

October 22, 2016

OCT 25 2016

TO: Members of the Nevada County Board of Supervisors,
Employees of Nevada County, and the Public-At-Large

NEVADA COUNTY
BOARD OF SUPERVISORS
EACH SUPERVISOR REC'D.

I attended and participated at the Nevada County Planning Commission meeting of August 25, 2016. A number of concerns and suggestions pertaining to the Soda Springs Rural Area Plan (referring to the 'Plan' in this statement) for the Donner Summit Area were brought to the attention of all who were present.

Upon reflection of these issues and rereading the documents that are now in front of you, I would like to voice my major concerns:

1. Developing our township and neighboring recreational attributes, the Plan clearly declares Summit Valley as a meadow and no longer our historic Lake Van Norden and Dam. A truly integrated Plan would include and support both a lake **and** a meadow which in turn would provide even further diversification of recreational and economical opportunities in the area as well as preserving the native and migratory flora and fauna that has established its dominance over the last 100 plus years in this area. Can you not imagine Lake Van Norden as the next Donner Lake without any housing development around its shores?
2. The Environmental Review hints at preserving cultural, historical, and natural resources in the area. Is not Lake Van Norden (LVN) a cultural, historical, and natural resource for our area? We need to look to the future, enhance and protect what we have, and not look back to assumed states of being.
3. Rebranding our area needs to include aquatic activities to promote year around tourism which only a sizable lake can do. Look at Serene Lakes, Donner Lake, and Lake Tahoe, just to mention a couple of dammed lakes in the region.
4. There appears to be no mention of forest fire suppression or defensible space requirements within the concerned area. Our surrounding area is too densely populated with Lodgepole pines and there is little if any attention being given to this concern. With drought, increased temperatures, and bark beetle infestations, one spark will wipe out our 'Plan'. The lack of our LVN waters puts us even in a more precarious position of not being able to fight a fire.
5. To control water distribution, maintain established wetlands, and provide for meadow needs in our watershed and to enhance our community, a sizeable lake is the only answer, which needs to be incorporated into the Plan.
6. Rezoning two vacant parcels at the intersection of Donner Pass and Soda Springs Roads from R2 to R3 would be unsafe and impractical. The intersection (which is a "T" rather than a "+" intersection currently) is already hazardous enough, especially with the high traffic volume from surrounding ski resorts in the winter, during delays at the railroad crossing near by, during snow removal times, etc. Additionally, there are high voltage lines crossing these parcels. It would be more prudent to rezone these parcels to R1, or have the county or township purchase the parcels to be used for additional township parking during fair-weather months, and as snow storage during winter months since snow storage is not addressed in the Plan.
7. It would better suit the community to establish affordable housing next to already established affordable housing or require ski resorts to build adequate employee housing on their own properties rather than at an unsafe and congested intersection.
8. Please refer to my previously submitted comments on pages 206-210 for further details.

Respectively submitted,

Ursula Heffernon
uheffernon@me.com
530-304-6538



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA

Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

August 23, 2016



Patrick Dobbs
Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Subject: Soda Springs Area Plan (File No. GP14-003, GP16-004, Z16-005, ORD14-002 & EIS14-004)
SCH#: 2016072059

Dear Patrick Dobbs:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on August 22, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016072059
Project Title Soda Springs Area Plan (File No. GP14-003, GP16-004, Z16-005, ORD14-002 & EIS14-004)
Lead Agency Nevada County

Type Neg Negative Declaration
Description The project is a proposal to the Board of Supervisors to adopt an Area Plan for the Donner Summit Area. The Soda Springs Area Plan is a focused policy and design plan that includes land use designation and zoning changes, as well as specific development guidelines and standards, and would serve as the comprehensive land use and zoning plan for the Soda Springs Rural Center.

