MINUTES of the meeting of May 28, 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, Greeno by remote.

MEMBERS ABSENT:

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

PUBLIC HEARINGS:

1. Frog Lake Back Country Camp

PROJECT DESCRIPTION: A Use Permit for a backcountry camp at Frog Lake. Access for

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: Introduction of Commissioner Bill Greeno, District V

CONSENT ITEMS:

1. PLN20-0071; EXT20-0002: Extension of Time for Wildwood Self Storage Use Permit (CUP16-0017; AAP17-0002; EIS16-0004).


Motion to approve Consent items by Commissioner Duncan; second by Commissioner Johansen

Motion carried on a voice vote 5/0.

PUBLIC HEARING:

PLN20-0002; CUP20-0001; MGT20-0017; LLA20-0007; MIS20-0003; EIS20-0001:

PROJECT DESCRIPTION: A Use Permit for a backcountry camp at Frog Lake. Access for
onsite caretakers is via Alder Creek Road to Euer Valley Road to Crab Tree Canyon Road to Frog Lake Road. Guest access will be limited to skiing/biking/hiking/snowshoeing in and out from multiple trails within the area. Three new cabins, each less than 500 square feet in size, would be added to the site; two for up to 24 total guests and one for caretaker use. Of the six existing cabins, two will be used for guest stays in the Summer months, three will be used for storage and one will be used for showering and dining. A Petition to Exceptions to Driveway Standards is included to allow an exception to grade restriction in five specific locations. A Management Plan is included to ensure no impact to waterways and/or sensitive species. A Lot Line Adjustment between the Frog Lake parcel and the easterly adjacent parcel is proposed. APN: 016-050-004 & 016-060-007.

**RECOMMENDED ENVIRONMENTAL DETERMINATION:** Approve the Mitigated Negative Declaration (EIS20-0001) **RECOMMENDED PROJECT ACTION:** Approve the proposed Conditional Use Permit (CUP20-0001), Management Plan (MGT20-0017), Lot Line Adjustment (LLA20-0007) and Petition for Exceptions to Driveway Standards (MIS20-0003).

**PLANNER:** Janeane Martin, Associate Planner.

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

Chair Aguilar asked for questions of Staff.

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

Planner Martin answered that the applicant was working with Environmental Health, stating it was something that was potentially allowable. She added that it was possible that they would do septic, composting toilets, or a combination of the two with proper permitting through Environmental Health.
Commissioner Duncan stated that she had a previous conversation with the applicant to clarify the types of trail use that would be allowed.

Commissioner Greeno added that he had also had a conversation with the applicant regarding access to the site.

Commissioner Duncan asked if the camps usage should be tracked, like how the rafting permit usage was tracked. She felt that tracking would provide valuable information about interest and use of recreation in the County.

Planner Martin clarified that the Land Trust had not indicated a desire to expand the site. She did not believe that annual tracking would be too difficult.

Commissioner Duncan thanked Planner Martin for clarifying.

Chair Aguilar said that tracking the number of users would provide historical institutional knowledge for the future. Chair Aguilar asked about trash pickup for the site.

Planner Martin answered that the Land Trust had not provided a trash pickup schedule.

Commissioner Johansen stated that the limiting factor would be environmental health, and that the demand to get into the backcountry was insatiable. He supported the idea of tracking the numbers of users. He also asked if a gate was in place to prevent entry onto Frog Lake Road.

Planner Martin answered she was not aware of a gate, she asked Project Manager MacLean to answer the question.

Project Manager MacLean answered that there was a locked gate to prevent automobiles from entering the area.

Chair Aguilar asked if the equestrian verbiage needed to be added anywhere.

Planner Martin answered she did not believe it needed to be added. She did not feel it would preclude equestrian use, rather the verbiage was intended to describe the non-motorized vehicle nature of guest access. She said that the Use Permit was not intended to speak to who could and could not use existing trails. The intent of the language was to indicate that vehicle access would not be available to guests.

Commissioner Duncan expressed her concern about the Project Description and allowed users. She felt that the public would interpret the verbiage in the Staff Report as excluding some users, such as equestrians, from trail use.

Principal Planner Tyler Barrington recommended that Condition A1b be modified to include horse riding if it was the pleasure of the Commission and the applicant.

Commissioner Duncan asked for it to say equestrian activity.

Chair Aguilar asked if equestrian activity included llamas and mules. He wondered if it should say equestrian and pack animals. He also asked about fire and fire pits.
Planner Martin stated that fire pits had not been proposed as part of the project.

Chair Aguilar asked if they had been purposefully excluded.

Planner Martin answered no.

Chair Aguilar wanted to ask what the applicants’ thoughts on that were, or if they were intending to comply with State regulations.

Commissioner Duncan stated it was private property, and that property owners had the right to specify what types of activities would be allowed on that property. She said that historically camping in the west has included having a campfire, and discussed fire allowances on neighboring Forest Service land. She said in the absence of a ban, the US Forest Service allowed for campfires on their land.

