NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

MINUTES of the meeting of January 9, 2020, 1:30 p.m., Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

MEMBERS PRESENT: Commissioners Coleman-Hunt, Duncan, Aguilar, Johansen

MEMBERS ABSENT:

STAFF PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Deputy County Counsel, Rhetta VanderPloeg; Associate Planner, Sadie Caldas; Associate Planner, Janeane Martin; Administrative Assistant, Shannon Paulus.

PUBLIC HEARINGS:
1. Safety Element Update
   PLN19-0064; GPT19-0002; EIS19-0005

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

CALL MEETING TO ORDER: The meeting was called to order at 1:40 p.m. Roll call was taken.

CHANGES TO AGENDA: None

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

COMMISSION BUSINESS: Selection of Commission Chair and Vice Chair. Motion by Commissioner Johansen, second by Commissioner Coleman-Hunt, to nominate Commissioner Aguilar for Chair. Passed on voice vote. Motion by Commissioner Duncan, second by Commissioner Coleman-Hunt, to nominate Commissioner Johansen for Vice Chair. Passed on a voice vote.

CONSENT ITEMS:
1. PLN19-0188; EXT19-0012: Extension of Time for Rescom Steel Development Permit and Minor Change (DP15-005; MIS17-0006; EIS15-018).
2. PLN19-0187; EXT19-0011: Extension of Time for Merlander Parcel Map (PM05-026).

Motion to approve Consent items 1-2 by Commissioner Johansen; second by Commissioner Coleman-Hunt. Motion carried on a voice vote 4/0.
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
addresses potential and existing hazards in the County, which are outlined in the following categories: Emergency Preparedness, Geological Hazards/Seismic Activity, Flood Hazards, Airport and Military Airspace Hazards, Hazardous Material and Mining Hazards, Public Safety Services and Facilities, Fire Hazards and Protection, and Severe Weather Hazards. Among other updates, two additional categories for Climate Change Resiliency and Mitigation, and Environmental Justice have been added to the Safety Element. The Planning Commission will also consider and make a recommendation to Board of Supervisors to adopt the Negative Declaration (EIS19-0005) prepared in accordance with the California Environmental Quality Act (CEQA) for the proposed amendments to the Nevada County General Plan, Chapter 10, Safety Element. PROJECT LOCATION: Unincorporated area of Nevada County. RECOMMENDED ENVIRONMENTAL DETERMINATION: Recommend adoption of the Negative Declaration (EIS19-0005). RECOMMENDED PROJECT ACTION: Recommend approval and adoption of the Resolution approving the revisions to the Nevada County General Plan, Chapter 10, Safety Element. PLANNER: Sadie Caldas, Associate Planner

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

Commissioner Duncan asked if Planner Caldas could discuss Environmental Justice. Planner Caldas stated that she would go into more detail later, however it was to insure populations and communities within the County were treated fairly and not exposed to more pollutants or negatively impacted by land use patterns.

Chair Aguilar asked that she discuss Climate Change Resiliency and Mitigation in more detail. Planner Caldas answered that she would discuss that in more detail shortly. She continued her presentation, discussing revisions to existing categories. She went on to discuss the new categories of Climate Change Resiliency and Mitigation, as well as Environmental Justice and Vulnerable Populations. She discussed the process of the update from consultation, to distributions and web postings of the Staff Report, as well as mailings to interested parties and stakeholders. She discussed the reviews by the Board of Forestry and Fire Protection, Cal OES, the CA Geological Survey, and other public agencies which provided comment. She noted that during the comment period of the Initial Study and Negative Declaration, the only comment received was from the Central Valley Regional Water Quality Control Board, which did not include anything specific to the Safety Element. She stated that only one other comment had been received regarding the Safety Element, which had come in earlier that day. She ended her presentation with Staff Recommendations that the Planning Commission recommend that the Board of Supervisors approve the Negative Declaration (EIS19-0005) and adopt the draft Resolution approving the proposed amendments to the Nevada County General Plan (GPT19-0002). She added that Counsel desired to speak regarding the comment letter received earlier that day.
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.
Candice Suarez of Cascade Shores introduced herself to the Commission. She asked that the Commission send the Geological Hazard section of the Safety Element back for revision, stating that it lacked critical mapping of geologic hazards required by State law. She also requested that the CEQA document be sent back because it did not address the increased risk of the Safety Elements failure to map known geologic hazards. She expressed her belief that the mapping was important and detailed what happened to her and her family as a result of not knowing that there was a geologic hazard on a nearby property. She reiterated her request that the Commission send the Safety Element back to include mapping of known hydraulic mining and other geologic hazards, add a policy requiring that mapping be done within a year, and add a policy to facilitate the formation of geologic hazard abatement districts to develop mitigation for known geologic hazards. She asked that the Commission take this seriously, as her situation had caused herself and her family, as well as neighbors, a great deal of stress and anxiety. She thanked the Commission for hearing her.

