

1 NEVADA COUNTY PLANNING COMMISSION  
2 NEVADA COUNTY, CALIFORNIA  
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4 MINUTES of the meeting of January 9, 2020, 1:30 p.m., Board Chambers, Eric Rood  
5 Administration Center, 950 Maidu Avenue, Nevada City, California  
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8 MEMBERS PRESENT Commissioners Coleman-Hunt, Duncan, Aguilar, Johansen  
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10 MEMBERS ABSENT:  
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12 STAFF PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Deputy  
13 County Counsel, Rhett Vanderploeg; Associate Planner, Sadie Caldas; Associate Planner,  
14 Janeane Martin; Administrative Assistant, Shannon Paulus.  
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17 PUBLIC HEARINGS:  
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- 19 1. Safety Element Update  
20 PLN19-0064; GPT19-0002; EIS19-0005

Page 2, Line 93

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22 STANDING ORDERS: Salute to the Flag - Roll Call - Corrections to Agenda.  
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24 CALL MEETING TO ORDER: The meeting was called to order at 1:40 p.m. Roll call was  
25 taken.  
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27 CHANGES TO AGENDA: None  
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29 PUBLIC COMMENT: Members of the public shall be allowed to address the Commission on  
30 items not appearing on the agenda which are of interest to the public and are within the subject  
31 matter jurisdiction of the Planning Commission, provided that no action shall be taken unless  
32 otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. None.  
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34 COMMISSION BUSINESS: Selection of Commission Chair and Vice Chair. Motion by  
35 Commissioner Johansen, second by Commissioner Coleman-Hunt, to nominate Commissioner  
36 Aguilar for Chair. Passed on voice vote. Motion by Commissioner Duncan, second by  
37 Commissioner Coleman-Hunt, to nominate Commissioner Johansen for Vice Chair. Passed on a  
38 voice vote.  
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40 CONSENT ITEMS:  
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- 42 1. PLN19-0188; EXT19-0012: Extension of Time for Rescom Steel Development Permit  
43 and Minor Change (DP15-005; MIS17-0006; EIS15-018).  
44 2. PLN19-0187; EXT19-0011: Extension of Time for Merlander Parcel Map (PM05-  
45 026).  
46 3. Acceptance of 2019-12-12 Planning Commission Hearing Minutes.  
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48 Motion to approve Consent items 1-2 by Commissioner Johansen; second by Commissioner  
49 Coleman-Hunt. Motion carried on a voice vote 4/0.

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**Motion** to approve Consent item 3 by Commissioner Coleman-Hunt; **second** by Commissioner Johansen. **Motion carried on a voice vote 3/0 (Commissioner Duncan abstained).**

Due to a technical error with the recording equipment, the Commission decided to move forward with discussion of upcoming meetings and ongoing project statuses, allowing the technicians time to repair the equipment before the Public Hearing.

Planning Director Brian Foss stated that at that time, no additional Public Hearings were scheduled, however the possibility of a February meeting did exist.

Chair Aguilar asked if they needed to be aware of any actions of the Board of Supervisors.

Director Foss answered he was not aware of any actions by the Board which effected Planning Commission actions or decisions. Director Foss took the opportunity to introduce the new Fire Marshall, Scott Eckman.

Chair Aguilar congratulated Fire Marshall Eckman on his new position.

Commissioner Duncan discussed the tearing down of the temporary structures at Darkhorse, asking if they had pulled permits.

Director Foss answered that they had not pulled any permits.

Commissioner Duncan stated that the buildings were gone, and it appeared that the crews were working on footings.

Director Foss stated that they should have been red tagged, and that a code violation existed on that property. He added that they did not have any approved plans for demolition or construction at that time.

Commissioner Duncan said that Darkhorse was an economic asset to the County, however she understood that rules needed to be followed when necessary. She said this project was a long time coming and hoped that staff would work with the owners to get them on the right track. She felt it was wonderful news that something positive was happening there, and a benefit that all could enjoy.

Chair Aguilar asked for any more informal announcements.

Deputy County Counsel Rhetta VanderPloeg said that IT had given the signal they were operational.

