NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

MINUTES of the meeting of February 13, 2020, 1:30 p.m., Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

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

MEMBERS ABSENT:

STAFF PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Deputy County Counsel, Rhetta VanderPloeg; Principal Civil Engineer, Pat Perkins; Public Works Project Manager, Jessica Hankins; Administrative Assistant, Shannon Paulus.

PUBLIC HEARINGS:

1. Nevada County Capital Improvement Plan

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

CALL MEETING TO ORDER: The meeting was called to order at 1:30 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: None.

CONSENT ITEMS:


Motion to approve Consent item by Commissioner Coleman-Hunt; second by Commissioner Duncan. Motion carried on a voice vote 4/0.

PUBLIC HEARING:

NEVADA COUNTY CAPITAL IMPROVEMENT PLAN. The Department of Public Works is requesting that the Planning Commission make a determination of General Plan conformity for the Nevada County Capital Improvement Plan (CIP). The CIP is a five-year plan identifying road maintenance and capital improvement projects, expenditures, and revenue projections for the County Public Works Department. This year’s CIP represents a five-year, $115 million program for the Fiscal Years ending in 2020 to 2024. PROJECT LOCATION: Countywide. RECOMMENDED ENVIRONMENTAL DETERMINATION: Exempt pursuant to Section 15378(b)(4) of the State CEQA Guidelines.
RECOMMENDED PROJECT ACTION: Find that the Five-Year Capital Improvement Plan for Fiscal Years Ending 2020-2024 is in conformity with the adopted Nevada County General Plan. STAFF: Trisha Tillotson, Director of Public Works

Principal Civil Engineer Pat Perkins introduced himself and Public Works Project Manager Jessica Hankins to the Commission and began his presentation. He explained that a Capital Improvement Plan (CIP) was meant to outline the expenditures and revenues projected over the next five years for capital improvement projects. He explained that the Engineering Division generally oversaw the design and construction of projects, however the CIP also included some projects for Transit, Solid Waste, and Wastewater. He explained that it was primarily a budget document, and why the Commission was reviewing it. He reviewed the CIP revenue sources, and the project types that Public Works intended to work on that year. He added that the Donner Pass Road (FLAP) Project was primarily a federal project, however Nevada and Placer Counties were participating financially.

Commissioner Duncan asked how much the County would be participating in that project. Engineer Perkins answered that Nevada County would be participating $310,000, while Placer County was adding an additional $320,000. He added that the County also participated via Federal Toll Credits.

Commissioner Duncan stated that was pretty good leverage. Engineer Perkins answered it was a good chunk of money. He said overall the project would be around $20 million. He continued his presentation with a list of projects for 2021-2024 which included bridges.

Commissioner Duncan asked if the money for bridge projects came from federal grants. Engineer Perkins answered that was correct.

Commissioner Duncan asked why the funding for bridges was included when the FLAP was not. Engineer Perkins answered that the FLAP was different because the federal government was running that project, whereas the bridge projects were run internally.

Commissioner Duncan clarified that the majority of the funding was federal. Engineer Perkins answered that those projects were managed very differently, and that the County never saw the money for the Donner Pass Road (FLAP) Project. He had included the project in the presentation because it was a project happening within the County, although it was being done by someone else. He answered that bridge projects were something that they actively went after funding for and ran themselves.

Commissioner Duncan asked if an option existed to have the federal government run the bridge projects. Engineer Perkins answered no. He continued his presentation regarding other projects for 2021-2024 which included road rehabilitation, striping, intersections, a bus wash facility, and the McCourtney Road Transfer Station.

Chair Aguilar asked if the intersection project was where the Dollar General in Rough and Ready was going to go. Project Manager Hankins answered it was a different location. She believed that Dollar General had been proposed further west.

Chair Aguilar said that he had thought that Dollar General was going to purchase the lot on the corner as well.
Project Manager Hankins answered she was not aware of that.

Commissioner Coleman-Hunt asked if that was Hells Half Acre.

Chair Aguilar answered that it was across the street.

Engineer Perkins continued his presentation by discussing the bus wash center at La Barr Meadows, which would include federal funding within the next few years. He added that the scope and details of work for the McCourtney Road Transfer Station had not yet been identified.

Commissioner Duncan asked if those would be identified in subsequent years.

