

JAN 04 2023

NEVADA COUNTY
BOARD OF SUPERVISORS

1/4/2023

Re: Recommendations for Ranch House Project From Concerned Neighbors & Business Owners of Nevada County

Dear Board of Supervisors,

I write this letter on behalf of myself and several other residents and business owners in Nevada County. Collectively, we have several concerns with transparency, accountability, and a double standard for how Nevada County staff handle privately owned projects versus county owned projects. The double standard for the Ranch House property began shortly after Nevada County obtained the property in 2008, when the County placed thousands of yards of material in 30' setbacks without a permit as we will explain in more detail below. There is also a very troubling transparency issue with an agreement between the County and Eden Ranch where the County agreed to no more development of the Ranch House property in exchange for an easement across their fire road and their approval of the solar farm in a letter dated December 30th, 2015.

There are also concerns that the Nevada County Planning Commission and BOS is in the process of rubber stamping the Ranch House Project through. On November 10th, 2022 the Planning Commission controversially moved this project forward with a quorum vote of 3-0 because only three planning commissioners showed up at the meeting. This was after only two planning commissioners showed up at the previous meeting. An even bigger concern is that the County is nearly \$200,000.00 into this project, including staff time, without first having BOS approval for Rezone and Use, which is undeniably putting the cart before the horse. It appears County staff are very confident both the Planning Commission and the BOS will sign off on this project after the fact since they've already spent tens of thousands of dollars in general funds and hundreds of hours of staff time working on this project since 2019. We have several other transparency, accountability, and double standard issues with this project as well, which we will further discuss below.

The following is a concise outline of our recommendations, which must be met in order for the County to garner our support with the proposed Behavioral Health Ranch House project on Hwy 49 near The Willo. It is our wish you require the County to:

1. Protect and restore the wetlands
2. Use current building codes and CDA guidelines for *new* septic perc and mantel tests
3. Modify the current building design to reflect a ranch house
4. Create a safer environment for the Behavioral Health clients
5. Alleviate concerns of the property's neighbors regarding the County's ongoing support services
6. Create and provide detailed plans, reports, protocols, and/or policies to the BOS as part of the approval process for the Ranch House Project, which we will discuss in more detail below

Wetlands: We would like to see a staff report for a comprehensive plan to protect-restore-rehabilitate the wetlands as part of the BOS' final approval of the Ranch House Project. As part of this report, we would like to see County staff prepare a sitemap overlaying Greg Poppin's, Mike Dial's, and the County's sitemaps as well as a history of the high definition aerial photographs of the entire property going back annually to 1998.

Septic System: We would like the BOS to request County staff get a **new**, not recertified 2002 perc and mantel tests.

Ranch House Building Design: We would like the BOS to ask the Architect on record that three separate conceptual exterior designs and finish suggestions be made available for public and BOS input as part of the condition the Planning Commission set requiring the building to look more like a ranch house instead of a hotel.

Behavioral Health Client's Safety Concerns: We would like to see a staff report for a comprehensive plan addressing Hwy 49 safety concerns, a public bus stop, on-site activities, and on-site 24 hour supervision as part of the BOS' final approval of the Ranch House Project.

Our exact recommendations about each specific point of concern will be discussed in more detail below.

Wetlands:

We would like the County to agree to restore and rehabilitate the existing wetlands to their natural condition as shown in 2004, *and earlier*, aerial photographs. A pond, recognized in Nevada County assessor's parcel maps no longer exists because the previous landowner ran his bulldozer up to the pond, relieving the historically natural existing pond and changing the natural flow of runoff, thus damaging the wetlands. This created a significant and continuing erosion situation down to Rush Creek and the South Yuba River, which still exists. Nevada County Public Works started discarding thousands of yards of material (notably asphalt, rocks, and road construction materials) in 2011 which blocked the natural flow of drainage to these wetlands. In 2015 the County permitted this material after the fact as landscaping as part of the approval for the solar field *despite it not being landscaping material*. The following are our minimum recommendations to County staff:

- Remove the berm of material on the north-east corner property line that covers and prevents the natural flow of drainage to these wetlands and the berm of material on the east-north corner property line that covers a natural drainage to wetlands and a portion of the previously existing wetlands. This material was placed on the property edges in a 30' setback shortly after the County acquired the property. This material came from a public works project widening Newtown Road. This material was placed there *temporarily* with the idea of creating a public works yard for equipment down the road. *This material was placed with no engineering, no site map, and no permit*. This is clearly a double standard. No

contractor or private landowner would be allowed to do this without a permit, soil compaction reports, and inspections.

