NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

MINUTES of the special meeting of March 7, 2019, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California; with video conferencing to the Nevada County Sheriff’s Substation, 10879 A Donner Pass Road, Truckee, California.

MEMBERS PRESENT: Chair Duncan and Commissioners Coleman-Hunt, Aguilar and Johansen (Board Chambers, Nevada City); Commissioner Bullock (Sheriff’s Substation, Truckee).

MEMBERS ABSENT: None.

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

PUBLIC HEARING:
1. Van Norden Spillway Modification Draft Environmental Impact Report Public Comment U16-003; MGT16-010; EIS16-003

CALL MEETING TO ORDER: Chair Duncan called the meeting to order at 1:33 p.m.

STANDING ORDERS:
1. FLAG SALUTE
2. ROLL CALL. Chair and all Commissioners present.
3. 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: None.

PUBLIC HEARING:
1. U16-003, MGT16-010 & EIS16-003: Public hearing to accept comments on the adequacy of the Draft Environmental Impact Report (EIS16-003) for the Van Norden Dam Spillway Modification Project. Proposing modifications to the dam spillway that would lower the spillway to eliminate the risk from a dam failure and remove the ability to impound water, the existing notch of the spillway would be lowered by 4.5 feet. The new spillway would be 48 feet wide and 95.4 feet long with concrete aprons on the upstream and downstream ends of the spillway. The new spillway would include a small incised channel 0.5-foot-deep and 3 feet wide to allow water passage during low flow conditions in the summer and fall months. Location: The proposed project is located in the west end of Summit Valley, Nevada County at 10187 Soda Springs Road, Soda Springs CA. APN: 047-440-023. Planner: Coleen Shade, Senior Planner
Planner Coleen Shade explained that the purpose of the meeting was to receive public comment on the Draft Environmental Impact Report being circulated for 60-day review. She gave an overview of the proposed project and discussed the project background and objectives. She detailed the project location and surrounding uses. Her presentation included visual simulations of the area.

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

Planner Shade invited questions from the Planning Commission.

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

Planner Shade said yes.

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

Planner Shade said yes.

Chair Duncan said representatives were there.

Planner Shade noted that it was the Chair’s prerogative to open the public hearing.

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

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

Mike Anderson of 6350 Rustic Hills Drive in Rocklin introduced himself to the Commission, stating that he was a Board member of Pla-vada Woodlands, which he believed was about 5 miles below the dam. He stated that they had 250 approximate lots adjacent to the Yuba River, with one dam crossing. He stated that they had heard hardly anything about this project, until being notified yesterday. He stated that he had heard about people trying to lower the dam, and a few other things,
however they were a bit far away from everybody. He added that they had approximately 20-25
houses adjacent to the river, with one access in and one access out via bridge. He stated that the
subdivision had been there for 35-40 years, and at one time was going to be near a ski resort. He
further stated that they were across the river from Caltrans. He believed that they had 7 or 8 houses
which had sump pumps, and that some of those were in the current floodplain. He said that permits
were issued on those lots a long time ago, and that when it rained they had 15-18 houses that had
water in their garages or under their houses. He stated that he was only speaking for himself, as
the Board had not had enough time to acknowledge any of this, and that most people were unaware
of the project. He believed that it was pretty significant to have more water running through that
area, adding that their bridge was 40 years old and sat nearly in the Yuba River. He further stated
that with comments being due next week, the Board would not have time to meet and discuss the
project, therefore he could only speak for himself.

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

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

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

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

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

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

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

Chair Duncan closed public comment at 2:22 p.m. She noted that public comment would remain open through March 11th and encouraged the public to submit written comment. She then invited comments from the Commission.
Commissioner Bullock said he had no additional comments.

Chair Duncan welcomed a motion.

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

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

Discussion ensued regarding upcoming Commission meetings and ongoing project statuses.

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

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

Passed and accepted this 27th day of June, 2019.

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Brian Foss, Ex-Officio Secretary