



NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memorandum

MEETING DATE: June 9, 2026

TO: Board of Supervisors

FROM: **Brian Foss, Planning Director**

SUBJECT: A public hearing to consider the Planning Commission's April 16, 2026, 5-0 recommendation to the Nevada County Board of Supervisors, to adopt a Resolution approving the proposed Negative Declaration (EIS25-0001), prepared in accordance with the California Environmental Quality Act (CEQA) for the proposed amendments to the Nevada County General Plan, Chapter 10, Safety Element; and to adopt a Resolution approving the revisions to the Nevada County General Plan, Chapter 10, Safety Element (GPT25-0001).

RECOMMENDATIONS: The Planning Commission has recommended that the Board of Supervisors take the following actions:

- I. **Environmental Action:** After reviewing and considering the proposed Negative Declaration (EIS25-0001), adopt the attached Resolution approving the proposed Negative Declaration (EIS25-0001) (*Attachment 1*).
- II. **Project Action:** Adopt the attached Resolution approving the proposed amendments to the Nevada County General Plan, Chapter 10, Safety Element update (GPT25-0001) (*Attachment 2*).

FUNDING: This project was prepared as part of the Planning Department's Fiscal Year 25/26 Budget. No Budget amendments are required.

ATTACHMENTS:

1. Proposed Resolution and Initial Study/Negative Declaration (EIS25-0001)
2. Proposed Resolution and Safety Element Update (GPT25-0001)
3. Proposed Safety Element with Track Changes
4. Public and Agency Comments
5. April 16, 2026 Planning Commission Hearing Minutes
6. April 16, 2026 Planning Commission Staff Report without Attachments

BACKGROUND:

The Safety Element identifies areas where private and public decisions on land use need to be responsive to potentially hazardous conditions, and also serves to inform individuals, firms and public agencies of Nevada

County's policies regarding appropriate levels and locations of public services, such as Sheriff's and Fire protection. State law requires that the general plan takes a long-term perspective, since it is a guide that may be in place over several years and affects current and future generations. The last update to the Safety Element occurred in 2019/2020. This update is required pursuant to Government Code Section 65302(g), upon the County's recent adoption of the Housing Element (2019) and the 2026 update to the Local Hazard Mitigation Plan. This code section has requirements for what a Safety Element must contain and when updates are required. The draft Safety Element has been prepared to meet the requirements of Government Code Section 65302(g).

PROJECT DESCRIPTION:

The project being proposed is for an update to the General Plan's Safety Element (Chapter 10). The draft Safety Element is being presented to the Planning Commission for consideration and a recommendation to the Board of Supervisors. The Safety Element addresses potential and existing hazards in the County, which are outlined in the following categories: Emergency Preparedness, Geological Hazards/Seismic Activity, Flood Hazards, Airport and Military Airspace Hazards, Hazardous Material and Mining Hazards, Public Safety Services and Facilities, Fire Hazards and Protection, and Severe Weather Hazards. Senate Bill 379 (approved in 2015) requires that the risks of climate change are identified in the Safety Element update, and Senate Bill 1000 (approved in 2016) requires that environmental justice policies and goals are integrated into elements of the General Plan. To comply with these requirements, two additional categories for Climate Change Resiliency and Mitigation, and Environmental Justice and Vulnerable Populations were added to the previous Safety Element with additional policies added under this amendment. Pursuant to the California Office of Land Use and Climate Innovation (LCI), all California cities and counties shall revise the Safety component of the General Plan to meet the evacuation mandates set by SB 99 (2019) and AB 747 (2019). Collectively, these regulations require local government jurisdictions to include in their Safety plans both residential developments in all areas designated as a hazard area lacking a minimum of at least two emergency evacuation routes and the details of evacuation routes, including their capacity, security, and functionality for various emergency circumstances and events.

This Safety Element update has taken into account both SB 99 (2019) and AB 747 (2019) by utilizing the information provided in the *2024 Nevada County Evacuation Study*, which assisted with developing additional policies that address Safety plans both residential developments in all areas designated as a hazard area lacking a minimum of at least two emergency evacuation routes and the details of evacuation routes, including their capacity, security, and functionality for various emergency circumstances and events. Additionally, this Safety Element update has also taken into account AB 2238 (2022), establishes a statewide, health-based ranking system for extreme heat waves to improve public safety and emergency response. The 2025 Nevada County LHMP was utilized as a part of the amendment to address Extreme Heat and establish policies to address potential Extreme Heat events in Nevada County. Throughout the rest of the Safety Element there have been several other revisions, to include but not limited to: 1) updating the data, information and references with more current sources; 2) incorporating additional language to comply with new and/or amended California State Laws; 3) revising policies where progress has been made or where changes in situations have occurred; 4) breaking up the Hazardous Materials and Mining Hazards section into two (2) separate sections and providing additional new policies for both; and 5) incorporating the 2025 Nevada County LHMP.

