

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

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4 **MINUTES** of the meeting of May 28, 2020, 1:30 p.m., Board Chambers, Eric Rood  
5 Administration Center, 950 Maidu Avenue, Nevada City, California.  
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8 **MEMBERS PRESENT** Chair Aguilar, Commissioners Coleman-Hunt, Duncan, Johansen,  
9 Greeno by remote.

10  
11 **MEMBERS ABSENT:**

12  
13 **STAFF PRESENT:** Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Deputy  
14 County Counsel, Rhetta VanderPloeg; Associate Planner, Janeane Martin; Administrative  
15 Assistant, Shannon Paulus by remote.  
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17  
18 **PUBLIC HEARINGS:**

- 19  
20 1. Frog Lake Back Country Camp Page 1, Line 48  
21 PLN20-0002; CUP20-0001; MGT20-0017; LLA20-0007; MIS20-0003; ESI20-0001  
22

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

24  
25 **CALL MEETING TO ORDER:** The meeting was called to order at 1:30 p.m. Roll call was  
26 taken.

27  
28 **CHANGES TO AGENDA:** None  
29

30 **PUBLIC COMMENT:** Members of the public shall be allowed to address the Commission on  
31 items not appearing on the agenda which are of interest to the public and are within the subject  
32 matter jurisdiction of the Planning Commission, provided that no action shall be taken unless  
33 otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. None.  
34

35 **COMMISSION BUSINESS:** Introduction of Commissioner Bill Greeno, District V  
36

37 **CONSENT ITEMS:**

- 38  
39 1. PLN20-0071; EXT20-0002: Extension of Time for Wildwood Self Storage Use Permit  
40 (CUP16-0017; AAP17-0002; EIS16-0004).  
41 2. Acceptance of 2020-04-23 Planning Commission Hearing Minutes.  
42

43 **Motion** to approve Consent items by Commissioner Duncan; **second** by Commissioner Johansen  
44 **Motion carried on a voice vote 5/0.**

45  
46 **PUBLIC HEARING:**

47  
48 **PLN20-0002; CUP20-0001; MGT20-0017; LLA20-0007; MIS20-0003; EIS20-0001:**  
49 **PROJECT DESCRIPTION:** A Use Permit for a backcountry camp at Frog Lake. Access for

50 onsite caretakers is via Alder Creek Road to Euer Valley Road to Crab Tree Canyon Road to Frog  
51 Lake Road. Guest access will be limited to skiing/biking/hiking/snowshoeing in and out from  
52 multiple trails within the area. Three new cabins, each less than 500 square feet in size, would be  
53 added to the site; two for up to 24 total guests and one for caretaker use. Of the six existing cabins,  
54 two will be used for guest stays in the Summer months, three will be used for storage and one will  
55 be used for showering and dining. A Petition to Exceptions to Driveway Standards is included to  
56 allow an exception to grade restriction in five specific locations. A Management Plan is included  
57 to ensure no impact to waterways and/or sensitive species. A Lot Line Adjustment between the  
58 Frog Lake parcel and the easterly adjacent parcel is proposed. **APN:** 016-050-004 & 016-060-007.  
59 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Approve the Mitigated  
60 Negative Declaration (EIS20-0001) **RECOMMENDED PROJECT ACTION:** Approve the  
61 proposed Conditional Use Permit (CUP20-0001), Management Plan (MGT20-0017), Lot Line  
62 Adjustment (LLA20-0007) and Petition for Exceptions to Driveway Standards (MIS20-0003).  
63 **PLANNER:** Janeane Martin, Associate Planner.

