



**COUNTY OF NEVADA
COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

**950 MAIDU AVENUE NEVADA CITY, CA 95959-8617
(530) 265-1222 FAX (530) 265-9851 <http://www.mynevadacounty.com/CDA>**

Sean Powers
Community Development Agency Director

Brian Foss
Planning Director

MEMORANDUM

Date: April 25, 2019

To: Nevada County Planning Commission

From: Tyler Barrington, Principal Planner

Subject: PLN19-0031; EXT19-0004: Boreal Mountain Resort: Alpine Coaster Ride, BMX Park and Skate Park Use Permit (U16-002; formerly U11-002; EIS11-002)

On June 9, 2016, the Nevada County Planning Commission reapproved the Use Permit to allow Boreal Mountain Resort to construct a Skate and BMX Park and Alpine Coaster Ride at property located at 19749 and 19659 Boreal Ridge Road on Boreal Mountain Resort located on Donner Summit, Eastern Nevada County (APNs: 047-054-004 and 047-021-017). The project was originally approved in 2011, but expired in 2014. Nevada County Land Use and Development Code (LUDC) Section L-II 5.10 "Permit Time Limits" requires that construction related to an approved use permit be completed within 3-years of project approval and allows for two-two year extensions of time. If approved this would be the first of two potential extensions for this project.

The applicant has requested a two-year extension of time, which was submitted on April 1, 2019 prior to the expiration of the project approval. The applicant is requesting a two-year extension of time from the Planning Commission because "they still have work pending funding on the skate park". Other similar projects have been extended for similar financial purposes and staff does not foresee any issues with providing the applicant an additional two years to complete their Project. If the two-year extension of time request is granted, the Use Permit approval will expire on June 20, 2021 and at that time the project will be eligible for one additional County issued extension.

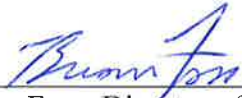
RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

- I. Approve the two-year time extension for Use Permit U16-002 extending the expiration date of approval to June 20, 2021, and make findings A-E pursuant to Section L-II 5.10 B of the Nevada County Land Use and Development Code:

- A. That the applicant has shown reasonable cause for the requested time extension in that the extra time is required because there is additional funding needed to complete the project;
- B. That the previously approved Use Permit (U16-002) is consistent with the Nevada County General Plan which designates this property as Recreation (REC) and Forest (FR);
- C. That the previously approved Mitigated Negative Declaration (EIS11-002) remains adequate for the project and will ensure the protection of environmental resources;
- D. That the previously approved project is consistent with the sites REC and FR-40 Zoning Designations and surrounding land uses which consistent of Boreal Mountain Resort; and
- E. That the granting of this extension to complete the project will not be injurious to the public health, safety or general welfare of the surrounding community.

Respectfully Submitted,



Brian Foss, Director of Planning

Attachment 1: Applicant's Justification Form

Attachment 2: U16-002 Conditional Approval Letter

NEVADA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT
ERIC ROOD ADMINISTRATION BUILDING
950 Maidu Avenue, Suite 170
Nevada City, California 95959-8617
(530) 265-1222

Filing Fee: \$ 301.78

REQUEST FOR AN EXTENSION OF TIME

Extensions of time for tentative maps and other land use permits can be requested pursuant to County or State codes but **they are not automatic** - specific findings must be made in order to approve an extension, including zoning and General Plan consistency. Extension Requests must be filed with the Planning Dept. prior to the expiration date of your project.

Please type or print legibly in black ink

AP#: 47-021-¹⁴~~1~~ and 47-450-04 FILE NO.: 416-002 (formally 411-002)

AMOUNT OF ADDITIONAL TIME REQUESTED: 2 years

DATE OF APPROVAL: _____ DATE APPROVAL EXPIRES: _____

HEARING BODY GRANTING APPROVAL: _____

Name of Applicant: Boreal Ridge Corporation

Mailing Address of Applicant: PO Box 39, Truckee, CA 96160

Telephone #: 530-906-5374 E-Mail: mSpain@skisodasprings.com

Name(s) & Address(es) of Property Owner(s): Auburn Ski Club Inc.
PO Box 729, Soda Springs, CA 95728

Name & address of Representative: Mike Spain

Telephone #: 530-906-5374 E-Mail: mSpain@SkiSodaSprings.com

Street address of subject property: 19749 Boreal Ridge Rd., Soda Springs
CA 95728

Reason Extension of Time is needed (be specific; if adequate justification is not provided your request can be denied): We still have work pending funding on the skate park.

