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NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

MINUTES of the meeting of August 25, 2016, 1:30 PM, Truckee Town Hall Council Chambers,
10183 Truckee Airport Road, Truckee, California

MEMBERS PRESENT: Chair Aguilar and Commissioners Duncan, James and Jensen present.

MEMBERS ABSENT: Commissioner Poulter absent.

STAFF PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; Senior Planner, Patrick Dobbs; Deputy County Counsel, Rhetta VanderPloeg; Administrative Assistant, Tine Mathiasen.

PUBLIC HEARINGS:

1. Soda Springs Area Plan Page 1, Line 40
GP14-003, GP14-004, Z16-005, ORD14-002, EIS14-004

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: None.

CONSENT ITEMS: None.

PUBLIC HEARING:

GP14-003; GP16-004; Z16-005; ORD14-002; EIS14-004: Public hearing to consider an Area Plan for the Donner Summit area, including: 1) adoption of the Negative Declaration for the project (EIS14-004); 2) a General Plan amendment to adopt the Soda Springs Area Plan (GP14-003); 3) a General Plan land use map amendment to change the land use designation of 51 parcels to remove development constraints that inhibit desired economic growth in order to create a stronger community for local residents (GP16-004); 4) the rezoning of parcels to align with the proposed General Plan land use designation amendments, including adding the “SP” Site Performance Combining District and “RC” Rural Center Combining District zoning overlays to specific parcels (Z16-005); and 5) amending Sec. L-II 4.2.3 of the Nevada County Zoning Ordinance to add a reference to the Soda Springs Area Plan design guidelines and standards (ORD14-002). **PROJECT**

50 **LOCATION:** The proposed Soda Springs Area Plan covers those Donner Summit communities
51 connected along Donner Pass Road (old Hwy. 40) between Cisco Grove and the Donner
52 Memorial Bridge in eastern Nevada County. The Area Plan's focus is the 141-acre community of
53 Soda Springs which the County has designated as a Rural Center for the surrounding rural areas.
54 **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Negative Declaration.
55 **PLANNER:** Patrick Dobbs, Senior Planner.

56
57 Planner Patrick Dobbs introduced himself and gave a background to the project. The Board of
58 Supervisors directed the Planning Department to develop an Area Plan for the Soda Springs
59 community, and the Plan has received strong support from the community. The vision of the
60 Plan is to revitalize the community, create economic opportunity and protect rural values.
61 Current issues the area faces are the restrictiveness of current zoning designations, the drive-by
62 nature of the Summit and the presence of competing recreation areas to the east of Donner
63 Summit. The multiple political jurisdictions, predictions of climate change, consecutive drought
64 years and the economic recession also brought challenges to the community. The Area Plan
65 discusses and promotes all of Donner Summit but the focus is on the Soda Springs Rural Center.
66 The Soda Springs Area Plan was created through a process of community meetings, letters to
67 property owners and presentations to community groups. During this process, the community's
68 top priorities were identified and are reflected in the Plan. Planner Dobbs then explained the
69 framework and content of the document. There is no construction proposed in the Area Plan, as it
70 is primarily a design and policy document. The primary method to realize the goals of the Plan is
71 through land use and rezoning. Planner Dobbs then explained the proposed zoning changes and
72 the meanings and applicability of the Site Performance and Rural Center Combining District
73 overlays. The Area Plan is consistent with Eastern Nevada County's design guidelines. Planner
74 Dobbs then discussed the environmental review process and the public and agency comments
75 that were received. He then asked the Commission to recommend the Board of Supervisors adopt
76 EIS14-004 and approve GP14-003, GP16-004, Z16-005 and ORD14-002.

77
78 Chair Aguilar asked if there were any questions of staff.

79
80 Commissioner Duncan said that in the Staff Report, there was a lack of talk about recreation and
81 equestrian activities specifically. She pointed to the historic and current equestrian recreation in
82 the area and noted the economic benefits of welcoming equestrian uses. The Area Plan
83 overwhelmingly addressed pedestrian and mountain biking recreation with little regard for
84 equestrian. She suggested more focus be paid to equestrian uses in order to present a clear
85 picture of the types of recreation that are welcomed and encouraged in the area.