Chair Aguilar asked for further questions.

Deputy Fire Marshall Scott Eckman informed the Planning Commission that it would be relatively easy for him to retrieve the data on fire and medical incidents that occur in the area for them to review.

Chair Aguilar states that historically the area has been private property, and that with the new proposed usage the area would see an increase in use. He asked if that historical data would provide a baseline.

Fire Marshal Eckman answered yes. He explained the dispatching system and how the information was stored. He stated that it would be possible to track the numbers of incidents in the area to report to the Commission.

Chair Aguilar thanked Fire Marshal Eckman. He then asked the applicant to answer questions.

Project Manager Hillary MacLean introduced herself to the Commission as well as Perry Norris and John Svahn with the Truckee Donner Land Trust.

Chair Aguilar asked the applicants if they would like to add anything to Planner Martin’s presentation pertaining to the equestrian usage, trash pickup, tracking of users, etc.

Project Manager MacLean said that it was intended that when the caretaker left the site that they would take the trash with them, directly to the dump. She reiterated that equestrian use would be allowed, and that the terminology used in the project description was meant to convey that motorized activities would not be allowed by guests. She asked if Associate Director of the Land Trust John Svahn had anything to add and if he was comfortable adding equestrian usage to the Conditions of Approval.

Associate Director Svahn agreed.

Project Manager MacLean asked if it was necessary to add pack animals to the Condition as well.
Chair Aguilar answered that it was up to the applicant, however it might be something that the Planning Commission wanted to see however they wanted the applicant’s opinion on the matter.

Project Manager MacLean deferred the question to the Land Trust.

Chair Aguilar asked how people with disabilities would access the camp, stating that pack animals could provide a viable option.

Project Manager MacLean deferred the question to the Land Trust.

Truckee Donner Land Trust Executive Director Perry Norris introduced himself to the Commission. He stated that they were a conservation and nonprofit organization, and that the acquisition of the property was principally for conservation and secondly for recreation. He said that as a conservation organization they put a great deal of thought into the carrying capacity of the property. Because this was a new acquisition, they can only guess at the carrying capacity, and thought it may be around 30 people maximum during the summer, with fewer in the winter. He also added that a fire pit was also something that they would like to do. He further added that they did not have any problems with including pack animals, however they were not equipped with tack or watering facilities. They were also concerned about lake clarity and quality and suggested that setbacks may make that manageable.

Commissioner Johansen asked if wood for the fire pits would be trucked in or packed in.

Director Norris answered that they would be cutting wood at the site. Wood was the principal source of heat during the winter and they anticipated cutting 6-8 cords just for winter use.

Commissioner Johansen mentioned that would make the place more fire safe.

Executive Director Norris pointed out that that the Land Trust spent about $1 million annually on forestry projects in Nevada County.

Chair Aguilar asked how often the camp caretaker would remove trash from the site.

Project Manager MacLean answered that she believed that the caretaker would go into town for supplies and to remove trash every few weeks. She added that if necessary, they could remove trash more often if need be.

Executive Director Norris said that users would be responsible for packing out their own trash. He added that trash removal would be more difficult in the winter due to snow, and that caretakers would rotate schedules of 10 days on and 10 days off.

Commissioner Coleman-Hunt asked where this project was in relation to other projects by the Land Trust. She asked if this had a through trail that connected to other places.

Project Manager MacLean deferred the question to the Applicant.

Associate Director Svahn detailed information on trail access in the area. He added that Frog Lake would likely be a destination, however it was possible to make it part of a loop.
Chair Aguilar asked if access during the winter months would be by snowshoe and cross-country skiing or by snowmobile.

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

Chair Aguilar asked for further questions.

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

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

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

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

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

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

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

Chair Aguilar asked about user tracking.

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

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

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

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

Commissioner Duncan answered that the reporting was not something new to the Planning Department. She felt that the information generated would be beneficial. She was not clear on what Commissioner Johansen meant by impacts.
Commissioner Johansen answered that the impacts would be degradation to resources, which he felt the Land Trust would be monitoring anyway.

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

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

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

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

Commissioner Greeno answered he was prepared.

Chair Aguilar noted that several changes had been made.

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

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

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

**Motion by Commissioner** to approve the Exception to Driveway Standards (MIS20-0003) pursuant to Section L-XVI 3.4.A of the Land Use and Development Code, to allow an exception to grade restriction in five specific locations, and making findings A through E. **Second by Commissioner Duncan. Motion carried on a roll call vote 5/0**
Motion by Commissioner Greeno to approve the proposed Use Permit (CUP20-0001) allowing for the development the Frog Lake Backcountry Camp and subsequent use thereof, subject to the attached Mitigation Measures and Conditions of Approval (Attachment 1) pursuant to LUDC Section L-II 5.5.2.C and 5.6.6, making findings A through K: Second by Commissioner Duncan. Motion carried on a roll call vote 5/0.

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

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

Passed and accepted this 23 day of July, 2020.

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