



**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

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Sean Powers  
Community Development Agency Director

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Planning Director

**NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memo**

**MEETING DATE:** June 13, 2017

**TO:** Board of Supervisors

**FROM:** Nevada County Planning Department

**SUBJECT:** Consideration of the Nevada County Planning Commission's May 11, 2017, 4-0 (1 absent) recommendation to: 1) adopt a Mitigated Negative Declaration (EIS15-014); and 2) introduce, waive further reading and adopt a Zoning District Map amendment for four properties to add the Mineral Extraction (ME) Combining District (Z15-004) (Districts V).

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

- I. Approve the attached Resolution for the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (EIS15-014), pursuant to Section 15073.5 and 15074 of the California Environmental Quality Act Guidelines based on the findings contained in the Resolution (*Attachment 1*).
- III. Introduce, waive further reading and adopt the attached Ordinance amending Zoning District Map No. 078 to add the Mineral Extraction (ME) combining district to APNs 38-370-17, 38-380-15, 38-380-16 and 38-430-02 resulting in a Forest (FR)-40-ME designation, based on the findings contained within the Ordinance (*Attachment 2*).

**FUNDING:** No budget amendments are required.

**ATTACHMENTS:**

1. Resolution: Draft Initial Study/Proposed Mitigated Negative Declaration (EIS15-014)
2. Ordinance Zoning District Map Amendment (Z15-004)

3. May 11, 2017 Planning Commission Staff Report (text portion only, attachments available upon request)
  4. Applicant's Rezone Justification
  5. May 11, 2017 Planning Commission Draft Meeting Minutes
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### **BACKGROUND:**

In 1975, Hansen Bros. Enterprises (HBE) first applied for a permit to mine sand and gravel from Greenhorn Creek, along with a permit to construct and operate a processing plant (U75-003). In 1978 a rock crusher and settling ponds were added to the operation (U78-013), and in 1982 an amendment was granted to the times and days of operation (U82-020). At that time the area of operation included an NID lease area from just upstream (north) of Rollins Reservoir to approximately three miles upstream. In 1994 the Planning Commission approved an expansion of the operation into Section 25, at the northern end of the extraction area (U93-063). On May 11, 2017, the Nevada County Planning Commission conditionally approved Use Permit (U15-008), Reclamation Plan (RP15-001) and Management Plan (MGT17-0003) allowing an approximately 38-acre harvest expansion consisting of four parcels to the existing HBE Greenhorn Creek sand and gravel aggregate mining operation. This approval is contingent upon approval of the proposed rezoning to add the Mineral Extraction (ME) Combining District.

### **PROJECT DESCRIPTION:**

The proposed project is a proposed Zoning District Map Amendment to add the Mineral Extraction (ME) Combining District to four parcels in and along Greenhorn Creek within (3 parcels) and north of (1 parcel) the existing approved HBE aggregate mining operation. For specifics on the conditionally approved harvest expansion operation, please see the May 11, 2017 Planning Commission Staff Report (*Attachment 3*).

### **SITE DESCRIPTION AND SURROUNDING LAND USES:**

The project is located in the Red Dog-You Bet area, approximately 7 miles east of Grass Valley, 2.4 miles north of You Bet Road, and 3.3 miles north of Rollins Reservoir. Access to the site is from State Route 174 to County-maintained You Bet Road, to privately maintained Hansen Gravel Road just past the Greenhorn Creek crossing. From the processing plant off the Hansen Gravel Road, access to the in-stream mining areas is north up the Greenhorn Creek canyon. The conditionally approved areas of expansion extend from approximately 1-mile north of the processing plant near Missouri Ravine to the parcel just north of the Red Dog Narrows and the Red Dog Road creek crossing (approximately 2.5 miles from the processing plant). Public lands are located to the north and east of the project parcels. Unimproved private parcels are also located to the east, while many of the parcels to the west are improved private parcels. Several buffers are in place given that HBE owns adjoining parcels (many of which are mined under existing use permits), one to the southeast of APN 38-370-17 and all adjoining lands to the north, west, and south of the remaining project area.

**ZONING AND GENERAL PLAN CONSISTENCY:**

A Rezone (Z15-004) of APNs 38-370-17, 38-380-15 & -16 and 38-430-02 is proposed to add the Mineral Extraction (ME) combining district to these Forest designated parcels. Zoning is currently Forest-40 (FR-40) and if approved would be changed to FR-40-ME. The ME zoning overlay is required for all mineral extraction projects, pursuant to Land Use and Development Code Sections L-II 2.7.3 and L-II 3.22. All other parcels that are within existing approved mining areas owned by HBE and used for the Greenhorn Creek aggregate mine have the ME overlay on them. All land surrounding the operation property are zoned and designated by the General Plan Land Use Maps as Agricultural, Forest, or Timber Production Zone, with densities ranging from 20 acres in the southerly area to 160-acres on the Tahoe National Forest land to the northeast. The Blue Lead Mine site to the east also has the Mineral Extraction combining district.

The applicant has provided a “rezone justification statement” which outlines the need for the ME combining district, surrounding uses and the fact that the project parcels are all within the state mining designation of MRZ-2 (areas of known mineral resources). With the approval of this rezone, the project would be consistent with the zoning district established for the project area. The proposed project would not disrupt or divide the physical arrangement of any established community as it would occur within Greenhorn Creek and aggregate mining within the creek bed has been occurring for over 40-years. The Planning Commission on May 11, 2017, after reviewing and considering the proposed project and conditionally approving the proposed aggregate mining expansion project, the Commission recommended on a 4-0 vote (1 absent) that the Board of Supervisors approve the project rezoning.

**ENVIRONMENTAL REVIEW (EIS15-014):**

On March 14, 2017, the County as lead agency released a public review draft of the project specific draft Initial Study and proposed Mitigated Negative Declaration (MND) (EIS15-014/SCH2017032040) for the proposed aggregate mining expansion project which included discussion and analysis of the proposed rezoning. The Initial Study was routed to several local, state and federal agencies in addition to residents and special interest groups who have previously requested notification of this project. The Draft MND was available for public review from March 14, 2017 to April 12, 2017. All project impacts have been mitigated to less than significant levels as outlined in *Attachment 1* and the Planning Commission on May 11, 2017, recommended on a 4-0 (1 absent) vote that the Board adopt the MND for the proposed rezoning.

**SUMMARY:**

On May 11, 2017, the Nevada County Planning Commission conditionally approved the Greenhorn Creek aggregate mine 38-acre harvest expansion project on behalf of Hansen Bros. Enterprises that is contingent upon the rezoning of the project parcels to add the Mineral Extraction (ME) combining district; as required for all mining projects in Nevada County. No appeal was filed prior to end of the appeal period. Also on May 11, 2017,

the Planning Commission on a 4-0 (1 absent) vote recommended approval of the rezoning as provided for in *Attachment 2*. The May 11, 2017 Planning Commission meeting minutes were not available at the time that this staff report was completed.

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

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- II. Introduce, waive further reading and adopt the attached Ordinance amending Zoning District Map No. 078 to add the Mineral Extraction (ME) combining district to APNs 38-370-17, 38-380-15, 38-380-16 and 38-430-02 resulting in a Forest (FR)-40-ME designation, based on the findings contained within the Ordinance (*Attachment 2*).

**Item Initiated by:** Tyler Barrington, Principal Planner

**Approved by:** Brian Foss, Director of Planning