

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

3  
4 **MINUTES** of the meeting of May 23, 2019, 1:30 PM, Board Chambers, Eric Rood Administration  
5 Center, 950 Maidu Avenue, Nevada City, California  
6

---

7  
8 **MEMBERS PRESENT:** Chair Duncan and Commissioners Coleman-Hunt, Johansen, and  
9 Bullock.

10  
11 **MEMBERS ABSENT:** Commissioner Aguilar.

12  
13 **STAFF PRESENT:** Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Deputy  
14 County Counsel, Rhetta VanderPloeg; Senior Planner, Matt Kelley; Senior Office Assistant,  
15 Shannon Paulus.  
16

---

17  
18 **PUBLIC HEARINGS:**

- 19  
20 1. Housing Element Annual Progress Report  
21 PLN19-0021; GPT19-0001; EIS19-0001 Page 1, Line 54  
22  
23

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

25  
26 **CALL MEETING TO ORDER:** The meeting was called to order at 1:31 p.m. Roll call was  
27 taken.

28  
29 **CHANGES TO AGENDA:** None.

30  
31 **PUBLIC COMMENT:** Members of the public shall be allowed to address the Commission on  
32 items not appearing on the agenda which are of interest to the public and are within the subject  
33 matter jurisdiction of the Planning Commission, provided that no action shall be taken unless  
34 otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. None.  
35

36 **COMMISSION BUSINESS:** None

37  
38 **CONSENT ITEMS:** None

39  
40 **PUBLIC HEARING:**

41  
42 **NEVADA COUNTY 2018 HOUSING ELEMENT ANNUAL PROGRESS REPORT:** The  
43 Nevada County Planning Commission will hold a public hearing to accept the 2018 Housing  
44 Element Annual Progress Report pursuant to State of California Government Code Section 65400.  
45 State of California housing law requires cities and counties to submit a prescribed Housing  
46 Element Annual Progress Report by April 1 of each year. The 2018 Annual Progress Report  
47 contains a numeric and narrative review of the County's achievements in implantation of Housing  
48 Element programs during calendar year 2018. **PROJECT LOCATION:** Unincorporated area of  
49 Nevada County. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Exempt

50 pursuant to Section 15378(b)(5) of the State CEQA Guidelines. **RECOMMENDED PROJECT**  
51 **ACTION:** Accept the 2018 Housing Element Annual Progress Report. **PLANNER:** Matt Kelley,  
52 Senior Planner

53  
54 Senior Planner Matt Kelley introduced himself to the Planning Commission and began his  
55 presentation. He explained that while the progress report had been due on April 1, 2019, staff had  
56 been unaware of the requirement to hold a Public Hearing as well due to recent changes in state  
57 law, explaining why the progress report was being heard that day. He stated that staff prepares and  
58 sends in an annual review to OPR (Governor's Office of Planning and Research) as well as HCD  
59 (California Department of Housing and Community Development), which is a numeric and  
60 narrative review of the Counties achievements toward implementation of the Housing Element.  
61 He reviewed the changes made by Assembly Bill 879 (Grayson) to reporting requirements, and  
62 explained the various tables and other data included within the report. Regarding Environmental  
63 review, the annual report itself was not considered a project pursuant to CEQA, as it does not result  
64 in direct or indirect physical changes in the environment, and it does not direct any physical  
65 development. He concluded his presentation with staff recommendations.

66  
67 Chair Duncan thanked Planner Kelley and asked for questions of staff.

68  
69 Commissioner Johansen first commended staff for writing the report. He then asked about the 31  
70 unit senior center in Penn Valley which initially came forth in 2018 and was approved in 2019.

71  
72 Principal Planner Tyler Barrington answered that the project site was rezoned as part of the overall  
73 Nevada County Housing Element Rezone program, which established a by right use for that  
74 property. He added that the developer has been working with the Regional Housing Authority. The  
75 project entitlements were used as part of the Housing Element, however the design elements were  
76 part of the Regional Housing Combining District, which is a requirement to be able to come forth  
77 to the Planning Commission for their review. His understanding was that they were still seeking  
78 tax credits and other funding to actually construct the project.

