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**NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA**

MINUTES of the meeting of June, 27 2019, 9:30 AM, Council Chambers, Truckee Town Hall,
10183 Truckee Airport Road, Truckee, California

MEMBERS PRESENT: Chair Duncan and Commissioners Aguilar, Johansen, and Bullock.

MEMBERS ABSENT: Commissioner Coleman-Hunt.

STAFF PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Deputy
County Counsel, Rhetta VanderPloeg; Senior Planner Coleen Shade; Senior Planner, Matt Kelley;
Senior Office Assistant, Shannon Paulus.

PUBLIC HEARINGS:

1. Boca Quarry Expansion Project Draft Environmental Impact Report
U11-008, RP11-001 & EIR11-001 Page 2, Line 56
2. Hobart Mills Industrial Park
PLN17-0097, U13-003 & EIS13-002 Page 5, Line 225
3. Van Norden Dam Spillway Modification Project
U16-003, MGT16-010 & EIS16-003 Page 9, Line 425

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

CALL MEETING TO ORDER: The meeting was called to order at 9:33 a.m. Roll call was
taken.

CHANGES TO AGENDA: Principal Planner Tyler Barrington noted that the time listed on the
agenda to call the meeting to order was incorrectly listed as 9:00 a.m. Actual time for call to order
was 9:30 a.m.

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:

1. Acceptance of 03-07-2019 Planning Commission Hearing Minutes.
2. Acceptance of 05-23-2019 Planning Commission Hearing Minutes.

50 **Motion** to approve the 03-07-2019 and 05-23-2019 Planning Commission Meeting Minutes by
51 Commissioner Aguilar; **second** by Commissioner Johansen. **Motion carried on a voice vote 4/0**
52 **(Commissioner Coleman-Hunt was absent)**

53
54 **PUBLIC HEARING:**

55
56 **U11-008, RP11-001 & EIR11-001:** A public hearing to accept comments on the adequacy of the Draft
57 Environmental Impact Report (EIS11-001) for the Boca Quarry Expansion Project. The proposed
58 project is located on a 230-acre site which includes the existing 40-acre permitted quarry operation
59 (East Pit) and the proposed 118-acre expansion area (West Pit). The proposed project would increase
60 the allowable extraction/disturbance area by approximately 118-acres in the West Pit for a total project
61 area of 158-acres and an increase in maximum production from 100,000 tons to one million tons per
62 year. The actual yearly production would vary and would depend on the market demand. The proposed
63 Conditional Use Permit (U11-008) anticipates the removal of 17 million tons of material in three phases
64 over a 30-year period. **LOCATION:** West Hinton Road, Truckee CA. APN: 048-090-012 & 048-
65 200-03. The project site is located in Nevada County, eight miles east of the center of the Town of
66 Truckee, and five miles west of the California/Nevada state line. The Town of Truckee limits are
67 approximately 0.6 miles west of the project site. The project site is directly north of Interstate-80.
68 **RECOMMENDED ACTION:** Hold a public hearing to accept comments on the adequacy of the
69 Draft Environmental Impact Report (EIS11-001); at the conclusion of the public hearing direct staff to
70 respond in writing to all comments generated through this public hearing and those generated through
71 the close of the required review period (July 8, 2019); and, prepare the Final Environmental Impact
72 Report. **PLANNER:** Coleen Shade, Senior Planner.

73
74 Senior Planner Coleen Shade introduced herself and Project Manager Catherine Sylvester from
75 Helix Environmental Planning and began her presentation. She described the purpose of the public
76 hearing and explained that the project was only in draft at this time. She discussed the history of
77 the project, previous work that had been done, and its CEQA history. She also discussed the current
78 project and its location, and details of the mine expansion. She talked about changes that had been
79 made due to comments that had been received, such as the haul route, and roadway improvements.

80
81 Ms. Sylvester stated that the Environmental Impact Report currently being circulated for public
82 review was created in compliance with CEQA, and discussed what that entailed, including
83 identifying impacts, informing decision makers and the public of those impacts, identifying ways
84 to avoid or minimize those impacts, and public input. She added that CEQA does not advocate for
85 or against a project, and does not prevent a lead agency from approving a project. She reviewed
86 the EIR process and how it was effected by public input, and the circulation and approval process.
87 She stated that the Notice of Preparation and Initial Public Scoping were done in 2012, and the
88 Draft EIR that had been prepared was never circulated. The EIR currently in circulation addresses
89 comments that had been made during the initial Notice of Preparation and public scoping process.
90 She discussed topics addressed in detail, including those that could be mitigated to less than
91 significant and those which were unavoidable, such as bicyclist safety. Some effects that were
92 found to not be significant were still addressed in the EIR in a later section. She talked about
93 feasible project alternatives, such as the No Project Alternative and Reduced Daily Production
94 Alternative. She talked about the next steps for the project, including the preparation of the Final
95 EIR, preparation of Findings and Statement of Overriding Consideration, and public hearings
96 through the Planning Commission and Board of Supervisors. She reiterated that the purpose of the
97 meeting was to receive comment on the Draft EIR, which could be verbalized or written comment
98 could be sent to the Planning Department before July 8, 2019.

100 Planner Shade asked for any questions or clarifications, and recommended that the Commission
101 open the public hearing.
102
103 Chair Duncan asked if the applicant was present to make a statement.
104
105 Planner Shade stated that the applicant was present, however they did not intend to make a
106 statement.
107
108 Michael Smith with Teichert introduced himself to the Commission, and stated that they were
109 there to take note and to listen in, however they were available to answer specific questions about
110 themselves or the operation.
111
112 Chair Duncan asked if the Commission had any questions for staff.
113
114 Commissioner Aguilar asked how the volume would compare to the Hansen plant off of You Bet
115 Road in Grass Valley.
116
117 Mr. Smith did not know the volume that the Hansen plant put out, however the million tons
118 proposed was a maximum and not annual. He stated that they wanted to protect themselves in case
119 they had an emergency job or significant local job to be able to serve it instead of pulling from
120 other resources.
121
122 Jessica Hankins with Nevada County Public Works came forward and introduced herself to the
123 Commission. She stated that Hansen pulled out between 300,000-500,000 tons a year.
124
125 Commissioner Aguilar stated that this operation would be three times what Hansen pulls out.
126
127 Ms. Hankins believed that was at maximum.
128
129 Commissioner Aguilar stated that gave him a better idea, as he was familiar with You Bet Road.
130 He asked where other resources would be pulled from.
131
132 Ms. Sylvester stated that the EIR identified mines in the Reno area.
133
134 Commissioner Aguilar asked if the bike impact would be the same, regardless of if the project was
135 approved.
136
137 Planner Shade answered yes, because truck traffic would still occur on Stampede Meadows Road,
138 before turning onto West Hinton Road.
139
140 Commissioner Bullock asked at what point the Commission could interject concerns regarding
141 cycling, marking of the road, and signage.
142
143 Planner Shade answered that would be a comment on the Draft EIR, and that he could comment
144 anytime between now and July 8, 2019.
145
146 Commissioner Bullock stated that he had met with the applicant and was very impressed with their
147 knowledge of the local area, and that they recognized it was a scenic corridor that effects many
148 people. He stated that he was an avid cyclist, and that the road between the bridge area and the

