11741 Ranchview Ct. Grass Valley, CA 95945.
- 224 • Penn Valley: Site 10: (APN 51-120-06) 17652 Penn Valley Dr. Penn Valley, CA 95946; Site
225 11: (APN 51-150-29) 17630 Penn Valley Dr. Penn Valley, CA 95946; Site 12: (APN 51-151-
226 62) 10528 Broken Oak Ct. Penn Valley, CA 95946; Site 13: (APN 51-151-62) 17328 Carrie
227 Ann Ln. Penn Valley, CA 95946.

- 228 • Lake of the Pines: Site 14: (APN 57-141-29) 22630 Cameo Drive, Grass Valley, CA 95949;
229 Site 15: (APN 57-270-02) 10356 Woodridge Dr. Auburn, CA 95602; Site 16: (APN 57-270-
230 03) 10415 Woodridge Dr. Auburn, CA 95602; Site 17: (APN 57-270-06) 10531 Combie Rd.
231 Auburn, CA 95602; Site 18: (APN 11-181-03) 12894 Combie Rd. Auburn, CA 95602.
232

233 Chair Duncan announced the project and introduced Principal Planner Barrington. She stated
234 that Commissioner James had recused himself from participating in the discussion due to a
235 perception that he might have a biased opinion on the project. She thanked Principal Planner
236 Barrington for the amount of work he had done and appreciated the executive summary he had
237 prepared.
238

239 Principal Planner Barrington introduced himself as well as Alex Jewell of Kimley-Horn who was
240 the consultant that prepared the EIR for the project. He stated that his presentation would be
241 broken into five segments: background; Regional Housing Need Combining District; the project
242 itself; CEQA; and Staff recommendation.
243

244 Principal Planner Barrington explained that the project was the result of the update to the County
245 Housing Element which is one of the seven mandatory required elements of our General Plan.
246 The Housing Element identifies the estimated housing needs for the current and future residents
247 of the County at all income levels of our County. The housing numbers are provided to the
248 County by the State Department of Housing and Community Development. The Housing
249 Element is unique in that it is the only element of the General Plan that requires periodic
250 updating; every five years at this time, after the next cycle it will be every eight years.
251

252 Principal Planner Barrington explained that the State assigns units to each local jurisdiction
253 requiring the jurisdiction to provide adequate zoning and infrastructure to accommodate the
254 housing units over a specific period of time. This is called the Regional Housing Needs
255 Allocation (RHNA). He explained that the housing units are assigned by a total number and split
256 between four income levels categories: Very-low, Low, Moderate and Above Moderate.
257

258 Principal Planner Barrington explained that in order accommodate the RHNA the County has to
259 review vacant land inventory and analyze it by zoning. It is a number the County must plan for,
260 not a projection of the number of units that will be constructed over the planning period. He
261 presented a slide showing the last three cycles and last three sets of hypothetical units assigned to
262 the County that the County was required to provide for over the four income categories. The
263 2003-2009 cycle required the County to accommodate a total of 4,886 units; the 2009 – 2014
264 cycle required the County to plan for 2,988 units and the current 2014 – 2019 cycle requires only
265 764 due to the economic downturn. He noted that 764 takes into account a reduction of 172
266 units that was taken by the City of Grass Valley as a part of the RHNA transfer agreement
267 between the City of Grass Valley and the County for the annexation of Loma Rica Ranch
268 project.
269

270 Principal Planner Barrington explained that in order to accommodate the RHNA the Housing
271 Element must show where the County has vacant land and do an APN level analysis of the
272 zoning of that land to determine what the density would be. In order to accommodate the Low
273 and Very-Low income categories, starting in about 2008, the State required the County to

274 provide R3 zoning to meet those needs. During the last Housing Element cycle the County was
275 unable to show that there was adequate R3 zoned sites to accommodate the Very-low and Low
276 income needs. At this time, there is only 8.5 acres of vacant R3 zoning in the County.

277
278 Principal Planner Barrington explained that because the State identified an un-met need, the State
279 required specific stipulations to meet that need. The stipulations require the sites to have
280 adequate infrastructure, the sites must allow 16-units minimum per acre, and that development
281 be developed as a by-right use, not subject to further discretionary action.

282
283 Principal Planner Barrington stated that because the County only had 8.5 acres of vacant R3
284 zoned land the State required that the 2009-2014 Housing Element update to contain two specific
285 State mandated rezone programs. These were to accommodate both the third and fourth cycle
286 RHNA units to fulfill the un-met Very-low and Low housing needs. The County was required to
287 identify candidate rezone sites showing that the sites would have the required infrastructure,
288 services and jobs, and could provide the required State density.

289
290 Principal Planner Barrington explained that in 2010 the Board of Supervisors directed Staff to
291 work with only willing property owners during the process. In 2013 the County released the
292 Environmental Impact Report (EIR) which reviewed the unmet 1,270 unit need. During the
293 2014 - 2019 Housing Element update the unmet unit need was reduced to 699 units since State
294 law requires counties to show that they have adequate sites for both their current and previous
295 housing element cycles. In moving into the fifth cycle, the third cycle units were dropped off.
296 This requires the County to rezone 43.7 acres of land to accommodate the 699 units identified as
297 an un-met need. The County identified potential candidate sites in the Grass Valley Sphere of
298 Influence, Penn Valley Village Center and the Higgins Corner Lake of the Pines area. The
299 State's deadline to meet the requirement was June 30, 2015.

300
301 Principal Planner Barrington explained that the Regional Housing Need Combining District
302 (RHNCDD) was adopted by the Board of Supervisors in 2011. The RHNCDD outlines how these
303 sites will be accommodated and sets the standards for development of these sites. The purpose
304 of it is to allow incremental implementation of the Housing Element; increase the supply of
305 multi-family housing; allow for maintenance of a base Commercial zoning designation should
306 the Commission or the Board desire to change one of the sites that has that zoning; to allow
307 interim uses and lesser densities in certain circumstances; to ensure adequate services and
308 infrastructure is available; as the County did not have an established 16-unit minimum zoning
309 district it created criteria for those minimums; and because the County did not have multi-family
310 by-right standards in our ordinance it created provisions for allowing by-right uses; and finally, it
311 required the County to adopt an implementation plan which outlines the development standards
312 and footprints on the parcels which are proposed to be rezoned.

313
314 Principal Planner Barrington stated that the RHNCDD establishes eligibility criteria for when a
315 site can be designated to meet an un-met need. The site must be undeveloped or under-utilized,
316 in close proximity to infrastructure (sewer, water, roads, schools, transit, jobs and services). It
317 must be either on, or in close proximity to, and connect to a County maintained road. It must
318 have a relative lack of environmental constraints that can support the minimum densities that are
319 required.

320
321 Principal Planner Barrington outlined a few of these standards. In terms of density the RHNC, D,
322 through the environmental review process, requires the County to determine an aggregate or
323 ultimate density, the concept being if a property is five-acres with a one-acre sensitive resource
324 area then only four acres would be designated for the density. The Implementation Plan outlines
325 all the mitigation measures and development standards and establishes the building envelope for
326 the site. When a project is submitted for one of the sites, Staff will review the Implementation
327 Plan to ensure that the developer adheres to it so that development can occur as a by-right use.

328
329 Principal Planner Barrington displayed a few examples of developments that are 16-units per
330 acre.

331
332 Principal Planner Barrington explained that the project was seeking a recommendation from the
333 Planning Commission to the Board of Supervisor's for the certification of the EIR, site specific
334 general plan amendments, site specific rezoning including adding the RHNC, D and assigning
335 ultimate density to the parcels. The purpose is to provide for a minimum of 699 high-density
336 residential units to address the current un-met regional housing need. There are no specific
337 development proposals at this time and none of the sites are required to be low-income or
338 affordable, rather the market is intended to drive what project will be built on the parcels.

339
340 Principal Planner Barrington displayed a slide showing the parcels that were sent notices of the
341 project. He explained that noticing included parcels within ¼ mile from each candidate rezone
342 parcel. The candidate rezone sites were identified in 2010. They were selected based on specific
343 criteria: undeveloped/under-utilized; on, or near a county maintained road; in a community
344 region or village center which is where the General Plan directs this type of development; in
345 close proximity to a public transit route; within a sanitary district or can be annexed into the
346 district; has public water; no areas of steep slopes that could preclude development; or when a
347 site was zoned Planned Development and had an Urban High or Urban Medium designation
348 assigned to it. In deciding which sites to consider for candidate rezone sites a General Plan
349 zoning hierarchy was used by Staff, looking first at Urban Medium Density, Urban Single
350 Family, Planned Development, Business Park, Office Professional, and Commercial zoning.
351 Staff did not analyze Agricultural, Agricultural Exclusive, Forest or any of the other Rural
352 districts as those districts typically don't have access to the services, jobs and infrastructure that
353 is required to accommodate high density residential. As a result of this analysis, in 2010 39
354 candidate sites were included. Through the willing property owner criteria and prior to
355 commencing the EIR process those sites were reduced to 18 properties and now it is 17 candidate
356 sites. There are eight sites considered in Grass Valley, four in Penn Valley and five in Lake of
357 the Pines.

358
359 Principal Planner Barrington detailed some benefits of directing high density development into
360 the Sphere of Influence versus unincorporated areas, which are: closer proximity to
361 jobs/services/infrastructure, enhanced walkability, the City's jurisdictional experience with
362 providing high density housing, and that the County General Plan directs growth to Sphere of
363 Influence areas. Benefits of putting the units in unincorporated areas include providing
364 increased housing opportunity for the people living in the unincorporated areas. The County
365 would maintain control of the implementation of the mitigation measures and development

366 standards and there is a greater likelihood of the retention of the rezone sites as they won't be
367 required to annex.

368
369 Principal Planner Barrington noted that some potential issues for placing units in the SOI could
370 be: a potential loss of oversight over mitigation measures as a project would be required to annex
371 into the City to provide the infrastructure to develop; a potential lack of consistency with General
372 Plan Policy 1.8.3, formally 1.38; a need for establishing a RHNA transfer agreement with the
373 City; and a stress of County/City relations. Some potential issues with rezoning sites in
374 unincorporated areas could be: an increase in commuting distance to services and jobs; the
375 potential for creating urban density islands in rural community regions; an increase in potential
376 for encountering sensitive resources.

