



RESOLUTION No. 24-497

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION MAKING FINDINGS, ACCEPTING THE APPEAL FILED BY DONALD B. MOONEY ON BEHALF OF FRIENDS OF PROSSER TRUCKEE FROM THE DECISION OF THE NEVADA COUNTY PLANNING COMMISSION FOR THE APPROVAL OF THE MITIGATED NEGATIVE DECLARATION WAY, TRUCKEEAL USE PERMIT FOR THE ALPENGLOW SAWMILL PROJECT (PLN23-0054; CUP23-0004; EIS24-0004) TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A MIXED-USE DEVELOPMENT INCLUDING A FORESTRY MANAGEMENT AND MATERIAL PROCESSING FACILITY SUPPORTED BY A WOOD FIRED BOILER AND ASSOCIATED STRUCTURES (FACILITY), AND SIX RESIDENTIAL DWELLING UNITS FOR STATE-REGULATED EMPLOYEE HOUSING IN THREE DUPLEXES LOCATED 10375 SILVERADO WAY, TRUCKEE, CA 96161 (APN 016-530-031) AND TO SCHEDULE A PUBLIC HEARING ON OCTOBER 8, 2024, AT 10:00 A.M.

WHEREAS, on August 8, 2024, the Nevada County Planning Commission approved a Conditional Use Permit for the Alpenglow Sawmill Project (PLN23-0054; CUP23-0004; EIS24-0004) to allow for the construction and operation of a mixed-use development including a forestry management and material processing facility supported by a wood fired boiler and associated structures (facility), and six residential dwelling units for State-Regulated Employee Housing in three duplexes located on an approximately 124-acre subject property at 10375 Silverado Way in Truckee, California. (APN 016-530-031); and

WHEREAS, on August 16, 2024, Donald B. Mooney filed an Appeal to the Board of Supervisors regarding the approval of the Mitigated Negative Declaration and Conditional Use Permit for the Alpenglow Sawmill Project (PLN23-0054; CUP23-0004; EIS24-0004) to allow for the construction and operation of a mixed-use development including a forestry management and material processing facility supported by a wood fired boiler and associated structures (facility), and six residential dwelling units for State-Regulated Employee Housing in three duplexes located on an approximately 124-acre subject property at 10375 Silverado Way in Truckee, California (APN 016-530-031); and

WHEREAS, pursuant to Nevada County Code Section 12.05.120.B, the Board of Supervisors may use the provisions of such article in conducting public hearings on land use matters; and

WHEREAS, pursuant to Nevada County Code Sections 12.05.120.D, any decision of the Planning Agency is appealable to the Board of Supervisors within 10 calendar days after the date of the decision, except amendments to the General Plan or zoning ordinance, which shall be filed within 5 calendar days; and

WHEREAS, Appellant filed a timely appeal on August 16, 2024 which included a statement on the appeal as required by Nevada County Code Sections 12.05.120.F; and

WHEREAS, pursuant to Nevada County Code Section 12.05.120.G, the Board of Supervisors shall determine if the appeal was filed within the applicable time limits and may set the matter for public hearing as soon as time on their agenda permits, and in accordance with any other time requirements of law.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada that:

1. Appellant is an interested party who has standing to appeal the Nevada County Planning Commission's approval of the Mitigated Negative Declaration and Conditional Use Permit for the Alpenglow Sawmill Project (PLN23-0054; CUP23-0004; EIS24-0004) to allow for the construction and operation of a mixed-use development including a forestry management and material processing facility supported by a wood fired boiler and associated structures (facility), and six residential dwelling units for State-Regulated Employee Housing in three duplexes located on an approximately 124-acre subject property at 10375 Silverado Way in Truckee, California. (APN 016-530-031); and
2. Appellant's appeal on the Nevada County Planning Commission's approval of the Mitigated Negative Declaration and Conditional Use Permit for the Alpenglow Sawmill Project (PLN23-0054; CUP23-0004; EIS24-0004) was filed within 10 days of the decision, the appeal is deemed to be timely pursuant to Nevada County Code 12.05.120.D of the Nevada County Code, and
3. The contents of the appeal satisfy the minimum requirements set forth in Nevada County Code Section 12.05.120.F which include identification of the project and decision being appealed, statement of the reason for the appeal, statement of the specific provisions being appealed, statement of the action being requested, summation of the arguments being raised and identification of the appellant, and
4. Appellant's appeal of the Nevada County Planning Commission's approval of the Mitigated Negative Declaration and Conditional Use Permit for the Alpenglow Sawmill Project (PLN23-0054; CUP23-0004; EIS24-0004) to allow for the construction and operation of a mixed-use development including a forestry management and material processing facility supported by a wood fired boiler and associated structures (facility), and six residential dwelling units for State-Regulated Employee Housing in three duplexes located on an approximately 124-acre subject property at 10375 Silverado Way in Truckee, California (APN 016-530-031) is hereby accepted by the Board of Supervisors and the Clerk of the Board is directed to schedule a Public Hearing on this appeal on October 8, 2024, at 10:00 a.m. at the Truckee Government Center, Town of Truckee Council Chambers (2nd Floor) at 10183 Truckee Airport Road, Truckee, CA 96161.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 10th day of September 2024, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek, and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

Recuse: None.