86
87 Chair Aguilar said the Plan mentioned there will be a categorization of informal trails in the area
88 and asked how that will be done.

89
90 Planner Dobbs said there is a lot of interest in trail planning by various interest groups and
91 organizations, and informal trail planning will piggyback on those efforts.

92
93 Chair Aguilar asked who the lead would be in that effort.

94
95 Planner Dobbs said at this point, no one group is alone in the effort. There is follow up work to
96 be done and he plans to participate in it.

97
98 Chair Aguilar asked how that happens.

99
100 Planner Dobbs said there will be meetings and workshops held with various groups and
101 stakeholders.
102
103 Chair Aguilar said there should be language in the area plan to incorporate the equestrian aspect.
104
105 Planner Dobbs said he understood.
106
107 Chair Aguilar asked Commissioner Jensen to comment.
108
109 Commissioner Jensen asked why two recent projects, an RV Park and a ski school, were
110 approved but never built.
111
112 Director Foss said he was not sure why the RV Park was not built and that Sugar Bowl
113 developed elsewhere within Placer County.
114
115 Commissioner Jensen said that when he read the report, he got the impression that things
116 necessary to live in the area were being attacked, including snow removal equipment, wood
117 splitting and storage containers. The North San Juan plan did not put a site specific plan on
118 residential parcels but this Area Plan is putting it on every residential site in the area.
119
120 Planner Dobbs said there is a proliferation of snow equipment storage and the Plan strives to
121 strike a balance so the equipment is not blight or an eyesore. Residential wood splitting for
122 private use is no problem; it is commercial activity on residential lots that can be a nuisance.
123 Shipping containers need to meet setback and screening requirements.
124
125 Commissioner Jensen said homeowners are not the ones defacing shipping containers.
126
127 Planner Dobbs said if the containers are further back from roadways and are screened, vandalism
128 would be less of a temptation. Like other jurisdictions, Nevada County hopes to put limitations
129 on them.
130
131 Director Foss said the limitations were created as a result of public comments. Staff tried to
132 strike a balance between the residents who utilized snow removal equipment, wood cutting and
133 shipping containers, and residents who didn't want to view them.
134
135 Chair Aguilar spoke to the need for balance. He then asked whether the residential parcels shown
136 in Attachment 6 were built out.
137
138 Planner Dobbs said some of them are, depending on the location and their buffer from the
139 freeway.
140
141 Chair Aguilar asked if they are actually going to be developed because the freeway is so close.
142
143 Planner Dobbs discussed one particular parcel that is unlikely to be developed as a residence and
144 used it as an example of the need to rezone. He spoke about checkerboard zoning and the
145 character of the area.
146