377
378 Principal Planner Barrington presented a slide showing Sites 1 and 2, though he noted that Site 2
379 was withdrawn from further consideration by the property owner, though it is still discussed in
380 the EIR. Site 1 is off of McCourtney Road.

381
382 Principal Planner Barrington presented more slides showing the locations of the other proposed
383 sites. Sites 3 – 9 are in the Brunswick Basin with Sites 6, 5, 3, 9 and 7 being surrounded by the
384 City of Grass Valley on all sides. In Penn Valley four sites are located on Penn Valley Drive
385 with Site 12 off of Broken Oak Court. In the Lake of the Pines Area, Site 14 is located off of
386 Cameo Drive, Site 15 and 16 are off of Woodridge Drive, Site 17 is at the intersection of
387 Rosewood and Combie Roads. Site 18 is off of Combie Road near the back of the Lake of the
388 Pines development.

389
390 Principal Planner Barrington explained that the approach to Staff recommendation includes three
391 tiers. Tier 1 is the most suitable and Tier 3 being the least suitable. The third tier sites are
392 primarily those that have the most environmental constraints and don't meet the goals of the
393 project. The Tier 2 sites are not as suitable as the Tier 1 sites in Staff's opinion, based on the
394 EIR. The purpose of the three tiers is to allow the Planning Commission and Board of
395 Supervisors to have a menu of options to choose from to meet the minimum requirements of
396 699-units of un-met need. The options also provide the hearing bodies with the potential for
397 additional R3 zoning without the RH combining district. Due to the fact that approximately 1 ½
398 years ago the un-met need was approximately 1,270-units, it is likely that we could be going
399 through this process again at a later date.

400
401 Principal Planner Barrington presented slides showing details on each of the 18 candidate sites.
402 Details and determinations of each are based on the environmental review done with the EIR
403 process.

404
405 Site 1: APN 07-380-17, GP: OP, Zoning: OP. It is designated by the Grass Valley General Plan
406 as OP as well. It is approximately 1.01 acres with an existing density potential of four units.
407 The development footprint is approximately 0.98 acres with a rezone density of 16-units. As the
408 site is located in an OP area and it does not provide very many units to meet the un-met need it
409 has been designated as a Tier 3.

410

411 Site 3: APN 35-412-15, GP: UMD, Zoning: R2-PD. The site is designated UMD in the Grass
412 Valley General Plan, it is approximately 9.15 acres. The existing density for the current County
413 zoning is 54-units, based on the City of Grass Valley General Plan it is 73-units. The
414 development footprint is approximately 7.39-acres with a rezone potential of 118-units. As the
415 site is located on Brunswick Road, has adequate sewer and is surrounded by Grass Valley on all
416 sides, the site is a Tier 1 Site and Staff recommends it be rezoned to UHD, R3 RH with a 118-
417 unit ultimate density.

418
419 Site 4: APN 35-412-16, GP: UMD, Zoning: R2-PD, Grass Valley GP: UMD. The site is
420 approximately 11.35-acres. The development footprint meets the current size of the parcel as no
421 sensitive resources have been identified. Rezone density would be approximately 181-units. The
422 existing density under County zoning is 68-units, with a 90-unit existing density based on the
423 current Grass Valley General Plan designation. Adequate sites exist in the same area so Staff
424 determined this to be a Tier 2 site, and while it is suitable, no change is recommended.

425
426 Site 5: APN: 35-412-17, GP: UMD, Zoning: R2-PD, Grass Valley GP: UMD. Based on the
427 same criteria as Site 3, this site is recommended as a Tier 1 site with a recommendation to rezone
428 it to UHD/R3-RH. It is already designated by both the County and City GP's as UMD and has
429 an approximate development footprint of 4.48 acres and a rezone density of 71-units. The
430 existing density with current County zoning is 27-units and the existing density with current City
431 GP designation is 36-units.

432
433 Site 6: APN 35-412-18, GP: UHD, Zoning: RD-PD, Grass Valley GP: UMD, parcel size is 9.7
434 acres. Existing County zoning would allow 58-units or 77-units based on the City's UMD
435 designation. The approximate development footprint is 9.45 acres with a rezone density
436 potential of 151-units. Staff recommends this site as a Tier 1 site for the same reasons Staff
437 recommends Sites 3 & 5. No General Plan Amendment would be required because it is already
438 designated as UHD, however it is recommended to rezone the site to R3-RH.

439
440 Site 7: APN: 35-412-21, GP: UMD, Zoning: RA 1.5, is approximately 9.90 acres with an
441 existing density of 6-units with current County zoning, or 79-units with the Grass Valley GP
442 designation of UMD. This site is a more constrained site than some of the others. The
443 development footprint is approximately 4.26-acres with a rezone density potential of 68-units.
444 This is a Tier 3 site with no change recommended, however he noted that there is a potential for
445 the Planning Commission or the Board of Supervisors to direct Staff to change the General Plan
446 designation to Residential to be more consistent with the RA zoning designation as well as to
447 reduce some of the numbers in the overall area.

448
449 Site 8: APN 35-550-15 & 35-412-20, GP: UMD/RES, Zoning: RA 1.5 with a Grass Valley GP
450 of UMD. The parcel is 10.43-acres with an existing density of 6-units based on County zoning
451 and 83-units based on the City designation. It has a development footprint of approximately
452 3.32-acres and a rezone density potential of 53-units. As the site is highly constrained and it has
453 many units proposed around it, Staff has designated it as a Tier 3 site with no change
454 recommended. Principal Planner Barrington noted that the site has a potential to change the GP
455 to RES for consistency with the zoning designation as a subsequent action that could be directed
456 by the Commission or the Board of Supervisors.

457
458 Site 9: APN: 35-412-19, GP: UMD, Zoning: R2:PD, Grass Valley GP: UMD. The site is
459 approximately 6.49-acres and the existing density is 38-units with the County zoning and 51-
460 units with the City zoning. It has a development footprint of approximately 4.85 acres and a
461 rezone density potential of 77-units. This has been designated as a Tier 2 site with no change
462 recommended.

463
464 Moving into the Penn Valley area:

465
466 Sites 10 and 11 are the site of a previously approved development for 12,000 square feet
467 commercial use with 19 residential units with the entitlements still valid. APN: 51-120-06, GP:
468 CC, Zoning: C2-SP. The SP combining district requires adherence with the Penn Valley Area
469 Plan. It is approximately 5.95-acres with an existing mixed-use density of 23-units. It has
470 rezone density potential of 77 units, with a development footprint of 4.85-acres due to some
471 wetlands on the area that could be mitigated for. Due to the potential for commercial use and
472 wetland constraints, Staff has recommended no change and designated it as a Tier 3 site.

473
474 Site 11 is a Tier 1 site adjacent to Site 10. It is located behind the post office off of Penn Valley
475 Drive, APN 51-120-29. The recommendation is to retain the base GP zoning but add RH
476 combining district and establish C2-SP-RH (36 DU) to allow commercial development on the
477 property along with the residential component.

478
479 Site 12: is a Tier 1 site. Recommendation is to rezone the site to UHD/R3-RH, due to both its
480 location and lack of constraints.

481
482 Site 13: takes access from Carrie Drive and Site 10. APN 51-370-02, GP: PD/UMD/OS (Open
483 Space area is 8-acres), Zoning is IDR-SP. The SP is Site Performance, IDR is Interim
484 Development Reserve. The site is 21.01-acres. Because the GP designation of 26-acres of UMD
485 and 8-acres of Open Space does not match the site acreage, in 2003 as part of the Penn Valley
486 Oaks project Staff extrapolated to determine that the existing density is 91 units. Development
487 footprint is 11.60 acres and the rezone density is 185-units. Staff noted that the site could be
488 rezoned to accommodate the existing density of 91-units. This was provided as an alternative
489 density for consideration. Staff designated this as a Tier 2 site with no changes recommended
490 due to environmental constraints and the requirement to cross Squirrel Creek for site access.

491
492 Moving into the Lake of the Pines Area:

493
494 Site 14: is located off Cameo Drive. APN: 57-141-29, current GP and zoning are OP-SC-SP
495 (Scenic Corridor and Site Performance requires adherence to the Higgins Area Plan). The site is
496 approximately 5-acres in size and has an existing density of 20-units if it were to be developed as
497 a mixed-use development. The development footprint is approximately 2.63-acres with a rezone
498 potential density of 42-units. Staff has designated this as a Tier 1 site. The recommendation is
499 to rezone the site to UHD; R3-SC-SP-RH with 42-units of ultimate density.

500
501 Site 15: is located off of Woodridge Road. APN 57-270-02, GP: PD UHD with 15-dwelling
502 units per acre. The zoning is IDR-SC-SP. Principal Planner Barrington noted that when

503 updating the 2010-2014 Housing Element Staff tried to utilize Site 15 for the Very-low and Low
504 income categories as it has the UHD designation however the State did not accept it because of
505 the PD stipulation and the IDR zoning. Existing dwelling unit density is 75-units. The
506 development footprint is 4.40-acres. The project has rezone density of 70 dwelling units.
507 Because there are adequate sites in the Lake of the Pines area, it was deemed a Tier 2 site and no
508 changes are recommended.

509
510 Site 16: is immediately adjacent to Site 15. APN: 57-270-03, PD-UHD designation which
511 allows 15-units per acre and zoning is IDR-SC-SP. The parcel is 18.12-acres with an existing
512 potential density of 271-units. The site has a development footprint of 11.81-acres and a rezone
513 density potential for 188-units. Due to the lack of constraints and availability of infrastructure
514 the site is a Tier 1 site and is recommended to be included as part of the rezone project.

515
516 Site 17: is on Rosewood Road and Combie Road. APN: 57-270-06, GP: UMD, Zoning: R2-SC-
517 SP and is 2.36 acres. The existing density is 14-units. The development footprint is 1.11-acres
518 due to Ragsdale Creek running along the northern boundary of the site. The rezone density
519 potential is 17-units. This is a Tier 3 site as a result of onsite environmental constraints with no
520 recommendation to change the zoning.