ATTEST:

TINE MATHIASSEN
Chief Deputy Clerk of the Board of Supervisors

By: 

 9/10/24
Hardy Bullock, Chair

LAW OFFICE OF DONALD B. MOONEY

417 Mace Boulevard, Suite J-334

Davis, CA 95618

530-304-2424

dbmooney@den.org

August 14, 2024

RECEIVED

AUG 16 2024

NEVADA COUNTY
BOARD OF SUPERVISORS

VIA FEDERAL EXPRESS

Clerk of the Board
Nevada County Board of Supervisors
950 Maidu Avenue, Suite 200
Nevada City, CA 95959

Re: Appeal of Planning Commission's Approval of Alpenglow Timber Use Permit, PLN23-0054; CUP23-0004; EIS24-0004

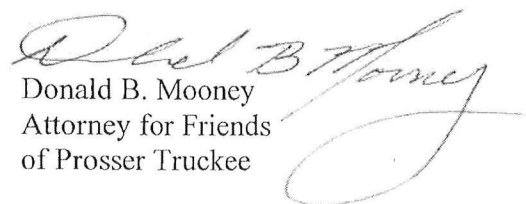
Dear Clerk of the Board:

Enclosed is Friends of Prosser Truckee's appeal to the County of Nevada Board of Supervisors of the Planning Commission's August 8, 2024 approval of the Mitigated Negative Declaration for the Alpenglow Timber Use Permit, PLN23-0054; CUP23-0004; EIS24-0004 ("Project") and approval of the Project (CUP23-0004). Also enclosed is check number 9192 in the amount \$1,803.61 as filing fee for the appeal.

I have also enclosed a copy of the appeal and a self-addressed stamped envelope for return of a time-stamped copy.

Please do not hesitate for to call me if you have any questions regarding this matter.

Sincerely,


Donald B. Mooney
Attorney for Friends
of Prosser Truckee

cc: Client

RECEIVED

COUNTY OF NEVADA

(Attach pages ^{AUG 18 2024} needed)

APPEAL TO BOARD OF SUPERVISORS

(Per Article 5.12 of Chapter II of the Land Use and Development Code) NEVADA COUNTY BOARD OF SUPERVISORS

Any applicant or interested party may file an appeal with the Board of Supervisors requesting review of any final action taken by Various County Agencies. Such appeal shall be filed with the Clerk of the Board of Supervisors within **ten (10) calendar days** from the date of the Agency's Action, except amendments to the General Plan or Zoning Ordinance, which shall be filed within **five (5) calendar days**. (If the final calendar day falls on a weekend or holiday, then the deadline is extended to the next working day.) Filing shall include all information requested herein and shall be accompanied by the appropriate filing fee. The statements (required below) must contain sufficient explanation of the reasons for and matters being appealed in order to facilitate the Board of Supervisors initial determination as to the propriety and merit of the appeal. Any appeal which fails to provide an adequate statement may be summarily denied. The filing of such an appeal within the above stated time limit shall stay the effective date of the action until the Board of Supervisors has acted upon the appeal.

I. APPEAL: I/We, the undersigned, hereby appeal the decision/recommendation of the

Planning Commission
Agency Name

PLN23-0654; CUP23-0004; EIS24-0004 8/8/24
Agency File No. Date of Decision

PLANNING AGENCY DECISIONS:

- Environmental Impact Report
L-XIII California Environmental Quality Act; County CEQA Guidelines and Procedures, 1.20 Appeals of the Adequacy of the EIR
- Floodplain Management Regulations (Floodplain Administrator)
L-XII Floodplain Management Regulations; 1.4 Administration
- Historic Preservation Combining District
L-II Zoning Regulations; Zoning Districts; 2.7.2 HP Combining District
- Inoperable Vehicles
L-II Zoning Regulations; Administration and Enforcement, 5.20 Abatement and Removal of Inoperable Vehicles
- Land Use Applications
L-II Zoning Regulations; 5.12 Administration and Enforcement
- Negative Declaration
L-XIII California Environmental Quality Act; County CEQA Guidelines and Procedures, 1.12 Negative Declaration
- Rules of Interpretation
L-II Zoning Regulations; 1.4 Rules of Interpretation

PUBLIC WORKS DECISIONS:

_____ Roadway Encroachment Permit
G-IV General Regulations; 4.A Regulating Roadway Encroachments;
15.1 Appeals

CDA DECISIONS:

_____ Outdoor Events
G-V Revenue; 2 Outdoor Events; 2.14 Appeal Process

FIRE AGENCY DECISIONS:

_____ Fee Assessments (Fire Protection District)
L-IX Mitigation and Development Fees; Fire Protection Development
Fees; 2.6 Appeal from Fee Assessment

_____ Fire Safety Regulations; General Requirements (Fire Safety Reg. Hearing Body)
L-XVI Fire Safety Regulations; General Requirements; 2.7 Appeals

_____ Hazardous Vegetation Abatement (Lodal Fire Official)
G-IV General Regulations; 7.9 Appeals Process (No Fee to File Appeal)

ENVIRONMENTAL HEALTH DECISIONS:

_____ Sewage Disposal (Sewage Disposal Technical Advisory Group)
L-VI Sewage Disposal; 1.18 Appeals

_____ Water Supply and Resources (Health Officer)
L-X Water Supply and Resources; 5.1 Appeal Procedures

List All Agency Action(s) Taken That Are Being Appealed: 1) Approval of
Mitigated Negative Declaration and Mitigation and
Monitoring and Reporting Program; and 2) Approval
of Conditional Use Permit (CUP23-0004)

II. STATEMENT OF THE REASONS FOR THE APPEAL:

The MND fails to satisfy the requirements of
the California Environmental Quality Act as
substantial evidence in the administrative
record supports a fair argument that the
project may have a significant environmental
impacts. See attached letters.

III. STATEMENT OF THE SPECIFIC PROVISIONS WHICH ARE BEING APPEALED:

Appealing the entire MND and Conditional Use Permit as the MND fails to comply with the California Environmental Quality Act. See attached letter.

IV. STATEMENT OF THE CHANGES OR ACTION REQUESTED OF THE BOARD OF SUPERVISORS:

Rescind approval of MND (EIS 240004) and CUP23-0004 and direct County staff to prepare an environmental impact statement as required by California Environmental Quality Act, Public Resources Code § 21000 et seq.