147 Chair Aguilar asked if it would make more sense to keep some parcels as Commercial if they
148 were not going to be developed as Residential.
149
150 Planner Dobbs said he may have misunderstood and thought the Chair was talking about
151 residences along Interstate 80.
152
153 Chair Aguilar said he was.
154
155 Planner Dobbs said those lots are not currently Commercial.
156
157 Chair Aguilar said there are residences.
158
159 Planner Dobbs said there are some, and to introduce commercial zoning within the residential
160 neighborhood would be met with some resistance from the community.
161
162 Chair Aguilar opened the public hearing at 2:07 p.m.
163
164 Sara Schrichte (21572 Donner Pass Road) introduced herself as a full-time resident of Soda
165 Springs. She spoke to the poor representation of certain areas and communities in the Area Plan.
166 She commented on employee housing being called a hotel and condos being called a lodge. She
167 also addressed the proliferation of snow removal and woodcutting equipment and storage
168 containers, and spoke about sewer costs. Ms. Schrichte asked the Commissioner to direct staff to
169 consider other economic drivers of the community and whether the Plan addresses the needs of
170 residents, including sewer and water costs, housing, schools and roads. She asked how this Plan
171 does more than common sense and enforcing existing codes and laws would.
172
173 Norm Sayler introduced himself as a resident of Soda Springs Norden. He spoke about his
174 woodyard, snowplow business and diesel tank. Mr. Sayler then addressed Lake Van Norden, the
175 South Fork of the Yuba River and the Donner Truckee Land Trust. He attested to the services he
176 provides for the community.
177
178 Charles Goldman introduced himself as a professor of limnology. He spoke of his
179 accomplishments in the Tahoe area. He then spoke extensively about Lake Van Norden and said
180 the lake needs to be further addressed in the Area Plan as it is an attractant and an important
181 feature in the area.
182
183 Tom Appelbaum (21359 Donner Pass Road) introduced himself as president of the Donner
184 Summit Area Association. He commented on the horse issues and said there should be more
185 language regarding equestrian activities. The Area Association is supportive of the area plan in
186 its contribution to economic development. As a resident, Mr. Appelbaum discussed higher
187 density residential zoning asked that certain parcels be made R1 for better continuity. He then
188 addressed the Lake Van Norden controversy.
189
190 Chair Aguilar asked members of the public to address their comments to the Commission instead
191 of individuals in the audience.
192
193 Counsel VanderPloeg noted that the Van Norden issue is not on the day's agenda. She asked the
194 public to be respectful of what the Planning Commission has in front of them today.
195

196 Brenden Compton introduced himself as a member of the Mount Diablo Ski Club. He addressed
197 the proposed high density residential zoning and asked to see a particular lot next to the ski club
198 be zoned R1. He then noted the sewer costs.

199
200 Commissioner Jensen asked if there are 38 members on one R1 zoned property.

201
202 Mr. Compton said it is a ski club.

203
204 Commissioner Jensen asked how many other clubs there are in the area.

205
206 Mr. Compton listed several clubs and noted the number of people who use the site at any one
207 time for a weekend getaway.

208
209 Commissioner Jensen asked if it is used year round.

210
211 Ursula Heffernon (21501 Donner Pass Road) introduced herself as Vice President of the Soda
212 Springs Station. She discussed the proposed high density lots and commented on the access and
213 traffic issues they might create. She suggested the county purchase the lots for snow storage, as
214 snow storage is not well addressed in the Area Plan. She also called for a particular intersection
215 as well as employee housing be better addressed. She the discussed sewer rates and property
216 values. Ms. Heffernon noted that the Staff Report did not discuss underground utilities or modern
217 communications such as high speed internet. She also asked that the Staff Report address the
218 need for public restrooms. She then discussed Lake Van Norden and its dam.

219
220 Chair Aguilar closed the public hearing at 2:42 p.m.

221
222 Commissioner Duncan said economic development is intertwined with recreational
223 opportunities. She discussed the importance of having a water feature nearby and the necessity of
224 interested citizens and a united vision. She noted that the Commission's task is to approve the
225 environmental review. Zoning is critical, plans are a guideline, and both can be changed.

226
227 Commissioner James asked why Lake Van Norden and the dam will be addressed separately.

228
229 Director Foss said any activity undertaken by the Land Trust requires permits and environmental
230 review. Currently, the county is reviewing Use Permit and Management Plan applications for the
231 Van Norden project, which may come before the Commission. In contrast, the Area Plan is a
232 visioning policy document driven by new development that does not encompass particular
233 projects or improvements. The Area Plan is a high level document whereas individual projects
234 will be reviewed on a case by case basis.

235
236 Commissioner James said the Area Plan is trying to promote economic development, which will
237 be impacted through tourism and development by the presence of a lake or meadow.

238
239 Director Foss said water rights, dam safety and other issues come into play in determining what
240 will happen to the dam, meadow and lake. The Area Plan will be put in place to encourage
241 economic development regardless of the status of the lake and meadow. The Area Plan focuses
242 on the Rural Center and, while the meadow and lake will have effects on future development and
243 the economy, the Area Plan is a policy level document that takes a neutral position on the issue.

