

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

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4 **MINUTES** of the special meeting of March 7, 2019, 1:30 PM, Board Chambers, Eric Rood  
5 Administration Center, 950 Maidu Avenue, Nevada City, California; with video conferencing to  
6 the Nevada County Sheriff's Substation, 10879 A Donner Pass Road, Truckee, California.  
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9 **MEMBERS PRESENT:** Chair Duncan and Commissioners Coleman-Hunt, Aguilar and  
10 Johansen (Board Chambers, Nevada City); Commissioner Bullock (Sheriff's Substation, Truckee).  
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12 **MEMBERS ABSENT:** None.

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14 **STAFF PRESENT:** Planning Director, Brian Foss; Deputy County Counsel, Rhetta VanderPloeg;  
15 Senior Planner, Coleen Shade; Administrative Assistant, Tine Mathiasen.  
16

17 **PUBLIC HEARING:**

- 18 1. Van Norden Spillway Modification Draft Environmental Impact Report Public Comment  
19 U16-003; MGT16-010; EIS16-003  
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21  
22 **CALL MEETING TO ORDER:** Chair Duncan called the meeting to order at 1:33 p.m.  
23

24 **STANDING ORDERS:**

- 25 1. **FLAG SALUTE**  
26 2. **ROLL CALL.** Chair and all Commissioners present.  
27 3. **CHANGES TO AGENDA:** None.  
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29 **PUBLIC COMMENT:** Members of the public shall be allowed to address the Commission on  
30 items not appearing on the agenda which are of interest to the public and are within the subject  
31 matter jurisdiction of the Planning Commission, provided that no action shall be taken unless  
32 otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. None.  
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34 **COMMISSION BUSINESS:** None.  
35

36 **CONSENT ITEMS:** None.  
37

38 **PUBLIC HEARING:**

39 **1. U16-003, MGT16-010 & EIS16-003:** Public hearing to accept comments on the adequacy of  
40 the Draft Environmental Impact Report (EIS16-003) for the Van Norden Dam Spillway  
41 Modification Project. Proposing modifications to the dam spillway that would lower the spillway  
42 to eliminate the risk from a dam failure and remove the ability to impound water, the existing notch  
43 of the spillway would be lowered by 4.5 feet. The new spillway would be 48 feet wide and 95.4  
44 feet long with concrete aprons on the upstream and downstream ends of the spillway. The new  
45 spillway would include a small incised channel 0.5-foot-deep and 3 feet wide to allow water  
46 passage during low flow conditions in the summer and fall months. **Location:** The proposed  
47 project is located in the west end of Summit Valley, Nevada County at 10187 Soda Springs Road,  
48 Soda Springs CA. **APN:** 047-440-023. **Planner:** Coleen Shade, Senior Planner  
49

50 Planner Coleen Shade explained that the purpose of the meeting was to receive public comment  
51 on the Draft Environmental Impact Report being circulated for 60- days. She gave an overview of  
52 the proposed project and discussed the project background and objectives. She detailed the project  
53 location and surrounding uses. Her presentation included visual simulations of the area.

54  
55 Sydney Coatsworth of Accent Environmental continued the presentation. She discussed CEQA  
56 requirements, the environmental review process and the analysis included in the EIR. The project's  
57 anticipated environmental impacts, their levels of significance, and proposed mitigation were  
58 reviewed. She described the subsequent CEQA steps following this meeting to complete the Final  
59 EIR, and bring the Final EIR to the Planning Commission for action. Ms. Coatsworth concluded  
60 with information on how the public can submit written and oral comments.

61  
62 Planner Shade invited questions from the Planning Commission.

63  
64 Chair Duncan asked if the applicant for the project is Truckee Donner Land Trust.

65  
66 Planner Shade said yes.

67  
68 Chair Duncan asked if they were at the meeting in Truckee.

69  
70 Planner Shade said yes.

71  
72 Chair Duncan said representatives were there.

73  
74 Planner Shade noted that it was the Chair's prerogative to open the public hearing.

75  
76 Chair Duncan opened public comment at 1:54 p.m. and invited the public in Truckee to comment  
77 first.