V. SUMMATION OF THE ARGUMENTS TO BE RAISED BY THE APPELLANT(S):

Substantial evidence in the administrative record supports a fair argument that the Project may have significant environmental impacts.

VI. IDENTIFICATION OF THE APPELLANT(S):

Friends of Prosser Truckee (Name) (Mailing Address) (Telephone)

[Redacted Name and Address]

VII. NOTICE: (Multiple appellants should select one representative for purposes of notice.

All notices to appellant(s) should be mailed to: (Please Print)

Donald B. Mooney
(Name/Representative)

[Redacted Mailing Address]

(Mailing Address)

(Telephone)

[Redacted Telephone]

Appellant: Friends of Prosser Truckee

Donald B. Mooney
(Sign)

Dated: August 14, 2024

Donald B. Mooney
(Print)

FOR OFFICE USE ONLY

\$1,803.60
Filing Fee

8/16/2024

Date Filed

Jeffrey Thorsby
Received By

Appeal form to be returned to: Nevada County Board of Supervisors Office, Eric Rood
Administrative Center, 950 Maidu Avenue, Nevada City, CA 95959-8617. (530) 265-1480

LAW OFFICE OF DONALD B. MOONEY

417 Mace Boulevard, Suite J-334
Davis, CA 95618
530-304-2424
dbmooney@dcn.org

August 8, 2024

VIA ELECTRONIC MAIL

kyle.smith@nevadacountyca.gov

Nevada County Planning Commission
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Re: *Alpenglow Timber Use Permit*, PLN23-0054; CUP23-0004; EIS24-0004

Dear Commissioners:

This letter supplements Friends of Prosser Truckee's June 24, 2024 and July 29, 2024 comment letters on the proposed Alpenglow Timber Use Permit, PLN23-0054; CUP23-0004; EIS24-0004 ("Project"). Friends of Prosser Truckee continues to object to the Project and objects to the approval of the Mitigated Negative Declaration ("MND") for the Project on the grounds that the MND fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 *et seq.* Friends of Prosser Truckee respectfully request that the County not approve the Project and that County prepare an Environmental Impact Report ("EIR") prior to any further consideration of the Project.

I. THE IS/MND CONTAINS AN INADEQUATE PROJECT DESCRIPTION

"An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document]." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) CEQA requires a complete project description to ensure that all of the project's environmental impacts are considered. (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1450, 1454; *see CBE, supra*, 184 Cal.App.4th at 82.) A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *quoting County of Inyo, supra*, 71 Cal.App.3d at 197-198.) The adequacy of a project description is closely linked to the adequacy of the impact analyses. If the description is inadequate because it fails to discuss an aspect of the project, the environmental analysis will probably reflect the same mistake. (*See San Joaquin Raptor/ Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.3d 713, 722-723.) "An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity. (*McQueen v. Board of Directors* (1998) 202 Cal.App.3d 1136, 1143.) A narrow view of a project could result in the fallacy of division, that is, overlooking its cumulative impact by separately focusing on isolated parts of the whole. (*Id.* at 1144.)" (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592.)

The IS/MND contains an inadequate Project Description as it omits a planned Phase 3 of the Project. The proposed Project purportedly includes three phases: Phase 1 includes establishment of a facility to produce dried and planed pine, saw rough timber and seasoned firewood. Residual material and potentially biomass residuals will fuel the wood fired boiler system and produce thermal energy supplied to the operation; Phase 2 consists of the planning and construction of six on-site residential duplexes supplied with hot water by the boiler and a hydronic distribution system; and Phase 3 of the project will establish a production line to manufacture cross laminated timber panels glulam and truss beams. The Project Description, however, fails to describe and discuss Phase 3.

The Project Description also fails to discuss the source of the timber, the location of the timber being harvested for the sawmill or the impacts associated with the timber harvesting for the sawmill. While some of the timber would have gone to the Hobart Mill, it appears that the Project will increase capacity and thus harvesting of timber in the area. The Project Description must address the source of timber for the Project and the potential for increased timber harvesting in the geographical region.

II. THE IS/MND FAILS TO CONSIDER THE WHOLE OF THE ACTION

CEQA requires that all foreseeable uses of a project, the “whole of the action”, be analyzed in the same environmental review document in order to preclude impermissible “piecemealing” of environmental review. (CEQA Guidelines § 15378; *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 369-370.) Thus, a CEQA project must include “the whole of an action” that has a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and encompasses the activity being approved. (CEQA Guidelines, § 15378.) A project is not each separate governmental approval when there are several approvals by one agency or review by several agencies. (Guidelines, §15378.) Guidelines section 15126 provides that “[a]ll phases of a project must be considered when evaluating its impact on the environment...” All phases of a project must be considered as the “whole of the action,” so that “environmental considerations do not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences.” (*Bozung v. Local Agency Formation Commission of Ventura County* (1975) 13 Cal.3d 263, 283–284, *Burbank-Glendale-Pasadena Airport Authority v. Hensler, supra*, 233 Cal.App.3d at 592.) It has been a longstanding principle that the project description must include future activities. *Laurel Heights Improvement Association v. Regents of the University of California (Laurel Heights I)* (1988) 47 Cal.3d 376, 396, held that “an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

CEQA avoids such a result by defining the term "project" broadly. (CEQA Guidelines, §15002(d).) "'Project' means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, . . ." (Cal. Admin. Code, tit. 14, § 14:15378, subd. (a).) *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 165.). "The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval. [¶] . . . Where the lead agency could describe the project as either the adoption of a particular regulation . . . or as a development proposal which will be subject to several governmental approvals . . . the lead agency shall describe the project as the development proposal for the purpose of environmental analysis." (*Id. citing* CEQA Guidelines § 14:15378(c)-(d).)