79  
80 Chair Duncan opened public comment at 1:44 p.m., and closed it at 1:45 p.m. as no parties came  
81 forward.

82  
83 Chair Duncan observed that previously the Housing Element did not have any teeth in  
84 enforcement, unless they had policies that did not conform to state regulations. She felt that this  
85 was a step toward a point in time when performance was incumbent upon the jurisdictions before  
86 additional funds and grants would be authorized.

87  
88 Planner Barrington affirmed that was correct. While the report had been required for some time,  
89 bringing the report to the Planning Commission and holding a Public Hearing was a new  
90 requirement.

91  
92 Chair Duncan stated that after so many years of having zeroes in boxes, she believed that there  
93 would come a point where the State would want something done. She believed that the partnerships  
94 with the Housing Authority and other nonprofits would be of key importance.

95  
96 **Motion by Commissioner Coleman-Hunt** to accept the 2018 Housing Element Annual Progress  
97 Report shown in Attachment 1, making finding A. **Second by Commissioner Johansen. Motion**  
98 **carried on a voice vote 4/0. (Commissioner Aguilar was absent.)**

100 **PLN19-0021; GPT19-0001; EIS19-0001:** The Nevada County Planning Commission will hold a  
101 public hearing to consider and make recommendations to the Nevada County Board of Supervisors  
102 to adopt a Resolution approving the proposed revisions to the Nevada County General Plan,  
103 Chapter 8, Housing Element (GPT19-0001) that was previously adopted by Nevada County in  
104 2014. State Housing Element Law (Government Code Section 65580 (et.seq.)) mandates that local  
105 governments must adequately plan to meet the existing and projected housing needs of all  
106 economic segments of the community. Upon its adoption, the 2019-2027 Housing Element will  
107 become part of the Nevada County General Plan. In addition to the Resolution, consideration and  
108 recommendation to Board of Supervisors to adopt the Negative Declaration (EIS19-0001)  
109 prepared in accordance with the California Environmental Quality Act (CEQA) for the proposed  
110 amendments to the Nevada County General Plan, Chapter 8, Housing Element. **PROJECT**  
111 **LOCATION:** Unincorporated area of Nevada County. **RECOMMENDED**  
112 **ENVIRONMENTAL DETERMINATION:** Recommend adoption of the Negative Declaration  
113 (EIS19-0001). **RECOMMENDED PROJECT ACTION:** Recommend approval and adoption of  
114 the Resolution approving the revisions to the Nevada County General Plan, Chapter 8, Housing  
115 Element. **PLANNER:** Matt Kelley, Senior Planner

116  
117 Senior Planner Matt Kelley began his presentation on the update to the Housing Element. He  
118 explained that the Housing Element is one of seven mandatory elements to the General Plan, and  
119 requires periodic updating which is reviewed and certified by the State Department of Housing  
120 and Community Development. He reviewed the timeline for the project, including public  
121 workshops, reviews, and today's public hearing. He reviewed key housing element requirements,  
122 such as review of the previous housing element and new state laws, housing need allocation,  
123 community profile, and housing needs assessment, as well as at risk housing analysis, citing a  
124 recent example of a housing complex in Penn Valley which had been at risk of losing its  
125 affordability.

126  
127 Planner Barrington added that the Board of Supervisors and a partner had worked together on an  
128 agreement on a 42 unit housing complex in Penn Valley that was at risk to becoming market rate,  
129 keeping it affordable.