Lead Agency Contact

Name Patrick Dobbs
Agency Nevada County
Phone (530) 265-1423 **Fax**
email
Address 950 Maidu Avenue, Suite 170
City Nevada City **State** CA **Zip** 95959

Project Location

County Nevada
City Truckee
Region
Lat / Long 39° 19' 24" N / 120° 22' 45" W
Cross Streets Donner Pass Rd (1.4 mi from Soda Springs exit on I 80 E to Bunny Hill Rd)
Parcel No.
Township 17N **Range** 14E **Section** 21/22 **Base** MD

Proximity to:

Highways 80
Airports
Railways UPRR
Waterways South Yuba River
Schools
Land Use Urban single family, urban medium density, highway commercial, recreation

Project Issues Aesthetic/Visual; Archaeologic-Historic; Biological Resources; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

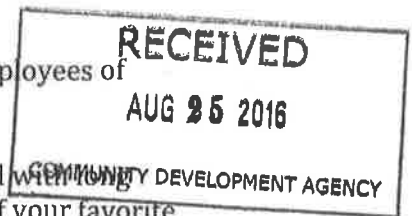
Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3 N; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Native American Heritage Commission; Public Utilities Commission

Date Received 07/22/2016 **Start of Review** 07/22/2016 **End of Review** 08/22/2016

Note: Blanks in data fields result from insufficient information provided by lead agency

August 21, 2016

To: Members of the Nevada County Planning Commission, the Employees of Nevada County, and the Public-At-Large



Take a moment to imagine Donner Summit as a gorgeous face framed with flowing hair of dense alpine green of healthy trees, a beautiful nose of your favorite mountain, curving brows of ridge tops, earth-skin freckled with the amazing biodiversity of wildlife, blushed by gorgeous seasonal blooms framing wide spread smiling lips of a high dam front holding in the life-giving-waters of many creeks forming the headwaters of the rushing South Fork of the Yuba River (SFYR) flowing deep into the body and heart of the Soda Springs community.

However, the most beautiful and precious of all are the deep set and radiant crystal clear blue eyes of Lake Van Norden and long lashes of wetlands reflecting the soul of the Summit now crying for its impending lost beauty as the heavy lids close upon the end of a bright future of life. The soul begins to feel the menacing dryness, the elevated temperatures, the drop in humidity, the future scorching heat of wildfire flames, the lost joy of tickling Western toads by the millions, and the lack of summer waters to refresh the mind, the body, and the soul of every individual passing through. Beseched hair of bark beetle brown and burned snags, over plucked ridge tops, chaffed skin of invasive plant growth with wrinkles of eroded streambeds, gaping mouth, and dimmed puddles of murky waters no longer able to cry and nourish the body of the community or the desperate needs of resident or migratory wildlife.

Why even bother to pretty the face of a nearly dead body? Would it not make more sense to scrape the flesh of the entire community body off the map and return it to the rock, rough pathways, rutted roadbeds, and wilds it was some 175 years ago?

Yet with the will and synergism of individuals, agencies, non-profits, and others, monies can be found like previously when some \$15 million was raised not long ago, to revitalize, sustain, and bring back the life-giving-waters of Donner Summit's precious Lake Van Norden, Dam AND meadow. Modern mechanisms of instrumentation can regulate and control the flows of SFYR to our other watershed reservoirs, while maintaining a substantial lake AND dry meadow acreage for a few months out of the year behind a renovated, jurisdictional dam meeting the needed safety standards. Let us join together to make this happen now, or forever carry the guilt of the scarring and death of Lake Van Norden whose shadow will only remain on many maps for future generations to wonder, "Where has this once gorgeous, huge lake and abundance of wildlife disappeared to and why?"

Please accept my written comments and questions to review and consider deeply. Our Summit community of Soda Springs and surrounding townships, need to include Lake Van Norden, Dam and meadow as an essential and vital aspect of this area in planning. Please do not let it disappear or be ignored.

Respectively submitted,

A handwritten signature in cursive script that reads "Uheffernon".