149 driveway was narrow, not well marked, constantly under construction, had a railroad crossing, and
150 had lack of line of site. He wanted to discuss the differences of improving the shoulder versus
151 making a bike lane, requesting the placement of signage to share the road, and increasing safety in
152 that corridor. He said that once past the driveway toward Stampede, cyclists had to contend with
153 boats, RV's, and campers. He added that it was a treacherous trek to get a cyclist from the
154 Glenshire neighborhood to the dirt road at the end of Stampede. He felt that signage at the
155 beginning would enhance the safety for everyone in that roadway.

156
157 Commissioner Johansen asked if there was any significance to the six year wait between 2013 and
158 2019.

159
160 Planner Shade deferred the question to the applicant.

161
162 Mr. Smith answered that when they initially began the project in 2006 and 2008, The Great
163 Recession hit and they had to consolidate their resources and focus on certain territories. He added
164 they had to put the project aside and restarted a few years later.

165
166 Commissioner Johansen asked about the demand for rock in the area.

167
168 Mr. Smith answered that there was a demand, and if not supplied locally it would come in from
169 Reno. He stated that they try to address how to keep rock local, serve the community, and be better
170 for the environment.

171
172 Commissioner Johansen stated that the trucks would be coming anyway.

173
174 Mr. Smith answered yes.

175
176 Commissioner Johansen asked if it would be 20 tons per truck, with a million tons.

177
178 Mr. Smith answered 20-25 tons, it varied.

179
180 Commissioner Johansen stated that was going to be a lot of trucks.

181
182 Mr. Smith stated yes, it was a lot of trucks if they were doing a million tons. He reiterated that
183 there was a cap of 17 million over 30 years, they would not be doing that at one time.

184
185 Chair Duncan stated this was a recirculation for her, and that last time it was discussed traffic was
186 a big issue. She believed that a compromise was developed to facilitate the traffic concerns. She
187 did not recall biking being a significant concern, adding that sometimes there was a danger in
188 waiting on projects as new concerns arose which made it more challenging to come to a good
189 conclusion. She said that the resource was valuable and certainly necessary for infrastructure.

190
191 Chair Duncan opened public comment at 10:04 a.m. As no one came forward to speak she closed
192 public comment at 10:04 a.m.

193
194 Commissioner Bullock asked for the difference between a bikeway and a bike lane, as well as the
195 difference between signage and lane delineation in a roadway as proposed.

196

197 Planner Shade stated that the project proposed a Class 3, which would have a widened area to the
198 right of the fog lane. She added that this was not a Class 1, in which it would be separated. She
199 asked if that would be one of Commissioner Bullock's suggestions.

200
201 Commissioner Bullock stated he did not think that was feasible, he wanted to know if the roadway
202 was going to be widened and marked.

203
204 Planner Shade answered yes, she clarified that it would be where feasible due to a small area of
205 wetlands as well as topographic constraints.

206
207 Commissioner Bullock stated that he believed signage went a long way, such as Share the Road
208 and the California 3 foot separation mandate. He would like to see a couple signs placed in the
209 area of the westbound onramp to increase safety, and possibly where the trucks exit Hinton Road.

210
211 Commissioner Aguilar agreed with Commissioner Bullock, and wondered how the environmental
212 impact would change with the signage, and would it make it less than significant.

213
214 Chair Duncan stated that some people read signs while others did not.

215
216 **Motion by Commissioner Bullock** to direct planning staff to respond in writing to all comments
217 generated through this public hearing and those generated through the close of the required review
218 period (July 8, 2019); and prepare the Final Environmental Impact Report. **Second by**
219 **Commissioner Johansen. Motion carried on a roll call vote 4/0. (Commissioner Coleman-**
220 **Hunt was absent.)**

221
222 Chair Duncan called for a break at 10:09 a.m., allowing staff time to set up for the next
223 presentation, and resumed the meeting at 10:14 a.m.

224
225 **PLN17-0097; U13-003; EIS13-002:** An application for a new Use Permit to amend the expired
226 Comprehensive Master Plan (U99-004) which was approved through the adoption of a Use Permit on
227 June 28, 2001 for the Hobart Mills Industrial Park. The application proposes to bring existing
228 unpermitted uses into compliance with the Nevada County Land Use and Development Code and
229 General Plan as well as to amend the expired Comprehensive Master Plan (CMP). In addition, the Use
230 Permit would recognize the location of the existing unpermitted land uses within the subject parcels
231 established Zoning District Boundaries and CMP delineated project areas, including Assessor Parcel
232 Numbers (APNs) 016-540-003, 016-540-004, 016-540-008 and 016-540-009. Current permitted uses
233 include an approximately 3-acre seasonal topsoil and bark mulch recycling operation which is located
234 within the 22-acre M1 SP Zoning District portion of the subject parcel that is east of Hobart Mills
235 Road, which was approved by Use Permit U99-004. **PROJECT LOCATION:** The subject parcels
236 are located at 14849 State Highway 89, 14824 Old Highway 89, 14824 Old Highway 89, and 14996
237 Old Highway 89. The subject approximately 133-acre parcels are further located east of the intersection
238 of Highway 89 and Fibreboard Road, approximately four miles north of the Town of Truckee in
239 Unincorporated Eastern Nevada County. **ASSESSOR'S PARCEL NUMBERS:** 016-540-003, 016-
240 540-004, 016-540-008, 016-540-009. **RECOMMENDED ENVIRONMENTAL**
241 **DETERMINATION:** Recommend approval of a Mitigated Negative Declaration (EIS13-002).
242 **RECOMMENDED PROJECT ACTION:** Recommend approval of the proposed Use Permit (U13-
243 003). **PLANNER:** Matt Kelley, Senior Planner.

244
245 Senior Planner Matt Kelley introduced himself and the applicants to the Commission.

246

247 Chair Duncan stated that the Commissioners screens were blank, however as the project could be
248 seen on the presentation screen they could continue.