130  
131 Planner Kelley resumed his presentation with a resource inventory, housing constraints, and  
132 quantified objectives such as new construction, rehabilitation, and conservation. Other key  
133 elements such as goals, policies, and programs were also updated, including the addition of  
134 Environmental Justice. He reviewed the accommodation of the Regional Housing Need Allocation  
135 with comparison by year, as well as minor changes made to the Housing Element such as removal  
136 of unsuccessful programs and clarifying language. Based on direction from the Board of  
137 Supervisors, staff was asked to identify incentives for development of housing affordable to  
138 Above-Moderate (Missing Middle) income range 120-195 percent above Area Median income.  
139 As a result of public input, staff also made changes which included the Counties review of all  
140 residential subdivisions and multifamily housing developments for consistency with fire safety  
141 policies, amendments to reflect recent changes to the ADU Ordinance, and an amendment to  
142 encourage builders and property owners to utilize "stock" housing plans to reduce housing cost.  
143 Planner Kelley discussed the changes made based on recommendations from the HCD, including  
144 changes to the Land Inventory Methodology, the addition of several programs, language changes,  
145 and changes to housing constraints. Planner Kelley concluded his presentation with staff  
146 recommendations.

148 Chair Duncan asked for questions for staff.

149  
150 Commissioner Coleman-Hunt asked if the County does not track housing affordability, how staff  
151 based their assumptions for the report.

152  
153 Planner Kelley answered that they had taken a conservative approach to make assumptions on the  
154 affordability of housing. In a development project, it is not part of the application process to ask  
155 what income category it would be available to. However, in order to show the State that we were  
156 able to meet our Regional Housing Needs Allocation, conservative assumptions were made which  
157 had been carried forward from subsequent Housing Elements.

158  
159 Planning Director Brian Foss added that the assumptions are based on the State accepted  
160 methodology. The State does not require certain affordability, although it may appear so. They  
161 accept and establish affordability at different levels through different densities. He added that R3,  
162 the highest density at 15 or 16 units, is considered to be low and very low, whereas moderate and  
163 above moderate are on the larger parcels which are inherently more expensive.

164  
165 Commissioner Coleman-Hunt thanked staff for their answer. She added that she was very  
166 impressed with the report and commended staff on the thoroughness and level of research done.  
167 She asked a question regarding the General Plan in the Land Use Element, policy 1.4.4, which  
168 referred to a Special Development Area. She believed that the policy stated that once the  
169 population within the County exceeded 105, 000, that a new Special Development Area would be  
170 designated in an agricultural area currently known as Newtown. She believed that the County was  
171 currently at 98,000 people or so, and was curious how that area was being treated.

172  
173 Planner Barrington answered that the Newtown area was a Special Development Area designated  
174 in the 1995 General Plan when growth was different. The policy essentially stated that  
175 development cannot be considered at that site until the County reaches a certain population. He  
176 added that particular site was not used to count toward the vacant sites to meet the Regional  
177 Housing Need Allocation.

178  
179 Commissioner Coleman-Hunt thanked Planner Barrington for his answer.

180  
181 Commissioner Bullock thanked staff for their work on the project and stated it was well done, he  
182 also thanked staff for their involvement with the Mountain Housing Council. He stated that  
183 housing in his neck of the woods (Truckee) was down to a critical level, and he appreciated the  
184 work and forethought that has gone in to solving that problem.

185  
186 Planner Barrington noted that the Missing Middle policy was a product of the Mountain Housing  
187 Council to help address the needs in Truckee.

188  
189 Commissioner Bullock asked if different terminology was being used in this report for workforce  
190 housing.

191  
192 Director Foss answered that he believed the Missing Middle was intended to be the same thing as  
193 workforce housing.

194  
195 Commissioner Johansen asked for clarification that the Special Development Area would come  
196 into effect at 125,000, not 105,000.

