

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

3
4 **MINUTES** of the meeting of January 12, 2023 1:30 p.m., Board Chambers, Eric Rood Administration
5 Center, 950 Maidu Avenue, Nevada City, California
6

7
8 **MEMBERS PRESENT:** Commissioners Greeno, Mastrodonato, Duncan and Milman
9

10 **MEMBERS ABSENT:**
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12 **STAFF PRESENT:** Planning Director Brian Foss, Principal Planner, Tyler Barrington, Deputy County
13 Counsel, Rhetta VanderPloeg, Senior Planner, Kyle Smith, Administrative Assistant, Shelley Romriell
14

15
16 **PUBLIC HEARINGS:**

- 17
18 1. Greater Higgins Area Plan
19 PLN22-0190; GPA22-0002; RZN22-0002; ORD22-3; EIS22-0014
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 1:31 p.m. Roll call was taken.
24

25 **CHANGES TO AGENDA :** Chair Greeno asked if there are any corrections to the agenda.
26

27 Director Brian Foss advised there were no changes to the agenda.
28

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

34 Chair Greeno opened public comment at 1:31pm.
35

36 Christie Hubbard introduced herself as a representative of the Wells Coalition which is a group of Well
37 owners near the Idaho Maryland Mine. She stated a comprehensive domestic well monitoring program was
38 not established prior to the DEIR was released for the Idaho Maryland Mine. She stated a program such as
39 this would establish the baseline data required by CEQA. She stated over 300 properties are located within
40 1000 feet of the Idaho Maryland Mine mineral rights area, that have domestic wells, and there hasn't been
41 any current monitoring data. The 378 properties identified by the FEIR supplemental domestic well
42 monitoring program only capture approximately 150 wells of the over 300+ wells in the mineral rights area.
43 She stated CEQA requires that a baseline be established, and this was not completed.
44

45 Sol Henson introduced himself as the President of the San Juan Ridge Taxpayers Association. He spoke
46 regarding the Siskon Gold mine on the San Juan Ridge in which they breached a water line and resulted in
47 the loss of nearing a dozen wells. He stated some wells lost 50-75% of capacity however without baseline
48 data, owners were not able to prove that. He stated the importance of a baseline monitoring program that
49 should have been established for the Idaho Maryland Mine site which would create a safeguard for water
50 quality and quantity.
51

52 Gary Perozzi introduced himself as a District 3 resident and Wells Coalition representative and stated the
53 Final EIR for the Idaho Maryland Mine failed to acknowledge there are significant risks to domestic wells

54 in the surrounding area. He stated expert opinions vary greatly from the Final EIR and there needs to be at
55 least a 3-year monitoring period to create a baseline for domestic wells in the area.

56
57 Tony Loria introduced himself as a District 1 resident and stated the watering program stated in the FEIR
58 is not adequate and he feels he shouldn't have to beg the county for water monitoring and safe water for his
59 property, family, and pets. He stated a baseline monitoring program needs to be established and often 3
60 years of monitoring is not long enough to create a baseline. He is concerned he will have to negotiate with
61 Rise Gold to get his water connected to NID and asked if this makes anyone else feel comfortable. He stated
62 none of the well owners asked for this project and all have asked for protection from this disastrous project.

63
64 Dr. Haun introduced herself as a resident of District 3 and is speaking on behalf of the CEA (Community
65 Environmental Advocates) Foundation. She stated CEQA does not allow the deferral of important studies
66 necessary to characterize a project's impacts. She stated per 15125 CEQA guidelines, an EIR must include
67 a description of the project's environmental setting which provides a baseline physical description. She
68 stated that unless the EIR identifies current water well levels, it can not establish performance criteria and
69 evaluate how dewatering may impacts the wells. She stated it is not possible to find appropriate mitigations.
70 She is concerned the dewatering is going to drop the well water from 1-10 feet per well, for over 150 wells.
71 She stated the current domestic well monitoring data must have been collected and included in the EIR to
72 establish a baseline, so that it can be reviewed and used in the decision making process. She stated this
73 critical step has been ignored.

74
75 Laurie Oberholtzer introduced herself as a District 1 resident and CEAF representative and stated the
76 ground water impacts have not been correctly identified in the DEIR. She stated the consultants have
77 continually dismissed comments from technical experts on big ticket impacts and continue to conclude that
78 major impacts will be less than significant. She asked for the flawed EIR to not be certified and for the
79 Planning Commission to deny the project. She continued by stating if the project is denied, the County is
80 under no legal obligation to certify the EIR. She stated the impacts from the Idaho Maryland will be
81 significant and long lasting.

