

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

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4 **MINUTES** of the meeting of November 10, 2022 1:30 p.m., Board Chambers, Eric Rood Administration  
5 Center, 950 Maidu Avenue, Nevada City, California  
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8 **MEMBERS PRESENT:** Commissioners Duncan, Milman and Ingram  
9

10 **MEMBERS ABSENT:** Commissioners Greeno and Mastrodonato  
11

12 **STAFF PRESENT:** Planning Director Brian Foss, Principal Planner, Tyler Barrington, Senior Planner,  
13 Kyle Smith, Deputy County Counsel, Rhetta VanderPloeg, Administrative Assistant, Shelley Romriell  
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15  
16 **PUBLIC HEARINGS:**

- 17  
18 1. Ranch House Rezone and Conditional Use Permit  
19 PLN21-0311; RZN21-0004; CUP21-0006; EIS22-0009  
20

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

23 **CALL MEETING TO ORDER:** The meeting was called to order at 1:33 p.m. Roll call was taken.  
24

25 Planning Commission Clerk Shelley Romriell advised with Chair Greeno and Vice Chair Mastrodonato  
26 both absent, former Chair Duncan has agreed to take the temporary roll as Chair for today's meeting.  
27

28 **CHANGES TO AGENDA:** Chair Duncan asked if there are any corrections to the agenda.  
29

30 Principal Planner Tyler Barrington advised there were no changes to the agenda.  
31

32 **PUBLIC COMMENT:** Members of the public shall be allowed to address the Commission on items not  
33 appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of  
34 the Planning Commission, provided that no action shall be taken unless otherwise authorized by  
35 Subdivision (6) of Section 54954.2 of the Government Code. None  
36

37 Chair Duncan opened public comment at 1:35 p.m.  
38

39 Jim Bair introduced himself as a 21-year County resident of and spoke regarding Stop the Mine activities.  
40 He stated as the DEIR is headed towards the Planning Commission for decision. He stated on September  
41 28, 2022 there was an article on the front page of the Union newspaper stating they, our children, will be  
42 breathing in this toxic soup from their entire lives. He stated there are repeated questions without answers  
43 including why this project is even being considered. He stated the DEIR has too many negative impacts  
44 that can not be mitigated and would like the County to recirculate the DEIR.  
45

46 Martha Turner introduced herself as a District III resident and a retired Midwife and Nurse Practitioner in  
47 Nevada County. She stated she provided a comment letter regarding opposition for the Idaho Maryland  
48 Mine Project, at the Special Planning Commission Meeting in March, because if this heavily industrial  
49 complex was to open, life as we know it would change forever. She stated articles published in the Union  
50 over the last several years, the science is clear this project will impact everyone that lives here including  
51 generations to come. Ms. Turner advised the CEO of Rise Gold, Mr. Ben Mossman, who has legal trouble  
52 with the last Mine he operated and was President of in Canada. She stated the Mine filed for Bankruptcy  
53 and was closed in 2015. She stated he is facing criminal charges for mining waste in the woods and wetlands

54 near the Mine. She stated there will be a trial regarding these charges and she doesn't feel opening this  
55 Mine is a good for our County or the Environment.

56  
57 Julie Becker introduced herself as a 17-year resident of Nevada City. She stated she is speaking in  
58 opposition to the Idaho Maryland Mine project. She stated there are many flaws of this proposal such as air  
59 pollution, noise and traffic, energy drain, and the lowering of the water table and destruction to wildlife  
60 habit. However, she would like to ask a few questions including what the benefits of this project are, who's  
61 life would be improved and how would our community be strengthened? She stated we are no longer a gold  
62 rush or mining town and the Idaho Maryland Mine has not operated since not 1956/1957. She stated Grass  
63 Valley and Nevada City thrive in different ways such as music, art, history, theatre, beauty, and the feeling  
64 of small town connectiveness. She stated all these assets would be lost if the Idaho Maryland Mine will ruin  
65 these. Please let us preserve and enhance the treasures we already have.

66  
67 Steve Temple introduced himself as a 7-year resident of Grass Valley and retired here after his career as  
68 University of California Cooperative Ag researcher. He stated they moved to this area due to the diversity  
69 and healthy environment. He stated the items that concern him about the Idaho Maryland Mine are energy  
70 and water. He stated the Mine would consume half of the total energy use. He advised that in regards to  
71 water – there is a lack of Well water to support the Mine operations. He also stated he is concerned about  
72 the amount of Mine water that would enter Wolf Creek.