- The abovementioned berms of material were conveniently permitted after-the-fact as part of the solar field landscaping in 2016. The County did not adhere to their own landscape design associated with the solar field project and approved the permitting of these berms as part of the solar farm application.
- There is an area within the solar farm that is recognized as an environmentally sensitive wetlands, which can be seen in previous owner's site maps and in 2004, *and earlier*, aerial photographs. County staff simply failed to recognize a section of the wetlands area, and mowed over it, for the installation of the solar field.
- There are aerial photos supporting claims that the County sprayed RoundUp on this property to control weeds on the wetlands *within the fenced area of the entire solar farm in 2018*. This happened at least the two following springs after the installation of the solar farm, which was reported to County staff, Nevada County's CEO, and the BOS.

Septic System:

We would like the County to acquire current perc and mantel tests that meet building codes and CDA guidelines because we believe this proposed State approved centralized septic system should be reviewed using current perc and mantel tests. The perc and mantel tests County staff are currently using were done in 2002 and according to County policy, perc and mantle tests need to be recertified every 2 years. If this wasn't a County project and a private citizen was proposing it, they would be required to provide current perc and mantel testing.

Additionally, County staff's request to ask Lincoln and Long Engineering to recertify their expired 2002 perc and mantel tests brings into question its validity to meet current State building codes, county ordinances, and building department guidelines. A recertified 2002 perc and mantel tests does not align with the County's own current codes/guidelines for perc and mantel tests because of their age.

When the new perc and mantel tests are done, we recommend the following be taken into consideration:

- The system should be redesigned with current calculations.
- The calculations for this system should be for six one-bedroom, one bath residences, opposed to one six-bedroom residence.
- Consideration should be given to moving the two septic holding tanks *in the basin of the wetlands* closer to the project so that these two holding tanks *are not in or near the wetlands*.

- Verification should be provided to prove that the proposed septic field and repair area is 100 feet from any neighbor's existing wells, septic areas, or repair areas.
- Verification should be provided to prove that the proposed septic field area setbacks are 100 feet from the historic pond and wetland areas as is verifiable in previous owner's site maps and in 2004, *and earlier*, aerial photographs.

Ranch House Building Design:

The proposed project is for six *separate residences under one roof* with a centralized septic system, centralized electrical service/system, centralized NID water service, centralized gas, shared laundry room, and an administrative office. *For all intents and purposes this is a commercial building, hotel, or medical facility that will be used to house behavioral health clients*, and we question whether the proposed building even meets RA-1.5 zoning requirements. That said, we would like the BOS to request clarification from County staff about how this project meets RA-1.5 zoning.

Assuming the hurdles previously listed are addressed and corrected, we would also like to make the following suggestions for building design so they align with the Planning Commission's recommendation during the November 10th meeting in order to give the building an authentic Ranch House look.

Additional recommendations from Neighbors and Businesses are as follows:

- Utilize eight-foot perimeter walls to keep the building as low as possible
- Use a 10-ft on 12-ft pitch roof cut and stacked, with a dormer on front and back of each unit
- Use rustic/rust rolled metal roofing materials
- Board and bat exterior walls with a real 3-ft. river rock wainscotting
- Remove the retention pond in the 30-foot setback, redirecting DI surface water to the retention pond in the back of the project, thus increasing the size of that retention pond to meet flow requirements
- Move the above ground transformer pad and transformer out of the 30-foot setback
- Move the above ground generator pad and generator out of 30-foot setback

Behavioral Health Client's Safety Concerns:

Regarding behavioral health client's safety concerns, we would like the County to:

- Add a public bus stop (*as stated in the NPLH grant application*) just east of the Ranch House towards Nevada City, near the *north-east* end of the property just

off Highway 49. This bus stop could also serve students being picked up for school. The County might also consider putting a public bus stop across from Ranch House on the Rainbow Market side of the road, which is currently being utilized as a school bus stop.