Among several sections that have been updated to include more relevant information, the draft Safety Element removed specific details and requirements that are in policies and regulations that can frequently change. By referencing these requirements instead of listing the specific details of the requirements, the Safety Element will maintain relevancy and can be utilized appropriately as a long-term policy guide. The update includes the incorporation of the LHMP and current information on hazards associated with wildfires, including emergency preparedness, evacuation planning, fire safety and protection, extreme heat, and fuels management. Specifically, there are several proposed revisions to the Public Safety Services and Facilities section to include more

information regarding critical facilities in Nevada County, several proposed revisions/additions to the Fire Hazards and Protection section to include updated information on wildfire data and to provide additional policies, several proposed additions/revisions to the Severe Weather Hazards section and policies to account for extreme heat, and several proposed revisions/additions to the Emergency Preparedness section and policies. Finally, several additions/revisions to both the Environmental Justice and Vulnerable Populations and Climate Change Resiliency and Mitigation sections and policies.

PROPOSED AMENDMENTS:

The draft Safety Element and the attached version with track changes (*Attachment 3*) has all of the proposed revisions to the Safety Element. The list of proposed amendments below is a brief summary of revisions to each category in the Safety Element.

1. Introduction and Setting:

- Provided the purpose of the Safety Element and separated Hazardous Materials from Mining Hazards and Mitigation. Environmental Justice was updated to include Vulnerable Populations.

2. Statutory Requirements:

- This section has been updated to the Safety Element to reflect the change from the Governor's Office of Planning and Research to the Governor's Office of Land Use and Climate Innovation, minor text amendments to the Federal Emergency Management Agency, the Nevada County Office of Emergency Services, the California Department of Forestry and Fire Protection, and the California Geological Survey of the Department of Conservation.

3. Emergency Preparedness:

- Land Use Influences – Minor text amendments to update GIS map.
- Emergency Plans and Guides – Hazards from the Local Hazard Mitigation Plan (LHMP) have been updated in the Emergency Plans and Guides discussion, along with minor text edits and the removal of expired information/dates.
- Emergency Notification System – Minor text edits and updated information.
- Evacuation Planning – New information regarding the 2024 Nevada County Evacuation Study for vulnerable areas for evacuation, new information regarding the READY Nevada County Extreme Climate Event Mobility and Adaptation Plan for evacuation planning, minor text edits to clean up language.
- Policies – Several policy updates have been made and three (3) new Policies have been added.

4. Geological Hazards/Seismic Activity:

- Minor text amendments to clean up language.
- Addition of discussion regarding the Polaris and Dog Valley faults present in eastern Nevada County.
- Policies – Redundant and impractical policies were removed.

5. Flood Hazards:

- Flooding – Minor text amendments and added information on frequency, causes of flooding, and impacts.
- Dam Failure – There have been several revisions to this section, including the categories for downstream hazard potential, and a list of dams in Nevada County that have a hazard rating of significant, high and extremely high.
- Seiches – No changes.
- Policies – No changes or additions to this section.

6. Airport Hazards:

- Airport Land Use Compatibility Plan – Minor text amendments.
- Military Airspace Compatibility – No changes.
- Program – No changes.

7. Hazardous Materials:

- Minor text amendments and additional information on mining hazards.
- Policies – Text amendments have been made to existing policies.

8. Mining Hazards:

- This section was added to separate Hazardous Materials and Mining Hazards and to address Mining Hazards in Nevada County.
- Addition of information regarding contaminated sites in Nevada County.
- Discussion of past history of mining and abandoned mines and the relation between past mining activities and subsidence.
- Discussion of primary agencies with regulatory oversight for the assessment, cleanup, and long-term management of hazardous materials related to legacy mining.
- Policies – The addition of three (3) new policies specifically related to mining hazards and environmental site assessments. Please see the added Policies below:
 - i. **Policy MH-10.6.3** The County shall require Phase I Environmental Site Assessments (ESAs) consistent with ASTM standards for proposed development projects requiring discretionary approval on or adjacent to properties with known or suspected legacy mining activities.
 - ii. **Policy MH-10.6.4** The County shall support the Department of Environmental Health in its advisory role to developers regarding environmental site assessments and appropriate agency referrals for oversight and remediation.
 - iii. **Policy MH-10.6.5** The County shall condition discretionary approval on the identification, evaluation, and mitigation of environmental or physical hazards related to legacy mining. Physical hazard mitigation shall be reviewed and enforced through the appropriate County Departments.