73  
74 Anita Wall Tuttle introduced herself as a long-term resident and has enjoyed all the privileges this area has  
75 to offer. She stated she has submitted several letters after the March Special Meeting of the Planning  
76 Commission in in opposition to the Idaho Maryland Mine. She stated she is in communication with the  
77 Sunrise Coalition which is made of students and youth in the community, and they adamantly oppose the  
78 Idaho Maryland Mine.

79  
80 Ralph Silberstein, president of CEA Foundation, introduced himself and stated he provided a petition to the  
81 Board of Supervisors in opposition to the Mine. He stated he collected over 5,500 petition signers. He stated  
82 these are voices and concerns of the Community about the Mine. He advised that statements in support or  
83 opposition to the project should not have been submitted as comments on the Draft Environmental Impact  
84 report however Rise Gold used a mass mailing showing support for the Mine which are not comments  
85 regarding the DEIR. He stated Ride Gold used a mass mailing with pre-printed letters and cards, to show  
86 support for the Mine project, however some of these comments were forged or misused as some of the  
87 names that show in support of the project are in fact, in opposition. Some people have already come forward  
88 and spoken about their names being used in error. He stated he is against the Idaho Maryland Mine project  
89 and hopes the Planning Commission to reject this project.

90  
91 Christy Hubbard introduced herself a homeowner in Nevada County and as a leader of the Mine Watch  
92 Campaign. She stated the Community is becoming concerned about the misrepresentation of the facts. She  
93 stated the highly criticized and heavily manipulated poll that concluded the majority of the community  
94 supported the Mine. She stated the comments for the DEIR were supposed to be technical comments  
95 regarding the report, instead Rise Gold provided a mass mailer that stated the County was in support of this  
96 project. In March, she stated, she attended the Planning Commission Meeting to hear comments on the  
97 DEIR and of the 101 people that took a number to speak, only 1 person was in support of the Mine.

98  
99 Peter Alsing, Nevada County Resident, introduced himself and stated he was asked to read the following  
100 comment statement from Charlie Brock, who was unable to attend. Mr. Brock's statement is to state his  
101 concern and opposition of the Idaho Maryland Mine and that numerous impacts along with an 80-year  
102 permit would inflict serious unmitigable impacts to the County of Nevada. He continued by stating the  
103 environmental impacts that were identified in the DEIR are significant and unavoidable however Rise Gold  
104 states they will deal with issues as they arise and mitigated. However, some issues are not mitigable such  
105 as air born asbestos and green house gases. Mr. Alsing stated he will be submitting the letter from Mr.  
106 Brock, which was also submitted in March regarding the DEIR.

108 Michael Taylor introduced himself and stated he wants on the record that at 1:20 2 of the Commissioners  
109 and Senior Planner Kyle Smith and Brian Foss were meeting privately prior to the meeting which he feels  
110 is inappropriate. He also asked for a continuance for the one item on the agenda today.

111  
112 Chair Duncan stated that this public comment is for items not on the agenda and the time to address the  
113 item on the agenda will be after Staff Presentation.

114  
115 Michael Taylor asked for the definition for a quorum because the last Planning Commission meeting did  
116 not have a quorum and he would like to know what that means and why the meeting was not held.

117  
118 Deputy County Counsel Rhetta VanderPloeg advised a quorum is the majority of the members of the  
119 Commission. We have 5 Commissioner so the majority would be 3 Commissioners present.

120  
121 Chair Duncan closed Public Comment at 2:09 p.m.

122  
123 **COMMISSION BUSINESS:** None

124  
125 **CONSENT ITEMS:**

126  
127 1. PLN22-0171; EXT22-0004 Northern Sierra Propane Two Year Extension of Time (PLN16-0072;  
128 DVP16-8; EIS16-0002)  
129 *Approved*

130  
131 2. Acceptance of 2022-03-10 Planning Commission Hearing Minutes  
132 *Approved*

133  
134 3. Acceptance of 2022-03-24 Planning Commission Hearing Minutes  
135 *Approved*

136  
137 4. Acceptance of 2022-05-26 Planning Commission Hearing Minutes  
138 Chair Duncan asked for this item to be pulled and added to the next meeting's Agenda for  
139 approval.