244

245 Commissioner James said the Plan needs to recognize the Van Norden issue in terms of what's
246 there, what could happen, who controls it, what the County can and can't do and the effect on
247 future development.

248
249 Director Foss said he agrees. The Plan touches on the issue in the Natural and Cultural Resources
250 section.

251
252 Planner Barrington noted that the Plan mentions Van Norden on page 162 of the Staff Report.

253
254 Director Foss said that staff can add language that further addresses the issue.

255
256 Commissioner James asked who the ultimate authority in on what will happen to the lake or
257 meadow.

258
259 Director Foss listed the various agencies and groups involved and said it is still being worked out
260 as it is a layered regulatory issue.

261
262 Commissioner Jensen asked what the driving force was for including residential areas in the
263 Rural Center.

264
265 Director Foss said it is the existing Rural Center established by a 1995 General Plan.

266
267 Commissioner Jensen pointed out that a ski area on the Plan is not shown as Commercial.

268
269 Planner Dobbs said that area is zoned for recreation.

270
271 Commissioner Jensen said he is having a hard time adding the SP overlay to the residential area
272 as it will be a hardship on the Soda Springs community. He gave the example of a homeowner
273 having to bring their outside area up to the new rules even if they are only trying to improve their
274 kitchen.

275
276 Planner Foss said that is not the intent. The burden is not on redeveloping residential; it is mostly
277 on commercial development.

278
279 Planner Dobbs said there are some development standards included to preserve and protect
280 community character, not to put additional regulation on improvement.

281
282 Chair Aguilar said maybe the Plan needs to say that more clearly. He asked if Commissioner
283 Jensen had anything else.

284
285 Commissioner Jensen said no.

286
287 Chair Aguilar asked how staff decided to rezone a parcel as R2 and whether staff had discussed
288 the rezone with the owners of the land. He also asked whether the owners of the land to be
289 designated as R3 were in favor of this change.

290
291 Planner Dobbs noted that first of the parcels Chair Aguilar referred to is currently zoned R2 and
292 this zoning would be left unchanged. Staff also reached out to the owners of the R3 property.
293 While R3 zoning would allow for the building of 16 homes per acre, the property may not be

294 able accommodate that many, as discussed in public comment. It may work best for
295 condominium, rather than large scale, development. By allowing for increased capacity and
296 density, the high costs of sewer and water service can be spread across more residences.

297
298 Chair Aguilar asked if the owners of the land that would be rezoned as R3 were excited about the
299 change.

300
301 Planner Dobbs said they are currently R2. Because they are vacant and larger lots, they were
302 identified as potential higher density sites. They would be the only parcels zoned as such in the
303 eastern part of the county.

304
305 Chair Aguilar asked about the traffic hazard concern.

306
307 Planner Dobbs said traffic is a project level impact that would be analyzed at the time
308 development is proposed. There are condominiums located across the street so higher density
309 projects may fit with the scale of development in that area.

310
311 Chair Aguilar mentioned the public comments on ski resort employee housing and high speed
312 internet in the Plan.

313
314 Commissioner Jensen spoke to the importance of public bathrooms.

315
316 Chair Aguilar asked if there is a public area where restrooms can go in the future.

317
318 Planner Dobbs said the issue has been discussed at community meetings. There is not a good
319 system in place and the Plan calls for additional facilities. Inadequate public restrooms are an
320 existing identified problem. Planner Dobbs discussed the General Store space and a road
321 improvement project, and their potentials for addressing the issue. He noted that staff can further
322 address public restrooms in the Plan if the Commission so desires.

323
324 Chair Aguilar said he would like to see the Plan expand on the issue. Public facilities and signage
325 would boost the economy. He also asked how the property for the facilities would be acquired.

326
327 Planner Dobbs said there have been property owners who have expressed interest in
328 accommodating public restrooms. There is also the question of who is going to maintain the
329 facilities. He agreed with Chair Aguilar that something as simple as a bathroom can bring people
330 off the highway, which is what the Plan is trying to accomplish.