- Continue the existing turn lane from Newtown Road to just past the proposed bus stop on Highway 49. This would serve as a turning lane for the Ranch House and the proposed bus stop mentioned above.
- Install an ADA sidewalk from the north west corner of the Ranch House property to the bus stop.
- Continue CalTrans roadside lighting from The Willo and Rainbow Market to the bus stop.
- Install a 6-foot fence on three sides of the Ranch House project, which will prevent behavioral health clients from walking onto wetlands or neighboring properties.
- Provide comprehensive *daily* on-site support services for the Behavioral Health clients as outlined in Grants, which includes drug rehabilitation.
- Closely monitor clients with aggressive behaviors and immediately remove clients who are threatening to neighbors or businesses.
- Provide recreational activities for clients at the site as outlined in Grants.

Thank you for your time and consideration of all the above. If you have any questions please reach out to Mike Byrne, owner of the Willo, at [REDACTED] or Bruce Simpson, the representative for Eden Ranch, at [REDACTED] as they will be acting as liaisons for everyone who's signed this letter below.

Respectfully,
Concerned Neighbors and Business Owners of Nevada County

Jeff Rutherford owner Rainbow Market

NAME

Jeff Rutherford

SIGNATURE

NAME

Michael Byrne

SIGNATURE

Nancy A. Wilson The Willo

Nancy A. Wilson The Willo

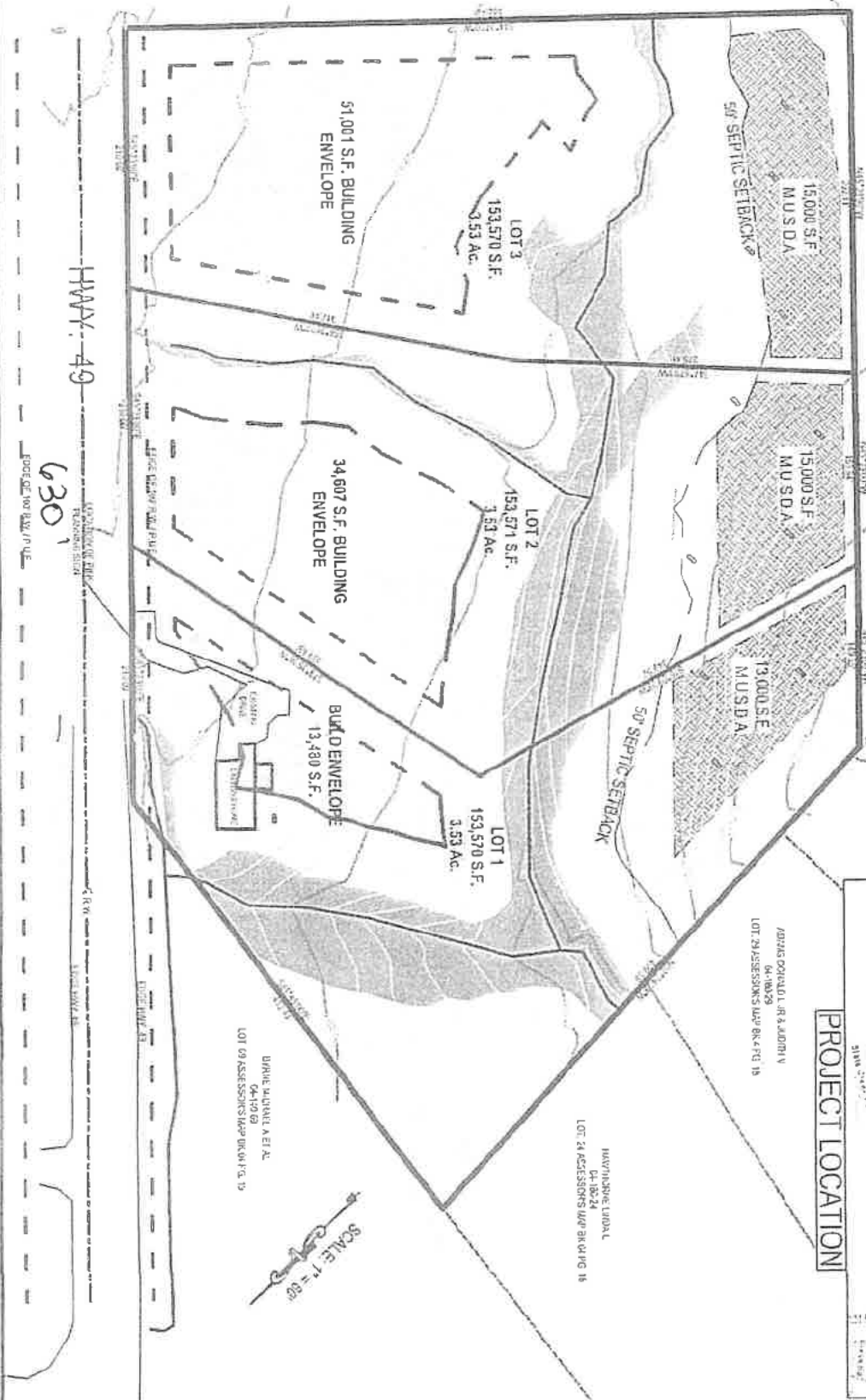
SUPPLEMENTAL NOTES:


- 1) ALL AREAS WHICH MEET BUILDING SETBACKS AND DO NOT IMPACT AN ENVIRONMENTALLY SENSITIVE AREA SHOULD BE CONSIDERED AS BUILDABLE AREAS. Sec. L-II.2.3
- 2) NO LOTS IMPERVIOUS AREA SHALL EXCEED ZONING STANDARDS.
- 3) SEASONAL WETLANDS
- 4) BUILDING AREAS
- 5) MUSD.A

MICHAEL A. DIAL
 15171 S. PONDEROSA WAY, GRASS VALLEY, CA. 95949
 PHONE (530) 273-6438

ALL WATER WILL BE SUPPLIED BY PRIVATE WELLS.
 SEWAGE WILL BE DISPOSED OF BY PRIVATE SEPTIC SYSTEMS.
 FIRE PROTECTION WILL BE PROVIDED BY THE CONSOLIDATED FIRE DEPT.

TENTATIVE PARCEL MAP 597.4



	<p>LINCOLN & LONG Civil Engineering & Environmental Systems 15171 S. Ponderosa Way Grass Valley, CA 95949 Phone: (530) 273-6438</p>
<p>DATE: 2/20/06</p> <p>DRAWN BY: M. GIBBERTI</p> <p>CHECKED BY: M. GIBBERTI</p> <p>DATE: 2/20/06</p> <p>SCALE: 1" = 50'</p>	<p>PROJECT OWNER: MIKE DIAL 15171 S. PONDEROSA WAY GRASS VALLEY, CA. 95949</p> <p>SITUS ADDRESS: MIKE DIAL 16782 Hwy. 49 NEVADA CITY, CA. 95959</p> <p>SHEET: TENTATIVE MAP</p>



Information and General Services Department

Facilities Management

10014 N. Bloomfield Road
Nevada City, CA 95959
Phone: 530-470-2635
Fax: 530-265-7087

*Information Systems
Geographic Information Systems
Facilities Management*

*Emergency Services
Central Services
Cable Television*

*Purchasing
Airport
Library*

December 30, 2015

Sheralyn Ilg
Eden Ranch Homeowners Association
16974 Blue Sky Circle
Nevada City, CA 95959

Re: County Property Adjoining Eden Ranch

Dear Sheralyn:

I am requesting some time to speak with the Eden Ranch Homeowners Association Board and residents of Eden Ranch about the proposed use of the ten acres owned by the County that is adjacent to the Eden Ranch development.

The County is proposing to install one megawatt of solar panels taking up approximately 3.5 acres of the ten acre site. **The existing house will remain.** The final project will include fixed solar panels, 6' chain link fence and some ground mounted interconnection equipment. The energy generated will provide credit to 50 County meters located at various locations throughout Western Nevada County.