Ursula Heffernon, Vice President of the Soda Springs Station Homeowners Association
uheffernon@me.com
530-304-6538

August 22, 2016

To: Nevada County Planning Commission
Mr. Brian Foss, Ex-Officio Secretary
Ms. Tine Mathiasen, Clerk to the Planning Commission
Mr. Patrick Dobbs, Senior Planner

Response to NOTICE OF PUBLIC HEARING, scheduled for Thursday, August 25, 2016, 1:30 pm at the Truckee Town Hall Council Chambers, Truckee, CA, the Nevada County Planning Commission pertaining to the consideration of the Rural Area Plan for the Donner Summit Area, File NO's: GP14-003, GP16-004, Z16-005, ORD14-002 & EIS14-004

Upon reviewing the Draft Soda Springs Area Plan, Initial Study/Negative Declaration, etc. on the Nevada County website, I am expressing my following observations, comments and questions:

- P. 3 **SITE DESCRIPTION:** Second paragraph: a correction concerning "Soda Springs Station" – it is not "Soda Springs Lodge". Likewise, on p. 24.
- P. 5 Table 1: Land Use: Rural Center (RC), etc. paragraph: It expresses "Preserve mountain, forest, and meadow public views from Donner Pass Road". It should include views of Lake Van Norden.

Additionally:

- There is no mention of forest fire suppression or defensible space requirements.
 - Wildlife secure garbage facilities should be mandatory for residential, commercial, and all public places.
 - There is no mentioning of how the intersection at Donner Pass Road and Soda Springs Road will be improved. Will there be any eminent domain action to the properties on any side of the intersection?
 - With rezoning of two parcels on the north side of the intersection to "high density R3", will trailers/trailer parks be allowed? Or would this type of housing be considered "commercial" particularly if it were used for affordable housing?
- P. 7: Defining *High Density* on two lots being rezoned from R2 to R3 at an already unsafe and heavily trafficked area seems impractical with the additional traffic volume it would generate at the intersection. These lots would better serve the community as snow storage areas in winter, and additional township parking in the summer. Or be rezoned as R1. Remember too, how many times per day, long trains impact the traffic flow creating traffic jams at the intersection particularly in the winter months with high ski traffic volumes.

Additionally, it would better suit the community to establish affordable housing next to existing affordable housing, i.e., the Summit Lodge owned by Sugar Bowl or to have Sugar Bowl or other ski resort owners build employee housing on their own property rather than at an unsafe intersection and for practical community/public transportation options.

P. 22: Attachment #1: R2-PD-RC (Urban Med. Density)

There is no mention of Unit#19 at 21501 Donner Pass Road owned by Norm Sayler under residential. His unit/parcel is mentioned under C2-RC (Commercial Rural Center Combined). Is his unit residential or commercial?

Additionally, should it read "Donner Spitz, Inc." instead of "Donner Spitz Inn Inc." in second to last box on p. 22?

P. 24: **Relationship to Other Projects**

In regards to "There are no pending project applications submitted...." excludes the Truckee Donner Land Trust Lake Van Norden and Dam project that is underway which affects this community immensely. This should be included in these Rural Area Center improvements and documents.

P. 30 & 32: **Environmental Factors Potentially Affected Chart:**

#1: Aesthetics: Here it is mentioned the "sensitive aquatic and riparian habitats" of the headwaters [Lake Van Norden] of the S. Yuba River, which has been drained and has essentially wiped out the established habitats except for dry meadow and mud flat. A substantial dam and lake is needed to bring back and sustain the aquatic and riparian habitats not only for the sake of wildlife but also for the community scenic vistas and aesthetics. **Potential Significant Impact-Not Less or No Impact.**

#12: Noise: Substantial noise at railroad crossing should be included-it's a significant impact if the county(s) do not work with the community to suppress train whistles between 10pm and 6 am. What are the decibels of the prolonged whistle blasts? **Potential Significant Impact-Not Less or No Impact.**

#15: Recreation: If the community loses a substantial Lake Van Norden (LVN) there will be no opportunity for any aquatic recreation, which will impact the communities economic base. **Potential Significant Impact-Not Less or No Impact.**

P. 32: **1.b.** Why is the discussion referring to Interstate 80 when our community is on Highway 40 and not on I-80? Blight should also include buildings that are in disrepair, i.e., needing paint, new roofs, refurbished siding, etc. not just metal containers, equipment, etc. How are owners going to be motivated by the county to aesthetically improve their properties?