249
250 Planner Kelley continued his presentation and discussed the location of the project site, zoning,
251 general plan designation, and the history of the project site. He discussed certain elements that had
252 not been constructed, including a concrete batch plant and several above ground water storage
253 tanks in the Open Space zoning district. He stated that the applicant had received two 2 year
254 Extensions of Time which extended the time of the Use Permit to July 10, 2008, rendering the
255 Comprehensive Master Plan and any entitlements, except for the top soil facility, null and void
256 after that date. He discussed unpermitted operations started on the property after the approval of
257 the 1999 Use Permit, including seasonal firewood biomass material storage and processing,
258 contractor equipment storage yards, and a seasonal aggregate and asphalt processing and recycling
259 facility. He went on to describe the current proposal to amend and update the expired
260 Comprehensive Master Plan, bringing existing unpermitted uses into compliance, recognize the
261 location of the existing unpermitted land uses within the subject parcels, establish Zoning District
262 Boundaries and CMP delineated project areas, and proposed changes. He indicated on the site plan
263 were the various businesses and landmarks were, showed photographs of existing conditions and
264 facilities, and discussed aesthetics. He reviewed the updated traffic study and Conditions of
265 Approval pertinent to the road and driveways. He discussed water quality, storm water permits,
266 hazardous materials, noise, and zoning and general plan consistency. He stated that typically the
267 construction of above ground water tanks would not be permitted in the Open Space district,
268 however because of the Comprehensive Master Plan, staff was recommending that it be approved
269 as part of the project. He discussed environmental review, in which a California Environmental
270 Quality Act Initial Study and Mitigated Negative Declaration were circulated, public review,
271 impacts that were identified, mitigation measures, and agency comments. He discussed public
272 comment that had been received, amendments to the Conditions of Approval, and a Staff
273 Memorandum. He ended his presentation with Staff Recommendations.

274
275 Chair Duncan asked for questions of staff, and mentioned that the Staff Memo had the new
276 language for the actions to be taken. She said that she had been emailed the memo at 8:00 p.m. the
277 previous evening, and believed that it was well addressed and made for better actions.

278
279 Project Representative Tom Murphy introduced himself to Commission and thanked staff for their
280 hard work on the project and the Commissioners for coming to Truckee to hear the project. He
281 stated that he had sat on the Town of Truckee Commission for more than 6 years, and he
282 appreciated the civic service that they provided. He introduced Applicant Al Pombo, Project
283 Manager Bree Waters, and Land Use Attorney Greg Gatto.

284
285 Applicant Al Pombo came forward and introduced himself to the Commission. He stated he was
286 a former resident of Truckee, and a current resident of Sierraville. He gave a history of Hobart
287 Mills, beginning with Fibreboard Corporation when the mill was in downtown Truckee, the
288 movement of material from that site to Hobart Mills, the piling up of rock for which they rented a
289 crusher to recycle the material, and their construction company which was generating spoils of
290 concrete, asphalt, and other material. He explained that eventually other contractors began
291 participating in the program, and that their goal was to recycle as much material as possible from
292 job sites. He added that no mining was being done, and that everything that came in was converted
293 into a useable product for construction sites.

294

295 Mr. Murphy began a presentation showing historical uses, a zoning map showing the surrounding
296 Forest Service land and Open Space, historical landmarks and trailhead, historical photos, and
297 photographs of the current site and uses. He added that much of the wood being processed at the
298 biomass processing center was claimed from forest fires, preventing it from becoming fuel for
299 future fires. He showed photographs of a single family home currently within the Open Space
300 district, and used it as an example to show that the proposed water tank would be well screened.
301 He also showed a map of the existing leach fields currently installed in relation to the proposed
302 water tank sites, as well as photographs to show screening. He stated that they did not have many
303 neighbors except for Timber Trails R.V Park and a Forest Service Work Center, which were about
304 a mile away. He presented additional pictures to illustrate screening and the density of forest
305 growth from various aspects of the property, and offered to show scenic corridor videos if it was
306 the Commissions desire. He added that the public would benefit as the uses were a needed
307 community resource, as well as a part of the County and regions economic engine. He noted that
308 the aggregate recycling operation provided the County with an average of \$151,000 a year in sales
309 tax revenue, while also providing jobs. Further public benefits included the recycling of
310 construction waste and biomass, reduced vehicle trips, fuel consumption, and emissions due to
311 close proximity to the area's population, reclaimed and recycled material resources, and fire
312 suppression resources that currently do not exist in the area. He desired to discuss the Condition
313 of Approval regarding landscaping, and invited Attorney Greg Gatto to speak.

314
315 Land Use Attorney Greg Gatto introduced himself to the Commission and expressed his
316 gratefulness to staff in providing timely and thoughtful responses to their questions and concerns.
317 He said that one outstanding item they wished to discuss was Condition of Approval A10 and the
318 landscape plans. He stated that timely commencement of construction of the fire suppression water
319 tank was critical to have in operation for the 2020 fire season. He said that staff had done a great
320 job working with them on the Conditions to insure that they could get started as soon as the Use
321 Permit became effective. He read Condition of Approval A10, and requested that it be revised so
322 that the final landscape plans were submitted and approved prior to final. He stated that Mr.
323 Murphy had shown that the site was well screened with mature vegetation and topography, and
324 clarified that no landscaping was proposed for the water tank site. The applicant was proposing to
325 install landscaping as shown on the preliminary landscape plans that had been submitted as part of
326 the Master Plan, however they were requesting additional time to provide the details necessary for
327 a final landscape plan and stamped plans while the construction of the water tank commenced.
328 Those final plans would be submitted prior to final of the building permit. He added that he had a
329 discussion with Director Foss that morning, who had asked him to present that to the Commission.
330 He said that was the only remaining concern, and that staff had done a great job of responding to
331 their questions and comments for clarification.

332
333 Director Foss stated that staff was okay with the change of timing for Condition A10, changing it
334 to prior to final of the building permit for the 550,000 gallon water tank, the applicant shall submit
335 the final landscape plan.

336
337 Chair Duncan verified that would be incorporated in the page 11 of today's actions. She then asked
338 for any further questions.

339
340 Commissioner Aguilar stated he was fine with the change, and asked why it was important to the
341 applicant.