**PUBLIC HEARING:**

**PLN19-0064; GPT19-0002; EIS19-0005:** The Nevada County Planning Commission will hold a public hearing to consider and make recommendations to the Nevada County Board of Supervisors to adopt a Resolution approving the proposed revisions to the Nevada County Safety Element, Chapter 10 of the General Plan, which was previously adopted by Nevada County in 2014. The Safety Element update is required by Government Code Section 65302(g). The Safety Element

99 addresses potential and existing hazards in the County, which are outlined in the following  
100 categories: Emergency Preparedness, Geological Hazards/Seismic Activity, Flood Hazards,  
101 Airport and Military Airspace Hazards, Hazardous Material and Mining Hazards, Public Safety  
102 Services and Facilities, Fire Hazards and Protection, and Severe Weather Hazards. Among other  
103 updates, two additional categories for Climate Change Resiliency and Mitigation, and  
104 Environmental Justice have been added to the Safety Element. The Planning Commission will  
105 also consider and make a recommendation to Board of Supervisors to adopt the Negative  
106 Declaration (EIS19-0005) prepared in accordance with the California Environmental Quality Act  
107 (CEQA) for the proposed amendments to the Nevada County General Plan, Chapter 10, Safety  
108 Element. **PROJECT LOCATION:** Unincorporated area of Nevada County. **RECOMMENDED**  
109 **ENVIRONMENTAL DETERMINATION:** Recommend adoption of the Negative Declaration  
110 (EIS19-0005). **RECOMMENDED PROJECT ACTION:** Recommend approval and adoption of  
111 the Resolution approving the revisions to the Nevada County General Plan, Chapter 10, Safety  
112 Element. **PLANNER:** Sadie Caldas, Associate Planner

113 Associate Planner Sadie Caldas introduced herself to the Commission and began her presentation.  
114 She reviewed the background of the Safety Element, its purpose, as well as the required elements  
115 of a Safety Element. She stated that the reason for this update was because of revisions made to  
116 the Housing Element and the Local Hazard Mitigation Plan. She stated that two new categories for  
117 Climate Change and Environmental Justice had been added, and specific details and requirements  
118 in policies and regulations had been removed, allowing the Safety Element to be relevant for a  
119 longer period. She reviewed the specific requirements which must be in a Safety Element,  
120 including consultation with the California Geologic Survey and the Office of Emergency Services,  
121 the address of climate adaptation and resiliency strategies, environmental justice goals, and  
122 submission to the California Board of Forestry and Fire Protection. She reviewed the major  
123 components, and which ones had been updated, added, and eliminated.

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125 Commissioner Duncan asked if Planner Caldas could discuss Environmental Justice.

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127 Planner Caldas stated that she would go into more detail later, however it was to insure populations  
128 and communities within the County were treated fairly and not exposed to more pollutants or  
129 negatively impacted by land use patterns.

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131 Chair Aguilar asked that she discuss Climate Change Resiliency and Mitigation in more detail.

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133 Planner Caldas answered that she would discuss that in more detail shortly. She continued her  
134 presentation, discussing revisions to existing categories. She went on to discuss the new categories  
135 of Climate Change Resiliency and Mitigation, as well as Environmental Justice and Vulnerable  
136 Populations. She discussed the process of the update from consultation, to distributions and web  
137 postings of the Staff Report, as well as mailings to interested parties and stakeholders. She  
138 discussed the reviews by the Board of Forestry and Fire Protection, Cal OES, the CA Geological  
139 Survey, and other public agencies which provided comment. She noted that during the comment  
140 period of the Initial Study and Negative Declaration, the only comment received was from the  
141 Central Valley Regional Water Quality Control Board, which did not include anything specific to  
142 the Safety Element. She stated that only one other comment had been received regarding the  
143 Safety Element, which had come in earlier that day. She ended her presentation with Staff  
144 Recommendations that the Planning Commission recommend that the Board of Supervisors  
145 approve the Negative Declaration (EIS19-0005) and adopt the draft Resolution approving the  
146 proposed amendments to the Nevada County General Plan (GPT19-0002). She added that Counsel  
147 desired to speak regarding the comment letter received earlier that day.

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Deputy County Counsel Rhetta VanderPloeg cautioned that the letter had come from an attorney who was representing several plaintiffs in lawsuits against the County, and that they were prohibited from making any comment on existing litigation.

Planner Caldas summarized that the letter was regarding the Geological Hazards section and was specific to a landslide that had occurred in Cascade Shores. The letter discussed whether the Safety Element adequately addressed the hazards and mapping of the area. In response to that, she said that there was a master environmental inventory which was already a part of the General Plan and included a Landslide Activity Map. She added that the Safety Element also included the Local Hazard Mitigation Plan, which included landslide risk zones, and discussion of specific areas of the County that were at risk for landslides. She added that it specifically included Cascade Shores as being one of the areas at risk for landslides. She stated that Staff felt that the Draft Safety Element adequately addressed the landslide information and did meet the requirements of government code. The letter also addressed the adequacy of the CEQA document. She responded that the Safety Element was a policy document and did not authorize or include any physical changes, and that Staff was comfortable with the CEQA document.

Chair Aguilar asked for any questions.

Commissioner Duncan asked if the entire area of Cascade Shores was susceptible to landslides.