By failing to include the development of Phase 3, the IS/MND seeks to segment environmental review of the whole action planned for the Project site. This effects the impact analysis to traffic, air quality, wildfire, noise and other areas.

The IS/MND's failure to discuss the source of the timber, the location of the timber being harvested for the sawmill or the impacts associated with the timber harvesting for the sawmill also results in a failure to consider the whole of the action and essentially segments environmental review. The Project will increase capacity and thus harvesting of timber in the area. Nothing in the IS/MND addresses the whole of the action regarding the source of timber and any potentially significant impacts associated with any increase in timber harvesting.

III. NOISE

Saxelby Acoustic's July 17, 2024 letter acknowledges that Environmental Noise Assessment modelled the project with open bay doors and the planar structure within the main structure was modeled with doors closed. Nothing in the conditions of approval or mitigation measures require the planar structure to be closed during operations. Thus, the Environmental Noise Assessment fails to adequately study and identify the potential noise generated by the Project.

Mitigation Measure 13B limits heavy truck trips to daylight hours only which is defined as 7am to 7pm. As daylight hours vary during year, this mitigation measure is confusing and difficult to enforce. Is it daylight hours that is being enforced or 7am to 7pm?

Mitigation Measure 13B also requires that all trucks belonging to the operator and used on public roadway have mufflers that meet the standards of the California Highway Patrol. This mitigation measure should be modified to require all trucks entering the project site should have the required mufflers, or that only trucks that belong to the operator shall have access to the Project site. Otherwise, the operator can easily avoid this requirement by subcontracting with a trucking company or by relying upon

Planning Commission
August 8, 2024
Page 4

independent truck owners. As a result, it is uncertain that the mitigation measure would reduce the impact to less than significant.

IV. WILDFIRE

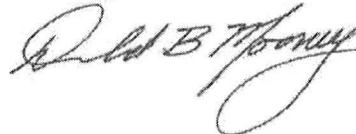
With respect to wildfire, the Staff Report states that “As a result, the project impacts related to wildfire risk would be less than significant with the implementation of project conditions of approval and mitigation measures.” (Staff Report at 29.) The IS/MND, however, does not identify any mitigation measures for wildfire.

Also, given the destructive nature of wildfire, the IS/MND fails to adequately address the potential risk to the neighboring community from a wildfire being resulting from the operation of the Project. The record contains numerous instances of significant fire events resulting from sawmills. A fire resulting from the operation of the sawmill would be devastating to the nearby community with little to no time to evacuate.

V. CONDITIONS OF APPROVAL

1. COA 2 should be amended by replacing “July 22, 2024” with “August 8, 2024.”
2. A condition of approval should be added to require the planar doors to be closed during operations as this was assumed in the Environmental Noise Assessment. Without this condition of approval the Environmental Noise Assessment.

Sincerely,



Donald B. Mooney
Attorney

cc: Client

LAW OFFICE OF DONALD B. MOONEY

417 Mace Boulevard, Suite J-334

Davis, CA 95618

530-304-2424

dbmooney@dcn.org

July 29, 2024

VIA ELECTRONIC MAIL

kyle.smith@nevadacountyca.gov

Kyle Smith
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Re: Alpenglow Timber Use Permit, PLN23-0054; CUP23-0004; EIS24-0004

Dear Mr. Smith:

This letter supplements Friends of Prosser Truckee's June 24, 2024 comment letter on the proposed Alpenglow Timber Use Permit, PLN23-0054; CUP23-0004; EIS24-0004 ("Project"). Friends of Prosser Truckee continues to object to the Project and objects to the approval of the Mitigated Negative Declaration ("MND") for the Project on the grounds that the MND fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 *et seq.* Friends of Prosser Truckee respectfully request that the County not approve the Project and that County prepare an Environmental Impact Report ("EIR") prior to any further consideration of the Project.

As discussed in the June 24, 2024 comment letter, the record contains substantial evidence that the Project will have significant impact in a number of these areas, including aesthetics (light pollution), land use, noise, and traffic safety. These comments constitute substantial evidence that supports a fair argument that the Project may have a significant impacts. As such, CEQA mandates the preparation of an environmental impact report.

The attached June 24, 2024 memorandum from Michael S. Thill, an acoustics expert with Illingworth & Rodkin, constitutes substantial evidence that supports a fair argument that the Project may have significant noise impacts. The memorandum identifies flaws in the Environmental Noise Assessment noise study regarding ambient noise levels and that the measured noise levels may have been skewed in such a way that impacted the baseline to judge the significance of the noise impacts. The memorandum also found that the traffic noise modeling inputs are inconsistent and underestimated. The result is that the Environmental Noise Assessment fails to fully disclose the impact of project-generated traffic along Klondike Flat Road.

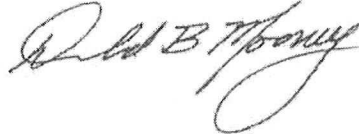
The Environmental Noise Assessment assumed that there would be no openings in the building and that doors or windows would not be open during the operation of the sawmill. Thus, assessment failed to take into account that openings in the building would allow additional noise to escape into the community. The noise study also failed to apply a proper noise standard and failed to identify that the Project would change the character of the existing ambient noise environment from traffic noise and natural sounds to sawmill operational noise.