82
83 Chair Greeno advised we have reached our 15 minutes allotted for public comment and asked how many
84 more speakers are wanting to speak in opposition of the Mine.

85
86 Mr. Brock came forward and introduced himself as a Real Estate Broker in the County. He stated he is in
87 strong opposition to the EIR for the Idaho Maryland Mine. He asked that the EIR be held accountable and
88 held up to the County's General Plan, specifically chapter 17 for mineral extraction, in which it refers you
89 to other chapters of the General Plan. He asked that the County use that as a guideline as decisions are being
90 made on this most important issue.

91
92 Jim Bair introduced himself and stated he has been reading the draft EIR. He stated there is nothing worse
93 than air pollution regarding asbestos and his comment on the draft EIR was not addressed correctly. He
94 provided an analysis regarding the impacts from asbestos to staff. He stated there is a need to have asbestos
95 tested and they have not been provided in the FEIR.

96
97 With no further comments coming forward, Chair Greeno closed public comment at 2:01pm.

98
99 **COMMISSION BUSINESS:** None

100
101 **CONSENT ITEMS:**

- 102
103 1. Acceptance of the 2022-12-08 Planning Commission Hearing Minutes
104 *Approved as amended by Commissioner Duncan*

105
106 **PUBLIC HEARING:**

107
108 **1:30 p.m. PLN22-0190; GPA22-0002; RZN22-0002; ORD22-3; EIS22-0014:** Public hearing to
109 consider a recommendation to the Board of Supervisors for the Greater Higgins Area Plan, including: 1)
110 approving a Negative Declaration (EIS22-0014); 2) approving a General Plan Text Amendment (GPA22-
111 0002) to adopt the Area Plan and to update references to the Area Plan within Chapter 1. Land Use Element
112 of the General Plan; 3) approving a Zoning Map Amendment (RZN22-0002) to correspond with the
113 proposed expansion of the Area Plan boundaries to add the Site Performance (SP) Combining District
114 zoning to specific parcels to reflect the applicability of the Area Plan, and; 4) approving a Zoning
115 Ordinance Amendment (ORD22-3) to amend Sec. L-II 4.2.3 of the Nevada County Zoning Ordinance to
116 update the reference to the Greater Higgins Area Plan. (District II). **ASSESSOR PARCEL NUMBER:**
117 Various. **LOCATION:** The Greater Higgins Corner area is an unincorporated community in Western
118 Nevada County. The Lake of the Pines Village Center is located across California State Highway 49,
119 twelve miles South of Grass Valley and two miles North of the Nevada-Placer County line.
120 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Recommend the Board of Supervisors
121 approve the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (EIS22-
122 0014). **RECOMMENDED PROJECT ACTION:** Recommend the Board of Supervisors approve the
123 General Plan Text Amendment (GPA22-0002), adopt the amendments to Zoning District Map (RZN22-
124 0002), and approve the amendment to the Nevada County Zoning Ordinance (ORD22-3). **PLANNER:**
125 Kyle Smith, Senior Planner

126
127 Senior Planner Kyle Smith introduced himself and started his presentation. He introduced Bruce Brubaker,
128 Principal Planner at Placeworks and Lead Consultant for the Greater Higgins Area Plan. Planner Smith
129 provided a background on County Area Plans and why they are created, the purpose of the Greater Higgins
130 Area Plan, and Project Partners such as the South County Municipal Advisory Council and their important
131 participation in creating the Greater Higgins Area Plan. He continued his presentation by describing the
132 expansion of the previous adopted Higgins Corner Area Plan into what is now the Greater Higgins Area
133 Plan.

134
135 Mr. Brubaker advised there was an extensive Community Engagement process and events such as
136 stakeholder interviews, four community workshops, regular meetings with the South County MAC, along
137 with outreach through website postings, email blasts, social media, direct engagement and flyers. He spoke
138 to the Plan Organization of 7 chapters and an appendix that were created.

139
140 Planner Smith explained the project components such as the General Plan Text Amendments, Zoning
141 Ordinance text Amendment and Zoning Map Amendment. He also stated the project does require
142 environmental review and explained the public review period, comments received and that the Initial Study
143 found this project would not result in a negative environmental impact. He advised this project does not
144 issue any entitlements or authorize any physical disturbance of the environment. Planner Smith stated any
145 future projects within the Plan boundaries would be based on consistency with the County General Plan,
146 Land Use and Development Code and the Greater Higgins Area Plan.