78  
79 Bob Landsinger of 10834 Lola Montez Road and 50982 Jeffery Pine Drive in Soda Springs  
80 introduced himself to the Commission. He stated that he was there to bring forth the significant  
81 concern of the lack of addressing the impacts of flooding to the three communities north of  
82 Interstate 80, Towle Mountain Estates, Kingvale, and Pla-vada Woodlands. He stated that his HOA  
83 of Towle Mountain had never heard anything about this project, and that they had a bridge which  
84 they were concerned would be washed out due to the effects of a removal of the dam in the manner  
85 it was being addressed. He added that a rework of the dam or the bridge itself may be necessary.  
86 He stated that they have 35 residences that can only be accessed by this bridge. He introduced  
87 Mike Anderson of Pla-Vada Woodlands, which was a community of about 260 residences which  
88 was also only accessible by a single bridge over the river. He added that Mr. Anderson could speak  
89 about what he knew as a Board member of Pla-Vada Woodlands, and stated that he was there  
90 representing Towle Mountain Homeowners Association, as he had been in contact with both their  
91 President and Treasurer. He stated that they needed to see some solid research and answers  
92 regarding what would happen to their bridges with the proposed changes.

93  
94 Mike Anderson of 6350 Rustic Hills Drive in Rocklin introduced himself to the Commission,  
95 stating that he was a Board member of Pla-Vada Woodlands, which he believed was about 5 miles  
96 below the dam. He stated that they had 250 approximate lots adjacent to the Yuba River, with one  
97 dam crossing. He stated that they had heard hardly anything about this project, until being notified  
98 yesterday. He stated that he had heard about people trying to lower the dam, and a few other things,

99 however they were a bit far away from everybody. He added that they had approximately 20-25  
100 houses adjacent to the river, with one access in and one access out via bridge. He stated that the  
101 subdivision had been there for 35-40 years, and at one time was going to be near a ski resort. He  
102 further stated that they were across the river from Caltrans. He believed that they had 7 or 8 houses  
103 which had sump pumps, and that some of those were in the current floodplain. He said that permits  
104 were issued on those lots a long time ago, and that when it rained they had 15-18 houses that had  
105 water in their garages or under their houses. He stated that he was only speaking for himself, as  
106 the Board had not had enough time to acknowledge any of this, and that most people were unaware  
107 of the project. He believed that it was pretty significant to have more water running through that  
108 area, adding that their bridge was 40 years old and sat nearly in the Yuba River. He further stated  
109 that with comments being due next week, the Board would not have time to meet and discuss the  
110 project, therefore he could only speak for himself.

111  
112 Dr. Meg Seifert, a PhD in science who resides on Sherritt Lane in Soda Springs introduced herself  
113 to the Commission, adding that her property was adjacent to the Yuba River, and that she was a  
114 member of the Towle Mountain Homeowners Association. She said that she had known this was  
115 coming for the last few years, her husband Emris and herself had tried to present the project to  
116 Towle Mountain, who had Norm Saylor come to speak. She stated that they had asked that the  
117 Land Trust be able to come and speak to the Homeowners Association, which was declined. She  
118 had wanted the Land Trust to provide some information regarding what was happening to Towle  
119 Mountain, adding that her and her husband had provided information over the last several years at  
120 meetings. She stated as a scientist reviewing the EIR, that the 4.5 feet, in her opinion, would not  
121 have a significant difference in the flooding of the river, stating when the river was that high it  
122 would go up and over the current spillway as is, causing problems. She stated that her biggest  
123 concerns were keeping the cost low for the Land Trust, and keeping the environmental impacts  
124 real. She believed that the proposal took into account the meadow upstream, which would have a  
125 chance to come back and function as it should, adding that the meadow could hold a lot of water.  
126 She stated that meadows were the best resource for water in California, and when allowed to  
127 function as they should, slowly release water over time for use later in the season. She said that  
128 she has a PhD in zoology and has worked for the Desert Research Institute in Hydrology, and in  
129 regards to species listed in the EIR, she had never seen any of the animals of concern around the  
130 dam, and she believed that the area which was being discussed was very small, and that the impact  
131 during the time work would be occurring would be very short.

132  
133 Tom Applebaum of 21359 Donner Pass Road introduced himself to the Commission. He stated  
134 that he was a member of TDLT (Truckee Donner Land Trust) and a past Vice President of Save  
135 Van Norden Meadow. He stated that after reading the EIR, he was impressed with all of it, and  
136 agreed with its conclusions. He stated that he and his wife had been hiking, biking, fishing, cross  
137 country skiing and snowshoeing in the meadow for about 20 years. He stated that he had a  
138 background in geomorphology and streamflow, and felt that the EIR was more than adequate. He  
139 asked that the Commission support the concrete alternative rather than the boulder alternative. He  
140 added that depending on what was going on underneath the dam, they may end up with the boulder  
141 alternative anyway. He believed due to the studies done by SYRCL (South Yuba River Citizens  
142 League) and others, he felt that the cost difference would be beneficial for TDLT and there would  
143 not be much difference in flooding. He mentioned that in 2012 when the dam overflowed with 2.5  
144 feet of water going over the Soda Springs Bridge, he did not believe that water had gone over the  
145 aforementioned bridges going into Pla-Vada and Towle Mountain.