P. 41: 4. **BIOLOGICAL RESOURCES**

Where do you think these species will go when Lake Van Norden is permanently drained? The established flora and fauna will not survive with out ample water supply; succession will occur which means dry meadow being overgrown by trees in a couple of decades and the loss of the current high level of biodiversity. One of the most crucial species to be lost is the California Western Toad population along with the last of the largest high alpine wetlands that have been established over the last 100 years.

Note: Meadow does not equal wetlands. Lakes and wide flowing creeks and rivers create and sustain wetlands, not dry meadows with nearly no-flow creeks in it. The CEQA Environmental Checklist should be rewritten to reflect **Potential Significant Impact-Not Less or No Impact with the loss of Lake Van Norden.** When will its "project-level environmental review and permitting" going to take place?

- P. 44 Impact Discussion 4c: NCR2.2 and NCR 2.4-how will flood management of the S. Yuba River be secured without a dam? Protect BOTH native vegetation (how will invasive species be handled?) and native fauna?
- P. 55 f. There is a potentially significant impact on properties edging the S. Yuba River if the river channel is changed causing substantial erosion when there is no dam to control the outflow of water when significant monsoon rains and fast snow meltdown periods hit.
- P. 55 & 57. h. There is a potentially significant impact from wildland fires if there is no water in Lake Van Norden lakebed and the uncontrolled encroachment of dense forests continues, both in the lakebed, surrounding community properties and structures.
- P. 58 b. Without LVN the recharge will be far less, especially to wells downstream from central Soda Springs. **Potential Significant Impact.**
- P. 59 c) Altering the streambed with an increased rate of water flow without the dam regulating the flow will have a **Potential Significant Impact.**
- f) Plus an increase in siltation of the river with uncontrolled water flows.
- i) Increased flooding potential for people and structures with uncontrolled water flows
- g) The 100-year floodplain is determined with the dam in situ and valve regulating flow at crucial times.
- P. 64 Converting parcels #47-380-24 and #47-380-27 from R1 to R3 at the hazardous intersection of Donner Pass and Soda Springs Roads would potentially impact traffic flow substantially, particularly in the winter months with high volume ski traffic, roadside snow removal equipment, and icy roads. Access and egress to high-density housing would be hazardous. Additionally, these two parcels are located right next

to electrical power lines, which would add an additional hazard. R3 zoning should be located only in vicinity of existing high-density housing or on the properties of ski resorts.

- P. 74 & 75: 15a) Various recreational opportunities are mentioned but not Lake Van Norden opportunities (scenic, swimming, boating, fishing, etc.) which implies that the lake and dam have already been eliminated.
- P. 76: Old Hwy 40 extends to Cisco Grove not just to Big Bend. A simple street/road signage solution would clarify this - a triple sign on a pole installed where needed:

II
Donner Pass Road reflective green street signs
II
Old Hwy 40
II
Hampshire Road
II
II
II pole
II
II
~~~~~ ground

Will Truckee still provide public transportation around the Summit in winter? Will there be an expansion of the schedule particularly with events to get more visitors up to the Summit?

P. 161 - 164

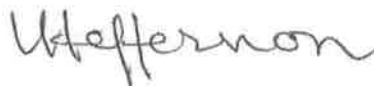
**Goal NCR-1- 4:**

What about retaining and refurbishing Lake Van Norden and Dam to meet these goals/policies? LVN is just as historic and part of the Summit as wagon train trails & passes, the China Wall, railroad tunnels, etc. are. It needs to be focused on, cared for, and retained by our community for the betterment of our rural community and our watershed. Otherwise, why have a community at the Summit at all?

Additionally, in these plans, there is no mention of introducing a modern communication system such as high speed internet or the possibility of underground utilities which would enhance the township and promote desirability for businesses and individuals to locate here.

Respectively submitted,

Ursula Heffernon  
[uheffernon@me.com](mailto:uheffernon@me.com)  
530-304-6538





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