The County has taken steps to protect the existing wetlands and drainages and has developed a management plan for these protections. **The remaining 6.5 acres will remain undeveloped.**

I have attached several drawings and photos of the project. Please let me know if you have any questions.

Sincerely,

Tom Coburn
Facilities Manager
530-470-2637
tom.coburn@co.nevada.ca.us

encls.

Eden Ranch Board Meeting on January 7th, at the Rood Center, 6:30pm in the Empire Rm. (main entrance at the top of the stairs and to the right) Tom Coburn will meet with Eden Ranch Homeowners prior to a short Eden Ranch Executive Board meeting.

BHCIP & CCE APPLICANT INFORMATION			
Applicant Name and Contact Information	County of Nevada	Mike.Dent@co.nevada.ca.us	
County or Tribal Nation	Nevada County		
Organization Name:	Nevada County		
Name of Proposed Project:	Ranch House Permanent Supportive Housing Project		
Projected Start Date:	March 9 2021		
Contact Name, Email & Phone:	Mike Dent	(530) 265-1410	mike.dent@co.nevada.ca.us
Assessor Parcel Number (APN)	04-140-67-000		
Assessor Parcel Number (APN)			

BHCIP & CCE GRANT BUDGET INFORMATION
Project Development Costs by Phase

	Funded by Grant	Funded by Match	Total Costs	Notes
FEASIBILITY/DUE DILIGENCE				
Owner Administration (10% autofill)	\$0	lock cell	\$0	
Legal			\$0	
Architect			\$0	
Consultants (Specify)			\$0	
Engineers			\$0	
Construction Manager/Owner's Rep			\$0	
SIR (Site Investigation Report)			\$0	
Site Surveys (soils & enviro)			\$0	
Other Feasibility / Due Diligence Costs			\$0	
Contingency (10% autofill)	\$0	lock cell	\$0	
Total Feasibility Costs	\$0	\$0	\$0	
PRE-DEVELOPMENT - (CCE ONLY)				
Owner Administration (10% autofill)	\$0	lock cell	\$0	
Legal			\$0	
Architect (Schematic Design)			\$0	
Construction Manager/Owner's Rep			\$0	
Engineers		\$70,000	\$70,000	
Constultants (Specify)			\$0	
Constultants (Specify)			\$0	
Other Pre-Dev Costs (Specify)			\$0	
Other Pre-Dev Costs (Specify)			\$0	
Other Pre-Dev Costs (Specify)			\$0	
Contingency (10% autofill)	\$0	lock cell	\$0	
Total Pre-Development Costs	\$0	\$70,000	\$70,000	
DEVELOPMENT PLANNING				
Owner Administration (10% autofill)	\$0	lock cell	\$0	
Legal			\$0	
Architect (DD and CD's)		\$96,000	\$96,000	
Construction Manager/Owner's Rep			\$0	
Civil Engineer			\$0	
MEP Engineer			\$0	
Structural Engineer			\$0	
Constultants (Specify)			\$0	
Constultants (Specify)			\$0	
Other Dev Planning Costs (Specify)			\$0	
Other Dev Planning Costs (Specify)			\$0	
Other Dev Planning Costs (Specify)			\$0	
Contingency (10% autofill)	\$0	lock cell	\$0	
Total Development Planning Costs	\$0	\$96,000	\$96,000	
LAND COSTS/ACQUISITION				
Owner Administration (2% autofill)	\$1,177	lock cell	\$1,177	
Land Cost or Value			\$0	