146  
147 Chair Duncan invited comments from the public in Nevada City.

148

149 Dick Simpson of 3326 Kippling Street in Palo Alto, who also owns property in Serene Lakes at  
150 2306 Kid Court in Soda Springs, which is within five miles of the project site, introduced himself  
151 to the Commission. He stated that he has been volunteering with the Sierra Club in this area since  
152 about 1970, is the Secretary for the Donner Summit Association, he is on the Board of Directors  
153 for the local water district, as well as a docent for the Truckee Donner Land Trust. He stated that  
154 his comments were his personal comments, and not representative of those organizations. He stated  
155 that he had never read an EIR before, and found it to be an interesting experience. He added that  
156 it seemed to him to be a very comprehensive report on the issues involved with the project, and  
157 that he like the way the presentation was offered, the depth of the analysis, as well as the  
158 conclusions. He stated that he was intrigued by things such as the boulder alternative, and the  
159 discussion of dust and noise impacts for local people. He stated that his general impression was  
160 that it was comprehensive, the analysis was done well, and he looked forward to approval of the  
161 project, perhaps with a little more mitigation for some of the issues that had been raised. He added  
162 that he did not see a flooding problem, stating that he had been up there enough to see the road  
163 flood. He concluded by stating that he looked forward to the approval of the project and the  
164 restoration of the meadow.

165

166 Gail Damskey of 310 Nile Street in Nevada City introduced herself to the Commission. She stated  
167 that her family cabin was at Rainbow on the Yuba River. She stated that she was a life member of  
168 the Sierra Club, had served as a cook at the Clair Tappan Lodge, and that she knew the Lake Van  
169 Norden Meadow like the back of her hand, considering it her back yard. She expressed her sadness  
170 at losing the shallow lake, stating that she had become accustomed to seeing the manmade habitat,  
171 which was created by the dam in the 1800's, bloom. Like many, she had kayaked the lake, and  
172 stated that it is an incredible place to watch birds. She stated that they had the largest population  
173 of Western Toads due to the lakes shallowness, whose temperature was beneficial to the eggs. She  
174 stated that she was unsure how this would work out with the lake being gone, saying that they did  
175 not have the watershed that most meadows had. She stated that they had Donner Summit and  
176 Castle Peak Creek which feed into the lake, and without the lake the main flow would come out  
177 of Cascade Creek which is located behind Kingvale. She added that the upper part of the Yuba  
178 River from the dam to Cascade Creek becomes a puddle or dry creek bed. As previously mentioned  
179 by the homeowners in the aforementioned subdivisions, she added her concern regarding flooding  
180 if the dam was notched any lower. She stated that she had memory of when the dam was at its  
181 original height, when it was lowered, seeing flooding in the area, water almost going over the  
182 bridge at Rainbow, the Rainbow Lodge trying to protect itself, and washing out and erosion in  
183 many areas. She added that she knew that cabins were going to have a tremendous amount of  
184 damage, and that this had not been brought forth to any of the communities. She stated that this  
185 was a shameful act, and that there had been no transparency from anyone involved, including  
186 SYRCL and the Land Trust. She said that Rainbow was actually in Placer County, and that the  
187 line goes back and forth. She stated that there had been plenty of opportunity, however people  
188 were clueless about the project. She added that people's fire insurance was being canceled, and  
189 she doubted that flood insurance would be available to them either. She concluded by stating that  
190 she was unsure how this was going to work, and that she was saddened that this shallow manmade  
191 lake would be gone. As a Sierra Club member, her and her family had always fought to remove  
192 any dam, however this was one that had worked.