521
522 Site 18: APN: 11-181-03, GP: USF, Zoning: R1-PD-SP requiring adherence to the Higgins Area
523 Plan. This was Phase 4 of Darkhorse and meant to accommodate their inclusionary housing
524 units. It has an existing density of 44-units. The development footprint is 6.81-acres and the
525 rezone density potential is 108-units. Like Site 13, Staff has identified an alternative density of
526 44-units which is available to the Planning Commission however, if the Commission chooses to
527 pursue the alternative density Staff would likely need to look at other sites to make up for the lost
528 units. This is a Tier 1 site with a recommendation for it to be included at 108-units.

529
530 Principal Planner Barrington introduced Alex Jewell, of Kimley-Horn, who prepared the EIR.

531
532 Mr. Jewell gave an overview of the CEQA process that was followed in preparing the EIR. In
533 starting the draft EIR a Notice of Preparation (NOP) was circulated for 60 days in September /
534 October 2012, a public scoping meeting was held during the circulation period to get comments
535 on what the public would like the EIR to evaluate. The draft EIR was then prepared and
536 circulated to the public for 60-days instead of the required 45-days in order to give the public
537 ample time to review it. After that, responses to comments were prepared, changes and edits
538 were made in response to some of those comments and the document became the final EIR. This
539 is the final step, the agency action stage for the Commissioners to recommend action to the BOS.

540
541 Mr. Jewell explained that the EIR is a public disclosure document for CEQA. It discloses what
542 the project is and what the impacts from the project are. In addition to identifying impacts, it
543 discloses mitigation /development standards that will be used to reduce and/or avoid impacts,
544 and what impacts are significant and unavoidable. The EIR also includes a Mitigation
545 Monitoring & Reporting Program (MMRP) that, if the project is approved and implemented, will
546 be a checklist of all the Mitigation Measures that have to be implemented in order for a project to
547 proceed. The EIR also contains CEQA findings which is the legal component that documents
548 impacts and how they are mitigated and documents which are significant and unavoidable, along

549 with a Statement of Overriding Findings that details why the agency would approve a project in
550 light of having significant and unavoidable impacts.

551
552 Mr. Jewell stated technical studies were prepared in order to determine what impacts might be.
553 A slide showed biological resources, cultural resources, geotechnical constraints, traffic, air
554 quality, greenhouses gas and noise studies were prepared. Anticipated impacts were identified
555 and potential mitigation measures and conditions of approval were developed for each to reduce
556 or avoid, although a few were found to be significant and unavoidable.

557
558 Mr. Jewell stated that in regard to air quality and greenhouse gases impacts a conservative
559 approach was used in that it was assumed that all units will be built at the same time. A
560 mitigation measure was identified to reduce these two impacts, however, enforcement of the air
561 quality control measures during construction would be by City of Grass Valley because in order
562 for the units located within the Grass Valley Sphere of Influence to develop, the properties would
563 be required to annex to the City first and they would then be outside of County jurisdiction.
564 While there is no reason to believe the City would not enforce the mitigation, a CEQA
565 requirement is for an approving agency to be the enforcing agency and when the lead agency
566 does not have control of it, it is considered to be a significant and unavoidable impact.

567
568 Mr. Jewell stated that significant and unavoidable impacts were also identified relative to Land
569 Use and Planning. He identified mitigation for potential conflicts between the City of Grass
570 Valley General Plan and County General Plan. Policy agreements could help mitigate those
571 impacts, however those agreements would have to be approved by the City of Grass Valley, and
572 the County has no control over this approval so it is considered a significant and unavoidable
573 impact. Public Services and Utilities mitigation would require a future developer to demonstrate
574 adequate capacity to serve future development (sewer, water, fire and police services). Again,
575 this would be enforced by the City of Grass Valley, not the County and therefore is considered a
576 significant and unavoidable impact. Regarding transportation and traffic, potential traffic
577 improvements were identified that could reduce the potential impacts. Some of the
578 improvements would be fairly large facilities like roundabouts that would be quite expensive
579 and/or infeasible for an individual property owner to implement on their own so it was
580 considered potentially significant, and there may be approvals required by the City to implement
581 those improvements. Significant and unavoidable impacts were also found in the category of
582 Population and Housing due to the sites on the edge of the City which would cause conflict with
583 their General Plan in terms of their projects so the only mitigation for that would be to change
584 the City's General Plan which the County does not have control over.

585
586 Principal Planner Barrington summarized Staff recommendations. He presented a slide showing
587 the menu of options for the Commissioners to consider. Alternative 2 adds Site 13 and
588 designates Site 18 at 44-units. Alternative 3 removes Site 11 and adds Site 13. This alternative
589 also removes Site 18 and adds Site 15.

590
591 Principal Planner Barrington stated that Staff's ultimate recommendation is for the
592 Commissioners to recommend to the BOS to rezone only the Tier 1 sites, resulting in 340-units
593 in Grass Valley, 81-units in Penn Valley, and 338-units in the Lake of the Pines area. The Tier 1
594 sites are: 3, 5, 6, 11, 12, 14, 16 and 18. He outlined each recommendation: environmental action

595 recommend certification of the FEIR, recommend approval of Resolution to approve the General
596 Plan Amendment, and re-designate specific Tier 1 sites 3, 5, 12, 14, 16 and 18, (6 and 11 are not
597 included as they do not require a General Plan Amendment) to UHD, and recommend approval
598 of an Ordinance to approve the Zoning Map Amendment to amend specific zoning maps to
599 change existing Tier 1 sites zoning to R3, or the equivalent of R3 including adding the RHN
600 combining district to Sites 3, 5, 6 & 11, Site 11 would retain the C2 base zoning district and
601 adding the R3 combining district only and change the designations of 12, 14, 16 & 18.

602

603 Chair Duncan asked her fellow commissioners if they had any questions for Staff.

604

605 Commissioner Jensen asked Principal Planner Barrington to explain why there were no sites
606 selected in the Truckee area.

607

608 Principal Planner Barrington explained that sites were looked at throughout the County during
609 the 2010 – 2014 Housing update. No sites were deemed suitable for high density housing
610 because the Town's boundary and Sphere of Influence were the same and there were not areas
611 outside of the Town limits that would accommodate water and sewer. Staff also consulted with
612 the then District Supervisor and there was not a lot of desire to include any sites in that area. He
613 added that when the project was started there were sites included in North San Juan and in the
614 Nevada City area. The site in Nevada City was recommended by Commissioner Poulter
615 however, the property owner did not elect to participate in the program. The owner of the site in
616 the Nevada City withdrew from the program during the EIR process.

617

618 Commissioner Jensen asked if the 16-unit per acre minimum was a State requirement.

619

620 Principal Planner Barrington explained that the requirement is based on a jurisdiction's size. In
621 jurisdictions such as Nevada County with micro-politan areas such as Grass Valley the
622 requirement is a minimum of 16-units per acre. In other, larger jurisdictions, the minimum
623 requirement is 30 or even 50-units per acre.

624

625 Commissioner Aguilar stated that the report reflects the criteria that Principal Planner Barrington
626 was given by the BOS at that time, however, the Supervisor in the Truckee District has now
627 changed so maybe the criteria should now be changed a bit. He asked for further explanation of
628 things like the sewer in Penn Valley. He mentioned that there is sewer on the other side of Penn
629 Valley near Lake Wildwood, a treatment plant, community center, and water there. He added
630 that there is nothing in Nevada City based on criteria that was given years ago, and same thing
631 with North San Juan. He stated that there is new technology allowing small sewer treatments
632 packages to be put in and that it could be spread out, Chicago Park, Cedar Ridge, Rough &
633 Ready; little communities that would allow the density to spread throughout the County,
634 specifically Penn Valley and Grass Valley. It would be healthier for the community. Northstar
635 has the sewer plant right there and he understands that while there is some toxic waste there are
636 new technologies that have been developed so perhaps the criteria could/would/should have
637 changed.

638

639 Principal Planner Barrington noted that the BOS has a policy that does not allow packaged sewer
640 systems to be accepted. In 2014 the Housing Element was updated, and in that most recent

641 action by the Commission and BOS the criteria did not change, continuing this long process.
642 The opportunity to change the sites was given to both the Commission and BOS at that time and
643 they elected to stay the course and continue with the sites that are proposed today.

644
645 Commissioner Aguilar stated that he would like to see what the audience has to say about that.

646
647 Chair Duncan clarified that it is a BOS policy that Environmental Health does not accept
648 package plants so that is not currently an option.

649
650 Principal Planner Barrington stated that he believed that policy was passed in about 2010.

651
652 Chair Duncan stated that it is a limiting factor if the County wants to develop housing so that is
653 the reason why the sites were chosen - because they have the available services.

654
655 Principal Planner Barrington responded to Commission Aguilar's point. Part of the project
656 started around the same time that the cease and desist order for the Penn Valley treatment plant
657 was given to the County. So as part of the planning for the sewer pipeline extension project in
658 that area this project was taken into account in both capacity and sizing of the pipes. Providing
659 public sewer is a major driver of where the potential high density housing can be put. He agreed
660 with Commissioner Aguilar in that spreading it out would likely be better.

661
662 Commissioner Aguilar asked what the logic is in not accepting packaged plants.

663
664 Principal Planner Barrington replied that he believes it has to do with the requirement that they
665 would be required to be accepted into a Sanitation District, they would be districts in the
666 hinterlands and would be hard to manage.

667
668 Chair Duncan opened the public hearing at 3:03 with a note that any questions asked during
669 public testimony would be given at the end of the public testimony period.

670
671 Ms. Ann Driver of Rough & Ready stated that she is on the Penn Valley Union Elementary
672 School Board. She explained that the development in Penn Valley would primarily impact
673 Ready Springs School which has a present student body of about 230 students. She asked how
674 many apartments would be developed.

675
676 Principal Planner Barrington stated that Staff's recommendation is for 81-units.

677
678 Ms. Driver stated that she didn't understand about a parcel in reserve if the Lake of the Pines
679 parcel does not go through. Her concern is that right now, as of last year, 72.4% of Ready
680 Springs Schools' student population is low income. If you double or triple that population
681 depending on how many of the units are built it could end up with a 90-95% low income student
682 population which would affect the quality of the school. They are working hard to improve that
683 school and the district and she wants the Commission to consider that as part of their decision.