Engineers Perkins answered yes.

Commissioner Duncan asked if it was known which years those would be identified.

Engineer Perkins answered they had not yet been identified. He stated that the CIP was good for about 2 years, however after that things had the potential to change with new grants and new Board priorities.

Commissioner Duncan asked if the improvements to the transfer station were wish list items.

Engineer Perkins answered that some work was being done on it now, and he believed that Program Manager David Garcia was working with Waste Management on some other projects as well. He then turned the presentation over to Project Manager Hankins to discuss the environmental portion of the document.

Manager Hankins stated that in terms of environmental review for the project, it was not subject to CEQA because it is not considered a project under CEQA. She stated that it was a fiscal activity which did not involve any commitment to any specific project. She stated that whenever they had a specific project, it was brought before the Board of Supervisors for environmental review. She stated that it was the recommendation of staff that the Planning Commission find that the CIP was not a project, and not subject to CEQA review.

Engineer Perkins added that staff also sought the Planning Commissions concurrence that the CIP conformed with the General Plan, and he listed the specific items that they were seeking concurrence on.

Chair Aguilar asked how the department decided which roads to work on.

Engineer Perkins answered that they had a two-pronged approach. The first being that people could write in with specific issues to which road crews would be dispatched. The second being that all roads were rated on an ongoing basis from an engineering standpoint and indexed by need.

Commissioner Johansen asked about roundabouts near Hills Flat.

Engineer Perkins answered that the only roundabout being considered within the jurisdiction of the County was at Ridge Road, however the engineering analysis was not complete.

Commissioner Johansen stated that there were a lot of accidents along Highway 20 and Penn Valley Drive, he believed they did not see the lights and blew through. He asked if any other areas in the County looked like that.

Engineer Perkins answered none that he could think of.
Manager Hankins added that they received updated collision data from CHP on a regular basis. They used a program that analyzes where collisions were occurring, and when a concentration of collisions were seen they would go out and analyze the site to evaluate what could be done, such as surface treatments.

Commissioner Johansen said that the problem wasn’t so much the entrance to Hills Flat, but the entrance to the freeway.

Commissioner Duncan asked if they coordinated with the cities of Grass Valley and Nevada City.

Engineer Perkins answered yes, however it depended on the location of the project.

Commissioner Duncan said that sharing the CIP with them would help to improve impacts.

Engineer Perkins answered that they tried to work together whenever possible, stating that they had just met with Brian McAllister of Nevada City regarding proposed projects on Boulder Street, and that meetings were planned with the City of Grass Valley to discuss projects on La Barr Meadows.

Chair Aguilar asked if the intersection of Brunswick and Idaho Maryland used to have a high amount of collisions, and if the new signage had helped that.

Engineer Perkins answered that he would be happy to send Chair Aguilar the collision rate data, however that intersection was within City of Grass Valley limits.

Commissioner Johansen quipped that annexation was great.

Engineer Perkins stated that road went from county to city to county, and that there had been some discussion with the city on how to improve that section.

Manager Hankins added that the intersection had a very high incidence of collisions, which was why those changes had been made.

Chair Aguilar asked if it still had a high incidence of collisions.

Engineer Perkins answered they would need to look at the data.

Chair Aguilar asked staff to please continue their presentation.

Manager Hankins read Staff’s first recommendation that the Planning Commission determine that the CIP was not a project and was exempt from CEQA pursuant to Section 15378(b)4 of State CEQA Guidelines.

Engineer Perkins read Staff’s second recommendation that the Planning Commission find that the Five-Year CIP for Fiscal Years Ending 2020-2024 was in conformity with the adopted Nevada County General Plan. This concluded their presentation and he offered to answer any questions that the Commission had.

Chair Aguilar asked for any questions.

Commissioner Coleman-Hunt asked if the gas tax (HUDA) would rise again or continue on a downward trend because of the rise in electric vehicles, and if that was being accommodated in future planning.

Engineer Perkins answered that was something that had been discussed internally. He did say that it had swung back up a little this year from last year, and that they had been fairly conservative in the budget in the event that gas tax increased.
Commissioner Coleman-Hunt asked about emergency funds for things such as landslides, as she hadn’t seen it in the report. She also asked if they planned on increasing emergency funds because of climate change.