342

343 Director Foss answered that he believed it would take a little more time to prepare the final
344 landscaping plan, and that the applicant would like to get started as soon as possible on the tanks.
345
346 Commissioner Aguilar verified it was a timing issue.
347
348 Director Foss stated yes.
349
350 Chair Duncan stated that she remembered when the project first came forward, the Commission at
351 the time had been very excited about the project as it had public and community benefits. She said
352 there had been a great deal of discussion about the visibility of the water tank, however it now
353 appeared to be well below the trees. She asked if the earth tone color was because of design
354 guidelines.
355
356 Planner Kelley answered yes, part of the eastern Nevada County design guidelines do discuss earth
357 tones. Staff was providing guidance as the submitted building permit for the water tank did not
358 show color.
359
360 Chair Duncan said that in the years when the applicant was unable to move forward, more
361 regulations and expenses had incurred. She said that she was happy to see the applicant here as it
362 had been on their timeline for a long time.
363
364 Commissioner Johansen asked how much the landscaping added to the cost of the project.
365
366 Director Foss deferred the question to the applicant.
367
368 Project Manager Bree Waters answered that the landscaping was minimal and a minimal cost.
369 Regarding the timing for construction, she said that they needed to begin as soon as the 10 day
370 appeal period was over, otherwise it would not happen that season.
371
372 Commissioner Johansen asked if the landscaping was holding up the project, and if they were
373 happy with it.
374
375 Ms. Waters answered that they were fine with it, stating that they needed to get the landscape
376 architect on board with the plans. She said that if they had to wait for the landscape plans to be
377 reviewed and finalized it would push them out another 6 weeks, and the water tank would not be
378 built this season.
379
380 Mr. Pombo stated that if they do not get the structure built soon, there wouldn't be high enough
381 temperatures to cure the epoxy.
382
383 Commissioner Bullock asked the applicant if they would be able to close out the building permits
384 as outlined by staff in Condition B7.
385
386 Chair Duncan asked who Commissioner Bullock was directing the question to.
387
388 Commissioner Bullock answered whoever was able to answer. He wanted to make sure that
389 Condition worked for the applicant.
390

391 Mr. Gatto asked staff to provide a list of outstanding items and potential fees that may be needed
392 to have the water tank permit issued and close out the permits that had expired. He added that the
393 total outstanding fees were something they were still waiting to hear about.

394
395 Commissioner Bullock asked if they were prepared to provide the necessary documents and fees
396 and be able to close those out with the County.

397
398 Mr. Gatto answered yes.

399
400 Chair Duncan stated that staff was nodding their heads in approval that it could be done. She said
401 that they were promising Mr. Pombo no more surprises.

402
403 Chair Duncan opened public comment at 11:09 a.m. As no one came forward to speak she closed
404 public comment at 11:09 a.m.

405
406 Chair Duncan verified that all changes had been incorporated.

407
408 **Motion by Commissioner Bullock** adopt the proposed Mitigated Negative Declaration (EIS13-
409 002) (*Attachment 2*) and Mitigation and Monitoring and Reporting Program (*Attachment 1*)
410 pursuant to Sections 15073.5, 15074 and 15097 of the California Environmental Quality Act
411 Guidelines making Findings A through D: **Second by Commissioner Johansen. Motion carried**
412 **on a roll call vote 4/0. (Commissioner Coleman-Hunt was absent).**

413
414 **Motion by Commissioner Bullock** Approve the proposed Conditional Use
415 permit/Comprehensive Master Plan (U13-003) subject to the attached Conditions of Approval,
416 shown in Attachment 1 *as amended by the Memorandum dated June 26, 2019, and at the Public*
417 *Hearing*, making findings A-M pursuant to Sections L-II 5.6.G and 5.17 of the Nevada County
418 Land Use and Development Code: **Second by Commissioner Johansen. Motion carried on a**
419 **roll call vote 4/0. (Commissioner Coleman-Hunt was absent).**

420
421 Chair Duncan noted that there was a 10 day appeal period.

422
423 Chair Duncan called for a break at 11:12 a.m. The meeting was called back to order at 1:02 p.m.

424
425 **U16-003, MGT16-010 & EIS16-003:** Public hearing to certify the Environmental Impact Report
426 (EIS16-003), approve the Conditional Use Permit (U16-003) and approve the Management Plan
427 (MGT16-010) for the Van Norden Dam Spillway Modification Project. The proposed project includes
428 the modifications to the dam spillway that would lower the spillway to eliminate the risk from a dam
429 failure and remove the ability to impound water. The existing notch of the spillway would be lowered
430 by 4.5 feet. The new spillway would be 48 feet wide and 95.4 feet long with concrete aprons on the
431 upstream and downstream ends of the spillway. The new spillway would include a small incised
432 channel 0.5-foot-deep and 3 feet wide to allow water passage during low flow conditions in the summer
433 and fall months. **LOCATION:** The proposed project is located in the west end of Summit Valley,
434 Nevada County at 10187 Soda Springs Road, Soda Springs CA. APN: 047-440-023.
435 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Make the Findings for each
436 significant effect; Adopt a Statement of Overriding Considerations; Certify the Final Environmental
437 Impact Report (EIS16-003); Approve the Management Plan (MGT16-010) and Approve the
438 Conditional Use Permit (U16-003). **PLANNER:** Coleen Shade, Senior Planner.

439

440 Senior Planner Coleen Shade began her presentation and explained the purpose of the hearing,
441 including the adequacy of the Final EIR for certification, and several actions. She introduced
442 Project Manager Pat Angel with Ascent Environmental, who consulted on the project. She gave a
443 history of the site, beginning with photographs of the area in the 1860s and 1870s and forward.
444 She discussed the project area, project area of influence, project description, and ownership. She
445 discussed the project objectives, including no water impoundment which exceeded state
446 requirements, as the Land Trust did not have water rights, improve safety of the dam, and
447 supporting restoration of hydrology and habitat functions of a high mountain meadow which is the
448 influence area.

449
450 Pat Angel, the Project Manager for the EIR, introduced himself to the Commission and began his
451 presentation. He reviewed the timeline and CEQA history, and project alternatives as presented in
452 the EIR. He discussed the resources evaluated in the EIR, such as aesthetics, air quality,
453 archeological, historical, tribal cultural resources, geology, soils, seismology, as well as others. He
454 discussed impacts that were identified which could be mitigated with mitigation measures, most
455 of which were related to biological resources. He reviewed the one impact that was identified as
456 significant and unavoidable, which was the hydrologic functions downstream. He addressed
457 comments that had been received on the EIR, including biological and flooding concerns. He said
458 that an additional analysis had been done for the bridge structures downstream, which concluded
459 that those structures were already impacted by flood conditions, the increase from the project
460 would be negligible and not result in a new impact. Other comments addressed included loss of
461 recreation value, scenic impact, lost opportunity for water storage, and revegetation concerns. He
462 concluded his presentation by discussing the Findings of Facts and Statement of Overriding
463 Considerations.