Deputy Counsel VanderPloeg stated that they needed to keep the discussion in general. She stated that the County was being sued in several lawsuits regarding Cascade Shores, and that no comments could be made on the current litigation.

Commissioner Duncan asked if the map within the General Plan indicated the entire area of Cascade Shores.

Planner Caldas answered that it listed Cascade Shores as an area of concern but did not list specific areas within Cascade Shores.

Commissioner Duncan clarified if that was generally available information.

Planner Caldas answered that it was available on the website, and that the public could also come in to the County offices for more information as well.

Commissioner Duncan asked if the landslides were due to naturally occurring features.

Deputy Counsel VanderPloeg answered that staff could not answer that, because she was asking for an opinion, which was outside of the scope of what was on the map.

Commissioner Duncan said she was trying to understand landslide risk.

Chair Aguilar asked for more questions of staff.

Chair Aguilar opened public comment at 2:08 p.m.

196 Candice Suarez of Cascade Shores introduced herself to the Commission. She asked that the  
197 Commission send the Geological Hazard section of the Safety Element back for revision, stating  
198 that it lacked critical mapping of geologic hazards required by State law. She also requested that  
199 the CEQA document be sent back because it did not address the increased risk of the Safety  
200 Elements failure to map known geologic hazards. She expressed her belief that the mapping was  
201 important and detailed what happened to her and her family as a result of not knowing that there  
202 was a geologic hazard on a nearby property. She reiterated her request that the Commission send  
203 the Safety Element back to include mapping of known hydraulic mining and other geologic  
204 hazards, add a policy requiring that mapping be done within a year, and add a policy to facilitate  
205 the formation of geologic hazard abatement districts to develop mitigation for known geologic  
206 hazards. She asked that the Commission take this seriously, as her situation had caused herself and  
207 her family, as well as neighbors, a great deal of stress and anxiety. She thanked the Commission  
208 for hearing her.

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210 Chair Aguilar thanked Mrs. Suarez.

211  
212 Laura Barhydt, who lives in South County, introduced herself to the Commission. She stated that  
213 she had a cow/calf operation, among other things, and was very involved in the agricultural  
214 community. She stated that on page 10-4 of the element, agriculture was not listed in a certain  
215 statement. She said that agriculture was an important part of the economics of the County and  
216 provided many benefits. She felt that the agricultural community made a big contribution to the  
217 County. She hoped that the agricultural community would be involved in discussion of land use  
218 and stated that the community was often overlooked.

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220 Chair Aguilar thanked Ms. Barhydt and asked if anyone else would like to provide public  
221 comment.

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223 Chair Aguilar closed the public hearing at 2:22 p.m.

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225 Chair Aguilar asked staff to address the comments.

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227 Planner Barrington stated that staff was unable to comment on the landslide issue specifics,  
228 however the Safety Element did include the Local Hazard Mitigation Plan by reference, which did  
229 include a map of seismic and landslide areas within the County. Staff was comfortable that the  
230 section met government code requirements. He added that if a specific map were added to the  
231 Safety Element and it changed over time, it would invalidate the element. He also stated that the  
232 omission of agriculture was not done intentionally, and that it was an important land use category.  
233 He recommended to the Commission that they add agriculture in the section.

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235 Chair Aguilar asked for further questions or comments.

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237 Commissioner Johansen said that it warmed his heart to include agriculture. He stated that he  
238 believed that most of the County was zoned AG. He asked if the Safety Element was both proactive  
239 and reactive, and if the Safety Element could initiate studies on different items.

240  
241 Director Foss answered yes, the Safety Element, as well as the other elements, were meant to  
242 identify issues and specific policies. He added that it was a good nexus for further studies, technical  
243 studies, or other documents to be commissioned or initiated by the County through the Board of  
244 Supervisors. He said it was not intended to solve all the problems or get into technical details, it