64  
65 Associate Planner Janeane Martin introduced herself to the Planning Commission and noted that  
66 the representatives from the Truckee Donner Land Trust as well as Project Manager Hillary  
67 MacLean of Paradigm 8 were also present. She began her presentation, detailing the location of  
68 the project site. She reviewed the zoning of the nearby properties, including TPZ and FR zonings,  
69 nearby trails, and the history of the property. She stated that the US Forest Service and the Truckee  
70 Donner Land Trust would be taking ownership of the land from the private owners. She said that  
71 the camp would provide a modest income for the Land Trust which could be put into the  
72 maintenance of the land as well as the current and proposed improvements. She clarified that the  
73 description of potential modes for guest access within the Staff Report was incomplete and had  
74 not listed equestrian users. She clarified that the intent was to demonstrate non-motorized guest  
75 access to the site. She noted that the current trails were already utilized by horseback riders  
76 frequently. She discussed guest accommodations at the site, caretaker quarters, and a small store  
77 that would offer limited sundries. She discussed the Lot Line Adjustment, explaining that the  
78 resultant parcels would be in compliance with the General Plan and Forest Zoning designation.  
79 She repeated that no vehicle access was proposed for guests, however access was available for  
80 caretakers and emergency personnel via existing roadways. She added that the current roads were  
81 in poor condition, and briefly reviewed some of the conditions of approval to meet private  
82 driveway standards, adding that caretaker access during the winter months would be limited to  
83 snowmobile access. She reviewed mitigation measures, best practices, and comments that had been  
84 received during the public review of the required Initial Study. She concluded her presentation  
85 with staff's recommendations that the Planning Commission adopt the Mitigated Negative  
86 Declaration and Mitigation and Monitoring Reporting Program, provide approval for the  
87 Management Plan, approve the Lot Line Adjustment, approve the Petition for Driveway  
88 Exceptions, and approve the Use Permit. She offered to answer any questions.

89  
90 Chair Aguilar asked for questions of Staff.

91  
92 Commissioner Greeno asked if there was a possibility of adding pit toilets in the future.

93  
94 Planner Martin answered that the applicant was working with Environmental Health, stating it was  
95 something that was potentially allowable. She added that it was possible that they would do septic,  
96 composting toilets, or a combination of the two with proper permitting through Environmental  
97 Health.

98

99 Commissioner Duncan stated that she had a previous conversation with the applicant to clarify the  
100 types of trail use that would be allowed.  
101  
102 Commissioner Greeno added that he had also had a conversation with the applicant regarding  
103 access to the site.  
104  
105 Commissioner Duncan asked if the camps usage should be tracked, like how the rafting permit  
106 usage was tracked. She felt that tracking would provide valuable information about interest and  
107 use of recreation in the County.  
108  
109 Planner Martin clarified that the Land Trust had not indicated a desire to expand the site. She did  
110 not believe that annual tracking would be too difficult.  
111  
112 Commissioner Duncan thanked Planner Martin for clarifying.  
113  
114 Chair Aguilar said that tracking the number of users would provide historical institutional  
115 knowledge for the future. Chair Aguilar asked about trash pickup for the site.  
116  
117 Planner Martin answered that the Land Trust had not provided a trash pickup schedule.  
118  
119 Commissioner Johansen stated that the limiting factor would be environmental health, and that the  
120 demand to get into the backcountry was insatiable. He supported the idea of tracking the numbers  
121 of users. He also asked if a gate was in place to prevent entry onto Frog Lake Road.  
122  
123 Planner Martin answered she was not aware of a gate, she asked Project Manager MacLean to  
124 answer the question.  
125  
126 Project Manager MacLean answered that there was a locked gate to prevent automobiles from  
127 entering the area.  
128  
129 Chair Aguilar asked if the equestrian verbiage needed to be added anywhere.  
130  
131 Planner Martin answered she did not believe it needed to be added. She did not feel it would  
132 preclude equestrian use, rather the verbiage was intended to describe the non-motorized vehicle  
133 nature of guest access. She said that the Use Permit was not intended to speak to who could and  
134 could not use existing trails. The intent of the language was to indicate that vehicle access would  
135 not be available to guests.  
136  
137 Commissioner Duncan expressed her concern about the Project Description and allowed users.  
138 She felt that the public would interpret the verbiage in the Staff Report as excluding some users,  
139 such as equestrians, from trail use.  
140  
141 Principal Planner Tyler Barrington recommended that Condition A1b be modified to include horse  
142 riding if it was the pleasure of the Commission and the applicant.  
143  
144 Commissioner Duncan asked for it to say equestrian activity.  
145  
146 Chair Aguilar asked if equestrian activity included llamas and mules. He wondered if it should say  
147 equestrian and pack animals. He also asked about fire and fire pits.