464
465 Planner Shade stated that they had three recommendations, two of which had to be made by the
466 Commission. She finished her presentation with staff's recommendations.

467
468 Chair Duncan asked for questions of staff, and if representatives for the Land Trust were present.

469
470 Planner Shade answered yes, representatives were present.

471
472 Lorie Carpenter, a Professional Wetland Scientist, Certified Professional Sediment and Erosion
473 Control, and California Certified QSD, QSP, speaking on behalf of the Truckee Donner Land
474 Trust, introduced herself and Executive Director Perry Norris and Stewardship Director John
475 Svahn for TDLT to the Commission. She also introduced Jill Young, a Partner from Paul Hastings
476 Group, Peter Kulchawik of Balance Hydrologics, Jake Hudson of NV5, and Brent Campos of Point
477 Blue to the Commission. She discussed the present state of the dam, the progress of the
478 Management Plan including revegetation, various mitigation measures, and overall consistency
479 with the Nevada County General Plan. She reviewed the history of the dam, its location, and stated
480 that the Land Trust had been ordered by two separate State agencies to alter the dam because it
481 was potentially unsafe and the Land Trust did not own water rights. She showed a video of current
482 conditions of the dam, including a sinkhole which formed which undermined the dam. She talked
483 about the project, including construction and disturbance areas, staging, storage, ingress and
484 egress, stating that work would only be done in the concrete area. She stated that the project was
485 not a reservoir, lake, or mudflat, it was living system and was adjacent to land already accepted
486 as-is by the United States Forest Service. She said typically Counties did not impose mitigation
487 measures on federally owned land, or require applicants to get federal permission to conduct off
488 site project mitigation. She discussed a letter from the United States Forest Service to the County

489 explaining that no mitigation was required on their lands, therefore the mitigation requirement in
490 the Management Plan were only applicable to the area owned by the Land Trust. The Forest
491 Service also owned the Van Norden Meadow and had indicated that they did not need the help of
492 the Land Trust, and that the Land Trust project did not affect the Forest Service project. She went
493 on to discuss soils in the area, and why they were confident that mitigation measures would be
494 effective. She showed pictures demonstrating the success of revegetation, and proposed habitat.
495 Due to late snows, she stated that final avian survey dates would need to be somewhat flexible,
496 and desired that staff work with her team of experts to be able to comply as closely as possible
497 with the Condition, and to develop Conditions that do not tie the construction schedule due to the
498 construction window on the summit being so limited. She stated that she hoped the Commission
499 would support the Concrete Alternative over the Boulder Alternative. She thanked staff and Ascent
500 Environmental for their work on the project.

501

502 Chair Duncan asked the Commission if they had any questions.

503

504 Commissioner Aguilar asked for clarification that what was happening now was similar to what
505 would happen once the dam was lowered.

506

507 Ms. Carpenter answered that it would be the same and explained why.

508

509 Commissioner Aguilar asked if the saturation of the soil would be the same in the future as it was
510 now.

511

512 Ms. Carpenter answered, showing pictures of the revegetation after a pipe had been opened and
513 the water level lowered to the same level as was proposed in the project. She stated that during
514 that time they had an opportunity to view the effects of lowering the dam and had found that
515 everything worked as modeled.

516

517 Chair Duncan asked if the hiking and biking trails in the area were open to equestrians.

518

519 Ms. Carpenter answered yes. She also said that the trails were already existing and the area had a
520 lot of public impact. She reiterated her concern about the compressed building timeline and Avian
521 Condition, stating that they planned to delay construction past those dates.

522

523 Commissioner Johansen confirmed that the United States Forest Service owned the land being
524 referred to as the area of influence.

525

526 Ms. Carpenter said yes.

527

528 Commissioner Johansen asked if the Forest Service would resist any mitigation measures,
529 restrictions, or requirements placed on that area.

530

531 Ms. Carpenter answered that they were happy with the property as-is and that they were not going
532 to change anything in that area.

533

534 Commissioner Johansen asked Planner Shade if she had any input.

535

536 Planner Shade stated that concerns that were brought by members of the public during scoping as
537 well as in the draft were post construction concerns of success of the revegetation. She said that in

538 the Management Plan prepared by the applicant, ongoing monitoring of the revegetation post
539 construction was included for 3 years. She stated that she had spoken with USFS and there was
540 some miscommunication that mitigation was being created for their property without discussing it
541 with them. She said that this was something that was already a part of the Management Plan that
542 was submitted to the County prior to the transfer of the land to the Forest Service. She stated that
543 various organizations, including SYRCL, were monitoring the land, and that the County was being
544 consistent with the Management Plan. It was not considered to be onerous because it was post
545 construction, therefore it was left in. She said that when she spoke with the author of the letter, he
546 gained a better understanding of why it was in the EIR.

547
548 Commissioner Johansen asked if the Management Plan went with the land.

549
550 Planner Shade Coleen answered yes.

551
552 Ms. Carpenter stated that it was their understanding that the Management Plan and mitigation
553 requirement only covered the area owned by the Land Trust.

554
555 Planner Shade said that part of the mitigation that came from the Management Plan that was
556 submitted to the County and used in the Draft EIR looked at post construction monitoring for 3
557 years, which is why it was left in.

558
559 Ms. Carpenter stated they would be monitoring their 6.98 acres for 3 years.

560
561 Commissioner Johansen asked if the Forest Service would be monitoring the rest.

562
563 Planner Shade believed that SYRCL would continue to monitor, and noted their program manager
564 in the audience was shaking her head yes.

565
566 Chair Duncan asked for further questions. None were forth coming.

567
568 Peter Kulchawik of Balance Hydrologics, a Professional Licensed Civil Engineer, introduced
569 himself to the Commission. He stated that they had been doing a number of different technical
570 studies over the last seven years, and had compiled a number of different models. He discussed
571 flooding issues which exist under current conditions, and how the dam modification would affect
572 some homes and bridges downstream. He reviewed and explained the impacts downstream, stating
573 that flooding occurred under existing conditions and would continue to occur. The worst case
574 scenario for the most impacted home, Home Site 1, would be a decrease in freeboard without
575 affecting living space, a two to three inch increase for bridges during extreme events. He added
576 that snow and logs also effect flooding.

577
578 Chair Duncan asked for any questions.

579
580 Commissioner Aguilar asked if the water would come up to the floor joists during the 100 year
581 flood at the home that would be most impacted.