197  
198 Planner Barrington confirmed that it was 105,000.  
199  
200 Commissioner Johansen asked for clarification on Table 8.29 and asked why it did not show AG,  
201 AE or FR.  
202  
203 Planner Kelley answered that the agricultural and forest zoning parcels were discussed within the  
204 Housing Element itself.  
205  
206 Chair Duncan stated that land was not included in that table.  
207  
208 Planner Kelley affirmed that was correct because it was assumed that agricultural and forest zoned  
209 parcels would allow for single family residential development based on the Zoning Code. The  
210 number of acres within agricultural and forest zones was accounted for within the Housing  
211 Element.  
212  
213 Planner Barrington added that agricultural and forest zoned properties were not included due to  
214 the number of parcels that are undeveloped and because adequate sites were available within other  
215 zonings.  
216  
217 Commissioner Johansen asked if with employee housing, which is low income and affordable  
218 housing where they can go to density plus one on a non-discretionary permit, why it was not  
219 included in affordability. He stated that would open a significant amount of housing within the  
220 community, and would be clustered off of important farmland.  
221  
222 Planner Barrington answered that if the proposed farm worker housing goes through, it would be  
223 included within the annual report as affordable housing. He added that when a category is  
224 determined to meet low and very low, the State requires that we demonstrate that there is a history  
225 of that sort of development in the County. At this time we do not have strong documentation of  
226 developing and improving farm worker housing that could be relied on, such as with mobile homes  
227 or accessory dwelling units which are quantifiable. Should we experience an influx of farm worker  
228 housing over the next 8 years, staff would begin counting those.  
229  
230 Commissioner Johansen laughingly asked if yurts were allowed, they would be included.  
231  
232 Chair Duncan clarified that there was a definition of permanent versus temporary for farm worker  
233 housing.  
234  
235 Planner Barrington answered that was correct.  
236  
237 Commissioner Johansen asked for confirmation that we would have to prove that farm worker  
238 housing was being developed.  
239  
240 Planner Barrington affirmed that was correct.  
241  
242 Commissioner Johansen said that low income and farm worker housing would qualify as special  
243 housing needs.  
244  
245 Planner Barrington stated that was correct.

246  
247 Commissioner Johansen stated that the fire standards within the Housing Element were not new,  
248 they were already included on discretionary use permits projects.  
249  
250 Planner Barrington answered that was correct. As a general practice the County required  
251 developments to be reviewed for that, the thought was it would be adequate to add it as a policy to  
252 the Housing Element to help codify that it was part of the general process.  
253  
254 Commissioner Johansen asked for clarification that it would be for discretionary use permits.  
255  
256 Planner Barrington answered it would also include subdivisions.  
257  
258 Commissioner Johansen asked if farm worker or employee housing would be included.  
259  
260 Planner Barrington answered it would not, however it would still need to meet applicable fire safe  
261 standards.  
262  
263 Commissioner Johansen stated that many of them were at the end of roads, and met the same  
264 practical effects as 4290 standards.  
265  
266 Planner Barrington stated that hadn't changed.  
267  
268 Commissioner Johansen stated that he believed that manufactured homes hadn't been able to  
269 receive financing for some time, and asked if Tri Counties was now offering that as well as other  
270 banks.  
271  
272 Planner Kelley answered that he had spoken with Wells Fargo Bank, not Tri Counties, who stated  
273 that they did allow for financing on manufactured homes on permanent foundations.  
274  
275 Commissioner Johansen asked if that was a change for them.  
276  
277 Planner Kelley answered that based on his discussion with them, they had allowed it for quite some  
278 time as manufactured homes on permanent foundations were considered real property, however if  
279 they were on tie downs they were not considered real property.  
280  
281 Commissioner Johansen asked if central pier tie downs were allowed here.  
282  
283 Planner Kelley answered he did not believe that was allowed, all manufactured homes needed to  
284 be on a permanent foundation.  
285  
286 Planner Barrington added that was unless they were in an established mobile home park.  
287  
288 Chair Duncan clarified that it would then be on the HCD roles.  
289  
290 Planners Barrington and Kelley confirmed that was correct.  
291  
292 Chair Duncan asked for any other questions of staff.  
293  
294 Chair Duncan opened public comment at 2:26 p.m.