Finally, as discussed in the Memorandum, the Environmental Noise Assessment failed to assess the potential noise impact of the project with respect to existing noise levels. This approach is inconsistent with the court's decision in *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814 *as modified on denial of reh'g* (Mar. 20, 2020), the court held that "as to the project's noise impacts, the County determined the significance of those impacts based solely on whether the estimated ambient noise level with the project would exceed the 65 decibels threshold set forth in the County's general plan." (*Id.* at 830.) Based on prior case law, the court further concluded that the magnitude of the noise increase must be addressed to determine the significance of change in noise levels. (*Id.*) In *King & Gardiner*, the EIR did not include such an analysis, supported by substantial evidence, explaining why the magnitude of an increase in ambient noise need not be addressed to determine the significance of the project's noise impact. (*Id.*; *see also Berkeley Jets, supra*, 91 Cal.app.4th at 1373; *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 732.) The Court also concluded that "it is not reasonable to assume or infer from the terms of the general plan that only noise increases that result in cumulative noise levels exceeding the maximum specified are significant." (45 Cal.App.5th at 830; *see CEQA Guidelines*, § 15064(f)(5) [what constitutes substantial evidence to support a finding on significance].)

The record contains expert comments that supports a fair argument that the Project may have significant noise impacts. The County's task is to determine whether the record contains substantial evidence that supports a fair argument that a significant impact may occur and not to weigh the evidence. (Pub. Resources Code, § 21080(c), (d); CEQA Guidelines, § 15064(f).) When qualified experts present conflicting evidence on the nature or extent of a project's impacts, the agency must accept the evidence tending to show that the impact might occur. Evidence to the contrary is usually irrelevant, because the agency cannot weigh competing evidence. (*Rominger v. County of Colusa, supra*, 229 Cal.App.4th 690 [opinion by traffic expert conflicted with negative declaration's trip generation assumptions]; *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 249 [conflicting opinions by multiple experts on definition and extent of wetlands].) As such a disagreement exists in this matter CEQA mandates, as a matter of law, the preparation of an environmental impact report.

Mr. Kyle Smith
July 29, 2024
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "Donald B. Mooney". The signature is written in a cursive style with a large, sweeping flourish at the end.

Donald B. Mooney
Attorney

cc: Client

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

429 E. Cotati Avenue
Cotati, CA 94931

Tel: 707-794-0400
www.illingworthrodkin.com

Fax: 707-794-0405
illro@illingworthrodkin.com

M E M O

Date: June 24, 2024

To: Mike Geary
friendsofprossertruckee@outlook.com

From: Michael S. Thill
Illingworth & Rodkin, Inc.

**SUBJECT: Alpenglow Timber Use Permit, Nevada County, California –
Peer Review Comments - Noise**

This memo presents Illingworth & Rodkin, Inc.'s (I&R) peer review of the Initial Study/Mitigated Negative Declaration (IS/MND)¹ and Environmental Noise Assessment² prepared for the Alpenglow Timber Use Permit in Nevada County, California. The project would allow for the construction and operation of a mixed-use development including a forestry management and material processing facility supported by a wood fired boiler and associated structures (facility), and six residential dwelling units for State-Regulated Employee Housing in three duplexes located on an approximately 124-acre subject property at 10375 Silverado Way in Truckee, California.

The documents have been reviewed for approach, accuracy, and completeness. The key issues for the peer review were to confirm that the correct significance criteria were used and that key issues have been properly evaluated. The following are our specific comments and recommendations:

Comment 1. The Environmental Noise Assessment describes the existing ambient noise environment in the project vicinity as being, "...primarily defined by traffic on Highway 89 to the east of the project site and natural sounds such as wind, birds, and insects."

Noise measurement locations selected as part of the August 2022 Environmental Noise Assessment were close to Klondike Flat Road and measured noise levels may have been skewed such that they would not accurately represent the noise levels at noise-sensitive residential areas in the project vicinity. Site LT-1 (Near Entry Gate) appears to have been approximately 30 feet from the centerline of Klondike Flat Road and immediately adjacent to the site entrance. It is likely

¹ Alpenglow Timber Use Permit, May 24, 2024.

² Saxelby Acoustics. Environmental Noise Assessment for the Mercer Sawmill Project. November 14, 2023.

that local vehicle traffic generated maximum instantaneous noise levels that regularly exceeded 75 dBA L_{max} at this location, with several events producing noise levels reaching 80 dBA L_{max} . At Site LT-2 (Eastern Project Boundary), the measurement location appears to have been approximately 110 feet south of Klondike Flat Road. Maximum instantaneous noise levels measured at this position (further from the roadway) also regularly exceeded 75 dBA L_{max} , with three events producing noise levels ranging from 80 to 92 dBA L_{max} . The sources of these high maximum instantaneous noise levels were not described or disclosed. It is unusual that maximum noise levels at a location further from the local road would have been higher, and it is reasonable to infer that some other source likely contaminated the measurement.

Recommendation – Additional noise measurements should be made to adequately describe ambient noise conditions at receptors in the area, particularly those that are northwest of the project site. The noise environment away from local roadways may be found to be substantially quieter. Sites should be selected in areas away from Klondike Flat Road to document ambient noise levels in areas not subject to such high noise events. These data should also be used as the baseline to judge the significance of permanent noise increases resulting from the project as discussed in Comment 4.

Comment 2. The existing and existing plus project traffic noise modeling inputs and results indicate that the project would result in no additional daily trips along SR 89, north of Klondike Flat Road (Existing ADT = 453, Existing Plus Project ADT = 453), one additional daily trip along SR 89, north of Klondike Flat Road (Existing ADT = 466, Existing Plus Project ADT = 467), and seven additional daily trips along Klondike Flat Road, west of SR 89 (Existing ADT = 19, Existing Plus Project ADT = 26). It is unclear how the vehicle trips disperse from the site as the seven trips along Klondike Flat Road are reduced one trip along SR 89, north of Klondike Flat Road.