9. Public Safety Services and Facilities:

- Background – Completely new background information provided.

- Critical Facilities/Community Lifelines – New information regarding the types of critical facilities/community lifeline facilities in Nevada County. References to the current LHMP included.
- Policies and Programs – There have been text amendments to the policies in this section and the addition of two programs.

10. Fire Hazards and Protection:

- Wildland Fires – There have been several revisions and additions to this section in order to update information on hazards, causes of hazards and wildfire behavior. References to most destructive past fires and the amount of damaged they caused have been updated. References to the current LHMP included.
- Nevada County Code Sections – Updated Code sections have been included and removed old Code references as applicable.
- Policies and Programs – There have been text amendments to existing policies and programs. New policies and programs have been added to this section and some have been combined. Outdated policies and programs have been removed.

11. Fire Safe Infrastructure:

- Fire Safe Circulation – Minor text amendments and updated information.
- Roadside Vegetation Management – Minor text amendments and updated information.
- Emergency Water Storage – Minor text amendments and updated information.
- Critical Facilities and Populations at Risk – This section has been updated. Minor text amendments and updates on facilities that provide services has been included.
- Fire Agencies and Support Organizations – Information was clarified and discussion of the Interagency Wildfire Air Attack Base, the White Cloud Helitack base, the Washington Ridge Conservation Camp, and the Fire Safe Council has been updated. New information regarding Tahoe Helitack included.
- Fire Protection Regulations – Minor text amendments. Applicable Nevada County Code section reference updated.

12. Fire Protection Plans and Programs:

- Federal and State Plans – Minor text amendments have been made and references to the current LHMP and CWPP.

13. Severe Weather Hazards:

- Wind, Lightning, Snow (Blizzards), Drought, and Heavy Rain – Several additions and minor revisions to this section have been made to add current information and more detail on these hazards. References to the current LHMP included.
- Extreme Heat – New background information included to add information regarding extreme heat including Figure 10.4.
- Minor text amendments and additional information on severe weather hazards.
- Policies – New Policies have been added to this section in regard to extreme heat.

14. Climate Change Resiliency and Mitigation:

- Minor text amendments and additional information on climate change resiliency and mitigation. New information regarding the Resource Resiliency Roadmap included. References to the current LHMP included.
- Policies – Text amendments have been made to existing Policies and one (1) new Policy has been added to this section.

15. Environmental Justice and Vulnerable Populations:

- Environmental Justice – Information added about what the Environmental Justice element purpose is and what the element promotes.
- Policies – Three (3) new Policies have been added to this section.

AGENCY REVIEW AND PUBLIC COMMENTS:

Planning Department staff started consultation on the Safety Element update in March of 2025. The County sent local Native American tribes a request for consultation letter, pursuant to Senate Bill 18 (Burton) and Assembly Bill 52 (Gatto) on March 18, 2025. Subsequently, Staff started consultation with local fire districts, the Community Development Agency (CDA) Departments, the County Office of Emergency Services, and the California Department of Forestry and Fire Protection to collect feedback and start making revisions to the draft Safety Element. An updated draft of the Safety Element was completed and a letter requesting comments was distributed on April 3, 2026, to all agencies, homeowner associations, and special interest groups on the Planning Departments distribution list. In all, the request for comments was sent to approximately 280 agencies, departments or groups. A hard copy of the draft was sent to the local public libraries and was available at the Planning Department and the Board of Supervisor’s office for review. A draft of the Safety Element was also posted to the Planning Department’s webpage for review.

As required by State law, the Safety Element update was submitted to the California Board of Forestry and Fire Protection for review. The draft Safety Element was reviewed by the Board on December 3, 2025. The review includes an assessment to determine if the Safety Element meets the fire safety planning requirements that are outlined in Section 65302. The assessment determined that the Safety Element update is adequate for meeting fire safety planning requirements, and no recommendations were provided. Required reviews by Cal OES (Governor’s Office of Emergency Services) and the California Geological Survey have been completed, with comments being incorporated into the proposed Safety Element update.

The Planning Department also received comments from the Town of Truckee Disaster Preparedness Department, the Nevada County Office of Emergency Services (OES), and the California Geological Survey (CGS). All applicable comments for appropriate content in a Safety Element were added to the proposed draft. For the full discussion on agency comments and revisions to the draft Safety Element, please see the April 16, 2026, Planning Commission Staff Report (*Attachment 7*). All public and agency comments are also included as *Attachment 5* to this staff report.