331
332 Commissioner Duncan said this could be part of the economic development strategy as an
333 attractant to the area and a desired stop along the highway. Public restrooms are critical. The
334 County should take a leadership role and make something happen. There are funding
335 opportunities through economic development grants.

336
337 Chair Aguilar agreed.

338
339 Planner Dobbs read a section of the Plan that addresses public restrooms.

340
341 Commissioner Duncan asked the Plan to address the strategies to develop the restrooms.

342

343 Planner Dobbs said it will take a public-private partnership. It will likely be on private land.

344

345 Chair Aguilar asked about snow removal and whether snow storage is addressed during project
346 review.

347

348 Director Foss said there has been consideration of the issue on a case-by-case basis and
349 explained factors that are used to determine how much space is needed.

350

351 Planner Dobbs referenced Attachment A and read a section of the Plan that addresses snow
352 storage for commercial sites. He noted that snow storage is not called as a requirement for single
353 family residences.

354

355 Chair Aguilar noted the need for the further language addressing the following issues: equestrian
356 uses, not over-restricting residential remodels, public restrooms and Van Norden Lake. He asked
357 if the R2 property the public commented could be switched to R1.

358

359 Planner Dobbs said the focus of the Plan is to keep continuity in zoning. The Mount Diablo Ski
360 Club property is functioning as a multi-family facility and property to the other side of the parcel
361 is zoned for multi-family use as well. To rezone one parcel as R1 would go against Plan
362 principles and create a leap frog zoning pattern.

363

364 Commissioner Duncan asked if the discussed property is currently zoned R2.

365

366 Planner Barrington said correct.

367

368 Chair Aguilar said sometimes mixing up the zoning is not a bad thing but he thinks the
369 Commission should leave it as it is.

370

371 Commissioner Jensen asked whether the Commission was making a motion.

372

373 Director Foss clarified that the residential properties would only receive the SP overlay, which
374 would indicate that there is an Area Plan in play. Commercial areas would get the RC overlay,
375 which would tie them to development standards. The RC standards would not apply to the
376 residential properties so the residential properties would not be subject to Commercial standards.
377 Donner Pass Road commercial lots would have both the RC and SP overlays, indicating that
378 there is an Area Plan and that there are special standards applied to the properties. Residential
379 properties would only have the SP overlay, indicating that there is an Area Plan, and would not
380 be subject to the RC standards.

381

382 Commissioner Jensen said if he were living in an R1 area, he wouldn't want the SP overlay as it
383 is another layer of rules and regulations to live under.

384

385 Director Foss spoke about other Area Plans in Nevada County and said he understands the
386 concerns.

387

388 Chair Aguilar asked if Commissioner Jensen is satisfied.

389

390 Commissioner Jensen said if the SP overlay stays on R1 areas, he will vote no.

391

392 Chair Aguilar asked staff if there is a way to remove the SP overlay.

393

394 Planner Dobbs asked for time.

395

396 Commissioner Jensen said the SP overlay should apply to Donner Pass Road but not to
397 residences three streets back.

398

399 Chair Aguilar granted a break at 3:14 p.m. and reconvened the hearing at 3:22 p.m.

400

401 Director Foss said the SP overlay addresses three issues in residential zones: metal shipping
402 containers, the requirement for trash and garbage to be secure from wildlife, and the elimination
403 of snow removal equipment storage as the primary use of residential sites. The intent is to protect
404 residential neighborhoods from the proliferation of commercial activities. The removal of the SP
405 overlay would result in there being no protections for these residential lots. The restrictions were
406 put together with input from residents and tie back to public comments regarding the desire for
407 the Area Plan to address residents and their needs, and not just commercial businesses. It is
408 within the Commission's purview to remove the overlay, but there was an expectation that
409 residential properties would have attention paid to them as well.

410

411 Commissioner Jensen clarified that an R1 parcel could still have tractor for snow removal.

412

413 Director Foss said correct.

414

415 Commissioner Jensen said as long as it is not a commercial operation.

416

417 Director Foss said as long as the storage is not the primary use of the site. It must be accessory to
418 the principal residential use of the property and not related to an offsite business or activity.