684
685 Mr. Weldon Travis of Rough & Ready stated that the presentation appears to be a devious
686 attempt at Agenda 21 in its current reincarnation leading to a new world order as promulgated by

687 a trilateral commission of builder-burgers and the Rockefeller Foundation et al. He suggested
688 the Commissioners read *A brave New World* and *1984* for their edification. He asked them to
689 educate themselves on what is happening globally, regionally and today in Nevada County. As
690 an aside he asked them to consider that the proposed impending 51st State of Jefferson would not
691 allow the unfunded thing to occur.

692

693 Chair Duncan asked him to focus his comments on the Housing Element. He was finished.

694

695 Ms. Susan George is a Lake Wildwood resident. She spoke in support of zoning Tier 1 sites
696 only. She agreed with Commissioner Aguilar that a much larger net should be cast to look at
697 potential properties for rezone. She appreciated efforts of Planning Staff and the BOS in the
698 successful negotiation with the State to reduce by nearly half, the amount of units needed to
699 satisfy the mandate. This was a significant step in reducing the environmental and socio-
700 economic impact of rezoning concentrated areas in just three districts of Western Nevada
701 County. She acknowledged and appreciated that Barrington and Foss met several times with
702 representatives of Penn Valley and conducted a Town Hall meeting to answer questions about
703 the project with the community. She stated that the Penn Valley community represents all types
704 of incomes. Her concern is that large numbers of additional high density housing in the village
705 center will result in unintended consequences; such as a significant loss of economic
706 development opportunity, insufficient services and retail options for the increased population.
707 The Tier 1 recommendation will accommodate a more reasonable number of high density units
708 that are potentially low income in the village center will allow the County to rezone enough
709 parcels to support the high density units required by the State.

710

711 Vicki Maddox lives in Lake Wildwood. She is the former Lake Wildwood Board Treasurer and
712 is now a member of the Finance Audit Committee. Staff's recommendation to rezone Tier 1
713 sites would lessen the potential impact of added residents living in high density units who will
714 require additional needs for core services without a commensurate increase in tax base. Careful
715 planning will ensure that services don't fall short of serving the community or trigger a
716 substantial tax increase. Changing the focus from high density development to economic
717 development will help fund long-term costs of delivering core services to all of Penn Valley.
718 The Village Center has been recognized by the State of California Department of Water Services
719 as a disadvantaged unincorporated community. The Tier 1 recommendation would
720 accommodate a more reasonable number of high density units that are potentially low income in
721 the Penn Valley Village Center and be more consistent with the goals of SB244 planning grants
722 that benefit economically deprived communities. Adding people instead of tax base worsens the
723 conditions of economically deprived areas by creating long-term deficiencies for funding
724 infrastructure improvements that would serve Penn Valley as a whole.

725

726 Susan Hoek of Penn Valley spoke in favor of rezoning Tier 1 sites only. The point of
727 negotiation with the State was to reduce the amount of sites that was originally mandated. If at
728 the end of the County's decision the Planning Staff's recommendation to rezone more sites than
729 necessary is upheld, it wouldn't satisfy that so she would like to stay away from that. She feels
730 that the decision to rezone sites in addition to the Tier 1 sites would serve to perpetuate the
731 willing owner policy. That was well intended but it was a flawed planning process that resulted
732 in criteria and political considerations that weren't sound principals at the time, going back to

733 what Commissioner Aguilar talked about, it would have been spread out a bit more if it hadn't
734 just been the willing owner situation. Due to policy constraints during the current Housing
735 Element cycle only 3 districts are carrying out the whole responsibility. That needs to be spread
736 out during the next cycle. Circumstances change, supply and demand, land ownership,
737 intentions on how to use the land, County representatives and rural representatives change, future
738 housing element policies, formulas that determine high density zoning requirements that are
739 appropriate for the implementation in rural counties. Future cycles may have a different BOS
740 that would approach the process differently. She suggested that at the onset of future Housing
741 Element cycles a better planning perspective would be to direct Staff to identify sites within each
742 district with suitability beyond measure for available jobs, retail options and core services. She
743 recommended that Staff work with local residents and groups on the onset of reviewing potential
744 sites for rezone. She appreciated the open dialog throughout this process with planning staff.

745
746 Judi Caler lives in the unincorporated area of the County. She does not think the process passes
747 the smell test. Commissioner James did not recuse himself because of economic interests but
748 because he had worked with the Penn Valley Chamber and has strong concerns going in.
749 Anyone who does research and doesn't have a conflict of interest will develop an opinion. She
750 felt that he may have had the most valuable views to impart to the rest of the Commission and he
751 could have swayed them and the Board of Supervisors. She did not think he had to recuse
752 himself. She stated that County Counsel who represents the County and the Staff that are
753 recommending the high density atrocity decided that he had to recuse himself.

754
755 Chair Dunan asked Ms. Caler to respond directly the housing element and stated that they would
756 not be discussing his recusal.

757
758 Ms. Caler stated that we have a constitutional republic at all levels of government, it is important
759 that the community has a voice in it. Whose idea was this anyway? Is the County getting State
760 money from this? Is the State getting Federal money from it? This will not benefit the
761 community. She does not think it is a local idea.

762
763 Dr. John Vogel lives in Lake Wildwood. He spoke in favor of rezoning Tier 1 sites only.
764 Affordability is not just the cost of housing alone. Affordability comes from placing housing in
765 the appropriate context. High density housing placed in a rural village setting such as Penn
766 Valley, distant from core services, drives up the cost of living for the isolated residents.
767 Affordable housing should be placed in the appropriate context to allow them to walk to work
768 and core services like the supermarket, without the added expense of maintaining a second
769 vehicle or depending on very limited public transportation services. The Penn Valley Village
770 Center is characteristic of the American Planning Association's description of an area that is job
771 poor and needs more employment opportunities to match the skills of the residents. The solution
772 requires an economic development strategy that would bring jobs to resident workers, rather than
773 to relocate a sizable population in need of jobs to where there is little opportunity for
774 employment. The Tier 1 recommendation will allow Penn Valley to use the upcoming increased
775 sewer capacity to encourage and support economic development thereby providing an increased
776 tax base to fund services and create additional employment opportunity.

777

778 Mr. Eddie Garcia lives on Wolf Road in Grass Valley. He questioned the whole process. The
779 State mandate is a big infringement on property and citizen rights. The defense that we have to
780 do it because we are required to do it is reminiscent of the Nazi criminal trials in Nuremberg
781 when they said they were just obeying orders. He asked what the consequence of not complying
782 with the State mandate would be.

783
784 Mr. Mark Frederick lives in Penn Valley. He spoke in favor of rezoning Tier 1 sites only. He
785 spoke of flooding issues in Penn Valley after 4 – 5 hours of heavy rains. Both Squirrel Creek
786 and Clear Creek leave their banks and flood areas of Penn Valley after 4 – 5 hours of steady
787 rains. That is when his driveway floods. 1995, 1997, 2012 and 1/01/2013 and 12/12/2014 stand
788 out in his mind. In 1995 a family in Penn Valley was rescued from their house by the Fire
789 Department due to high waters. Most big, extensive storms come in mid-December to mid-
790 January. Both Squirrel Creek and Clear Creek have enough obstructions in them that increase
791 flooding to both of the creeks. Squirrel Creek is not straight and there is vegetation in the center
792 and along both edges of the creek. He has seen flooding beyond the 100-foot setback, over 175-
793 feet in an area at the intersection of Squirrel Creek and Clear Creek. He stated that he could
794 answer questions in response to the EIR comment letter 26 along with photos that he had
795 submitted.

796
797 Ms. Nancy Black lives in Penn Valley. She stated that she did not hear about the human factor.
798 What is the estimated population to come into the units? Where will the children go to school,
799 where will the people work and shop? There are very limited resources in Penn Valley, very few
800 two lane roads are in the area. She stated that these are people, not sites, or units, and asked
801 again what the human population was.

802
803 Mr. Kurt Grundel is the Chairman of the Board of the Penn Valley Fire district and a former
804 Chair for the Joint Powers Authority, Nevada County Fire Commission and LAFCo representing
805 Special Districts. He addressed the fact that the criteria often brushes aside Special Districts like
806 fire districts. He supports Tier 1 sites, though cautions that there is a lot of oversights such as
807 ingress/egress. There is no reference to CalTrans or identification that Highway 20 is a Scenic
808 Highway and there are no other provisions to have ingress and egress. For fire safety this is
809 extremely important. Penn Valley, the Higgins Area and other rural regions happen to be high
810 danger fire zones. He is concerned about ingress/egress, road access and addressing it for
811 evacuation as it is high density. Safety is paramount. The Penn Valley Fire Protection District is
812 the EMS systems for the western part of the county. They provide ambulance systems. It is high
813 stress with high density to go into these areas and provide service. Tier 1 in Penn Valley is
814 satisfactory, though he asked Commissioners to be cautious in the extended Tier 2 and Tier 3
815 sites. Higher fire flow, water provisions, how to put out a fire as well as high fire danger. It is
816 dangerous to put high density in high fire zones. The State cannot be relied on to assist all the
817 time. Most of the County provides its own services as seen in the last fire in the County. As
818 well as fire safety things may have been glossed over. He stated that high density versus rural
819 density is important to him. Also, the economic level should be looked at. In high density
820 projects, the projects only pay ½ the normal price to special districts by design. Fire Districts
821 look at all souls as the same but they can't be funded from subsidies from the rest. He hopes the
822 Commission takes this at point.