245 was meant to be a high-level document, identifying and recognizing certain issues which could be  
246 used as a platform for further analysis and additional policies, documents, and initiatives.  
247  
248 Commissioner Johansen identified carbon sequestration, which farmers provided for free, air  
249 quality, and water as issues. He said that no one really understood the water system in the area and  
250 that it would be a benefit to know more about underground and other water availability. He asked  
251 to initiate a study or to have the concern taken to the Board of Supervisors. He felt it was a safety  
252 issue, and vital to making land use decisions. He added that he would have liked to have seen the  
253 Safety Element go before the Agricultural Advisory Commission for additional feedback. He also  
254 discussed the benefits that the agricultural community brought to the County, including fire breaks  
255 and wildlife habitat.  
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257 Commissioner Duncan clarified that Commissioner Johansen was proposing that staff take a  
258 recommendation to the Board of Supervisors for a ground water survey.  
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260 Commissioner Johansen affirmed that was correct.  
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262 Commissioner Coleman-Hunt stated that she had the same concern about water quality and  
263 availability. She asked where in the General Plan water quality and availability would be identified  
264 as issues that needed to be built in to policies.  
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266 Planner Barrington pointed out that the Safety Element and the General Plan guided development.  
267 He identified a policy within the Safety Element which, while not Countywide, did look at the  
268 issues which concerned the Commissioners as projects for development came in for review.  
269  
270 Director Foss added that CEQA did require analysis of groundwater, and that some subdivisions  
271 had previously required well pump tests, such as in Standing Rock and the Blue Lead Mine. He  
272 said it was a large and complicated issue, and it was generally addressed on a project by project  
273 basis. He stated that on some projects, experts had said that they were unaware of the volume and  
274 supply of water, and that it was very difficult to identify because it was a fractured rock system.  
275 He reiterated that the Safety Element offered a platform to commission additional studies. He  
276 added that the General Plan did have a Water Element which addressed water resources and would  
277 potentially be an appropriate place to add additional policies and information, along with the  
278 Agricultural Element. He stated that the Safety Element did point out many of the benefits of  
279 agriculture as pointed out by Commissioner Johansen, such as fire safety and wildlife corridors.  
280 He said that staff could certainly make their comments and recommendations known to the Board  
281 if and when the Safety Element moved forward.  
282  
283 Commissioner Duncan said that her understanding was that Commissioner Johansen wanted to  
284 understand groundwater resources Countywide, as opposed to on a project by project basis. She  
285 said that ultimately it would be the Board of Supervisors decision, as they would be directing  
286 funding. She asked that staff take their concerns to the Board.  
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288 Director Foss stated they would.  
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290 Commissioner Johansen asked if the Water Element was scheduled for review.  
291  
292 Director Foss answered that it was not at this time.  
293

294 Chair Aguilar asked that a revision be made on page 10-29 of Attachment 3 to recognize the current  
295 reality of climate change. He discussed the effects of climate change and the change of population,  
296 and evacuation, relocation, and migration to higher elevations.

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298 Commissioner Duncan asked if Planner Barrington had the text ready to read back for the  
299 Commission.

300

301 Planner Barrington read the revised language on Attachment 3 page 10-29. He stated if it was the  
302 pleasure of the commission to add that language, staff would be happy to do so. He asked the  
303 Commission to also add agriculture to the beginning portion as discussed earlier.

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305 Chair Aguilar asked the other Commissioners if they were okay with those additions.

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307 Commissioner Johansen clarified that they were talking about migration.

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309 Chair Aguilar indicated that was correct.

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311 Commissioner Coleman-Hunt stated she was okay with the additions. She said that relocation was  
312 not the only issue. She said that there were many issues including evacuation, community  
313 resiliency, as well as many others.

314

315 Chair Aguilar stated his reasoning for wanting to include that language was to indicate to future  
316 generations that they were recognizing climate change and the potential for population changes,  
317 particularly if flooding continued in the valley.

318

319 Commissioner Johansen discussed temperature changes in Senegal and the estimated number of  
320 people thought to migrate out of certain areas of Africa due to climate change. He asked where  
321 those people would go. He stated that the Commission would need to take that into account.

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323 Chair Aguilar asked if anyone had any further changes.

324

325 **Motion by Commissioner Duncan** to Recommend to the Board of Supervisors after reviewing  
326 and considering the proposed Negative Declaration, adopt the attached draft Resolution approving  
327 the proposed Negative Declaration (EIS19-0005), finding that the adoption reflects their  
328 independent judgement and that the project will not result in a physical change to the environment  
329 (*Attachment 1*). **Second by Commissioner Johansen. Motion carried on a roll call vote 4/0.**

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331 **Motion by Commissioner Duncan** to recommend that the Board of Supervisors adopt the  
332 attached draft Resolution *with the changes made at the public hearing*, approving the proposed  
333 amendments to the Nevada County General Plan Chapter 10, Safety Element update (GPT19-  
334 0002), finding that the amendment is consistent with the General Plan and will not be detrimental  
335 to the public interest, health, safety, convenience, or welfare of the County (*Attachment 2*). **Second**  
336 **by Commissioner Coleman-Hunt. Motion carried on a roll call vote 4/0.**

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338 Chair Aguilar stated that there was no appeal period and thanked those members of the audience  
339 who had participated in public comment.

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341 **Motion by Commissioner Duncan; second by Commissioner Johansen to adjourn. Motion**  
342 **carried on voice vote 4/0.**

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There being no further business to come before the Commission, the meeting was adjourned at 2:42 p.m. to the next meeting *tentatively* scheduled for January 23, 2020, in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

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Passed and accepted this        day of        , 2020.

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Brian Foss, Ex-Officio Secretary