582
583 Mr. Kulchawik answered that they estimated it would go to the crawl space and lap against the
584 foundation, not the living area.

585

586 Commissioner Aguilar Paul asked how many inches the water would increase with the dam
587 removal.

588

589 Mr. Kulchawik answered that the model showed that the 100 year water surface elevation would
590 rise 1.4 feet.

591

592 Commissioner Aguilar asked how that would affect erosion of the foundation.

593

594 Mr. Kulchawik answered that it was a problem under existing conditions, however the water on
595 the sides would not move as swiftly as water going down the center of the channel. He also stated
596 that it was not a question that they had specifically looked at. He said that with a little more water
597 may be a little more power, which would cause a little more erosion. He explained that water in
598 this area was being backed up by a culvert, which slows water.

599

600 Commissioner Aguilar asked if the 100 year flood levels were calculated from historic data.

601

602 Mr. Kulchawik answered that it was a statistic which happened on average once every 100 years,
603 which was an acceptable level of risk throughout the engineering community.

604

605 Commissioner Bullock asked how many times a 100 year event had occurred at Home Site 1 in
606 the last 10 years.

607

608 Mr. Kulchawik said that it was hard to say. He stated that the 1997 event varied regionally from a
609 20 year to a 100 year event. He believed locally it was between a 50 and 100 year event, and
610 towards South Lake Tahoe it was more of a 20 year event. He stated that USGS had a paper on the
611 subject.

612

613 Commissioner Bullock asked that regardless of the big snow years they have had, that location
614 had not seen a 100 year event.

615

616 Mr. Kulchawik answered that was correct.

617

618 Commissioner Aguilar asked for the percentage difference between a 100 year flood and 20 year
619 flood.

620

621 Mr. Kulchawik answered that it varied, and had to do with the nature of the hydrology in the
622 watershed. He added that the 50 year event was not equal to half of the 100 year event, the scale
623 did not work that way.

624

625 Commissioner Johansen asked if replacing the culvert downstream could be a mitigation measure.

626

627 Mr. Kulchawik answered that the culvert was a big opening, but narrow. He answered that the
628 culvert transported water fine, and was not sure that replacing the culvert would make sense.

629

630 Commissioner Johansen asked when Van Norden filled up.

631

632 Mr. Kulchawik answered that it filled up after large rains in October or November, and remained
633 full all year.

634

635 Commissioner Johansen stated that when full, new rain would rush over anyway. He asked why
636 the flow would increase.

637
638 Mr. Kulchawik explained why the flow rate would increase.

639
640 Commissioner Johansen stated that the lake was already full.

641
642 Mr. Kulchawik answered that in its current condition the lake stores much more water.

643
644 Commissioner Johansen asked for clarification.

645
646 Mr. Kulchawik explained about the 22 inch pipe at the bottom of the dam and the spillway.

647
648 Commissioner Bullock stated that he was aware that snow removal in the Donner Summit area
649 made a difference in how water courses behaved, and that snow removed from parking lots and
650 other areas has been cast into the South Yuba, creating a dam effect. He asked if snow would have
651 any impact on flooding for Home Site 1.

652
653 Mr. Kulchawik answered that had not been specifically studied. He said that snow fell differently
654 every year, and humans tend to move it around. He said that it was difficult to predict every
655 possible scenario.

656
657 Commissioner Bullock asked if anyone in recent memory had witnessed a big snow year or a rain
658 on snow event with incremental snow removal causing problems at Home Site 1.

659
660 Mr. Kulchawik answered not that he was aware of.

661
662 Chair Duncan invited the next speaker.

663
664 Jill Young with the Paul Hastings Law Firm introduced herself to the Commission. She discussed
665 the Boulder Alternative and its impacts, such as increasing the footprint of the dam, extra cost,
666 increase in emissions, import of materials, and larger disturbance area. She added that the Boulder
667 Alternative did not solve the impact of flooding. She asked to clarify that they did not need to do
668 nesting bird impact surveys if they were outside of the windows specified, although they would
669 do some surveys for certain species. They believed that they were being consistent with the intent
670 of the mitigation measures, and that they would not be able to do the full suite of protocol surveys.
671 They asked that the Condition be modified or that they be allowed to work with staff to come up
672 with a practical solution.

673
674 Commissioner Aguilar said that one slide showed a difference in the flow between the Boulder
675 Alternative and the Concrete Alternative. He asked what percent the Boulder Alternative would
676 decrease the flow, and stated that while it did not mitigate the flood impact, it did reduce it.

677
678 Ms. Young explained why the alternative was included in the document and that it was not the
679 landowner's responsibility to maintain flood control, it was the responsibility of either government
680 or the builders to not build in the flood zone.

681
682 Commissioner Aguilar asked why an alternative was listed.

683

684 Ms. Young answered that if the alternative had taken the impact below a level of significance then
685 they would be empowered to require the applicant to do that measure.
686
687 Commissioner Aguilar stated it would be legal for them to vote on the alternative.
688
689 Ms. Young answered that was correct, however it would prompt the argument that the mitigation
690 was not justified, placing the applicant in a position in which they could contest the project.
691
692 Commissioner Aguilar stated he was not sure he agreed with that, and he was interested in the
693 percentage the flow would decrease.
694
695 Mr. Kulchawik stated that he did not know the exact percentage, and explained the chart on
696 display. He explained why the Boulder Alternative and Concrete Alternative were different.
697
698 Commissioner Aguilar asked if there was a difference in footage with the Boulder Alternative at
699 Home Site 1.
700
701 Mr. Kulchawik answered that the flow level at that site would be a little lower, however neither
702 alternative would affect the living space.
703
704 Commissioner Bullock clarified that with the Boulder Alternative the meadow ecology would have
705 certain fluctuations, whereas the ecology with the Concrete Alternative would be more stable.
706
707 Mr. Kulchawik discussed a study in which that was evaluated.
708
709 Commissioner Bullock stated that one could argue that the Concrete Alternative was a better
710 option for the creation of the meadow space and the ecology associated with it.
711
712 Mr. Kulchawik said that he could not remember the ecological differences between the Boulder
713 and Concrete Alternative, however he believed they were pretty similar.
714
715 Ms. Carpenter stated that they cared most about what happened on a dry year, and that the Concrete
716 Alternative was superior for supporting meadow vegetation. She asked if the Commission had any
717 questions for their geologist and engineer or project biologist.
718
719 Chair Duncan asked for the geologist to come and give a brief overview of the sinkhole.
720
721 Jake Hudson of NV5 Geotechnical Engineering Firm introduced himself to the Commission. He
722 said that they had designed the spillway for the project, and clarified that the sinkhole was more
723 of a scour hole, similar to Oroville Dam but on a smaller scale. He gave a report on the condition
724 of the apron and spillway, and what had happened this last spring. He said that the Division of
725 Dam Safety had ordered them to fix the problem, and explained how they completed temporary
726 repairs. He reviewed the process of fixing the dam, and explained why replacement was not a
727 consideration.
728
729 Chair Duncan asked for any questions.
730
731 Commissioner Bullock asked if they had to open the dam up, would they be able to open and close
732 the project within 10 weeks.