823

824 Ms. Jean Gerard lives in the unincorporated area of the County. She stated that the County does
825 not need grant money from the State and they don't care, they have to take care of themselves.
826 She noted that in the Staff Report's Executive Summary it states that a by-right use would be
827 established that would not be subject to further discretionary action by the County as regulated
828 by the County's Regional Housing need. She is not sure what that means and would like an
829 explanation on that. She stated that the presentation left out that under Section 1 in the Staff
830 Report it talks about the Regional Housing Authority and that Sierra Planning Organization acts
831 as a County of Government as a cog for both Nevada and Sierra County during the RHNA
832 process as mandated by government code to develop a methodology for distributing a share for
833 the RHNA to local government. She asked people to do a search for the word 'regional' in the
834 444 page document to see how many times they could find it. She stated that under "Impacts" it
835 was stated that one of the project impacts would be greenhouse gasses. In March of 2011 Mr.
836 Barrington introduced someone from Sierra Business Council and a representative of the Green
837 Communities Program and someone from PG&E to discuss greenhouse gasses. These agencies
838 are blatant Agenda 21. At the time, Mr. Barrington was a member of the American Planning
839 Association, about international planning. PG&E, SBC and the other people all work with
840 ICLEI, they aren't part of it they work in alignment with it. It is about international planning,
841 that is where it is coming from. Under the Energy & Climate Partnership of America, the Urban
842 Planning Initiative states that the Energy & Climate Partnership is funded by the US Department
843 of the State and lead by the APA. They are also members of the Planners Network who says that
844 they promote fundamental change in political and economic systems. This all based on the
845 United Nations attack on capitalism. The point is this that this is a blatant Agenda 21 movement,
846 a globalist movement. Exactly who do we envision living in these units? A big influx of
847 someone we don't know? Or do you have other plans?

848
849 Mr. Chuck Frank lives in Penn Valley. He stated that we are talking about project impacts,
850 studies, environmental concerns, complicated mitigation aspects which is a lot of money. He
851 asked who would pay for all the studies. Affordable housing ruined all of it; there is nothing
852 here about affordable housing considering all of the permit expenses because of the
853 environmental concerns. If we want to offer housing to more people who come into the County
854 it has to be affordable, it will not be with State mandates. The State has no idea of a budget, they
855 have a 45 billion dollar budget, who is paying for it? He asked the Commissioners to keep in
856 mind the equation that goes with affordability and the tax payers. Property owners are paying
857 way too much money in taxes in the County and not getting what they should from it. They will
858 be getting less from it by going into high density situations. What goes with high density? 16-
859 units per acre? That is a lot of people. All of the studies that have been done (by universities
860 and other places) show it becomes a volatile situation depending on the types of individuals that
861 are in these high density apartments or housing. When you have that many people it causes
862 problems. The end game for California and the nation is to bring all nationalities together in one
863 big happy family which doesn't happen. We already have sanctuary cities from California to the
864 East Coast and those people are somehow protected even if they are criminals. 10, 20 years
865 down the line, you will have people in the County that are undesirable and causing all types of
866 criminal activity which is already going on. We have mafia people in the County because of
867 growing pot. We have to think about the human impacts instead of environmental impacts. The
868 studies that were done with rats or mice living in high density they start fighting with one
869 another. A study that was done with a number of animals in a high density situation they all died

870 within 1 year. There is a huge stress factor that comes with high density - New York City,
871 Detroit. The County should think in terms of spreading it out more, not in high density. When it
872 comes to jobs, start up the saw mills, instead of growing marijuana. This is out of control.

873
874 Sharon Lewis stated that she and her husband manage Clear Creek Mobile Home Park. Site 13
875 on Carrie Ann Lane does not have an easement. She does not want them to get one. Carrie Ann
876 Lane is a privately owned street within the mobile home park. Due to the extra traffic and
877 narrowness of the roads she does not think it would be able to handle additional traffic. There is
878 a lot of foot traffic in the mobile home park and there are no sidewalks or room to put sidewalks
879 in.

880
881 Teresa Wagner lives on Indian Flat Road. She is a landlord in Sacramento. She owns 63-units
882 of high density studio apartments in Sacramento. The rule from the State is you can't
883 discriminate against 3 people in a 10'x 12' unit. The 699 units proposed would be like 2,097
884 people.

885
886 Mr. Tom Last, Community Development Director, Grass Valley. He expressed that he has gone
887 through several Housing Elements in his career and is sympathetic about the difficult process.
888 He pointed out that the City submitted a letter relative to the EIR. The first issue is that there is
889 no qualitative or quantitative analysis of the impacts to the City's wastewater collection system.
890 The Staff has noted several deficiencies with the collection system that the City has asked the
891 County address within the EIR over the past several years but it has been deferred to future
892 developers. Also the proposed zoning changes do create a significant inconsistency with the
893 City's General Plan and its vision for the community. This inconsistency is in conflict with
894 several policies of the County's General Plan as well as with agreements between the City and
895 County pertaining to land use decisions and how they will work together to achieve land use
896 balance within the community. Both agencies have agreed to cooperate together to address
897 common land use issues. The General Plan states that the County will not undermine the City's
898 planning effort in the Sphere of Influence. The third issue is the City's availability to provide
899 Fire and Police services. The purpose of the project is to address the County's un-met need to
900 provide housing opportunities to the low and very-low income residents of the community. That
901 is not adequately addressed or mitigated in the environmental document. The continued
902 concentration of high density residential in one area of the City places a significant burden on the
903 City to provide adequate services, particularly police and fire. The City also believes it is not
904 good long-term planning resulting in a healthy or sustainable community to cluster so much
905 density in one area of the City. The fourth item is that the City continues to note that there are
906 several more appropriate locations within the City that would not cluster the density that have the
907 available services. The City would like to work with the County to come up with a win-win
908 solution in this case. The County has recently redefined and changed the project description in
909 the EIR for the purpose of the rezone. Since 2010 the purpose was to provide high density
910 zoning to meet the County's un-met housing needs for the regional share of the very low and low
911 income housing. The recent change in the Final EIR, after the public comment period, has
912 removed all references to the very low and low income housing which undermines the integrity
913 of the CEQA process and could be a legal issue that should be discussed with County Counsel
914 and it creates a barrier to have a meaningful dialog with the City and community.

915

916 Mr. Jason Fouyer is the Major of Grass Valley, representing the City. He thinks the government
917 process is upside down. He feels like years ago the City Council and Planning Commission
918 should have sat down together and figured out what the combined vision was for the
919 communities. Staff had to go through a terrible process that was missing the point of what it is
920 that they want the community to look like. If that had happened, the plan would not be of
921 dropping 375 homes within the Brunswick Basin, already the most dense development of
922 affordable housing in Western Nevada County – stacking it on top of them in the most densely
923 inhabited low income area in Nevada County, placing an extreme burden on the City. The goal
924 of the housing needs assessment is social economic equality. What we are talking about is not
925 taking all of our low income folks and putting them in one particular area of the County, much
926 less one area of the community, much less, one neighborhood. This is placing 50% of the
927 County’s allotment into one neighborhood. That is a significant impact to that neighborhood.
928 There are 6,810 housing units within the City; 58% of them are rental units, meaning that 42% of
929 them are home owners. Putting 375 new units into the City Sphere of Influence which will
930 eventually become part of the City is not helping the City in their homeownership rates. The
931 City is not asking them to be taken out of the Sphere, only to spread them out in the Sphere so
932 one neighborhood would not be burdened with that density. The City is approaching
933 approximately 1,000 publically assisted rental units. What we are talking about is an additional
934 375 affordable housing units being added to the area that currently contains the majority of the
935 1,000 units. The City is passionate about this because they want to be proud of their community;
936 they want to lift themselves up. What we are talking about is Grass Valley taking on the burden.
937 When we are talking about social economic equality we are talking about the entire County, not
938 just the City or Penn Valley or Lake of the Pines unfortunately, we excluded the two wealthiest
939 communities, placing the burden on one of the lowest median incomes in the County. The City’s
940 current median income \$36,612, this is 36 percent below the County’s, and yet we feel it is right
941 to take 375 more units of affordable housing and put it into the City’s Sphere of Influence.
942 Referencing Mr. Last’s comments, he reiterated that both the County and City have General
943 Plans. The County GP states that it will not create conflicts with the City however, and that it
944 will not come into the Sphere and create greater density than what currently exists. The plan
945 almost doubles the density in the Sphere in the areas that are currently zoned. This is the County
946 policy, they don’t matter in this situation. The City constituents and the people that you
947 represent are depending on you to hold true to the policies. The City is not asking the units to be
948 removed and put into Lake of the Pines or Penn Valley, just spread around within the Sphere.
949 He stated that lastly, and most importantly, he hoped the County had been clear with the property
950 owners who may be making financial decisions based on the County rezoning, that while the
951 County is rezoning the property within the County, the properties will have to develop within the
952 City and since the City may not allow them to develop based on that zoning the owners could be
953 extremely disappointed. In a certain sense, we may be creating economic obstacles for them, it
954 is too bad that five years ago the two entities didn’t sit down and discuss the vision for the
955 community together as, he assured the Commission, they wouldn’t have agreed to throwing 375
956 more units into the most densely populated affordable housing. He asked the Commissioners to
957 do the right thing, reconsider and ask the Staff to move the density around in the Sphere. The
958 City is proud of the fact that they have the services, but the whole community shares in the
959 responsibility of taking care of these folks.