419

420 Commissioner Jensen said that would be the same for woodcutting.

421

422 Director Foss said correct.

423

424 A member of the public asked to comment.

425

426 Chair Aguilar said the public hearing was closed but there will be an opportunity at the Board of
427 Supervisors hearing to comment. He then asked if Commissioner Jensen wanted to remove the
428 SP or not.

429

430 Commissioner Jensen answered that if the SP does not restrict R1 lots from doing their own
431 wood splitting and keeping their own snow removal equipment, he is not opposed to it. Bear
432 boxes are good as well.

433

434 Chair Aguilar asked staff if the bear boxes need to be removed with the addition of the SP
435 overlay.

436

437 Director Foss said if the SP overlay is removed, they would no longer be a requirement.

438

439 Chair Aguilar clarified that if the SP stays, the bear boxes stay.

440

441 Director Foss said correct.

442

443 Chair Aguilar noted that the Plan concerns Commissioner Jensen's district.

444

445 Commissioner Jensen asked about the language addressing public bathrooms.

446

447 Director Foss said staff's direction was to augment the language addressing restrooms. The new
448 language, along with language about the other issues decided upon earlier, would be included in
449 the revised version of the Plan that would go to the Board.

450

451 Commissioner Jensen sought clarification on how to word the amended recommendations as
452 well as on the number of motions.

453

454 Commissioner Duncan said there are two motions.

455

456 Planner Dobbs said there are a total of five actions.

457

458 **Motion by Commissioner Jensen** to recommend the Board of Supervisors approve the attached
459 Resolution for the Negative Declaration for GP14-003, GP16-004, Z16-005 and ORD14-002
460 (EIS14-004), pursuant to Section 15074 of the California Environmental Quality Act Guidelines
461 based on findings A-D contained within the Draft Resolution; **second by Commissioner James.**
462 **Motion carried on a voice vote 4/0.**

463

464 Director Foss gave direction on how the word the following motion.

465

466 **Motion by Commissioner Jensen** to recommend the Board of Supervisors approve the General
467 Plan text amendments to adopt the Soda Springs Area Plan as amended at this meeting; **second**
468 **by Commissioner James. Motion carried on a voice vote 4/0.**

469

470 **Motion by Commissioner Jensen** recommend the Board of Supervisors approve the General
471 Plan Land Use Map amendments to amend the land use map by changing the designation of 51
472 parcels within the Soda Springs Rural Center; **second by Commissioner James. Motion**
473 **carried on a voice vote 4/0.**

474

475 **Motion by Commissioner Jensen** recommend the Board of Supervisors adopt the amendments
476 to Zoning District Maps (ZDM) # 114 and #119 to coincide the rezoning of 51 parcels to be
477 consistent with the amended General Plan land use map, and to add the "RC" Rural Center
478 Combining District to 77 parcels, and the "SP" Site Performance Combining District to 193
479 parcels; **second by Commissioner James. Motion carried on a voice vote 4/0.**

480

481 **Motion by Commissioner Jensen** recommend the Board of Supervisors approve the
482 amendments to Sec. L-II 4.2.3 of the Nevada County Zoning Ordinance to reference the
483 applicability of the Soda Springs Area Plan Flexible Design and Development Standards; **second**
484 **by Commissioner James. Motion carried on a voice vote 4/0.**

485

486 Chair Aguilar noted that there is no ten day appeal period as it is a recommendation to the Board
487 of Supervisors.

488

489 Director Foss noted that it will come before the Board on October 25th.

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Discussion ensued regarding upcoming Commission meetings.

**Motion by Commissioner Duncan; second by Commissioners Jensen and James to adjourn.
Motion carried on voice vote 4/0.**

There being no further business to come before the Commission, the meeting was adjourned at 3:37 p.m. to the next meeting tentatively scheduled for September 22, in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

Passed and accepted this day of , 2016.

Brian Foss, Ex-Officio Secretary

DRAFT