733 Mr. Hudson explained that it wasn't a matter of if it could be done and more a question of cost.

734

735 Chair Duncan asked if it was his professional opinion that something needed to be done to the
736 dam.

737

738 Mr. Hudson said absolutely, and that they had been informed by the Division of Dam Safety that
739 they had to do something.

740

741 Ms. Carpenter stated CEQA required options, they were unsure if they could get the Boulder
742 Alternative through the Department of Dam Safety, and that the other option was already
743 approved. She reiterated that the Boulder Alternative was more than double the cost, this was not
744 a subdivision or restoration project, and that they were trying to correct an environmental wrong.
745 They did not own the water rights and had been illegally impounding water for years, and that they
746 wanted to leave behind a safe structure in perpetuity. She concluded by stating that they supported
747 Staff's recommendation for the Concrete Alternative, they had an engineer on board, and that they
748 knew they could complete the project this year.

749

750 Chair Duncan opened public comment at 2: 27 pm

751

752 Norm Saylor, a 65 year resident of Norden-Soda Springs, introduced himself to the Commission.
753 He stated that he believed that the County needed to address the fact that California needed water,
754 and that the dam holds back 6,000 acre feet of water. He stated that the dam had operated fine for
755 80 years, until PG&E and other agencies decided they no longer wanted to maintain earthen dams.
756 He said that 18 dams were declared unsafe, and that 8 of those had been put back into operation
757 without modification. He believed that the dam could be repaired with the funds from the Land
758 Trusts sale of a thousand acres, and water could be stored for use when needed downstream instead
759 of it running to the ocean. He stated that there were many flaws in what had been discussed today,
760 and that there was no culvert near Home Site 1 to back up water. He said that particular home was
761 flooded from water that didn't come over the dam, rather from water that came from the Royal
762 Gorge parking lot and out of Arrow Creek. He discussed the history of the area, and how
763 waterways and trees in the area had been effected by the lake. He stated that no one had really
764 gone into the town area and asked people what they wanted, and that the most of them wanted the
765 dam in place. He believed that the Commission should turn down the project.

766

767 Alexis Ollar, the Executive Director of Mountain Area Preservation, introduced herself to the
768 Commission. She expressed their support of the project and gave a summary of other projects in
769 which they had partnered and advocated with the Land Trust, such as the acquisition of Royal
770 Gorge. She discussed the benefits of the project, including creating climate change resiliency by
771 converting a shallow lake back into a meadow.

772

773 Lisa Wallace, the Executive Director of the Truckee River Watershed Council introduced herself
774 to the Commission and expressed their support for the project.

775

776 Rachel Hutchinson, the Science Director for the South Yuba River Citizens League (SYRCL),
777 introduced herself to the Commission, and stated that they continued to support the project and the
778 Concrete Alternative.

779

780 Ashley Pierce, a PhD in Environmental Scientist with the Headwaters Science Institute introduced
781 herself to the Commission. She said that the lowering of the Van Norden Dam would allow the

782 surrounding ecosystem to return to its natural state as a sub alpine meadow. She said that California
783 had lost up to 90% of its original wetland areas, and that this particular restoration was a unique
784 and important opportunity for the area. She explained the benefits to the project, such as a meadows
785 ability to filter, retain floodwaters, release water during times of drought, and allow bird species
786 to return. Due to a number of ecological functions, they felt that every effort should be made to
787 protect Van Norden and restore it to its wetland function.

788
789 Markley Bavinger with the Trust for Public Land introduced herself to the Commission. She stated
790 that the Trust for Public Land has worked with the Truckee Donner Land Trust on many
791 conservation projects, and that the Van Norden Project consistently ranks as a top project within
792 the United States. She expressed her support for the Concrete Alternative, and she believed that
793 because the spillway was compromised it increased the urgency of an approval.

794
795 Steve Frisch, the President of the Sierra Business Council introduced himself to the Commission.
796 He said that they had been long time partners of the Land Trust and expressed their support of the
797 project as proposed. He said it was remarkable to see what has happened at the Summit with the
798 wetland restoration, and it was an important asset to the community for climate resilience.

799
800 Chair Duncan closed public comment at 2:39 p.m., and asked if staff had any comments.

801
802 Planner Shade answered not at this time.

803
804 Mr. Angel stated that he was able to make contact with the biologist regarding the bird mitigation
805 measures, she identified that as long as two surveys were done immediately, which were
806 appropriate due to the late snow conditions, the issues with the species would be addressed. He
807 stated that the mitigation could be flexible to meet the scheduling needs of the Land Trust and still
808 protect the species of concern.

809
810 Chair Duncan asked for questions from the Commission.

811
812 Commissioner Aguilar wanted to clarify that if an alternative reduced an impact, it would be
813 preferable.

814
815 Chair Duncan stated that Commissioner Aguilar wanted clarification on the Boulder versus
816 Concrete Alternative.

817
818 Commissioner Aguilar said he believed that Ms. Young had said that if an alternative did not bring
819 impacts to a certain level it was not necessarily legal to vote on, and that this process had a certain
820 level of subjectivity to this process.

821
822 Mr. Angel said that the key aspect under CEQA was to look at alternatives that avoid or
823 substantially reduce any identified impacts of the project, in this case a flooding impact. He said
824 that while the Boulder Alternative did reduce it, it did not avoid, adding that it did not substantially
825 avoid the impact either. He said that the Boulder and Concrete Alternatives were relatively similar,
826 and that the Boulder Alternative would have greater air quality impacts, more material would need
827 to be removed, and that construction would be longer. The Findings did not identify an avoidance.

828
829 Commissioner Aguilar stated he understood, and asked that lowering the impact by half was not
830 significant.