960

961 Dr. Kelly lives in Chicago Park. Dr. Kelly pointed out that she agreed with Mr. Travis, Ms.
962 Caler and Mayor Fouyer. She wondered if the Commissioners were aware that the allotment for
963 one cow was 10 acres per cow. PG&E is responsible for the San Bruno explosion as well as the
964 Hinkley water poisoning as disclosed by Erin Brokovich. Having them plan anything is what she
965 calls the gangreening of the County. She stated that she would like to share Penal Code 375.
966

967 Chair Duncan asked Dr. Kelly to focus her comments on the Housing Element.
968

969 Dr. Kelly read Penal Code 375 - Places of Public Assemblage - Injurious, Nauseous or Offensive
970 Substances, Use or Preparation and the Punishment: a) it shall be unlawful to throw, drop, pour,
971 deposit, release, discharge, expose or to attempt to throw, drop, pour, deposit, release, discharge
972 or expose in, upon or about any theater, restaurant, place of business, place of amusement or any
973 place of public assemblage any liquid, gaseous or solid substance or matter of any kind which is
974 injurious to person or property or is nauseous, sickening, irritating or offensive to any of the
975 senses b) it is unlawful to do this c)....
976

977 Chair Duncan reminded Dr. Kelly to focus her comments on the Housing Element.
978

979 Dr. Kelly stated that thousands of smart meters have exploded across the State, several have
980 burst into flames.
981

982 Chair Duncan reminded Dr. Kelly to focus her comments on the Housing Element.
983

984 Dr. Kelly stated that there has been loss of life, there has been no underwriter laboratory
985 certification of the smart meter, there has been no environmental impact study or report and they
986 are a violation of the constitution because they are illegal, unconstitutional wiretapping and she
987 would like that to be addressed.
988

989 Ms. Donna Jones lives in Penn Valley. She thanked the Commission for their patience during
990 the public process. She is in opposition to the plan in total. It dumps the entire mandate on very
991 small communities that don't need this kind of development. Urban high density is inappropriate
992 in Penn Valley it is a tiny, rural community. In the Brunswick Basin some of the community
993 features that are treasured is a place to have 4H kids with their FFA projects, ranches etc. is what
994 Penn Valley represents, outside the Lake Wildwood area. Adding urban high density which they
995 should not have in the first place, since it is inappropriate, they have a lot of small parcels out
996 there, it is a tiny community. The Brunswick area is being transformed from what it used to be.
997 The arenas that are there and Penn Valley's rodeo arena and two farm stores are the kind of
998 community values that matter to them. She appreciates Commissioner Aguilar's suggestion that
999 the project needs to go back to the drawing board to spread this out. When you go up to Truckee
1000 there are many ski resorts that are under-utilized that already qualify as high density housing.
1001 Maybe we can go that direction and call it some of that to make sure that if we absolutely have to
1002 go through the mandate it is spread equitably throughout the County instead of just dumping it
1003 on a couple of small areas.
1004

1005 Ms. Fran Freedle lives in South Nevada County. She appreciated the review and asked if there
1006 was a comprehensive housing and jobs balance review in the EIR and if there was an economic

1007 impacts analysis considering the fact that often times high density housing brings certain costs.
1008 She aligned herself with those who support the Tier 1 sites. She encouraged that the net be
1009 spread broadly. If someone in Truckee said that they don't want high density housing so don't
1010 include us that is unfair to Grass Valley. Truckee and Grass Valley are two population centers in
1011 the County. She expressed her view that the net needs to be spread so that some review is
1012 conducted in the Truckee area. She is sure there is a need for low income housing there. She
1013 asked if there was review of un-met housing needs as opposed to just meeting the State mandate.
1014 It sounds like others have requested that the net be spread and there be a little more analysis and
1015 she requests that that be done.

1016
1017 Ms. Nancy Pearce lives within walking distance of the parcels in Penn Valley. She is on the
1018 Board of Western Gateway Park & Rec District. She is speaking on behalf of the Board. The
1019 park consists of open space and recreationally developed space totaling 88 acres. Walkers,
1020 runners, dog owners, children on playgrounds, baseball and softball teams all enjoy it. The
1021 Board tries to provide a clean, safe and attractive space for those activities. The park is
1022 consistently rated as one of the best parks in Nevada County, but this comes at a cost: \$25,000
1023 per year for repair and maintenance, \$65,000 for payroll, \$25,000 for utilities. This is done with
1024 rental fees of the park and a parcel charge less of than \$13 annually per parcel for the parcels
1025 within the district boundaries. The key is the per parcel fee, that means no matter how many
1026 residences per parcel or how many people in the residences. The two parcels for consideration
1027 would provide \$26 per year, same as right now. Consumable janitorial supplies, soap, paper
1028 towels, toilet paper runs around \$9,000 annually now. High density housing built within walking
1029 distance of the park the usage by residents needing open and recreational space will significantly
1030 increase, without an increase in fee for service for those individuals. The Park has significant
1031 concerns about the rezoning of the parcels in question.

1032
1033 Ms. Pearce continued on her own behalf, and asked that the Commissioners consider the
1034 thoughts of Reinette Synum, former Mayor of Nevada City and current advocate of affordable
1035 housing in Nevada County. Her Wednesday newspaper column said that she no longer supports
1036 the village approach instead she supports an approach that would include a diverse range of ages
1037 and people where there is an exposure to some positive modeling by folks outside the world of
1038 low income and homelessness. Surely we can all agree that the projects in urban areas have not
1039 worked, decisions have consequences, vote in favor of the future of Penn Valley as the Chamber,
1040 the schools, business owners, park directors and current residents envision it.

1041
1042 Mr. Jim Driver stated that as an 82 year old living in Alameda and Oakland he remembered the
1043 projects there, they were never pretty.

1044
1045 Ms. Gladys Martinez owns the Penn Valley Shopping Center, the office building located on Penn
1046 Valley Drive. She thanked the commissioners for letting her talk about the traffic situation in
1047 Penn Valley. Penn Valley is willing to support rezoning the Tier 1 sites to help the County fulfill
1048 the County mandate to provide high density housing. However, rezoning more or larger sites in
1049 Penn Valley raises concerns about traffic circulation. Also the EIR assumes access from Site 13
1050 to Highway 20 across from Cattle Drive. Then the EIR discusses a landscape berm for noise
1051 attenuation that would prohibit access from Highway 20. The EIR did not clarify this
1052 discrepancy and discuss any changes to circulation depending on what access is deemed viable.

1053 If access to Highway 20 across from Cattle Drive is chosen, the EIR should have addressed the
1054 likelihood that this could occur by obtaining comments from CalTrans to determine if a signal at
1055 that location would be allowed because it is so close to the existing signal. It is her
1056 understanding that because Site 13 requires secondary access it may be routed on Carrie Ann
1057 Way through Creekside Village MHP. She is concerned that the impacts on the mobilehome
1058 community are not included in the EIR. Data provided by the Department of Transportation and
1059 Federal Highway Administration indicates that every household with children have 2.2 vehicles
1060 and households without children have 1.1 vehicles. The inclusion of Site 13 could potentially
1061 generate 179 to 231 vehicles in the Village Center. Each house is characterized as having 5.9
1062 trips per day, for a variety of reasons she listed, all generating a significant increase in traffic.
1063 Key intersections in Penn Valley will be impacted by increased traffic. It has been observed that
1064 currently the left turn lane from Highway 20 to Penn Valley Drive backs up onto Highway 20
1065 out of the turn lane creating dangerous conditions. Also the intersection on the south side of
1066 Highway 20 and Pleasant Valley Road is often congested due to the awkward, short stretch of
1067 road in that location. The three way intersection at Penn Valley Drive and Spenceville Drive in
1068 the Village Center is experiencing backups. Large numbers of new residents will impact these
1069 intersections and exacerbate existing traffic circulation shortfalls.

1070
1071 Mr. Mike Mastrodonado is the current resident manager of Penn Valley Mini Storage. Since
1072 notice of the Housing Element was received an overwhelming majority of residents including
1073 officials saw flaws in the mandate from the State, to the point that the County was successful in
1074 getting the State to reduce the number to less than half of what had been required. The County
1075 did its job in working with the State and the community has done their job in working with the
1076 County. He thanked Barrington and Foss for their countless hours of work answering questions
1077 and cooperation. He expressed that the goal is not to just work through this current plan, but that
1078 future housing elements do not have the same flaws going forward. As a County and community
1079 a sound program and acceptable working plan should be developed to transparently work
1080 together from this point forward and improve the process. The current Staff Report indicates that
1081 the Staff might prefer to use the recently completed, flawed EIR using willing owner candidate
1082 sites which is a flawed process. We are limited to these 17 sites identified for rezoning in the
1083 EIR as a basis for decisions relative to future five year Housing Element updates as well. Penn
1084 Valley strongly recommends the work completed in the current housing cycle not be used in the
1085 next cycle. Begin the next five year cycle from scratch. A number of additional sites could be
1086 identified working with the Staff and members of the community and the City of Grass valley.
1087 The Penn Valley Action Committee request that the Planning Commission recommend rezone of
1088 the Tier 1 sites only, eliminate the language in the EIR that states that the EIR is designed to
1089 provide an opportunity for decision makers to consider additional high density zoning to address
1090 further anticipated needs; eliminate the Staff Report language that highly recommends rezoning
1091 beyond the Tier 1 sites, Staff has concurred that the purpose of the report was included for
1092 information only and should have been reworded so he hopes that section of the report can be
1093 eliminated; when the next five year cycle begins initiate a new process for identifying candidate
1094 sites by casting a countywide net and utilizes rational planning principals with a well thought out
1095 process that involves the community and is not driven by willing owners or politics.

1096
1097 Ms. Christine Dickinson lives in Auburn. She pointed out that she and her husband wrote letters
1098 about the EIR. They share a boundary with Site 16. Most of the neighbors are rural with

1099 animals such as goats and sheep. The community already has a lot of developments that have
1100 been approved or are being built already. Her understanding is that the sanitation for the block
1101 between Highway 49 and Combie is going into the Lake of the Pines sanitation facility which
1102 has a limited amount of space. Cascade Crossing, approximately 1/3 of the way built, is tied into
1103 the LOP facility as is the CVS site all pumped up to Parcel 16 which has a small underground
1104 sanitation facility, so if Site 16 is turned into high density housing then you'll have to move
1105 whatever the commercial is using and tie it in to Lake of the Pines also. She agreed with the
1106 concept however, she does not feel that there are the public utilities available to continue to put
1107 high density housing because there are condos on one section, houses on another and several
1108 commercial developments all surrounding that parcel of property.