Signature of Applicant:  Date: 4/1/19

Note: If the applicant is not the property owner, a Letter of Authorization is required.



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Sean Powers
Community Development Agency Director

Brian Foss
Planning Director

June 13, 2016

**NOTICE OF CONDITIONAL APPROVAL
USE PERMIT**

Shaydar Edelmann
Boreal Ridge Corporation
P.O. Box 39
Truckee, CA 96160

File No: U16-002 (formerly U11-002; EIS16-005)
APNs: 47-021-17 & 47-450-04

At the regular meeting of June 9, 2016, the Nevada County Planning Commission approved the above referenced refile of the 2011 Use Permit seeking the reapproval of expired Use Permit (U11-002) on property located at 19749 and 19659 Boreal Ridge Road, subject to the following mitigation measures and conditions which are required to be completed **as noted in each condition:**

Mitigation Measures

Mitigation Measure 3A: Erosion control measures and Best Management Practices shall be implemented to stabilize areas disturbed for construction of the Training Center and areas disturbed for construction of the BMX Park. Prior to any onsite disturbance, the Nevada County Building Department shall determine if a grading permit is required.

Mitigation Measure 3B: Grading plans shall include the time of year for construction activities. No grading shall occur after October 15 or before May 15 unless the Chief Building Inspector, or his/her authorized agent, determines project soil conditions to be adequate to accommodate grading activities and an adequate erosion control plan is approved and in place.

Mitigation Measure 4A: Implement Best Management Practices During Construction. To protect water quality, the contractor shall implement the following BMPs during and after construction. These measures include, but are not limited to:

1. Disruption of soils and native vegetation shall be minimized; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and revegetated. Seeded areas shall be covered with broadcast straw or mulch.
2. If straw bales are used for erosion control, or if straw is broadcast over seeded areas, only certified weed-free straw or rice straw shall be utilized to minimize the risk of introducing or spreading noxious weeds such as yellow star thistle or Italian thistle.

3. The contractor shall exercise every reasonable precaution to protect waterways and drainage courses from pollution with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected and removed from the site. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.

Mitigation Measure 5A: Comply with open burning prohibitions. The project applicant shall use alternatives to open burning of vegetative material on the project site unless deemed infeasible by the Air Pollution Control Officer. Cleared vegetation shall be treated by legal means other than open burning, such as chipping, shredding, grinding, use as firewood, and conversion to biomass fuel. Open burning of site-cleared vegetation shall be permitted only upon Northern Sierra Air Quality Management District approval of documentation showing alternatives are unobtainable or economically infeasible. Prior to approval of improvement or grading plans for driveway or road construction, an approval letter from the NSAQMD shall be obtained, indicating the approved method of cleared vegetation disposal. Such methods shall be noted on the improvement plans prior to approval. At no time shall open burning of materials generated by this project occur at another site unless approved in advance by the NSAQMD.

Mitigation Measure 5B: Comply with the Asbestos Airborne Toxic Control Measure (ACTM) for construction. If serpentine, ultramafic rock, or naturally occurring asbestos is discovered during construction or grading, the NSAQMD shall be notified no later than the following business day and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations shall be strictly complied with.

Mitigation Measure 5C: Prepare a Dust Control Plan for project construction. Prior to issuance of grading permits, the project applicant shall prepare a Dust Control Plan for the review and approval of the Northern Sierra Air Quality Management District if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed. The disturbance of topsoil includes any clearing or grading. The Dust Control Plan shall be clearly phrased with enforceable conditions included on the project grading plans, under its own heading.

Mitigation Measure 5D: Control exhaust emissions. Portable engines and equipment shall meet the following requirements pursuant to NSAQMD and California Air Resources Board (CARB) requirements: Any equipment with a portable engine attached having a brake horsepower rating of 50 or more, that does not provide motive power to a vehicle, is required to have either a permit from the NSAQMD or, if the engine is portable, may instead have a Portable Equipment Registration Program (PERP) registration issued by the CARB. In addition to engines, any ancillary equipment that emits pollutants to the air exceeding 2 pounds per day shall also be registered under PERP; otherwise, a separate NSAQMD permit shall be required for operations in Nevada County.