140  
141 5. Acceptance of 2022-06-23 Planning Commission Hearing Minutes  
142 *Approved*

143  
144 **PUBLIC HEARING:**

145  
146 **1:30 p.m. PLN21-0311; RZN21-0004; CUP21-0006; EIS22-0009:** The project is a combined application  
147 proposing 1) A Rezone from RA-3-PD to RA-1.5 (Residential Agriculture-1.5 acres minimum) to allow  
148 for higher density housing development, and 2) a Use Permit to allow for the development and operation  
149 of a 6-unit multifamily residential development containing six (6) one-bedroom apartments, as well as the  
150 demolition of an existing single-family residence that exists on the project site. **ASSESSOR PARCEL**  
151 **NUMBER:** 004-140-067. **LOCATION:** Located at 16782 State Highway 49 in Nevada City, CA. The site  
152 fronts State Highway 49 and is just southeast of the intersection of Newtown Road and State Highway 49  
153 west of Nevada City. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Recommend  
154 Approval of the Draft Resolution for the project Initial Study/Mitigated Negative Declaration (EIS22-0009)  
155 to the Nevada County Board of Supervisors. **RECOMMENDED PROJECT ACTION:** Recommend  
156 Approval of the Draft Ordinance for the proposed Rezone (RZN21-0004) to the Nevada County Board of  
157 Supervisors and Recommend Approval of the Draft Resolution for the proposed Conditional Use Permit  
158 (CUP21-0006) to the Nevada County Board of Supervisors. **PLANNER:** Kyle Smith, Senior Planner  
159

160 Senior Planner Kyle Smith introduced himself and started his presentation. He provided a description and  
161 background of the project site. He continued his presentation by providing a full project description and the  
162 land use entitlements that were being proposed. He provided information on the Zoning Map Amendment  
163 from RA-3-PD to RA-1.5 to accommodate the proposed density of a 6-unit multifamily residential  
164 development, the Conditional Use Permit to allow development and use of approximately .6 acres of the  
165 approximately 10.45-acre site, aesthetics, and design of the proposed project along with mitigation  
166 measures to reduce bright lighting and landscaping plans. He continued his presentation by providing  
167 biological resources identified in the Initial Study for this project site along with mitigation measures to  
168 protect resources. Current access to the site is along Highway 49 and will remain in place however, the  
169 driveway would be improved to Caltrans Highway Design Manual Standards. Planner Smith explained the  
170 Environmental review that was completed for this project along with the Initial Study that was circulated  
171 for a 31-day comment period. He advised this project is consistent with the Estate General Plan Designation  
172 and Rezone from RA-3-PD to RA-1.5. This project is also consistent with the Land Use and Development  
173 Code, Community Design Guidelines and as well as Resource Standards. Planner Smith concluded his  
174 presentation and offered to answer any questions.

175  
176 Commissioner Milman asked if there is a map showing the wetlands.

177  
178 Planner Smith provided the site plan which identified the wetland areas.

179  
180 Commissioner Milman asked what the setbacks are for the wetlands.

181  
182 Planner Smith advised the development is within the setback of the Wetlands which is a 100-foot setback.

183  
184 Commissioner Milman asked for explanation on the wetland mitigation measures.

185  
186 Planner Smith stated the site needs to be delineated so construction workers know where the site is protected  
187 and several specific best management practices for construction activities which are outlined in the  
188 mitigation measures.

189  
190 Commissioner Milman asked what the pedestrian access is to the site and to the market across the street.

191  
192 Planner Smith advised the project is proposing pedestrian access along a soft sided trail and there is  
193 currently no pedestrian access to the market across the street as Caltrans has not proposed any pedestrian  
194 crossings.

195  
196 Commissioner Milman asked how this design addresses the rural character of the area.

197  
198 Planner Smith advised the applicant proposed the project which does meet design standards. The Western  
199 County Design Guidelines were applied to this project which includes lighting and landscaping however it  
200 does not provide standards for the specific footprint of the development.

201  
202 Commissioner Ingram asked if new plants are being proposed in the Wetland area.

203  
204 Planner Smith advised there are plantings proposed outside the wetlands area which will be nearby to  
205 provide streetside buffers and shading to the parking lot which is required by the Land Use and  
206 Development Code.

207  
208 Commissioner Milman asked if other plans were considered for the design of this project.

209  
210 Planner Smith advised this is the primary design that has been submitted.

211  
212 Commissioner Milman asked if a 2-story building with a smaller footprint would be allowed.

213

214 Planer Smith advised a 2-story building could be compatible with the Zoning and Western County Design  
215 Guidelines depending on the design proposed.