In addition, the existing and existing plus project traffic noise levels modeled as part of the analysis do match the peak hour vehicle trips estimates described in the Environmental Noise Assessment (Page 9):

Site Circulation: The project is projected to generate 3 auto trips and 4 heavy truck trips in the peak hour (LSC Transportation Associates). Typical automobile movements are predicted to generate a sound exposure level (SEL) of 71 dBA SEL at 50 feet for cars and 85 dBA SEL at 50 feet for trucks. Saxelby Acoustics data. Truck deliveries would not occur during evening hours.

Similarly, it is noted on Page 24 of the Air Quality Technical Report³ that, “The proposed project would generate approximately 31 daily vehicle trips from employees/residences (11 miles per one-way trip, 341 vehicle miles traveled [VMT] per day).” Also, the Air Quality Technical Report states that, “Approximately eight new haul truck trips are proposed per day, which would equate to 120 VMT per day.”

The traffic noise modeling inputs are not consistent and appear to be underestimated.

Recommendation – The traffic volume inputs to the noise model should be confirmed and

³ RCH Group. Air Quality Technical Report for Mercer Sawmill. November 16, 2023.

updated to include the correct number of daily project trips. Given the rural environment, it is also recommended that the noise of individual truck movements be given proper consideration as it is the maximum noise of each truck trip that would be most disturbing to residents. The averaging of this noise, particularly into a daily average, minimizes the potential effect and does not fully disclose the impact of project-generated traffic along Klondike Flat Road.

Comment 3. The assumptions used in the operational noise modeling state that the sawmill will be located inside a structure with 26-gauge aluminum walls and the planer will be located in its own structure within the same building as the sawmill. It is not clear whether or not doors to these structures would be maintained closed at all times during sawmill operations. The noise contour data do not indicate that an open door condition was modeled in SoundPLAN.

Recommendation – The SoundPLAN model should be revised to account for openings in the building that may allow additional noise to escape into the community.

Comment 3. The Nevada County General Plan Stationary Noise Limits contain a provision that allows the County to, "...provide for a more restrictive standard than shown in the Exterior Noise Limits table contained in this policy. The maximum adjustment shall be limited to be not less than the current ambient noise levels and shall not exceed the standards of this policy or as they may be further adjusted by Policy 9.1b. Imposition of a noise level adjustment shall only be considered if one or more of the following conditions are found to exist:

1. Unique characteristics of the noise source:
 - (a) The noise contains a very high or low frequency, is of a pure tone (a steady, audible tone such as a whine, screech, or hum), or contains a wide divergence in frequency spectra between the noise source and ambient level.
 - (b) The noise is impulsive in nature (such as hammering, riveting, or explosions), or contains music or speech.
 - (c) The noise source is of a long duration.

2. Unique characteristics of the noise receptor when the ambient noise level is determined to be 5 dBA or more below the Policy 9.1 standard for those projects requiring a General Plan amendment, rezoning, and/or conditional use permit. In such instances, the new standard shall not exceed 10 dBA above the ambient or the Policy 9.1 standard, whichever is more restrictive."

Without a proper noise standard, the operation of the project would change the character of the existing ambient noise environment from traffic noise and natural sounds to sawmill operational noise.

Recommendation – A more restrictive noise standard should be used to assess project impacts because sawmill noise is typically characterized by a whine, screech, or hum. Further, these noise sources would be expected to continue over a long duration. This more restrictive standard should be established based on new noise data collected to represent noise levels at residential areas away from Klondike Road. In these areas, the ambient noise levels are expected to be low. A review of the L₉₀ noise data collected at Sites LT-1 and LT2 show that noise levels during the vast majority

of the time are typically below 40 dBA.

Comment 4. With the exception of the traffic noise assessment (with noted deficiencies), the Environmental Noise Assessment does not assesses the potential noise impact of the project with respect existing noise levels. The operational noise assessment is based solely on whether the operational noise level would exceed the Nevada County daytime L_{eq} and L_{max} noise level standards. In *King and Gardiner Farms LLC. v. County of Kern* (2020) 45 Cal.App.5th 814, 893, the California Supreme Court concluded that the magnitude of the noise increase must be addressed to determine the significance of the change in noise levels and that the EIR did not include an analysis, supported by substantial evidence, explaining why the magnitude of an increase in ambient noise need not be addressed to determine the significance of the project's noise impact.

Recommendation – The Environmental Noise Assessment should be revised to assesses the potential noise impact of the project with respect existing noise levels. Per earlier comments, existing noise levels should be measured at new locations that are representative of all of the residences in the area, not just those located close to roadways serving the area. All operational noise sources should be aggregated to determine the change to existing noise levels caused by the project and mitigation measures should be required if a substantial permanent noise increase would occur.

(24-090)

LAW OFFICE OF DONALD B. MOONEY

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June 24, 2024

VIA ELECTRONIC MAIL

kyle.smith@nevadacountyca.gov

Kyle Smith
Nevada County Planning Department
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Re: Alpenglow Timber Use Permit , PLN23-0054; CUP23-0004; EIS24-0004

Dear Mr. Smith:

This office represents Friends of Prosser Truckee regarding the proposed Alpenglow Timber Use Permit, PLN23-0054; CUP23-0004; EIS24-0004 (“Project”). Friends of Prosser Truckee objects to the Project and objects to the approval of the Mitigated Negative Declaration (“MND”) for the Project on the grounds that the MND fails to comply with the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 *et seq.* Friends of Prosser Truckee respectfully request that the Zoning Administrator not approve the Project and that County of Sacramento prepare an Environmental Impact Report (“EIR”) prior to any further consideration of the Project.

A. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

“CEQA is a comprehensive scheme designed to provide long-term protection to the environment. [Citation.] In enacting CEQA, the Legislature declared its intention that all public agencies responsible for regulating activities affecting the environment give prime consideration to preventing environmental damage when carrying out their duties. [Citations.] CEQA is to be interpreted 'to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. [Citation.]” (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112.)