Mitigation Measure 12A: Appropriately dispose of construction and toxic waste. Construction waste and industrial toxic waste (petroleum and other chemical products) shall be disposed of properly in compliance with existing regulations and facilities. This mitigation measure shall be included as a note on all grading and improvement plans, which shall be reviewed and approved by the Planning Department prior to permit issuance.

Mitigation Measure 15A: Halt work and conduct consultation upon unanticipated discovery of cultural resources. Prior to issuance of a grading permit, the project applicant shall include a note on all construction plans advising contractors and construction personnel involved in any form of ground disturbance, of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the construction contractor shall contact the Planning Department. A professional archaeologist shall be consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, the Nevada County Coroner and the Native American Heritage Commission shall be contacted. If the resources encountered are Native American in origin, Native American tribes and individuals recognized by the County shall be notified and consulted about any plans for treatment.

Conditions of Approval

A. PLANNING DEPARTMENT

1. This Use Permit approval (U16-002) authorizes the Boreal Mountain Resort to construct an Alpine Coaster, a BMX park and a Skate park. The Alpine Coaster ride would be located between the 49er triple chair and the Accelerator Quad. The start and finish area is between the Woodward Freestyle Training Center and the bottom terminal of the Accelerator. The BMX Park will be located on the ski slope between the Nugget and the Cedar Ridge lifts. The Castle Park Chair may be configured to provide lift service to the BMX Park. The existing tennis courts behind the Boreal Inn will be converted into a Skate Park. The BMX Park will consist of dirt jumps and ramps and will be made of only natural materials. The Skate Park will be constructed on existing tennis courts and will consist of ramps, rails and jumps made of concrete and/or wood. The approved project shall be consistent with the final stamped site plan and any associated pages. The final plans shall be kept on file with the Planning Department.
2. Construction pursuant to this permit approval must be completed and the use commenced thereon within three (3) years from the effective date of the approval of the Use Permit (U16-002) (i.e. Final Project Action), (June 20, 2016) unless an extension of time for reasonable cause is requested prior to the expiration date, and granted by the Planning Commission pursuant to Section 5.10 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to the portion of the approved use not completed.
3. Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department a defense and indemnity agreement, in a form approved by County Counsel. No further permits or approvals shall be issued for the project, including without limitation a grading permit, building permit or final approval, unless and until the applicant has fully complied with this condition.
4. All Planning Department costs incurred in the processing of this project must be paid prior to the issuance of any construction. No permits will be issued until all applicable fees are paid.

5. Prior to permit final for any of the improvements allowed by this Use Permit (1. Alpine Coaster Ride, 2. BMX Park and 3. Skate Park) the applicant shall contact the Planning Department for a field inspection to verify that all mitigation measures, conditions of approval and ordinance requirements have been satisfied.

B. ENVIRONMENTAL HEALTH DEPARTMENT

1. See Environmental Health Conditions of Approval for U11-002 that applied to the Woodward FTC. No specific conditions are required for the Alpine Coaster Ride, BMX Park or Skate Park.

C. TRUCKEE FIRE PROTECTION DISTRICT

1. See Truckee Fire Protection District Conditions of Approval for U11-002 that applied to the Woodward FTC. No specific conditions are required for the Alpine Coaster Ride, BMX Park or Skate Park.

D. DEPARTMENT OF PUBLIC WORKS

1. See Department of Public Works Conditions of Approval for U11-002 that applied to the Woodward FTC. No specific conditions are required for the Alpine Coaster Ride, BMX Park or Skate Park.

The Planning Commission considered the original Initial Study and found that the project, with the approved mitigation measures and conditions imposed, will not have a significant effect on the environment.

You are hereby notified that the action of the Planning Commission is final; however, if you are dissatisfied with any action of the Planning Commission, you may appeal to the Board of Supervisors within a ten day period from the date of the Planning Commission decision (deadline 5 p.m., June 20, 2016).

NEVADA COUNTY PLANNING COMMISSION

Brian Foss Ex-Officio Secretary

By:



Tine Mathiasen
Clerk to the Planning Commission

- cc: Auburn Ski Club
- Enc. Defense and Indemnification Agreement
- cc: Environmental Health Department
Truckee Fire Protection District
Department of Public Works