216  
217 Martin Wood, project representative, SCO Planning and Engineering, introduced himself and introduced  
218 Robert Wallis, the project Architect. He advised there was a design team that put this project and design  
219 together. He also stated he agrees with all mitigation measures as proposed. He spoke about the work that  
220 went into this project including the wetlands delineation and he stated the wetlands only get close to the  
221 building in the northwest corner which then increases the setback which requires a management plan to  
222 protect the wetlands. He stated the drainage design is to provide sufficient water to the wetlands, to protect  
223 it, instead of reducing the amount of water that is drained into the wetlands. He also stated the wetlands  
224 will be off limits and protected by fencing prior to construction. He advised access to the site will be in the  
225 same location by utilizing and improving the existing driveway. Highway 49 has a high rate of speed;  
226 however, the existing driveway has good line of sight distance in both directions and meets standards to  
227 receive a Caltrans Encroachment permit. Mr. Wood advised the same grading footprint would be used  
228 which will limit the amount of grading that is needed. The new building will have increased setbacks from  
229 the highway. He continued by stating the Zoning change is to allow for 6 units instead of the 3 that are  
230 currently allowed. He stated there are mostly single-story family homes in the area and they are wanting to  
231 maintain the accessibility feature of a single-story residence. The property is covered with a solar farm and  
232 there are 2 septic systems that are working on the site and will be a high energy efficient project.

233  
234 Phoebe Bell, Director of Behavioral Health, introduced herself and spoke regarding the operations of the  
235 home. This location is part of their permanent Supportive Housing Program with tenants that have been  
236 long term clients of the Behavioral Health Department and have some level of serious mental illness. These  
237 clients are successful when they are in housing and receiving some sort of supportive services. She stated  
238 the Behavioral Health Department helps with the cost of the housing as some of these clients are on some  
239 level of fixed income such as Social Security income. The cost of the housing is subsidized by purchasing  
240 or master leasing to offset the cost and provide supportive housing to help their clients to stay stable within  
241 the community. Director Bell stated people that enter the Supportive Housing Program go through a  
242 screening process and they do not allow for individuals that are violent or sex offenders. Behavioral Health  
243 Department are the landlord and as such the tenants can be evicted for such things as illegal drug use. They  
244 have found a lot of success in their Supportive Housing Program. Currently they have 50 people in the  
245 program and 98% of them have been in the program for over 2 years. The tenants that are currently housed  
246 at this location have been housed there for 5-11 years, successfully, and have a Case Manager assigned to  
247 them. The job of the Case Manager is to check in with the tenants regularly, which can be daily or weekly  
248 depending on how they are doing and what their needs are. They take the clients to appointments, grocery  
249 shopping, making sure medication is being taken and keeping eyes on the client to make sure they are doing  
250 ok. Ms. Bell stated that any issues that arise with tenants, neighbors can call Behavioral Health Department,  
251 and report such issues so the issues can be mitigated. She advised that 6 people will be living here and just  
252 like people that struggle with other health issues such as diabetes, these individuals deal with serious mental  
253 health illnesses. The housing layout will provide individual housing instead of shared housing for these  
254 individuals as shared housing isn't always the first choice or the most helpful. She stated the goal is for  
255 their clients to be successful. She offered to answer any questions.

256  
257 Commissioner Milman asked if residents will come in pairs or will be single individuals.

258  
259 Director Bell stated there are no couples in their Supportive Housing Program and they do not foresee  
260 couples entering their program as most people with serious mental illness usually are unable to stay in long  
261 term stable relationships.

262  
263 Chair Duncan asked if an individual allows a second person to move in and live in their unit, would that  
264 person be asked to leave.

265  
266 Director Bell advised anyone else living there that is not on the lease, would be asked to leave however,  
267 with any individual, they are allowed to have guests.