295  
296 Susan Healy-Harmon of Forest Spring Mobile Home Park in Grass Valley came forward and  
297 introduced herself to the Commission and stated she appreciated the work that had gone into this  
298 report. She stated that as a senior that resides in a senior mobile home park, she was very concerned  
299 about affordable housing. The report listed manufactured and mobile homes together as meeting  
300 the needs of low and very low income residents and in housing affordability assumptions. She  
301 stated that affordable housing meant different things to different people, and she wished to offer  
302 her perspective on some of the assumptions that were made within the update. She added that it  
303 was meant as information, not criticism of the report. She stated that loans were not available  
304 through HUD or FHA for a mobile home park such as hers and others in the area, and that only 2  
305 private mortgage companies would provide mortgage loans to residents, whose rates were 8-9%  
306 minimum. Of the people that she knew with those loans, they were paying \$500 to \$700 a month  
307 if not more. She believed that the report listed manufactured homes outside of a mobile home park  
308 as having mortgages of \$372 a month. She stated that the space rent within a mobile home park  
309 ranges from \$600 to \$1000 a month with some parks allowing RV hookups who were in the \$550  
310 a month range. Regarding utilities, the report assumed \$150 a month, however in her park during  
311 the winter it was \$250 to \$350 a month or more, with summer ranging anywhere from \$185 to  
312 \$250 a month which is considerably more. Additionally, the space rents within mobile home parks  
313 increase annually 4-4.5%. She added that since she had moved in, her personal rent had gone from  
314 \$428 a month to \$770 a month. She added that there was a current trend within the state and this  
315 general area in which large LLCs were purchasing mobile home parks and increasing the rents  
316 substantially, averaging a 15% to 25% increase. She stated that those sort of purchases have  
317 occurred in this area, and currently two mobile home parks were for sale. She added that just like  
318 everyone else who lives in the country, their homeowners insurance is being cancelled, making it  
319 necessary to find and purchase more expensive homeowners insurance, which is difficult for  
320 mobile home owners. She added that generally those who are living in mobile home parks are low  
321 income or middle income, as well as those on fixed incomes. The affordability environment in  
322 mobile home parks was changing, resulting in what they call economic eviction in many parks, as  
323 they can no longer afford the increased rents. She was also surprised that senior housing was not  
324 included within Special Housing, considering the County has one of the highest senior populations  
325 in the state. She wanted to a make the Commission aware that mobile homes and parks, which  
326 have traditionally been affordable housing, are certainly seeing a change.

327  
328 Chair Duncan thanked Ms. Healy-Harmon and asked if anyone else would like to speak.

329  
330 Chair Duncan closed public comment at 2:32 p.m. and asked if Planner Kelley had any comments  
331 to add.

332  
333 Planner Kelley stated that much of the information within the report was received from the  
334 Assessor's Office, as well as from Forest Springs Mobile Home Parks website. If it was the desire  
335 of the Commission, he said that he could update the information further and make additional  
336 changes.

337  
338 Chair Duncan stated that the rising cost of staying in a mobile home park was a continuing concern.  
339 Historically it had been viewed as a bastion of affordability, and that HCD was concerned enough  
340 about it to institute grant programs to allow residents to buy their parks in order to control their  
341 cost. She added that they may actively want to encourage staff working with residents to see if  
342 those were viable options.

343

344 Planner Barrington wished it to be known that the information provided was the best available at  
345 the time of preparing the update. He stated that it could be looked at more as we go further into  
346 the update.

347  
348 Chair Duncan stated that they would hate to lose the units we do have which count towards  
349 affordability.

350  
351 Commissioner Bullock asked if there was a specific program in the Programs and Policies section  
352 which would help that specific issue, such as deed restriction or assistance, or economic eviction  
353 prevention.

354  
355 Planner Kelley stated there were.

356  
357 Commissioner Bullock was hoping to point out what was available for the commenter regarding  
358 the things being done to contribute to the solution to that problem.

359  
360 Chair Duncan stated that the concern was the ongoing rising cost, and that several years ago they  
361 had approved an expansion program for Forest Springs which was welcomed. She wondered if  
362 there was some reasonable test that the County could consider in terms of rising cost of those  
363 facilities to residents.