Engineer Perkins stated that they did have some money set aside, however that fund had dropped in the last few years. He said that with the passing of SB1, it would allow them to fix some roads as well as move some funds around. He added that by the end of the year they hoped to have around $1 million set aside and grow that to $3 million in order to be able to take care of emergencies. He said they were actively trying to rebuild that fund.

Commissioner Coleman-Hunt asked if public transportation was part of the CIP, such as increasing public transportation options and if any movement was being made toward the installation of more electric car charging stations.

Engineer Perkins stated that the transit projects listed within the CIP were ones that Engineering was working with Transit on, such as the bus wash. He stated it was his understanding that Transit had its own budget and it was not necessarily part of the CIP.

Trisha Tillotson, Director of Public Works, introduced herself to the Commission and added that the Transit budget was separate from the CIP, except for bus stop improvement projects. She also said that she was not aware of any plans for the installation of electric charging stations countywide. She said if there were plans, it would be from the Facilities Department of the County. She added that the County did have some charging stations in the back of the building, which were installed by Facilities.

Commissioner Duncan asked if they had a rendering of the Lake Van Norden Sidewalk.

Engineer Perkins answered he did not.

Commissioner Duncan asked what the project was.

Engineer Perkins said they did not have a project slotted for the Lake Van Norden sidewalk.

Commissioner Duncan stated that she had read in the CIP that there was a Lake Van Norden sidewalk, and she was curious as they had deliberated on Lake Van Norden previously.

Deputy County Counsel Rhetta VanderPloeg answered that had to do with the Soda Springs bridge repair work.

Commissioner Duncan stated it had said something about taking advantage of the view of Lake Van Norden.

Engineer Perkins stated that one of the projects they hoped to accomplish was the retrofitting and repair of the Soda Springs bridge. He said that they would widen it out, so the bridge would have sidewalks, and that the bridge had a 40-50-foot span.

Commissioner Duncan asked if it would be an urban sidewalk.

Engineer Perkins stated it was a very minor stretch.

Commissioner Duncan clarified it was not a path but a real sidewalk, that they eventually hoped to connect to more sidewalk.
Engineer Perkins answered that they tried to put things in as best they could as they went through. The goal on this particular project was for vehicular emphasis, not pedestrian. He added that because the bridge was likely to be there for the next 40-50 years, they had thought it would be good to widen the bridge and add the sidewalks.

Commissioner Duncan applauded them for including the pedestrian aspect, however she wondered if there was a better technique in more rural areas instead of an urban sidewalk that led to nowhere.

Director Tillotson stated that the reason for the inclusion for the sidewalk was in response to community requests who were focusing on improving pedestrian safety. She stated that they had many rural bridges which did not include a sidewalk, such as Hirschdale. She stated that for the Soda Springs bridge, it was an appropriate use of sidewalk, especially during the winter season.

Commissioner Duncan said she was not saying no to pedestrian access or making improvements for pedestrian safety, however she felt that the application of urban design was not always appropriate for rural areas.

Director Tillotson said she understood and agreed.

Commissioner Duncan stated that it was expensive and wondered if a longer path could be made if they did not do a sidewalk.

Director Tillotson stated that they could not do that with highway bridge program funds. She said that with highway bridge program projects, those funds could only be used at the bridge itself. She said that they did look for other funding opportunities to extend pathways if possible.

Commissioner Duncan said she understood the communities concern with having a safe place to walk. She said that her other concern was with brushing and asked what that entailed.

Engineer Perkins answered it entailed road crews going out on roads throughout the county, and pulling back brush, limbs, etc... and widening the corridors so that in the event of an emergency, such as fire, it allowed for safer emergency ingress and egress.

Commissioner Duncan asked if the brushing was new, and if it had been included in previous CIPs.

Engineer Perkins answered it was done every year, however with heightened awareness of fire danger they were putting quite a bit more effort into brushing.

Commissioner Duncan said it was a great idea to put more effort into it. She asked if this would be in lieu of the County spraying.

Director Tillotson answered that spraying was part of the vegetation management program.

Commissioner Duncan clarified that spraying was included in the brushing.

Director Tillotson answered that was correct.