193

194 Chair Duncan invited the public in Truckee to speak again.

195

196 Rachel Hutchinson, the River Science Director of SYRCL at 313 Railroad Avenue in Nevada City  
197 introduced herself to the Commission. She wished to thank and acknowledge all the work that had  
198 gone into the DEIR, as well as the work that had been done by TDLT and the County. She said  
199 that SYRCL was an organization that had been working to moderate water quality in this area as  
200 well as the entire watershed since the early 2000's, and that they had a 19 year data set for the Van  
201 Norden Meadow area, above and downstream of the Van Norden Dam. They felt that this project  
202 would provide an important ecosystem service and stream restoration, and that they were in  
203 support of the spillway as proposed. They would like to ensure that the Final EIR fully  
204 acknowledged the habitat benefits of the project. She concluded by stating that they were looking  
205 forward to continuing to work in the Van Norden Meadow area to improve ecosystem resiliency,  
206 habitat for special species, and restoration of the meadow.

207  
208 Markley Bavinger of 1121 Eveline Avenue in Albany and 12255 Stockholm Way in Truckee  
209 introduced herself to the Commission as the Sierra Program Manager for Trust for Public Land.  
210 She noted that her organization had worked in partnership with the Truckee Donner Land Trust to  
211 protect the land. With a slew of state and federal partners as well as private donors in 2011, a  
212 tremendous amount of money had been raised to achieve what was considered at the time to be a  
213 critical conservation project for the area as well as the State. She stated that the ownership was  
214 shifted to Truckee Donner Land Trust, and with that the question of the dam. She said that the cost  
215 and time to address this has ballooned significantly during their ownership. She believed the EIR  
216 was an excellent document, however she expressed concern that the project could damage TDLT  
217 economically and that factor should be considered. She stated that the concrete alternative was one  
218 they supported strongly over the boulder alternative, stating that the flooding impacts would be  
219 almost the same between the two, neither would cause loss of life or structure. She stated that her  
220 past work was in restoration design, working on bioengineered solutions for habitat purposes, and  
221 she felt that the difference between the alternatives did not justify the difference in cost. She added  
222 that as a person who was passionate about this landscape as well as its natural resources, and as a  
223 professional with the context of knowing how important the Truckee Donner Land Trust was as a  
224 partner to all the communities, she wanted to support the reasonable choice of the concrete  
225 alternative.

226  
227 Lisa Wallace, the Executive Director of the Truckee River Watershed Council, introduced herself  
228 to the Commission. She stated that they were a long term partner of the Truckee Donner Land  
229 Trust. She expressed thanks for making the meeting available to those in Truckee, and appreciated  
230 the opportunity to speak to the Commission. She stated that consistent with their past comments,  
231 they supported the notching of the dam to continue to empty the reservoir and restore the Van  
232 Norden meadow. She stated that the restoration, with increased ecosystem function and resiliency,  
233 was one of the best methods available to address the impacts of climate change in the local area,  
234 such as drought and flooding. She stated that they were experiencing more frequent swings as well  
235 as more extremes, with this winter being an example. Her organization supported the concrete  
236 alternative as an acceptable implementation of lowering the dam. She stated that they submitted  
237 many comments to the Planning Department as well as the Commissioners over the years, and  
238 they were hopeful that the Commission would continue to be supportive of the project. Her  
239 professional and personal recommendation was that the restoration of the meadow continue to  
240 move forward, including the notching of the dam.

241  
242 Chair Duncan closed public comment at 2:22 p.m. She noted that public comment would remain  
243 open through March 11<sup>th</sup> and encouraged the public to submit written comment. She then invited  
244 comments from the Commission.

245  
246 Commissioner Bullock said he had no additional comments.

247  
248 Chair Duncan welcomed a motion.

249  
250 **Motion by Commissioner Johansen** to direct Ascent Environmental to respond in writing to all  
251 applicable comments generated through the public hearing and those generated through the  
252 required review period; **second by Commissioner Coleman-Hunt. Motion carried on a roll call**  
253 **vote 5/0.**

254  
255 Chair Duncan called for a five-minute break at 2:21 p.m. and called the meeting back to order at  
256 2:26 p.m.

257  
258 Discussion ensued regarding upcoming Commission meetings and ongoing project statuses.

259  
260 **Motion by Commissioner Aguilar to adjourn; second by Commissioner Johansen. Motion**  
261 **carried on voice vote 5/0.**

262  
263 There being no further business to come before the Commission, the meeting was adjourned at  
264 2:31 p.m.

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266  
267 \_\_\_\_\_  
268 Passed and accepted this 27<sup>th</sup> day of June, 2019.

269 Brian Foss (sp)  
270 \_\_\_\_\_  
Brian Foss, Ex-Officio Secretary