In evaluating proposed projects, a public agency must evaluate whether a possibility exists that the project may have a significant environmental effect. (Pub. Resources Code, §§ 21100(a), 21151(a).) If so, then the agency must conduct an initial threshold study. (Pub. Resources Code, § 21080.1; CEQA Guidelines, § 15063.) If the initial study reveals that the project will not have any significant effect, then the agency may complete a negative declaration that describes the reasons supporting the determination. (CEQA Guidelines, §§ 15063(f)(2); 15070(b).) If the initial study determines that any aspect of the project may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the agency must prepare

an EIR. (*Id.*; see *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86; see also *Sundstrom v. County of Mendocino* (1982) 202 Cal.App.3d 296, 304-305.)

The EIR, with all its specificity and complexity, is the mechanism prescribed by CEQA to force informed decision-making and to expose the decision-making process to public scrutiny. (*Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 910; citing *No Oil, Inc., supra*, 13 Cal.3d at p. 86.) The central purpose of an EIR is to identify the significant environmental effects of the proposed project, and to identify ways of avoiding or minimizing those effects through the imposition of feasible mitigation measures or the selection of feasible alternatives. (Pub. Resources Code, § 21002, 21002.1(a), 21061.) “An EIR provides the public and responsible government agencies with detailed information on the potential environmental consequences of an agency’s proposed decision.” (*Mountain Lion Foundation v. Fish & Game Com., supra*, 16 Cal.4th at p.113.) The EIR is “the heart of CEQA” and “an environmental alarm bell whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological point of no return.” (*Laurel Heights Improvement Ass’n v. Regents of the Univ. of California (“Laurel Heights I”)* (1988) 47 Cal.3d 376, 392.) The EIR is the “primary means” of ensuring that public agencies “take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.” (*Id.*, quoting Pub. Resources Code, § 21001(a).) The EIR is also a “document of accountability,” intended “to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its actions.” (*Laurel Heights I, supra*, 47 Cal.3d at 392 (quoting *No Oil, Inc., supra*, 13 Cal.3d at p. 86.)

B. THE FAIR ARGUMENT STANDARD

“In reviewing an agency’s decision to adopt a negative declaration, a trial court applies the ‘fair argument’ test.” (*City of Redlands v. County of San Bernardino (“City of Redlands”)* (2002) 96 Cal.App.4th 398, 405; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1399; see also *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 571.) The fair argument test requires that an agency “prepare an EIR whenever substantial evidence in the record supports a fair argument that a proposed project may have a significant effect on the environment.” (*City of Redlands*, 96 Cal.App.4th at 405; quoting *Gentry v. City of Murrieta, supra*, 36 Cal.App.4th at 1399-1400; see *Laurel Heights Improvement Ass’n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc., supra*, 13 Cal.3d at 75, 82, 118.) “If there is substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment, an environmental impact report shall be prepared.” (Pub. Resources Code, §§ 21080(d), 21151(a).) If such evidence exists, the court must set aside the agency’s decision to adopt a negative declaration as an abuse of discretion in failing to proceed in a manner as required by law. (*City of Redlands, supra*, 36 Cal.App.4th at 406; *Pala Band of Mission Indians v. County of San Diego, supra*, 68 Cal.App.4th at 571.) Thus, an EIR must be prepared “whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental

impact” (*No Oil, Inc., supra*, 13 Cal.3d at 75) even if there is substantial evidence to the contrary. (*Arviv Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1346; *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002).

Based upon the fair argument standard of review, the County must prepare an EIR instead of a mitigated negative declaration if any substantial evidence in the record supports a fair argument that the Project may have a significant effect on the environment, even if other substantial evidence supports the opposite conclusion. (Pub. Resources Code § 21151(a); Guidelines §15064(f)(1)-(2); *No Oil, Inc., supra*, 13 Cal.3d at 75; *Architectural Heritage Ass’n v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1109.) It is the function of an EIR, not a negative declaration, to resolve these conflicting claims. (See *No Oil, Inc., supra*, 13 Cal.3d at 85.) It is well-established that CEQA creates “a low threshold requirement” for the initial preparation of an EIR and reflects a preference for resolving doubts in favor of environmental review when the question is whether any such review is warranted. (See *No Oil, Inc., supra*, 13 Cal.3d at 84; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 880-881.)

CEQA and the CEQA Guidelines provide assistance in evaluating what constitutes substantial evidence to support a “fair argument”. (See Guidelines § 15384(a) (“substantial evidence” means enough relevant information and reasonable inferences...that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”).) Substantial evidence consists of “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Pub. Resources Code § 21080(e)(1); see also Guidelines § 15384(b).) It does not include “argument, speculation, unsubstantial opinion or narrative, evidence that is clearly inaccurate ...or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.” (Pub. Resources Code § 21080(e)(2).) Comments that present evidence of facts and reasonable assumptions from those facts may constitute substantial evidence to support fair argument that the project may have a significant effect on the environment. (See *City of Redlands, supra*, 96 Cal.App.4th at 590; see also *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 152-153.) Relevant personal observations of area residents on nontechnical subjects, such as aesthetics, qualify as substantial evidence to support a fair argument. (*Ocean View Estates Homeowner’s Assn., Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 402.)

Input from non-experts, lay testimony, can be substantial evidence when such testimony is credible and does not purport to embody analysis that would require special training. Thus, “statements of area residents who are not environmental experts may qualify as substantial evidence if they are based on relevant person observations or involve ‘nontechnical issues.’” (*Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 583 (aesthetics); *Ocean View Estates Homeowners Association, Inc. v. Montecito Water District* (2004) 116 Cal.App.4th 396, 402 (aesthetics); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322 (traffic and biology); *The Pocket Protectors v. City of*

Sacramento (2004) 124 Cal.App.4th 903, 932 (land use); *Oro Fino Gold Mining Corp v. County of El Dorado* (1990) 225 Cal.App.3d 872, 882 (noise); *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 172 (traffic.)