268  
269 Commissioner Ingram asked if these residents would have vehicles and the ability to drive to services.  
270  
271 Director Bell said she can not promise that as not all clients have Driver's Licenses. Some clients do have  
272 their license and drive while others rely on their case workers to get them to places.  
273  
274 Chair Duncan asked if this location is on the bus route.  
275  
276 Director Bell advised she believes it is.  
277  
278 Chair Duncan asked what the age range would be for residents.  
279  
280 Director Bell stated the program is for anyone that is 18 or older however the current residents are in their  
281 40's and 50's.  
282  
283 Chair Duncan asked if there have been any issues at this certain location that would cause concern for  
284 neighbors.  
285  
286 Director Bell stated she has seen letters that express concern however there have been no calls for service  
287 for this location. She advised there are clients that have a hard time and that is when the Case Worker steps  
288 in and helps the client get stable. She advised neighbors have stated they have called Behavioral Health,  
289 but she is unable to locate any of those calls and wants to ensure the neighbors are aware they can call  
290 anytime there are issues.  
291  
292 Commissioner Ingram stated the wetlands drain from asked where the runoff from the roof and driveway  
293 migrate.  
294  
295 Mr. Wood stated the parking lot drainage shed in a north-westerly direction and there is a small retention  
296 pond that pre-treats and promotes infiltration above the wetland which is a natural drainage course. The  
297 roof runoff will be collected by downspouts and directed to either the retention pond or to infiltration  
298 trenches.  
299  
300 Commissioner Duncan asked if there were budget restraints that resulted in the design or is this a design  
301 requested by Behavioral Health to have this clustered look.  
302  
303 Robert Wallis, Project Architect, stated there were budget restraints for this project. There is a grant they  
304 are pursuing had a certain amount of money that could be spent. He stated they had to find the right balance  
305 between the finishes that are used as well as the efficiency of the layout. He stated the goal was to find a  
306 space that would provide separate units but also has a common area where they can have communal area  
307 to do laundry or receive support from Behavioral Health. There are finishes they used that are more cost  
308 effective such as cement plaster instead of siding. He stated there is also a concern about fire and the need  
309 to provide a long-term durable structure that the County can afford to maintain.  
310  
311 Director Bell stated the sense of community is important even though people need and want their own  
312 space, but social isolation is a serious concern since often their clients are cut off from family or friends.  
313  
314 Chair Duncan stated in reviewing the plans, the design didn't reflected housing or speak to residential  
315 housing. She stated it is more of a commercial looking building.  
316  
317 Mr. Wallis stated the design is more of a ranch style design with covered porches and nice open broad roof  
318 lines and he felt it was very appropriate for the site. The design also features a covered communal area for  
319 residents.  
320

321 Chair Duncan stated she understands the concern about fire safety and this building will be as safe as  
322 possible however it doesn't provide a warm residential look.  
323

324 Mr. Wallis advised they were looking to do more of earth tones to more blend into the environment. The  
325 design started with more colors however, they had to change to earth colors and tones to meet the County  
326 Design Guidelines. He also stated the windows and doors will have trim around them which is a residential  
327 element instead of a commercial design. The L shape design was created to have more of a front yard  
328 instead of just a parking lot.  
329

330 Commissioner Ingram asked if all parking spots would be ADA parking spaces.  
331

332 Mr. Wallis stated that with federal grant funding all spaces must be ADA accessible. He also advised they  
333 did consider a two-story building but chose not to do that to make all units ADA compliant.  
334

335 Chair Duncan asked why some parking spaces are compact and why some are regular size parking spaces.  
336

337 Mr. Wallis advised they did the compact parking so that the spaces at the lower right side of the parking lot  
338 could pull away from the building since there is a small grade change in the area.  
339

340 Chair Duncan asked if it was a design constraint or if they are required for grant funding.  
341

342 Mr. Wallis stated it was a design constraint.  
343

344 Commissioner Milman asked if these units are required to be accessible.  
345

346 Mr. Wallis advised all units must be accessible and if the unit has a second story, they will have to install a  
347 lift in each unit to allow access to the second story.  
348

349 Commissioner Ingram asked what the backlog is for housing for Behavioral Health clients.  
350

351 Director Bell advised all beds within their system are full and they have many clients that they do not have  
352 beds for. They have 50 beds that are directly under Behavioral Health's control and another 130 people that  
353 they support and pay part of their housing costs.  
354

355 Chair Duncan asked if the units are constructed, if it will go towards the Housing Element count satisfying  
356 the County's requirement to come up with 2800 units.  
357

358 Planner Barrington advised that is correct.  
359

360 Chair Duncan opened public comment.  
361

362 Michael Taylor introduced himself asked for 5 minutes to speak on behalf of other neighbors. Mr. Taylor  
363 asked for a continuance at the beginning of the meeting and stated it is because there are a lot of concerns  
364 regarding records the County has that would support what he is speaking. Mr. Taylor stated he reached out  
365 to Planner Smith on 10/27 and asked him to do research into the documents regarding this project site in  
366 which there were 3 previous developments requests on this property from Greg Pippin, Mr. King and Mr.  
367 Mike Dial in which they all prepared maps to ask for project approval, but all were denied due to the  
368 wetlands on this site. He stated he has spoken with Caleb, Alison, Planner Smith and the Records  
369 Department for these documents however they were not available on the 27<sup>th</sup> or the 28<sup>th</sup> . He then made an  
370 online request for records on 11/2 and finally received those documents. He stated he made several efforts  
371 to receive public records. He spoke in opposition to this rezone and conditional use permit and stated the  
372 building is basically a hotel with central gas, central electric, central septic and the only difference is the  
373 kitchens in each unit. He stated this building is a commercial building and built with commercial standards.  
374 He stated the wetlands are not being projected properly represented. The county purchased the property