148  
149 Planner Martin stated that fire pits had not been proposed as part of the project.  
150  
151 Chair Aguilar asked if they had been purposefully excluded.  
152  
153 Planner Martin answered no.  
154  
155 Chair Aguilar wanted to ask what the applicants' thoughts on that were, or if they were intending  
156 to comply with State regulations.  
157  
158 Commissioner Duncan stated it was private property, and that property owners had the right to  
159 specify what types of activities would be allowed on that property. She said that historically  
160 camping in the west has included having a campfire, and discussed fire allowances on neighboring  
161 Forest Service land. She said in the absence of a ban, the US Forest Service allowed for campfires  
162 on their land.  
163  
164 Chair Aguilar asked for further questions.  
165  
166 Deputy Fire Marshall Scott Eckman informed the Planning Commission that it would be relatively  
167 easy for him to retrieve the data on fire and medical incidents that occur in the area for them to  
168 review.  
169  
170 Chair Aguilar states that historically the area has been private property, and that with the new  
171 proposed usage the area would see in an increase in use. He asked if that historical data would  
172 provide a baseline.  
173  
174 Fire Marshal Eckman answered yes. He explained the dispatching system and how the information  
175 was stored. He stated that it would be possible to track the numbers of incidents in the area to  
176 report to the Commission.  
177  
178 Chair Aguilar thanked Fire Marshal Eckman. He then asked the applicant to answer questions.  
179  
180 Project Manager Hillary MacLean introduced herself to the Commission as well as Perry Norris  
181 and John Svahn with the Truckee Donner Land Trust.  
182  
183 Chair Aguilar asked the applicants if they would like to add anything to Planner Martins  
184 presentation pertaining to the equestrian usage, trash pickup, tracking of users, etc.  
185  
186 Project Manager MacLean said that it was intended that when the caretaker left the site that they  
187 would take the trash with them, directly to the dump. She reiterated that equestrian use would be  
188 allowed, and that the terminology used in the project description was meant to convey that  
189 motorized activities would not be allowed by guests. She asked if Associate Director of the Land  
190 Trust John Svahn had anything to add and if he was comfortable adding equestrian usage to the  
191 Conditions of Approval.  
192  
193 Associate Director Svahn agreed.  
194  
195 Project Manager MacLean asked if it was necessary to add pack animals to the Condition as well.  
196