Demolition	\$58,839		\$58,839
Legal			\$0
Broker Fee			\$0
Appraisal Fee			\$0
Construction Manager			\$0
Closing Costs			\$0
Land Lease Rent Prepayment			\$0
Contingency (5% autofill)	\$3,001	lock cell	\$3,001
Total Land Costs	\$63,017	\$0	\$63,017
Existing Improvements Value (for Match)			\$0
Off-Site Improvements			\$0
Total Acquisition Costs	\$63,017	\$0	\$63,017
REHABILITATION			
Owner Administration (5% autofill)	\$0	lock cell	\$0
Legal			\$0
Construction Manager/Owner's Rep			\$0
Site Work			\$0
Structures			\$0
General Requirements			\$0
Contractor Overhead			\$0
Contractor Profit			\$0
Prevailing Wages			\$0
General Liability Insurance			\$0
Relocation Costs			\$0
Project Inspection			\$0
Signage and Marketing			\$0
FFE (Furniture/Fixtures/Equipment)			\$0
Urban Greening			\$0
Other Rehabilitation: (Specify)			\$0
Other Rehabilitation: (Specify)			\$0
Other Rehabilitation: (Specify)			\$0
Owner's Contingency (20% autofill)	\$0	lock cell	\$0
Total Rehabilitation Costs	\$0	\$0	\$0
NEW CONSTRUCTION			
Owner Administration (5% autofill)	\$106,402	lock cell	\$106,402
Legal			\$0
Construction Manager/Owner's Rep			\$0
Site Work	\$637,755	\$50,000	\$687,755
Structures	\$1,214,102	\$791,055	\$2,005,157
General Requirements	\$170,140	\$50,000	\$220,140
Contractor Overhead	\$26,775	\$19,141	\$45,916
Contractor Profit	\$47,136	\$60,000	\$107,136
Prevailing Wages			\$0
General Liability Insurance	\$32,141	\$4,700	\$36,841
Project Inspection			\$0
FFE (Furniture/Fixtures/Equipment)			\$0
Signage & Marketing			\$0
Urban Greening			\$0
Other New Construction: Hard Cost Contingency		\$51,560	\$51,560
Other New Construction: Soft Cost Contingency		\$25,944	\$25,944
Other New Construction: (Specify)			\$0
Other New Construction: (Specify)			\$0
Other New Construction: (Specify)			\$0
Owner's Contingency (20% autofill)	\$446,890	lock cell	\$446,890
Total New Construction Costs	\$2,681,342	\$1,052,400	\$3,733,742
CONSTRUCTION PERMITS & FEES			
Owner Administration (10% autofill)	\$2,744	lock cell	\$2,744
Bond Premium	\$27,441		\$27,441
Builders Risk Insurance			\$0
Title and Recording			\$0

Permit Fees		\$50,000	\$50,000	
Local Development Impact Fees			\$0	
Employment Reporting			\$0	
Other Const. Permits & Fees (Specify)			\$0	
Other Const. Permits & Fees (Specify)			\$0	
Other Const. Permits & Fees (Specify)			\$0	
Owner's Contingency (10% autofill)	\$3,019	lock cell	\$3,019	
Total Construction Permits & Fees	\$33,204	\$50,000	\$83,204	
RESERVES				
Operating Reserves (Rehabilitation)			\$0	
Transition Reserves (Move-in)		\$23,136	\$23,136	
Total Reserves Amount	\$0	\$23,136	\$23,136	
OTHER PROJECT COSTS				
Post Construction Commissioning			\$0	
Marketing/PR/Communications			\$0	
Move-in fees			\$0	
Accounting/Reimbursable			\$0	
CDFI Fees			\$0	
Other Costs: (Specify)			\$0	
Other Costs: (Specify)			\$0	
Other Costs: (Specify)			\$0	
Other Costs: (Specify)			\$0	
Owner's Contingency (10% autofill)	\$0	lock cell	\$0	
Total Other Project Costs	\$0	\$0	\$0	
DEVELOPER COSTS				
Developer Overhead		\$50,000	\$50,000	
Consultants/Processing Agents			\$0	
Project Administration		\$70,600	\$70,600	
Other Developer Costs: (Specify)			\$0	
Total Developer Costs	\$0	\$120,600	\$120,600	
Developer Fee (6%)	lock cell	lock cell	\$166,654	
TOTAL PROJECT COSTS	\$2,777,562	\$1,412,136	\$4,356,352	<i>TOTAL includes Developer Fee</i>

Match % of Total Costs	51%			
Total Contingency	\$452,910	lock cell	\$452,910	
Total Reserves	\$0	lock cell	\$23,136	