1109
1110 Mr. Michael Cook is a land use attorney with Cook, Heffner, Stark in Sacramento. He is
1111 representing the owner of Site 13. He doesn't think that RHNA incompliance will just result in
1112 not getting grants, a lot worse sanctions will be imposed so it is important to be in compliance.
1113 He has been through about 10 of these processes and has never been at a hearing where people
1114 are happy about the RHNA process. It is difficult for all concerned. However, it is necessary to
1115 get into compliance. The units are not necessarily affordable in that they get assistance, but in
1116 that they are high density at 16-units per acre. The plan submitted to the State has to be real in
1117 the sense that it can be doable, though they may or may not actually be built. He believes that
1118 willing property owner process is a good process as they can be hard to come by. He thinks
1119 some units will be lost due to some owners asking to get out of the zoning, and that they could be
1120 lost when the City annexes those properties. He agrees with the City, at some point an owner
1121 could later ask to get out. Even if units are not lost during the process today, the County could
1122 lose the ability to count at least a portion of them after the City annexes properties. 45% of the
1123 recommended units could be lost due to the City process. With the Staff recommendation of
1124 Tier 1 only there are 759 units, and that is only if all of them stay in there, no owners ask to get
1125 out, and none are lost in the City process, that results in only a 50-unit cushion. The commercial
1126 designation in Penn Valley that is planned to go from 12 to 36-units though the commercial
1127 zoning is being retained so those may never materialize either. The project in Lake of the Pines
1128 is 108-units though with public controversy it may end up to be just 44-units. Counting those up
1129 he is over 150-units that are questionable. He encouraged the Commission to do what Staff
1130 recommends, build some cushion so that the plan is legitimate and really works. He represents
1131 Site 13, which is a Tier 2, so it is in his interest to recommend it be included, but his point is that
1132 the Commission cannot walk away from the process nor can the plan as it is right now
1133 (recommending just the Tier 1 sites) be given to HCD with any real thought that it will fly.
1134 There are some technical issues. He stated that he and his client are happy to work with Staff,
1135 based on his experience with the process he felt that the report was very comprehensive and clear
1136 and that Staff did a good job.

1137
1138 Ms. Sara Johnson lives in Nevada City addressed the social programs and County behavior
1139 health based on an increase in population. Federal government, State government, American
1140 Psychiatric and American Medical Associations have all identified low and very low income as
1141 key risk factors for homelessness, child abuse, domestic abuse and substance abuse. What will
1142 increasing that sector of the population that mean to County behavioral health programs?
1143 Currently to see a psychiatrist a County Behavioral Health you must have a severe mental
1144 disorder and likely a substance abuse problem as well otherwise you'll be on the wait list for

1145 several years. One in four people struggle with some of the more common disorders, but you'll
1146 have to go to one of the non-profit organizations in the County. The County social programs are
1147 underfunded and the EIR doesn't take that into account. Fire, police, highway patrol would
1148 likely all echo her sentiments. In order to genuinely offer safe housing where these people can
1149 find a job and have access to emergency care to assure the County provide these services and
1150 have the social upward mobility the country is known for. If they are continued to be looked at
1151 as units or State mandates, we will burden the County and these people by drastically decreasing
1152 their quality of life. She stated that we should not stick them in slums, and that they deserve
1153 better than this.

1154
1155 Mr. Brent Dickinson lives adjacent to Site 16. He does not feel that the increase in valuation of
1156 the sites by gifting the rezoning to the sites has not been addressed, nor has the decreased value
1157 of adjacent properties been addressed.

1158
1159 Ms. Abigail Givens lives in the unincorporated area of the County, near Nevada City. She asked
1160 if there was a way to stop the pressure so that the Commission and the BOS has time to make the
1161 right decisions based on what the community wants for the whole County. What are the costs to
1162 the County from not complying with the mandates; what is the cost, when do the fees apply,
1163 when do the grants run out and when would they be levied? If there is a 50% compliance level
1164 would the County only lose 50% of the goodies? Living in a close group without the internal
1165 support that it takes such as other cultures may have like the Japanese Americans don't live so
1166 close together very well. Many projects from the 30's, 40's and 50's that were government
1167 supported at the time are now torn down. The system just doesn't work well that way. She
1168 appreciated the Staff's work however things have changed since the process began. One of them
1169 is changes to water health and social problems from the pot growers. Inviting more people in
1170 that are even at more risk, how will we support more people and encourage them not to
1171 participate when we cannot provide social services and police now to our meth addicts and other
1172 kinds of drug addicts? While she doesn't live in Grass Valley or Penn Valley, the damages to
1173 the County may still directly affect her and she will help if she can.

1174
1175 Ms. Martinez stated that she was involved in three different things like this. 1945, 1946 and
1176 1947 in San Francisco, then within 10 years they were all torn down. Also she was involved in it
1177 in Woodside. That didn't work. None of them worked. She lived in tents from 1932 to 1954
1178 she supports the Tier 1 but stated that the Commission should be very careful and search their
1179 minds for what will happen.

1180
1181 Chair Duncan closed the public hearing at 4:33.

1182
1183 Principal Planner Barrington stated that he would respond to the non-CEQA related questions
1184 and have Mr. Jewell respond to the more technical questions. Responding to Ms. Driver's
1185 question about parcels in Penn Valley he stated that of all the sites that were reviewed in Penn
1186 Valley the maximum possible number of units was 343-units with a recommendation of only 81-
1187 units. There is no tie to Agenda 21 in this project. The State is requiring the County to look at
1188 future growth of the County. If the County stays the same as it is today, no family housing will
1189 be needed. But it won't, things change, the purpose is to appropriately plan for the housing for
1190 our children and service workers that don't make more than the median income. There is no

1191 requirement that the units be deed restricted or affordable however, there is that potential. The
1192 question about non-compliance consequences was brought up several times. Several things
1193 could happen: first, the State could decertify the housing element meaning the County would no
1194 longer be eligible for grant funding, such as the approximately \$5.5 million to provide sewer to
1195 Penn Valley; a potential for lawsuits when taking actions on land use decisions as one of the
1196 criteria for findings is that a project is consistent with the General Plan – without a certified
1197 Housing Element the General Plan is not adequate and it would be difficult to make findings that
1198 a project is consistent with the General Plan; and finally, the State has the ability has to post a
1199 moratorium on the issuance of building permits in the County. In response to the question about
1200 the potential amount of people that could be in the units he stated that the American
1201 Communities 2008 – 2012 survey found that the unincorporated areas of Nevada County has 2.3
1202 people per unit. It is anticipated that this would likely be the number however this is an exercise
1203 in future planning, it is unknown what the population of the County will be and it is up to the
1204 market to dictate whether or not development of the sites is feasible or not.

1205
1206 Regarding the Highway 20 access issue, Planner Barrington stated that the Draft EIR proposed it
1207 but the Final EIR struck it as Caltrans commented that Highway 20 access would not be allowed.
1208 The final map that created Site 13 shows an access easement through the Clear Creek
1209 Mobilehome Park. The property owner also has an access easement through Site 10 and Site 11.

1210
1211 In response to questions about who would be living in these potential units Planner Barrington
1212 stated that with future growth it could be our families or people moving here for the quality of
1213 life the County offers.

1214
1215 Planner Barrington responded to Mr. Frank’s question about who was paying for the project.
1216 Tax payers have paid for the process through the County General Fund. The County has spent a
1217 significant amount of money on the process and more money would be spent if the plan were
1218 scrapped to start over.

1219
1220 In response to the City’s comments about police, fire and sewer services, Planner Barrington
1221 stated that the EIR was revised to include the conveyance and collection system to recognize the
1222 Loma Rica Ranch EIR project which surrounds Sites 3, 5 & 6, it is approximately 700-units of
1223 varied densities and also has hundreds of thousands of industrial and R&D space as a part of that
1224 project.

1225
1226 Planner Barrington responded to Ms. Freedle’s comments about a job to housing balance study
1227 was not done to save tax dollars and it was not a part of the original budget from the BOS.

1228
1229 Chair Duncan interjected that it was not required and Planner Barrington concurred.

1230
1231 Planner Barrington stated that the Staff Report contains information on the unmet needs
1232 statistics, as partly outlined by Mayor Fouyer, and offered to show the Commissioners if they
1233 would like. They did not.

1234
1235 Planner Barrington responded to the Board of Gateway Park comments about the recreation fees
1236 that would be generated by the potential development. Any development is required to pay a

1237 Park and Recreation mitigation fee, based on the number of units, it is an upfront fee at the time
1238 of development, the parcel charge is annual fee. A park such as Gateway Park would be
1239 conducive to supporting affordable housing and this type of project; it is an asset to the
1240 community and to people who may live in the area in the future.

1241
1242 Planner Barrington stated that he had recently spoken with the Assessor's office to ask about
1243 whether or not rezoning a property triggers a new property assessment. A new assessment would
1244 only occur at the time of a change in ownership or sale of the property so changing the zoning
1245 designation does not change the assessed value of the property.

1246
1247 In response to the City's comments about the number of total units increasing in their Sphere
1248 Planner Barrington presented a slide showing the comparison between the City's General Plan
1249 designation versus the County's proposed designation. If the Commission were to approve the
1250 rezoning of the Tier 1 sites, it would actually result in a reduction in the zoning densities
1251 comparable to the City's but it would result in an increase in the allowable General Plan
1252 designations as the County's General Plan does allow 20-units per acre in the Sphere of
1253 Influence. With the project the proposal is an ultimate density which does not go beyond what it
1254 is zoned to. While there are some inconsistencies, that policy says that the County's designations
1255 shall be generally consistent with the City's designations. With less zoning density allowed, as
1256 the zoning actually dictates how many units can be built, the County is adhering to that policy.

1257
1258 Mr. Jewell noted that relative to impacts to schools, the EIR notes that projects will be required
1259 to pay school impact fees which are required at the building permit stage and are based on square
1260 footage. Regarding the availability of services, the EIR mitigation measures require proposed
1261 developments to show adequate fire and police services prior to obtaining permits from the
1262 County. The EIR was revised at the Final EIR stage to note that formation of a tax assessment
1263 district for those properties would be considered adequate mitigation to help for pay for these
1264 services. Responding to Squirrel Creek flooding related to Sites 10, 11 and 13 he stated that
1265 there is mitigation in the EIR that requires an Environmentally Sensitive Area be placed on areas
1266 within those sites that are within the 100-year floodplain as well as any sensitive habitat
1267 associated with riparian area and this would preclude development. Also, storm water
1268 management plans would be required for each property to ensure that storm water would not be
1269 increased in post development conditions. Relative to access questions for Site 13, he stated that
1270 the EIR was revised to reflect comments from CalTrans that direct access would not be allowed.
1271 When projects are submitted for the design review and building permit stage they will be
1272 reviewed by police and fire districts before they can get approval of the site.

1273
1274 Chair Duncan interjected that the developers would have to demonstrate legal access.

1275
1276 Mr. Jewell and Planner Barrington concurred.