147
148 Planner Smith introduced Erin Sullivan, South County MAC Chair, and asked her to come forward and
149 make a few comments.

150
151 Erin Sullivan introduced herself as the Chair of the South County Municipal Advisory Council (MAC). She
152 stated the South County MAC consists of 11 members of the Higgins Area Community, all of whom
153 volunteered to participate in an interview process and ultimately invited to serve on the Council. The South
154 County MAC was created for the purpose of reviewing and making recommendations to Staff regarding
155 the Greater Higgins Area Plan. Over the course of the last couple of years the South County MAC has held
156 public meetings approximately once a month. The MAC has also held and participated in 4 community
157 input meetings and held workshops and virtual meetings. She advised there was great turnout and they
158 received much input from community members. Ms. Sullivan stated an ad-hoc committee was created to
159 brainstorm ways to promote public meetings and participation opportunities by passing out flyers at

160 sporting events at Bear River High School, hosted an information table outside the Holiday Market on
161 Combie Road, put posters up at local businesses and used social media. She stated there are some
162 community members that are concerned about this plan so Staff and the South County MAC worked hard
163 to balance the Communities vision while balancing any concerns that were brought forward by the
164 community members. On December 12, 2022 the South County MAC held a special meeting to review the
165 final plan and provide its unanimous recommendation that the Greater Higgins Area Plan be approved by
166 the Planning Commission and adopted by the Board of Supervisors with the direction that staff make some
167 minor changes that were noted as absent in the final plan. Those minor changes are figure 2.10 be redesigned
168 to remove development concepts on Lake of the Pines Association owned parcels and the removal of a
169 reference to the Department of General Services when referencing the potential of a CalFire station on
170 Combie Road. With those items noted, on behalf of the South County MAC, she encouraged the Planning
171 commission to approve the Greater Higgins Area Plan.

172

173 She asked the Planning Commission to approve the Greater Higgins Area Plan.

174

175 Chair Greeno opened Public Comment.

176

177 Gary Baker introduced himself as one of the MAC members and thanked County staff, Supervisor Scofield
178 and the Consultant for all the hard work put into this project. He stated he is very impressed and proud to
179 be apart of this project where everyone was respectful, professional, and cooperative. He encouraged the
180 Planning Commission to adopt the plan they put forth.

181

182 Matthew Russell introduced himself as a resident of Grass Valley, near Lake of the Pines. He stated he has
183 sent 2 letters to Senior Planner Smith and asked for the Commissioners to read the letters. He continued by
184 stating public outreach and notification for this Area Plan was minimal. He stated in December, during the
185 busiest holiday of the year, notification was sent out regarding the Initial Study and Negative Declaration
186 process. He advised he spoke to all of his neighbors and nobody was aware of this Area Plan until the
187 notification was sent out regarding the Initial Study. He asked why these notification letters are not sent out
188 at the beginning of the planning process instead of waiting until December. He continued by stating he
189 spoke with at least 22 of his neighbors and in which none of them were aware of the Area Plan and they all
190 oppose building up the area. Mr. Russell voiced his concern about the development proposed in the area
191 plan which includes compact residential development, affordable housing, multifamily housing, cottage
192 courts, townhouses, apartments and a hotel which does not maintain the rural character and is a road map
193 for builders to build up the area. He expressed his concerns regarding the environmental impact report
194 stating minimal impacts when the Bear River Little League are not able to get new restrooms because of
195 environmental reasons. He asked how these developments are so easily able to pass the environmental
196 impact phase when bathrooms can't even get installed at a baseball field. He stated classroom sizes are
197 adequate and parents and teachers do not want more children in the classrooms. Kids are currently thriving
198 with the current class sizes. He asked, on behalf of himself and his neighbors, for the Planning Commission
199 to not approve the Greater Higgins Area Plan and give the community a meaningful opportunity to
200 participate in shaping the Community.

201

202 Chair Greeno closed public comment.

203

204 Commissioner Mastrodonato thanked all the members of the South County MAC for their hard work and
205 for establishing the Council. He stated the scope of work that goes into creating an Area Plan is a lot of
206 hard work and that an Area Plan does not give anyone authority to build and it's more about the Community
207 coming together and creating an idea of the type of community they want to live in. Any further
208 development will have to go through the normal process of getting permits and approval.

209

210 Commissioner Milman asked if during the development of this plan if additional density was looked at such
211 as other options from townhomes or single family homes.