Julie Patterson-Hunter

From: Pauli Halstead <[REDACTED]>
Sent: Sunday, January 8, 2023 3:04 PM
To: BOS Public Comment
Cc: Heidi Hall; Sue Hoek; Hardy Bullock; Ed Scofield; lisa swarthout; Michael Taylor; Mike Byrne; Bruce Simpson; Alison Lehman; Ryan Gruver; Phebe Bell; Mike Dent
Subject: Re: Public Comment for January 10th BOS meeting
Attachments: Minutes of Meeting with Ranch House Neighbors.doc

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Corrections

Phebe Bell, is Director of Behavioral Health
The Board of Supervisors Meeting is Tuesday, January 24th

Corrected version attached,

Pauli

On Sun, Jan 8, 2023 at 5:11 AM Pauli Halstead <[REDACTED]> wrote:
Please enter the attached document into the agenda packet.

The document is the minutes taken at the January 6th meeting with Heidi Hall and neighbors of the Ranch House, at the Willo restaurant.

Pauli

--

Pauline Halstead
[REDACTED]

--

Pauline Halstead
[REDACTED]

Public Comment Re: January 6th meeting with Heidi Hall and Ranch House Neighbors

Representing the County

Heidi Hall, Supervisor, District 1
Mike Dent-Director of Housing
Phebe Bell-Director, Behavioral Health
Martin Wood-SCO Planning and Engineering, Project Manager

Neighbors and Business owners

Mike Byrne, owner, The Willo
Nancy Wilson, owner, The Willo
Michael Taylor, building contractor
Kathy Simpson, from Eden Ranch
Molly Fisk

The meeting was called so that neighbors and business owners in the vicinity of the Ranch House could air their grievances and why they are apposed to the construction of a new building, which will add three more Behavioral Health clients to the neighborhood.

Unbeknownst to the neighbors, Ms. Hall invited Mike Dent, Phebe Bell, and Martin Wood to give yet another presentation on the project. The neighbors had previously attended the November 10th Planning Commission meeting and were aware of the scope of the project.

This meeting was to be the neighbor's opportunity to make their presentation. Instead, the meeting began with Ms. Hall stating, 'we are not here to talk about the past, only the present'. This statement set a contentious tone and the understanding that Hall was there to push the agenda of the project. Unfortunately, the problem 'is' the past history with the property, and the Behavioral Health clients, which is now influencing the pushback of the project.

Past History:

First, it was obvious, Ryan Gruver, Phebe Bell and Mike Dent had not been made aware of the past history of the property prior to applying for the No Place Like Home grant. The grant application was predicated on the County having site control of the property. There was no awareness that the Eden Ranch Homeowners Association, in exchange for agreeing to have the solar field installed, and subsequently granting an easement, there would be no further development on the property.

Former owners of the property were denied their projects because the county would not allow development near the wetlands. Previous owners would never have been allowed a zoning change. During the meeting questions arose regarding the double standard the county applies when it wants to do a project. Ms. Hall tried to assure everyone that the County has to go through the same processes as a private individual.

The grant application also refers to five days a week on-site support staff, (*not just someone dropping off meds twice a day*). The grant also refers to clients being able to sign up for office hours with staff. However, there is no office in the plans. Dent referred to the community room as doubling for office space.

Prior to voting on the Ranch House project, the Board of Supervisors needs to:

- review all past contracts with the Eden Ranch Homeowners association and make good on those agreements, which may include halting further development on the property.
- remove the berm of road material and restore the wetlands and pond to previous conditions.
- make sure the spraying of toxic weed killers in an around the surrounding wetlands ceases. [Pesticide Report.pdf](#)
- read the NPLH grant application and make sure daily on-site supervision is included in the AMIH contract, preferably a resident manager who resides on the property. This would entail a living space for the manager.
- reinstate the bus stop, *which was a requirement of the NPLH grant*.
- add more fencing to screen the Ranch House from neighbors.

It's clear the neighbors and business owners in the vicinity of the Ranch House, who have been subjected to a myriad of problems *over time* by mismanagement of the property by the County and Behavioral Health, are appealing to the Board of Supervisors to address and mitigate past issues prior to approving the project.

The meeting to approve the project, scheduled for Tuesday, January 24th must be postponed until all this is settled.

Pauli Halstead
Nevada City