375 knowing there are wetlands, and the wetlands are being destroyed. He also stated there are many code  
376 violations on the property. He also stated the traffic is a disaster waiting to happen. There is no access to  
377 the market across the street, in a location where other people have died due to being hit by cars. He is  
378 concerned about the lack of transparency for this project. He concluded by asking for a continuance.  
379

380 Ronald Snodgrass stated he often travels near this area, to visit Rainbow Market and the Willo Restaurant.  
381 He stated he would like to see some negotiations between the County and the neighbors so that the housing  
382 can be established. He stated he supports the spirit and the intent of the project and would like the issue of  
383 the wetlands and traffic to be resolved.  
384

385 Bruce Simpson has lived in the neighborhood behind the proposed project for 22 years. He stated in 2015  
386 his neighborhood was approached by Tom Coburn, Facilities Manager and Steve Monaghan, Program  
387 Manager for Nevada County, and advised the County was going to develop this parcel and was proposed 3  
388 options, an equipment yard, transitional housing, or a solar farm. As a neighborhood, they chose the solar  
389 farm as it would only impact their view shed. He stated the County needed a 2/3 approval to allow for a  
390 private easement to accomplish their goal. In return, they asked for the remainder of the parcel remain  
391 undeveloped. He stated Tom Coburn issued a letter stating the current single-family home would remain  
392 and the remainder of the 6.5 acres would remain undeveloped. In 2016, the solar field was developed, and  
393 the neighborhood wants to hold the County to this agreement. He also advised Caltrans has identified Hwy  
394 49 as a State Scenic Highway and is also part of the Yuba Donner Scenic by-way. He stated this project is  
395 inappropriate for the surrounding area and would be a much better fit in an urban neighborhood as the  
396 design is of a commercial design. He stated there have already been issues with crimes committed by the  
397 current residents. There is no pedestrian walkways or cross walks to accommodate the residents. He stated  
398 this by-way is travelled by tourists and it needs to remain a scenic highway for future generations to enjoy.  
399

400 Kathy Simpson introduced herself as a local resident for over 22 years and Nevada County resident for 45  
401 years. She spoke in opposition to the project as there will be up to 12 unsupervised Behavioral Health clients  
402 that are already committing crimes. She is concerned about the neighborhood's safety as the residents  
403 currently walk the neighborhoods and up and down Highway 49 and use other properties for restrooms.  
404 She stated there is a drug house across the street that the current residents visit and they are no longer  
405 allowed at the Rainbow Market. She stated this project has created a lot of anxiety for the neighborhood  
406 and especially for the elderly single woman that live there. She stated there have been many calls to the  
407 Sheriff and Police, with the current residents, how could adding a potential 10 more clients benefit the  
408 neighborhood.  
409

410 Carol Miller introduced herself as a 45-year resident of Nevada County and she is concerned regarding the  
411 lack of supervision for the current residents. She is concerned about the safety of not only her grandchildren  
412 that live across the street but also for the Behavioral Health clients that have no access to amenities. They  
413 are next to a bar, and they are already banned from the Rainbow Market. There isn't a way for these clients  
414 to become part of the Community and interact with others.  
415

416 Steve Heckathorn introduced himself and stated he is a property owner down the street from the proposed  
417 project and is concerned the wetlands outline is close to 2 feet to the building the 90% of the building is  
418 within the setback. He is concerned about the location of the building in proximity to the wetlands. He also  
419 advised they are the owner/operators of Tadpole Family Playcare, which is a school and private high school,  
420 642 feet from the proposed project site. He stated the notifications that went out for this proposed site, were  
421 sent to a 500-foot radius, in which he was not notified. He is concerned that as a school with children, he  
422 was not advised of the potential of increased Behavioral Health clients in such close proximity. He  
423 advised there are no bus stops and the only bus in the area is the school bus. He stated the best outcome for  
424 the site is for the current single-family home to remain with the current 2-3 beds for clients.  
425

426 Nancy Wilson. Co-owner of the Willo Restaurant stated they have had nothing but problems with the  
427 residents next door, since the County purchased that property for Behavioral Health clients. She stated they  
428 are continually having to remove the residents from their property and stated there have been many crimes



429 committed by the current residents including the owner of Rainbow Market was groped, her employee was  
430 threatened to be killed and one pulled their pants down in front of the store. She stated the current residents  
431 are not welcome at the Willo or at the Rainbow Market. She stated a better location would be to make 6  
432 units available at Juvenile Hall instead of in the middle of a neighborhood where the residents are left to  
433 deal with the clients who are unsupervised. She also stated there is a drug house in close proximity to the  
434 site and the current residents are often seen coming from that house.