364  
365 Director Foss stated that most of the time the market drives prices unless some sort deed restriction  
366 existed on the subdivision or development. Currently incentives were in place to increase densities  
367 if they were willing to rent restrict or sale price restrict the lots or units for a certain number of  
368 years. The programs were not mandated, they were more of a bonus incentive to place more units  
369 on the site and increase housing stock. Many programs do apply to income level of the person, not  
370 the development. If a person has a certain income level and they choose to live in a mobile home  
371 park they may be eligible for some incentives such as first time home buyer or voucher programs.  
372 If there is desire for more control, it generally comes through when a developer proposes additional  
373 density which provides the opportunity to apply those restrictions.

374  
375 Chair Duncan stated that the red flag was we have a population with a fixed income, and rising  
376 costs make it impossible for them to continue living there. She added that one of the goals of  
377 having the Housing Element go through this exercise was to provide for all, and she wondered at  
378 what role the County could play to assure a level of affordability in some of the existing  
379 developments. She stated that most new developments are for single family homes for moderate  
380 to upper income.

381  
382 Director Foss agreed, and reminded the Commission of the Penn Valley project that had been at  
383 risk of losing its affordability, which the County along with a partner worked to keep those units  
384 affordable. As a Commissioner for the Regional Housing Authority, they were looking at some  
385 apartment complexes off of Dorsey Drive which were potentially about to lose their affordability.  
386 Partnering with the Housing Authority to bring in a developer to buy those properties to keep them  
387 affordable was a role that the County does play, as well as trying to maintain existing affordable  
388 housing stock.

389  
390 Chair Duncan stated that perhaps the mobile home parks would need to have that infusion of  
391 Housing Authority involvement to insure affordability moving forward.

392



393 Planner Kelley read a policy regarding removing constraints for low income, senior citizens, and  
394 households with persons with disabilities, and also read a policy regarding review areas in which  
395 constraints could be removed.

396  
397 Chair Duncan stated that while those policies were good, they did not specifically address the  
398 retention of existing facilities. She asked how we ensure that going forward it remains affordable.  
399 While the demand for creating new affordable housing would be there, we could not afford to lose  
400 what we already have. She stated that the County may want to consider options to be part of the  
401 solution instead of remaining a bystander.

402  
403 Commissioner Bullock stated that he believed that the incremental cost of keeping people in a  
404 situation that is affordable to them is more affordable than straddling a new development with  
405 middle and missing middle requirements.

406  
407 Chair Duncan felt that was a good concept which was real. She also asked if they were ready to  
408 make a motion.

409  
410 **Motion by Commissioner Bullock** to recommend that the Board of Supervisors adopt the  
411 attached draft Resolution approving the proposed Negative Declaration (EIS19-0001), finding that  
412 the adoption reflects their independent judgement that the project will not result in a physical  
413 change to the environment (Attachment 1). **Second by Commissioner Johansen. Motion carried**  
414 **on a voice vote 4/0. (Commissioner Aguilar was absent).**

415  
416 **Motion by Commissioner Bullock** to recommend that the Board of Supervisors adopt the  
417 attached draft Resolution approving the proposed amendments to the Nevada County General Plan  
418 Chapter 8, 2019-2027 Housing Element Update (GPT19-0001) (Attachment 2).  
419 **Second by Commissioner Johansen. Motion carried on a voice vote 4/0. (Commissioner**  
420 **Aguilar was absent).**

421  
422 Discussion ensued regarding upcoming Commission meetings and ongoing project statuses.

423  
424 **Motion by Commissioner Johansen; second by Commissioner Bullock to adjourn. Motion**  
425 **carried on voice vote 4/0.**

426  
427 There being no further business to come before the Commission, the meeting was adjourned at  
428 2:59 p.m. to the next meeting tentatively scheduled for June 13, 2019, in the Board of Supervisors  
429 Chambers, 950 Maidu Avenue, Nevada City.

430 \_\_\_\_\_

431  
432 Passed and accepted this        day of        , 2019.

433  
434 \_\_\_\_\_

435 Brian Foss, Ex-Officio Secretary