Commissioner Duncan said she thought that was good, and that we were probably behind the times making sure public safety was maximized. While not part of the CIP, she asked when the light was going in at Combie and Higgins.

Counsel VanderPloeg cautioned that they were straying from what was on the agenda for the day.
Chair Aguilar stated it was public comment.

Counsel VanderPloeg stated that if the public wanted to remark on it then yes, however we needed to stay with what was on the agenda, which was CEQA exemption and conformity with the General Plan. She added to please ask their questions but remember what was in front of them today.

Commissioner Duncan asked if expanding the office space area was part of the transfer station improvements.

Director Tillotson answered yes.

Commissioner Duncan said good, she could carry good news back.

Commissioner Johansen stated that Nevada County had a high use of herbicides.

Director Tillotson said she wouldn’t say that it was a high use, however they did use some.

Commissioner Johansen asked if she knew offhand how much was used.

Director Tillotson answered she did not know how much offhand, however they did about 50 miles per year.

Commissioner Johansen stated that NID was doing a study on alternative uses to the current favorite herbicide and asked if the County had collaborated with them.

Director Tillotson answered yes, they had been working with several community groups including NID and others. She encouraged Commissioner Johansen to reach out to her after the meeting for other details. She stated that what they were doing now was all that they could afford, and that they had also applied for grants which would enable them to seek out more labor-intensive routes. She said that if NID came up with a better way to manage vegetation on roadsides, they would be on board with that.

Commissioner Johansen said this third year should come out with good results. He added that they had already identified some that were working.

Director Tillotson said yes, however the question was if it would work as well on a roadside.

Commissioner Johansen stated that farmers in the Valley were purchasing a particular herbicide in quantity, and it was all organically approved. He said he had a friend who was recommending that it be used on Tyler Foote Road.

Director Tillotson answered that there were a lot of pros and cons, and that she would be happy to go over that with him at another time. She stated that they had meetings several times a year that she would be happy to invite him to if he wanted to participate.

Commissioner Johansen said that Tyler Foote Road was quite a fire hazard, however residents did not want them to spray. He asked if residents were participating and cleaning out their portions of the roadside or letting it remain a fire hazard.

Director Tillotson stated that they had been working with a lot of people in the North San Juan area, and particularly on Tyler Foote. She said that there were those who were helping, which was appreciated, and others who were problematic properties which could do a lot more work. She said that they intended to
continue working with people in that area, and that she was aware of some residents obtaining grants on their own for clearing.

Commissioner Johansen stated that was tough, and he didn’t know if he could help but to let him know.

Director Tillotson said they welcomed his help.

Commissioner Johansen asked if they were replacing the Dog Bar bridge.

Engineer Perkins answered that they had the funds from the state, and they needed to be used before they expired. He said their goal was to get through the preliminary stages and take it as far as they reasonably could. He added that the Centennial Dam project did not appear to have much traction, if it was not going to go further at that point then they would make the decision to rebuild the bridge. He stated that it really needed to be rebuilt and was in sad shape. He said if the Centennial Dam project gained traction then they would back off. He also said that they had been in contact with NID.

Commissioner Duncan asked if the Dog Bar bridge was in sad shape structurally, or just access.

Engineer Perkins said that the sufficiency rating of the bridge, which was rated 1-100, was down around 42. He said that structural members needed to be replaced as well as the bridge deck, and it was also too narrow. He said a lot of work needed to be done, and it was at the point where it would cost as much to repair as it would to replace it.

Commissioner Duncan clarified that it was too narrow as a one lane bridge.

Engineer Perkins answered they would put in a two-lane bridge.

Chair Aguilar asked when that would happen.

Engineer Perkins answered that they were in preliminary design now, he would like to see it go through in 2022 or 2023.

Chair Aguilar stated that was a great opportunity for recreation for the County. He said there was no good parking down at the bridge and the roads were impacted. He mentioned that something similar had happened at Edwards Crossing a few years ago where CHP had ticketed and towed some vehicles, which ruins people’s outings. He strongly recommended that be evaluated. He also asked when environmental review on herbicide would occur. Staff was saying that it was exempt, however there were issues of using herbicides on the side of the road.

Director Tillotson stated that they were not talking about environmental exemption for the projects. Each one of the projects, unless it was standard road maintenance and exempt through a different code, had their own environmental review. She stated what was before the Commission today was that the plan was not a project and therefore environmentally exempt.