Chair Aguilar thanked Mrs. Suarez.

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

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

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

Chair Aguilar asked staff to address the comments.

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

Chair Aguilar asked for further questions or comments.

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

Director Foss answered yes, the Safety Element, as well as the other elements, were meant to identify issues and specific policies. He added that it was a good nexus for further studies, technical studies, or other documents to be commissioned or initiated by the County through the Board of Supervisors. He said it was not intended to solve all the problems or get into technical details, it
was meant to be a high-level document, identifying and recognizing certain issues which could be used as a platform for further analysis and additional policies, documents, and initiatives.

Commissioner Johansen identified carbon sequestration, which farmers provided for free, air quality, and water as issues. He said that no one really understood the water system in the area and that it would be a benefit to know more about underground and other water availability. He asked to initiate a study or to have the concern taken to the Board of Supervisors. He felt it was a safety issue, and vital to making land use decisions. He added that he would have liked to have seen the Safety Element go before the Agricultural Advisory Commission for additional feedback. He also discussed the benefits that the agricultural community brought to the County, including fire breaks and wildlife habitat.

Commissioner Duncan clarified that Commissioner Johansen was proposing that staff take a recommendation to the Board of Supervisors for a ground water survey.

Commissioner Johansen affirmed that was correct.

Commissioner Coleman-Hunt stated that she had the same concern about water quality and availability. She asked where in the General Plan water quality and availability would be identified as issues that needed to be built in to policies.

Planner Barrington pointed out that the Safety Element and the General Plan guided development. He identified a policy within the Safety Element which, while not Countywide, did look at the issues which concerned the Commissioners as projects for development came in for review.

Director Foss added that CEQA did require analysis of groundwater, and that some subdivisions had previously required well pump tests, such as in Standing Rock and the Blue Lead Mine. He said it was a large and complicated issue, and it was generally addressed on a project by project basis. He stated that on some projects, experts had said that they were unaware of the volume and supply of water, and that it was very difficult to identify because it was a fractured rock system. He reiterated that the Safety Element offered a platform to commission additional studies. He added that the General Plan did have a Water Element which addressed water resources and would potentially be an appropriate place to add additional policies and information, along with the Agricultural Element. He stated that the Safety Element did point out many of the benefits of agriculture as pointed out by Commissioner Johansen, such as fire safety and wildlife corridors. He said that staff could certainly make their comments and recommendations known to the Board if and when the Safety Element moved forward.

Commissioner Duncan said that her understanding was that Commissioner Johansen wanted to understand groundwater resources Countywide, as opposed to on a project by project basis. She said that ultimately it would be the Board of Supervisors decision, as they would be directing funding. She asked that staff take their concerns to the Board.

Director Foss stated they would.

Commissioner Johansen asked if the Water Element was scheduled for review.

Director Foss answered that it was not at this time.
Chair Aguilar asked that a revision be made on page 10-29 of Attachment 3 to recognize the current reality of climate change. He discussed the effects of climate change and the change of population, and evacuation, relocation, and migration to higher elevations.

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

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

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

Commissioner Johansen clarified that they were talking about migration.

Chair Aguilar indicated that was correct.

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

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

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

Chair Aguilar asked if anyone had any further changes.

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

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

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

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

Passed and accepted this 13 day of February 2020.

_Brian Foss (sp)_
Brian Foss, Ex-Officio Secretary