1277
1278 Mr. Jewell responded to several questions about wastewater capacity for the sites. He noted that
1279 there is mitigation in the EIR that requires each project to prepare a sewer capacity study
1280 demonstrating the existing capacity as well as post-project capacity. If the study shows there is
1281 not enough capacity available, the developer would have to pay to either provide the pipeline to
1282 the nearest main and/or if the plant itself does not have enough capacity they would have to pay

1283 to increase the capacity. There is a provision that a developer could enter a reimbursement
1284 agreement so if they pay for the improvements and another developer comes along later then
1285 they could collect some money back for the payment of those improvements.

1286
1287 Chair Duncan stated that this is the standard County practice that is implemented on projects.

1288
1289 Planner Barrington agreed.

1290
1291 Mr. Jewell responded to comments from the City regarding distribution of sites and alternatives.
1292 He noted that the EIR includes an alternative for sites on East Bennett Road, removing some
1293 sites from the cluster on Brunswick, as requested by the City during the NOP scoping period.

1294
1295 Mr. Jewell touched on the park facilities and park fees comments by stating that there is a
1296 mitigation measure in the EIR requiring an applicant to pay their fair share of park fees at the
1297 time of building permit based on whatever fees are current at that time.

1298
1299 Regarding traffic in Penn Valley at the intersection of Pleasant Valley Road & Penn Valley Road
1300 and Highway 20, Mr. Jewell stated that the EIR analyzed those intersections based on trip
1301 generation rates from the Institute of Traffic Engineers as well as recommended by the CalTrans
1302 Highway Capacity Manual and found both the intersections would operate at Level C which is
1303 the County's acceptable Level of Service.

1304
1305 Mr. Jewell stated that like the other sites, the Lake of the Pines site developer would be required
1306 to demonstrate adequate sewer capacity.

1307
1308 Planner Barrington added that the EIR reviewed the Northstar property as an alternative. The
1309 site was rejected for reasons outlined in the EIR as was Kenny Ranch which is outside the City
1310 of Grass Valley Sphere of Influence but within their Area of Concern and the Berriman Ranch
1311 site. The EIR did review other sites as requested by the City. The majority of those sites do not
1312 have willing property owners. In fact the East Bennett site property owner requested not to have
1313 their site rezoned to high density residential on two occasions.

1314
1315 Chair Duncan stated that Staff undertook that with Board direction.

1316
1317 Planner Barrington confirmed.

1318
1319 Chair Duncan asked her fellow Commissioners if they had further questions.

1320
1321 Commissioner Aguilar stated that he wanted to honor the City of Grass Valley's concerns about
1322 the density around the Glenbrook area. It is important for the two governmental agencies to
1323 work together. As a representative of the Grass Valley area he cannot support the project as it is
1324 currently proposed. The City has asked that the density be spread around and the City is going to
1325 have the bulk of the burden. He felt that meant the criteria might need to be changed, perhaps
1326 rezoning property with unwilling property owners. He was not confident that that issue was
1327 explored in depth. He also doesn't understand not accepting package plants. This type of
1328 meeting brings these issues and points to light. Maybe this has to go to the Board of Supervisors

1329 to change the criteria. The people have spoken, this is not what they are looking for. The City of
1330 Grass Valley has stated that they will take it on but they want it spread around. Were Truckee
1331 owners asked if they would take any? A commercial property owner in Truckee might invite
1332 that type of thing. He supports the City. Penn Valley nailed it with the Tier 1. Grass Valley
1333 needs some more dialogue.

1334
1335 Chair Duncan asked Principal Planner Barrington to respond to the Truckee discussion.

1336
1337 Principal Planner Barrington stated that outside the Town of Truckee town limits with the
1338 exception of the Hirschdale area it is mostly forested land. Moving towards the other direction is
1339 Placer County. West is Donner Lake which is built-out for the most part. The only real potential
1340 location is the Hirschdale area which has no public sewer and would require a significant
1341 extension. Another potential area would be around the airport which does have sewer but is
1342 mostly industrial and not conducive to this type of housing. If the town had smaller limits with
1343 fringe areas that had some transition of residential units it would be more conducive to look at.
1344 The Soda Springs area could make some sense it but it has relatively small parcel sizes which are
1345 limiting. The update on the Soda Springs Area Plan is currently underway and Staff plans to
1346 look at whether or not there is some appropriate higher density zoning there. No property
1347 owners were engaged as none of their properties made it onto the candidate rezone list in the
1348 2009 – 2014 Housing Element.

1349
1350 Commissioner Aguilar said if this was approved, the BOS would hear from their constituents.
1351 They would have an opportunity to do a little bit better planning. He stated that Principal
1352 Planner Barrington had fulfilled his mandates and criteria beautifully as they were given, but the
1353 politicians have changed, economics have changed, the situation is in flux and more discussion is
1354 needed, spreading out in Grass Valley and then they could present something to the Board that
1355 everyone can be pleased with.

1356
1357 Chair Duncan asked if the BOS still wanted willing owners.

1358
1359 Principal Planner Barrington said yes. He noted that this is a difficult process and the Planning
1360 Department has not found it to be the most favorable project they have worked on, but working
1361 within the criteria that they were given, he feels it is the best possible recommendation. The
1362 intention was to give a menu of options to the Commission so if they felt other sites were more
1363 suitable it is their purview to do so.

1364
1365 Chair Duncan restated that a recommendation could be made to the Board that included a
1366 substitution of different sites, for example the City would like the sites spread out more.

1367
1368 Principal Planner Barrington said yes, within those 17 sites.

1369
1370 Commissioner Aguilar stated that it meant that the shift would go to Penn Valley which is not
1371 what they are looking to do. He stated that is why a harder look needs to be taken at Northstar
1372 for example. He thinks it is a discussion that the City has to have with Planning Staff and
1373 potential property owners. He stated that Staff is saying that it has been done exhaustively, but
1374 he is not getting that from the City.

1375
1376 Planner Barrington stated that yes, they have talked to the City, but not to Northstar property
1377 owners on this project.
1378
1379 Commissioner Aguilar stated that is a grand opportunity to do some shifting.
1380
1381 County Counsel Barratt-Green spoke up about packaged plants and listed a number of reasons
1382 the Board has a policy against them. The County has historically had problems with them, as
1383 have a number of other jurisdictions. They are far more costly and troublesome than a more
1384 traditional plant. The costs have to be passed on to rate payers which results in greater
1385 investment in staff time. The Water Quality Control Board oversees them, discourages use of
1386 them and there is a question as to whether or not that type of plant would be approved by them.
1387 In 2010 the Board adopted a policy prohibiting the use of packaged plants in response to those
1388 concerns.
1389
1390 Commissioner Aguilar asked if HCD would approve a packaged plant.
1391
1392 County Counsel stated that we could not represent to HCD that it would work as the Water
1393 Board is highly unlikely to license a new package plant and the direction from the Water Board
1394 to the County has been to try to consolidate existing plants wherever feasible. As well as the
1395 existing Board policy.
1396
1397 Commissioner Aguilar wondered if that included septic systems as packaged plants are really
1398 just large septic systems.
1399
1400 County Counsel replied that individual systems are still allowed under County code.
1401
1402 Commissioner Aguilar wondered why we couldn't do that.
1403
1404 County Counsel replied that higher density housing has to comply with different standards than a
1405 single family residential unit.
1406
1407 Commissioner Aguilar stated that it is just a bigger septic system.
1408
1409 County Counsel clarified that it is 5-units per septic system.
1410
1411 Planner Barrington stated that after 5 it becomes a package plant.
1412
1413 Commissioner Aguilar understood.
1414
1415 Commissioner Jensen stated that he lives in a subdivision that was once Forest Service land. He
1416 asked if there is property around the area that is Forest Service land that could be zoned to meet
1417 the criteria even though it would be up to a developer to purchase the land or trade for it.
1418
1419 Principal Planner Barrington stated that he wasn't sure, however those types of areas do not
1420 typically have sewer, roads, etc.

1421
1422 Commissioner Aguilar asked about flex zoning where an unwilling property owner could say
1423 they would take on the higher density zoning as long as they have the flexibility to do C1 and let
1424 them choose in the future.

1425
1426 Principal Planner Barrington replied that there are no criteria for that in the code at this time. An
1427 interim use, lesser use, with a demonstration that there would still be adequate area to
1428 accommodate the minimum units could be approved. These are policy decisions from the Board
1429 that Staff is implementing.

1430
1431 Commissioner Aguilar understood that. In the next go around maybe some of the policy issues
1432 could be looked at.

1433
1434 Commissioner Poulter asked if handwritten page 94 was what she would use to make a motion.

1435
1436 Planner Barrington confirmed this was correct.

1437
1438 **Motion by Commissioner Poulter** to recommend certification of the Final Environmental
1439 Impact Report (EIR12-002) to the Board of Supervisors **second by Commissioner Jensen.**
1440 **Commissioner Aguilar voted no. Motion carried on a voice vote 3/1, Commissioner James**
1441 **recused himself.**

1442
1443 **Motion by Commissioner Poulter** to recommend approval of the General Plan Amendment
1444 (GP12-002) to the Board of Supervisors, **second by Commissioner Jensen. Commissioner**
1445 **Aguilar voted no. Motion carried on voice 3/1, Commissioner James recused himself.**

1446
1447 **Motion by Commissioner Poulter** to recommend approval of the Zoning Map Amendment
1448 (Z12-002) to the Board of Supervisors, **second by Commissioner Jensen. Commissioner**
1449 **Aguilar voted no. Motion carried on voice vote 3/1, Commissioner James recused himself.**

1450
1451 A discussion on upcoming hearings and projects ensued regarding the upcoming schedule and
1452 the status of the Dollar General projects. Planning Director Foss stated that a request for
1453 proposals for an EIR on all three sites was being prepared to be sent out.

1454
1455 **Motion by Commissioner Jensen; second by Commissioner Aguilar to adjourn. Motion**
1456 **carried on voice vote 4/0.**

1457
1458 There being no further business to come before the Commission, the meeting was adjourned at
1459 5:15 p.m. to the next meeting to be held on September 3rd at 1:30 p.m. in the Council Chambers,
1460 Town Hall, 10183 Truckee Airport Road, Truckee.

1461 _____

1462
1463 Passed and accepted this 24th day of September, 2015.

1464
1465 Brian Foss (jm)

1466 Brian Foss, Ex-Officio Secretary