435  
436 Mike Burn, owner of the Willo Restaurant, spoke in opposition for the project and stated the residents do  
437 not have access to the remainder of the property due to the solar farm and stated if a private developer was  
438 to propose this project, the County would never approve it. He stated previous owners of the parcel have  
439 tried to develop the parcel but were denied by the County due to the location of the wetlands, yet the County  
440 has ignored and destroyed the wetlands. He stated the solar farm was established directly in the middle of  
441 the wetlands and now the wetlands will be destroyed. He stated the County should be liable to save the  
442 wetlands, not destroy them. He feels this project is a conflict of interest. Finally, he stated the project should  
443 be located in a better location to not only accommodate the zoning but also to accommodate the clients.

444  
445 Maggie Maloney introduced herself as the owner of the Rainbow Market, located across the street from this  
446 site. She stated she is very empathetic to the mentally ill and have been very accommodating to the clients  
447 however she stated they have called the Sheriff many times and are told there is nothing they can do and  
448 Behavioral Health but are either told they can't discuss their clients. She stated a current resident threatened  
449 to kill her 67-year-old employee who is now traumatized. She stated the current situation is not working  
450 and she won't even let her own daughter work at their store. She stated the current residents are not allowed  
451 in the store but still manage to come on the property and urinate on the door. She is concerned about the  
452 situation and knows the mentally ill need help and a place to live but this location is not the solution. She  
453 feels they have been left to on their own as they are not receiving any help from the Sheriff or Behavioral  
454 Health.

455  
456 Mark Stenson, an Eden Ranch resident, introduced himself and stated the severity of current residents and  
457 the issues and problems that are already happening. He stated the Behavioral Health clients do need this  
458 type of housing, but the County is asking too much of one neighborhood to handle. He stated this design is  
459 not a single-family home and calling it that is not appropriate. A single-family home houses just that a  
460 single family. This is a hotel/motel style residence and should be called as such. He stated he drives by this  
461 residence and stated the current clients are constantly talking to themselves and waving their arms. He  
462 stated it's not normal activity in a residential area. He also advised the school bus drops the kids off in the  
463 empty parking lot next to this house and it promotes fear within the neighborhood.

464  
465 Ms. Haines stated introduced herself as a resident near Newtown Road and stated she is very empathetic to  
466 mentally ill individuals however she feels this project doesn't work well in this neighborhood. She stated  
467 she used to take a walk around the neighborhood and on the walking path but will not walk that route  
468 anymore due to safety reasons. She stated she has also witnessed the current residents standing in the middle  
469 of the street, climbing the fences of the Willo Restaurant and the area has seen much more crime since the  
470 County purchased this property. She stated the safety of the neighbors should be considered. She also stated  
471 there is confusion about just how many clients will be housed there. She is also concerned that the clients  
472 do not take their medications and are not supervised.

473  
474 Michael Gomes introduced himself as resident off Newtown Road and stated this is the wrong location for  
475 this project. He advised there have been at least 2 pedestrians killed on this stretch of highway. Although  
476 he feels the program is good, the location is wrong.

477  
478 Sandy Wilson, Newtown Road resident, spoke in opposition to the project as the continued development  
479 on this site has stopped the water flow on her property. She no longer has a pond and Rush Creek is no  
480 longer on her property. She stated there are riparian rights but the stoppage of the water due to the continued  
481 development. She is concerned that the County is more concerned about the mentally ill clients than the  
482 neighbors that are not being protected. She stated it's the County's job to protect all residents.

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Chair Duncan closed the Public Hearing.

Planner Smith stated the property came into the County's possession in 2011 and did some grading and developed some berms along the eastern, northeastern, and southeastern property lines. The solar farm was created and utilized the berms to provide screening of the solar farm. He stated all the mentioned work was permitted by the County. He advised the Code Compliance Division advised the alleged unpermitted activity was indeed permitted and had the appropriate development requirements applied. He stated the Planning Department does rely on pre-qualified biologists to identify the extent and location of the wetlands as discussed in the Staff Report and Initial Study. Planner Smith explained that per the Land Use and Development Code defines a multi-family dwelling as more than one kitchen which this project has. He advised there were soil testing completed for the proposed septic system and the determination was that there are adequate soils.