212

213 Senior Planner Smith advised other housing types are considered and there is a potential for high density
214 housing through the General Plan and Land Use and Development Code. He stated there was a strong desire
215 for the community to retain its rural character. He stated cottage courts and 6–8 unit housing options were
216 considered. He continued by stating there are commercial nodes that already exist in the area that can be
217 utilized and built up. The ultimate goal is for the rural area to retain its character and to not be as impacted
218 by an urban type of development.

219
220 Commissioner Duncan asked for any explanation on why there is such a diverse number of zonings in this
221 area.

222
223 Planner Smith stated the Nevada County General Plan defines the percentage of the County that should be
224 designated to different land use types. There is no proposed rezoning and there are many different land
225 types currently in this area such as single family residential, multi family housing, and commercial to
226 provide all of the land uses and opportunities this area would need.

227
228 Mr. Brubaker added senior housing and family housing is proposed because the population is aging, and
229 often adult children are not able to afford to live in this area so providing multifamily homes can retain
230 some the residents from moving away.

231
232 Commissioner Duncan stated she hears the concerns brought forward regarding the lack of notification and
233 advised this is often heard and as we go through these processes, we have to ask if there are other methods
234 that can be deployed to ensure a community is well informed. She advised she likes the transparency of the
235 Plan and it's a blueprint for the community. As evidence, by recent development, the Higgins area is
236 growing and there are more commercial businesses than previously. She stated there is a concern that the
237 businesses are struggling to attract workforce because there are no reasonably priced accommodations. She
238 stated the workforce isn't necessarily seniors or small families but workers within our community. She
239 stated she too has the desire for the Higgins Area to keep its rural character and not turn into an urban
240 appearance and character but that is sustainable across time and fits the needs and desires of the community.
241 She thanked the Community members for participating in the process.

242
243 Planner Smith stated they spoke with school officials, and they were advised schools are not at capacity
244 and there is a need and desire to have more students in the schools which will help support families with
245 opportunities. He also stated that although the Planning Department did a good job at notifying the
246 community and held many opportunities for participation, there is always room for improvement.

247
248 **Motion by Commissioner Duncan** to Recommend the Board of Supervisors approve the attached
249 Resolution for the Negative Declaration (EIS22-0014) for the Area Plan and associated actions pursuant to
250 Section 15074 of the California Environmental Quality Act Guidelines making the findings contained
251 within the draft Resolution (*Attachment 1*).

252
253 **Second by Commissioner Mastrodonato. Motion Carried on a 4/0 vote.**

254
255 **Motion by Commissioner Duncan** to Recommend the Board of Supervisors approve the attached
256 Resolution for General Plan Text Amendment (GPA22-0002) to adopt the Greater Higgins Area Plan and
257 amend the General Plan Land Use Element for internal consistency (*Attachment 2*).

258
259 **Second by Commissioner Mastrodonato. Motion Carried on a 4/0 vote.**

260
261 **Motion by Commissioner Duncan** to Recommend the Board of Supervisors adopt the attached Ordinance
262 for the amendments to Zoning District Map (RZN22-0002) described in the project description including
263 adding the "SP" Site Performance Combining District to parcels that have been included in the expanded
264 Plan boundaries making the findings contained within the draft Ordinance (*Attachment 3*).

265
266 **Second by Commissioner Mastrodonato. Motion Carried on a 4/0 vote.**

267
268 **Motion by Commissioner Duncan** to Recommend the Board of Supervisors approve the amendment to
269 Sec. L-II 4.2.3 of the Nevada County Zoning Ordinance (ORD22-3) to update the reference to the
270 applicability of the Greater Higgins Area Plan making the findings contained with the draft Ordinance
271 (*Attachment 4*).

272
273 **Second by Commissioner Mastrodonato. Motion Carried on a 4/0 vote.**

274
275 Chair Greeno asked for information for any upcoming meetings.

276
277 Director Foss advised there are no meetings scheduled for the remainder of January but there could be one
278 in February or March.

279
280 Chair Greeno asked if there is a date for the Idaho Maryland Mine hearing.

281
282 Director Foss advised there is no date at this time.

283
284 Chair Greeno adjourned the meeting at 2:53 p.m.

285
286 There being no further business to come before the Commission, the meeting was adjourned at 2:53 p.m.
287 to the next meeting, at a date to be determined, in the Board of Supervisors Chambers, 950 Maidu Avenue,
288 Nevada City.

289
290
291 _____
292 Passed and accepted this day of _____, 2023.

293
294 _____
295 Brian Foss, Ex-Officio Secretary
296