831
832 Director Foss answered that any increase in flooding was looked at as a significant impact by staff.
833 While Commissioner Aguilar was correct, the Boulder Alternative did reduce the impact, it was
834 still significant. Because both alternatives had a flooding impact, the Commission was under less
835 of an obligation to look at both alternatives, however it was within their purview.
836
837 Commissioner Aguilar verified that they were voting to approve the CEQA document.
838
839 Commissioner Bullock asked to clarify that they were talking about 3/10 of an inch between the
840 alternatives.
841
842 Director Foss stated it would be 7 inches.
843
844 Commissioner Johansen asked how much water the meadow would retain and control.
845
846 Chair Duncan invited Ms. Hutchinson to answer the question.
847
848 Ms. Hutchinson answered that the amount of water that would be retained in the meadow had not
849 yet been modeled, however it was something they were going to work on within the next few
850 years. She did say that conceptually it was correct, more water would be available to spread on the
851 flood plain and percolate into groundwater after the meadow was restored. She added that it could
852 potentially change how water moved through the South Yuba River.
853
854 Chair Duncan if that was her experience with the Loney Meadows Restoration.
855
856 Ms. Hutchison answered yes, and briefly discussed that project.
857
858 Commissioner Johansen asked County Council if someone could impound water without having
859 the water rights.
860
861 Deputy County Counsel Rhetta VanderPloeg answered not legally.
862
863 Commissioner Aguilar asked if it was correct that staff had a letter from the Federal Government
864 stating they liked the meadow the way it was.
865
866 Planner Shade clarified that the author of the letter was concerned that the County was placing
867 new mitigation on their land without conversing with them. She stated that SYRCL was currently
868 working with the Forest Service to monitor the meadow, and once it was clarified that staff was
869 not asking for anything additional, the US Forest Service representative was fine.
870
871 Commissioner Bullock asked for the difference in cfs between the Boulder and Concrete
872 Alternatives at Home Site 1.
873
874 Director Foss stated it was 2600 to 2450.
875
876 Commissioner Bullock asked if they were calling that 8 inches or so at that location.
877
878 Mr. Angel answered that under the 100 year condition it was about a 200 cfs difference between
879 the two alternatives, and under the 200 year condition it was estimated to be a 300 cfs difference.

880
881 Commissioner Hardy asked that neither of those reach the habitable space of the home, only the
882 free space under the house.
883
884 Mr. Angel nodded that was correct.
885
886 Chair Duncan asked for clarification for Mr. Saylers comments that flooding came from another
887 source for that site.
888
889 Planner Shade asked if Mr. Kulchawik wanted to answer that question.
890
891 Mr. Kulchawik stated he did not know where Arrow Creek was, perhaps he knew it by a different
892 name. He stated that the watershed area between the spillway and the home site was pretty
893 minimal, he was unaware of any major tributaries in that square mile. He added that when it rains
894 on top of a lot of snow, channels can form and appear big and nasty, however he was unaware of
895 any major tributaries in that area.
896
897 Commissioner Aguilar asked about the other two homes that were in the flood plain and the
898 impacts to them.
899
900 Mr. Kulchawik explained that the impacts decrease in the upstream direction, the second house
901 upstream had some impact while the third house had no impact.
902
903 Commissioner Aguilar asked if the water touched the second house.
904
905 Mr. Kulchawik answered it was similar to Home Site 1 in that the living space was high, water
906 would touch the foundation but not the habitable space.
907
908 Chair Duncan asked for further questions or clarification.
909
910 Commissioner Bullock commented that he believed the spillway modification with the Concrete
911 Alternative was the right thing to do from an environmental perspective, that it had the support of
912 the community, and that additional funding that would be spent on the Boulder Alternative would
913 remove money that could be used to protect open space, which is what the community and County
914 were working toward. He briefly discussed the effects on the structures downstream, and reiterated
915 his support of the Concrete Alternative.
916
917 Chair Duncan asked if anyone else had comments to make.
918
919 Commissioner Aguilar complimented the presentation. He said that he was not unsympathetic to
920 Mr. Saylers concerns, however it was a cause that needed to be championed before it came before
921 the Commission. He added that he appreciated the detail in which the project was presented.
922 Regarding the houses downstream, he said that they would be effected regardless of if they picked
923 the Boulder Alternative or not.
924
925 **Motion by Commissioner Bullock to** Certify the Final Environmental Impact Report (EIS16-
926 003) (*Attachment 1*) subject to the recommended Mitigation Measures found in the Van Norden
927 Dam Spillway Modification Project Mitigation Monitoring and Reporting Program (*Attachment*
928 2), and adoption of the Findings of Fact and Statement of Overriding Considerations for the Van

929 Norden Dam Spillway Modification Project (*Attachment 4*) as amended at the Public Hearing;
930 **Second by Commissioner Johansen. Motion carried on a roll call vote 4/0. (Commissioner**
931 **Coleman-Hunt was absent).**

932
933 **Motion by Commissioner Bullock to** Approve Management Plan (MGT16-010), to address
934 construction disturbance to a watercourse, wetland and riparian area in order to modify the dam
935 while protecting soil, water quality, and air quality (*Attachment 5*), which have been incorporated
936 into the EIR for the Conditional Use Permit, making the Findings A-B pursuant to LUDC Section
937 L-II4.3.3.C and Section L-II 4.3.17. **Second by Commissioner Johansen. Motion carried on a**
938 **roll call vote 4/0. (Commissioner Coleman-Hunt was absent).**

939
940 **Motion by Commissioner Bullock to** Approve the Conditional Use Permit (U16-003) with
941 Conditions of Approval and the Mitigation Monitoring and Reporting Plan (*Attachment 3*) in
942 compliance with Nevada County’s Land Use and Development Code L-II 4.3.10.C.4.
943 Floodplains, all subject to the attached Mitigation Measures and Conditions of Approval shown
944 in *Attachment 3* making Findings A through L pursuant to LUDC Section L-II 5.5.2.C. and
945 Floodplain Management Regulations Section L-XII 1.4.C requiring a Use Permit: **Second by**
946 **Commissioner Johansen. Motion carried on a roll call vote 4/0. (Commissioner Coleman-**
947 **Hunt was absent).**

948
949 Chair Duncan noted there was a 10 day appeal period.

950
951 Discussion ensued regarding upcoming Commission meetings and ongoing project statuses.

952
953 **Motion by Commissioner Johansen; second by Commissioner Bullock to adjourn. Motion**
954 **carried on voice vote 4/0.**

955
956 There being no further business to come before the Commission, the meeting was adjourned at
957 2:59 p.m. to the next meeting *tentatively* scheduled for July 11, 2019, in the Board of Supervisors
958 Chambers, 950 Maidu Avenue, Nevada City.

959
960
961 _____
962 Passed and accepted this 22 day of August , 2019.

963
964 *Brian Foss (sp)*
965 Brian Foss, Ex-Officio Secretary