Commissioner Milman asked if there had been a phase 1 or phase 2 environmental report.

Planner Smith advised the Environmental Health Department did not require a phase 1 or phase 2 environmental assessment.

Planner Smith advised the application required a Biological Resources Analysis which was submitted by a pre-qualified licensed Biologist.

Commissioner Ingram asked for clarification if a perc test was done by Environmental Health

Mr. Wood advised extensive testing was completed in pervious years where the septic system is proposed He advised the biological report is good for 5 years and after that a new report would be required. He wanted to clarify that wetlands both grow and shrink, and they are not wanting to create any harm to the wetlands. He stated the building is 6-7 feet from the wetlands and not as close as it appears on the site plan. He also clarified the goal of the development team is to develop and beautify the site.

Commissioner Ingram asked what the maximum number of occupancies allowed would be.

Director Bell stated she does not know what is allowed per the code, but they are planning to have one person per unit, as their clients do not do well with more than one person per unit.

Chair Duncan asked if the lease would stipulate only one person allowed per unit.

Director Bell advised that is correct. The clients are allowed to have guests but only one person would be allowed on the lease, per unit, to live there. She stated there clearly has been a breakdown in communication because she has not received any complaints on the current residents however, that is not what the community members are stating.

Chair Duncan stated it would be helpful for Behavioral Health to meet with the local community to ease their fears because being safe in your own community is very hard to hear.

Director Bell stated most of the clients in their program and with mental health issues are mostly non-violate and are more often victims.

Planner Smith wanted to clarify that there is not a local bus stop in this area and the closest bus stop would be either at the Rood Center or the Yuba River. He also wanted to clarify that this stretch of Highway 49 is not a scenic corridor.

535 Deputy County Counsel VanderPloeg answered a previous question brought forward and advised the  
536 bylaws for the Planning Commission Resolution 05-189 states a quorum shall consist of a majority of the  
537 total voting members, which would be 3 out of 5.

538  
539 Mr. Wood stated the proposed construction date would be Spring of 2023 and finalized in Spring of 2024.  
540 There is a grant funding for this project and the cost of the project falls just below the max amount of this  
541 grant.

542  
543 **Motion by Commissioner Milman to,** Recommend that that Board of Supervisors adopt the attached  
544 Resolution for the Negative Declaration (EIS22-0009), pursuant to Section 15074 of the California  
545 Environmental Quality Act Guidelines, based on the findings contained with the draft Resolution.

546  
547 **Second by Commissioner Duncan. Motion Carried on a 2/1 vote. (Commissioner Ingram voted No)**

548  
549 **Motion by Commissioner Milman to,** Recommend the Board of Supervisors adopt the attached Ordinance  
550 approving the Rezone to amend Zoning District Map No. 52a to rezone Assessor Parcel Number: 004-140-  
551 067 (from RA-3-PD to RA-1.5 (RZN21-0004)) based on the findings contained within the draft Ordinance.

552  
553 **Second by Commissioner Ingram. Motion Carried on a 3/0 vote.**

554  
555 **Motion by Commissioner Milman to, Deny the** Recommendation to the Board of Supervisors to approve  
556 the Conditional Use Permit (CUP21-0006) based on the findings contained with the draft Resolution and  
557 that the design of this project be further developed to address many of the concerns from the Community.

558  
559 **Second by Commissioner Ingram. Motion Carried to Deny the Use Permit 3/0 vote.**

560  
561 Chair Duncan advised this is not a final action as this item will now be presented to the Board of Supervisors  
562 and the last action taken by the Planning Commission asked for more design consideration.

563  
564 Deputy County Counsel VanderPloeg advised since this item is a recommendation to the Board of  
565 Supervisors, the action taken today by the Planning Commission is not appealable.

566  
567 Chair Duncan advised anyone that is outside the notification zone for this project can request, through the  
568 Planning Department, to be notified of the upcoming hearing date at the Board of Supervisors.

569  
570 Chair Duncan adjourned the meeting at 4:22 p.m.

571  
572 There being no further business to come before the Commission, the meeting was adjourned at 4:22 p.m.  
573 to the next meeting December 8, 2022 in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada  
574 City.

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578 Passed and accepted this day of , 2022.

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580 \_\_\_\_\_  
581 Brian Foss, Ex-Officio Secretary

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