197 Chair Aguilar answered that it was up to the applicant, however it might be something that the  
198 Planning Commission wanted to see however they wanted the applicant's opinion on the matter.  
199  
200 Project Manager MacLean deferred the question to the Land Trust.  
201  
202 Chair Aguilar asked how people with disabilities would access the camp, stating that pack animals  
203 could provide a viable option.  
204  
205 Project Manager MacLean deferred the question to the Land Trust.  
206  
207 Truckee Donner Land Trust Executive Director Perry Norris introduced himself to the  
208 Commission. He stated that they were a conservation and nonprofit organization, and that the  
209 acquisition of the property was principally for conservation and secondly for recreation. He said  
210 that as a conservation organization they put a great deal of thought into the carrying capacity of  
211 the property. Because this was a new acquisition, they can only guess at the carrying capacity, and  
212 thought it may be around 30 people maximum during the summer, with fewer in the winter. He  
213 also added that a fire pit was also something that they would like to do. He further added that they  
214 did not have any problems with including pack animals, however they were not equipped with tack  
215 or watering facilities. They were also concerned about lake clarity and quality and suggested that  
216 setbacks may make that manageable.  
217  
218 Commissioner Johansen asked if wood for the fire pits would be trucked in or packed in.  
219  
220 Director Norris answered that they would be cutting wood at the site. Wood was the principal  
221 source of heat during the winter and they anticipated cutting 6-8 cords just for winter use.  
222  
223 Commissioner Johansen mentioned that would make the place more fire safe.  
224  
225 Executive Director Norris pointed out that that the Land Trust spent about \$1 million annually on  
226 forestry projects in Nevada County.  
227  
228 Chair Aguilar asked how often the camp caretaker would remove trash from the site.  
229  
230 Project Manager MacLean answered that she believed that the caretaker would go into town for  
231 supplies and to remove trash every few weeks. She added that if necessary, they could remove  
232 trash more often if need be.  
233  
234 Executive Director Norris said that users would be responsible for packing out their own trash. He  
235 added that trash removal would be more difficult in the winter due to snow, and that caretakers  
236 would rotate schedules of 10 days on and 10 days off.  
237  
238 Commissioner Coleman-Hunt asked where this project was in relation to other projects by the  
239 Land Trust. She asked if this had a through trail that connected to other places.  
240  
241 Project Manager MacLean deferred the question to the Applicant.  
242  
243 Associate Director Svahn detailed information on trail access in the area. He added that Frog Lake  
244 would likely be a destination, however it was possible to make it part of a loop.  
245

246 Chair Aguilar asked if access during the winter months would be by snowshoe and cross-country  
247 skiing or by snowmobile.  
248

249 Project Manager MacLean clarified that access by snowmobile would be for the caretaker, they  
250 anticipated that users would access by skiing and snowshoe.  
251

252 Chair Aguilar asked for further questions.  
253

254 Chair Aguilar opened public comment at 2:20 p.m. He asked if any comments had been received  
255 from the public.  
256

257 Administrative Assistant Shannon Paulus answered that no comment from the public had been  
258 received at that time via email or phone for the hearing comment period.  
259

260 Chair Aguilar closed public comment at 2:21 p.m.  
261

262 Chair Aguilar asked for any thoughts on some of the issues raised during the meeting, such as pack  
263 animals and equestrian use, fire pits, and tracking use.  
264

265 Planner Martin answered that she was happy to change Condition A1b to include equestrian and  
266 pack animal activity. She asked if it was the pleasure of the Commission to add a Condition of  
267 Approval to allow a closed fire pit at the main lodge to be used under supervision of the caretaker.  
268

269 Chair Aguilar answered that if they were not excluding it then he supposed they could include it.  
270

271 Planner Martin agreed, as it was not excluded as a Condition of Approval, they could include it  
272 without a Condition.  
273

274 Chair Aguilar asked about user tracking.  
275

276 Planner Martin stated that she was happy to add a Condition of Approval to require annual tracking  
277 numbers to be provided by the Land Trust to the Planning Department. She felt it would be helpful  
278 to have a summer and winter number, assuming the Land Trust was amenable to adding that  
279 condition.  
280

281 Commissioner Johansen clarified that they wanted to know the number of people as well as the  
282 impacts to the area. He felt that the Land Trust would be monitoring impacts anyway.  
283

284 Chair Aguilar mentioned Fire Marshal Eckman's offer of providing data on fire increase in the  
285 area as well.  
286

287 Commissioner Coleman-Hunt was concerned about placing a burden on the Land Trust and asked  
288 if the reporting would be something that the Land Trust would need to submit annually in  
289 perpetuity, and if this was standard procedure with other properties.  
290

291 Commissioner Duncan answered that the reporting was not something new to the Planning  
292 Department. She felt that the information generated would be beneficial. She was not clear on what  
293 Commissioner Johansen meant by impacts.  
294

295 Commissioner Johansen answered felt that the impacts would be degradation to resources, which  
296 he felt the Land Trust would be monitoring anyway.

297  
298 Commissioner Greeno asked to hear from the Land Trust, as they were a conservation group and  
299 conservation was predicated on metrics.