ENVIRONMENTAL REVIEW:

The changes which are proposed to the Safety Element are strictly policy document text amendments only. The adoption of the proposed Safety Element updates would not grant any land use entitlements for development projects, and it would not cause any physical changes. Therefore, the proposed update to the Safety Element is not anticipated to create significant impacts to environmental resources. The Nevada County Planning Department has prepared a draft Initial Study/Negative Declaration (ND) for the proposed project that was circulated for a 30-day public comment between January 23, 2026, and February 23, 2026 (*Attachment 1*). The

Notice of Availability (NOA) was sent to all agencies, homeowner associations and special interest groups on the Planning Departments distribution list. Additionally, the Initial Study and proposed Negative Declaration were sent to the State Clearinghouse for review by the responsible state agencies, and notices for the Initial Study and the proposed Negative Declaration were posted in *The Union* and the *Sierra Sun*. As of the writing of this staff report (March 24, 2026), no written comments on the Initial Study and proposed Negative Declaration have been received.

PLANNING COMMISSION ACTION:

The Nevada County Planning Commission held a public hearing on April 16, 2026, and considered both the proposed Negative Declaration (EIS25-0001) and the proposed Safety Element (GPT25-0001). Planning staff presented the proposed 2026 Safety Element and provided an overview of the proposed project and the proposed actions being taken. As part of the hearing, the Planning Commission took public comment on the proposed Safety Element update, and there were no public comments during the hearing. After public comment concluded, Commission Chair Danny Milman asked a few questions regarding the new separated Mining Hazards section, the new policies added to the Mining Hazards section, and if these new policies would have impacted the Rise Gold project applied for in the past. Staff advised that the new policies wouldn't change future projects but instead focuses on legacy mine cleanup and identifying hazards, either through abandoned shafts or chemical contamination and encouraging, basically, studying and analyzing where those are, where they may be, and then coordinating with the California Department of Toxic Substances Control (DTSC), the state, or property owners to help clean up those legacy mine hazards.

At the close of the public hearing, after reviewing and considering both the proposed Negative Declaration (EIS25-0001), prepared in accordance with Section 15074 of the California Environmental Quality Act, and the Safety Element Update (GPT25-0001), and taking public comment, the Nevada County Planning Commission recommended on a 5-0 vote that the Nevada County Board of Supervisors adopt the attached Resolution approving the proposed Negative Declaration and the attached Resolution amending Chapter 10 of the Nevada County General Plan.

SUMMARY:

State law requires that the Safety Element is updated because of the recent updates to the Housing Element and the adoption of the Local Hazard Mitigation Plan. Senate Bill 379 (approved in 2015) requires that the risks of climate change are identified in the Safety Element update, and Senate Bill 1000 (approved in 2016) requires that environmental justice policies and goals are integrated into elements of the General Plan. To comply with these requirements, two additional categories for Climate Change Resiliency and Mitigation, and Environmental Justice and Vulnerable Populations were added to the previous Safety Element with additional policies added under this amendment. Staff worked with local fire districts, the Office of Emergency Services (OES), County departments and agencies, and several other groups to ensure that the Safety Element has the most current information and Goals, Policies and Programs to address short and long-term hazards in Nevada County. The updated 2025 Local Hazard Mitigation Plan (LHMP) has been incorporated into the draft Safety Element and all of the required agencies, including the California Board of Forestry, California Geological Survey, and Cal OES have reviewed the draft Safety Element. With the removal of outdated regulations and by referencing current regulations, the Safety Element will maintain relevancy and can be utilized appropriately as a long-term policy guide. Upon approval of this update, the Safety Element will not be required by State law to be reviewed again until the next update to the Housing Element or LHMP, but not less than once every eight years.

With the collaboration of multiple departments, agencies and interest groups, and in compliance with State laws, Staff recommends that the Board of Supervisors adopt the resolutions approving the proposed Negative Declaration and amending the Nevada County General Plan, Chapter 10, Safety Element.

RECOMMENDATION: The Planning Commission on April 16, 2026, on a 5-0 vote recommended that the Board of Supervisors take the following actions:

- I. **Environmental Action:** After reviewing and considering the proposed Negative Declaration (EIS25-0001), adopt the attached Resolution approving the proposed Negative Declaration (EIS25-0001), finding that the adoption reflects their independent judgment that the project will not result in a physical change to the environment (*Attachment 1*).

- II. **Project Action:** Adopt the attached draft Resolution approving the proposed amendments to the Nevada County General Plan Chapter 10, Safety Element update (GPT25-0001), finding that amendment is consistent with the General Plan and will not be detrimental to public interest, health, safety, convenience, or welfare of the County (*Attachment 2*).

Please contact me should you require additional information or background.

Item Initiated by: Zachary Ruybal, Associate Planner

Approved by: Brian Foss, Planning Director