Chair Aguilar stated that as Planning Commissioners they wanted to make sure the plan was not a project. He said that there was no environmental review on spraying the side of the road.

Director Tillotson answered that it was environmentally exempt per CEQA and was a maintenance activity.

Counsel VanderPloeg reiterated to the Commission that was not what was in front of the Commission today. She added that in fairness to the public, if they wanted to discuss those items they needed to be on the agenda so the public could make comment on it as well. She reminded the Commission that what was
in front of them today was an exemption for the CIP and General Plan conformity. The individual projects listed within the CIP went through their own environmental review process.

Chair Aguilar disagreed with that. He said that if they voted yes on this item then they would be voting yes to spraying on the side of the road.

Counsel VanderPloeg stated no, that was a different project, the Commission was only reviewing the CIP which was the financial groundwork for future projects. She said this happens every year. She reiterated that they were reviewing the CIP, not the projects underneath.

Chair Aguilar asked when spraying would come up. He asked if the County respected the No Spray signs along the road.

Director Tillotson answered yes, they had a No Spray program which people could sign up for in which the County put the No Spray signs in. It included an agreement that the property owner would maintain the property and the vegetation. She added that the information was available on the website.

Chair Aguilar stated that he had been a Planning Commissioner for a long time, as had Commissioner Duncan. He said he did not like having his questions shut down. He said it was really important to have an open conversation about things, and that if this was something that hadn’t been posted correctly then he had to chastise staff for not making it more open. He said that the Commission only got together once every few months, and it didn’t feel like they were representing the public adequately if they were unable to ask questions.

Commissioner Coleman-Hunt stated that they were looking at a funding plan, and that they were essentially approving because they were approving the funding source. She said that if things were missing from that list or included things they did not like then the Commission needed more information on how things were being implemented. She said that they had no ability to have that conversation. She said that essentially the projects were being approved because the funding was there for them.

Director Tillotson stated that the Commission was not approving funding in any way. She said that all the Planning Commission was looking at was if the plan was in conformance with the General Plan, and that the plan was exempt from CEQA pursuant to the section before them. She said it was not a funding approval, which was the purview of the Board of Supervisors, it is only conformance with the General Plan.

Chair Aguilar asked about the Soda Springs sidewalk and what happens to the bicycle lane.

Director Tillotson said that the bridge also had a bicycle lane.

Chair Aguilar asked if that continued.

Director Tillotson answered yes. She said that the bridge was a good example of a project that would go through design process as well as environmental review, and they generally had public meetings where they would get into the details. She added that she was happy to answer questions, however the public meetings were really where they got into the details.

Chair Aguilar stated that he believed it was a little naïve to not have a discussion beyond. He stated they had learned from people who provided public comment, while they would like for them to focus in it sometimes brought about other issues. He said it was easy to get off track, and he felt it was very important to have some leeway in these discussions because they were representing the public. He said that when a constituent asked them questions about why they voted a certain way they wanted to be able to answer them.
Motion by Commissioner Johansen to, after reviewing and considering the proposed Five-Year Capital Improvement Plan (CIP) for Fiscal Years Ending 2020-2024, determine that the Capital Improvement Plan is not a project and is exempt from CEQA pursuant to Section 15378(b)(4) of the State CEQA Guidelines. Second by Commissioner Duncan. Motion carried on a roll call vote 4/0.

Motion by Commissioner Johansen to, after reviewing and considering the proposed Five-Year Capital Improvement Plan (CIP) for Fiscal Years Ending 2020-2024, find that the CIP is in conformity with the adopted Nevada County General Plan. Second by Commissioner Duncan. Motion carried on a roll call vote 4/0.

Chair Aguilar opened public comment at 2:19 p.m.

Chair Aguilar closed the public hearing at 2:19 p.m.

Chair Aguilar thanked staff for their presentation.

Discussion ensued regarding upcoming Commission meetings and ongoing project statuses, including Darkhouse and agendizing items for discussion.

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 2:38 p.m. to the next meeting tentatively scheduled for February 27, 2020, in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

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Passed and accepted this 23 day of April 2020.

Brian Foss (by sp)
Brian Foss, Ex-Officio Secretary