300  
301 Executive Director Norris answered that the Land Trust did baseline documentation which  
302 included a survey and inventory of resources at the site as well as the condition. He stated that they  
303 did annual monitoring which included a report. He said that those reports were typically 2-3 pages  
304 in length and the Land Trust would be happy to share that information with the County, as well as  
305 a user count in winter and summer.

306  
307 Commissioner Johansen said if they would be willing to share that information then everyone  
308 would benefit from it.

309  
310 Chair Aguilar asked for additional comments. No comments were forthcoming. He stated that the  
311 project was within Commissioner Greeno's jurisdiction. He asked if Commissioner Greeno was  
312 prepared to make a motion.

313  
314 Commissioner Greeno answered he was prepared.

315  
316 Chair Aguilar noted that several changes had been made.

317  
318 **Motion by Commissioner Greeno** to, after reviewing and considering the proposed Mitigated  
319 Negative Declaration, adopt the proposed Mitigated Negative Declaration (EIS20-0001)  
320 (*Attachment 2*) and Mitigation Monitoring and Reporting Program (*Attachment 1*) pursuant to  
321 Section 15074 and 15097 of the California Environmental Quality Act Guidelines making  
322 Findings A through C: **Second by Commissioner Duncan. Motion carried on a roll call vote**  
323 **5/0**

324  
325 **Motion by Commissioner Greeno** to approve the proposed Biological Management Plan  
326 (MGT20-0017) prepared by Salix Consulting, Inc. to ensure the addition/formalization of turnouts  
327 and minor regrading along the caretaker's access route would not negatively impact waterways  
328 and/or sensitive species, subject to the attached Mitigation Measures and Conditions of Approval,  
329 and make findings A and B pursuant to Section L-II 4.3.17 C of the Nevada County Zoning Code,  
330 in that encroachment may be necessary in order to provide project infrastructure: **Second by**  
331 **Commissioner Duncan. Motion carried on a roll call vote 5/0**

332  
333 **Motion by Commissioner Greeno** to approve the proposed Lot Line Adjustment (LLA20-0007)  
334 subject to the attached Mitigation Measures and Conditions of Approval, which have been  
335 incorporated into the Mitigated Negative Declaration (EIS20-0001) for the Conditional Use Permit  
336 and making findings A through C as set forth in Section L-II 4.1.3.E of the Nevada County Land  
337 Use & Development Code *as modified in the Public Hearing*: **Second by Commissioner Duncan.**  
338 **Motion carried on a roll call vote 5/0.**

339  
340 **Motion by Commissioner** to approve the Exception to Driveway Standards (MIS20-0003)  
341 pursuant to Section L-XVI 3.4.A of the Land Use and Development Code, to allow an exception  
342 to grade restriction in five specific locations, and making findings A through E. **Second by**  
343 **Commissioner Duncan. Motion carried on a roll call vote 5/0.**

344  
345 **Motion by Commissioner Greeno** to approve the proposed Use Permit (CUP20-0001) allowing  
346 for the development the Frog Lake Backcountry Camp and subsequent use thereof, subject to the  
347 attached Mitigation Measures and Conditions of Approval (*Attachment 1*) pursuant to LUDC  
348 Section L-II 5.5.2.C and 5.6.6, making findings A through K: **Second by Commissioner Duncan.**  
349 **Motion carried on a roll call vote 5/0.**

350  
351 Chair Aguilar noted there was a 10-day appeal period.

352  
353 There being no further business to come before the Commission, the meeting was adjourned at  
354 2:50 p.m. to the next meeting *tentatively* scheduled for June 11, 2020, in the Board of Supervisors  
355 Chambers, 950 Maidu Avenue, Nevada City.

356 \_\_\_\_\_

357  
358 Passed and accepted this 23 day of July, 2020.

359  
360 *Brian Foss (by sp)* \_\_\_\_\_

361 Brian Foss, Ex-Officio Secretary

362

363