C. INADEQUATE NOTICE

The County has provided inadequate notice for public review and comment. The Notice of Availability (NOA) noticed a 31-day public review and comment period between May 24, 2024 to June 24, 2024 at 5:00 p.m. The NOA, however, was not posted on the website provided in the NOA until May 31, 2024. Given the County's failure to make the IS/MND available consistent with release of the NOA, this matter should be re-noticed.

D. SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT THAT THE PROJECT MAY HAVE SIGNIFICANT ENVIRONMENTAL IMPACTS

In the present matter, the record contains substantial evidence that the Project will have significant impact in a number of these areas, including aesthetics (light pollution), land use, noise, and traffic safety. These comments constitute substantial evidence that supports a fair argument that the Project may have a significant impacts. As such, CEQA mandates the preparation of an environmental impact report.

The record demonstrates that the development and operation of this industrial complex will significantly impact Truckee residents, particularly those living north on Highway 89 in the Klondike Flat, the 500-plus homes in Prosser Lakeview Estates, as well as by Tahoe Donner residents using Alder Creek Road, and residents in Russell Valley and Gray's Crossing.

Lay testimony demonstrates that the increased truck traffic, 61 per day—resulting in a logging truck passing through Highway 89 and Klondike Flat Road approximately every 7 minutes - will have significant impacts to traffic safety. This lay testimony constitutes substantial evidence supporting a fair argument that the Project may have impacts associated with traffic safety. (*See Citizens Association for Sensible Development of Bishop Area v. County of Inyo, supra*, 172 Cal.App.3d at 172.)

The operation of the sawmill and associated machinery would introduce considerable noise pollution into the quiet residential neighborhood, disrupting the tranquility. As the record contains expert comments indicating the Project's potential for noise impacts substantial evidence that supports a fair argument that the Project may have significant noise impacts. The County's task is not to weigh the competing evidence and determine whether, in fact a significant impact on the environment will occur. Rather, the County's task is to determine whether the record contains substantial evidence that supports a fair argument that a significant impact may occur. (Pub. Resources Code, §

21080(c), (d); CEQA Guidelines, § 15064(f).) When qualified experts present conflicting evidence on the nature or extent of a project's impacts, the agency must accept the evidence tending to show that the impact might occur. Evidence to the contrary is usually irrelevant, because the agency cannot weigh competing evidence. (*Rominger v. County of Colusa*, *supra*, 229 Cal.App.4th 690 [opinion by traffic expert conflicted with negative declaration's trip generation assumptions]; *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 249 [conflicting opinions by multiple experts on definition and extent of wetlands].) A disagreement between experts regarding the significance of one or more environmental effects can require an EIR in "marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment...." (CEQA Guidelines, § 15064(g).) Therefore, as a matter of law, CEQA mandates the preparation of an environmental impact report.

The record also indicates that the project will introduce significant light pollution into the neighborhood's dark skies, affecting wildlife and detracting from the natural beauty of the area. Substantial evidence in the form of lay testimony from community members with personal knowledge of the area supports a fair argument that the Project may have significant impacts regarding light pollution.

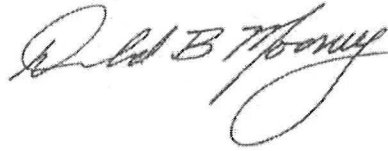
The proposed project, an industrial complex, is inconsistent with the existing residential character of Klondike Flat and its surroundings. Moreover, the IS/MND failed to address the Project's inconsistencies with the Truckee 2040 General Plan. The Project would cause significant and unavoidable impacts due to conflicts with Town of Truckee Goal LU-12 for regional land use coordination between Nevada County and the Town of Truckee. Goal LU-12 calls for coordination between the Town of Truckee and Nevada County for development projects and is intended to avoid environmental effects to the region. The General Plan provides that open space and natural resources adjacent to the Town of Truckee are to be protected from development, new development outside of Truckee that adds additional traffic to the circulation system is to be limited, and development in areas in unincorporated Nevada County that are within the Truckee sphere of influence, like the Klondike Flat neighborhood, are to remain consistent with the Truckee General Plan. Thus, the record supports a fair argument that the Project may be inconsistent with the General Plan and result in significant impacts to land use, CEQA mandates the preparation of an EIR.

E. CONCLUSION

As set forth above, it is clear that substantial evidence supports a fair argument that the Project may have significant environmental impacts. As such, CEQA mandates that the County prepare a legally adequate EIR for the Project. Approval of the Project based upon this IS/MND would constitute an abuse of discretion and be contrary to law.

Mr. Kyle Smith
June 24, 2024
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Sincerely,

A handwritten signature in black ink, appearing to read "Donald B. Mooney". The signature is written in a cursive style with a large, looping initial "D".

Donald B. Mooney
Attorney

cc: Client



August 12, 2024

NOTICE OF CONDITIONAL APPROVAL

Alpenglow Timber Conditional Use Permit and Mitigated Negative Declaration
(PLN23-0054; CUP23-0004; EIS24-0004)

David Mercer
PO Box 3713
Olympic Valley, CA 96146

File No: PLN23-0054; CUP23-
0004; EIS24-0004
APN: 016-530-031

At the regular meeting of August 8, 2024, the Nevada County Planning Commission approved by a vote of 5/0, the above-referenced Conditional Use Permit (CUP23-0004) and Mitigated Negative Declaration (EIS24-0004) at 10375 Silverado Way in unincorporated eastern Nevada County, California.

A. PLANNING DEPARTMENT

1. This is a conditional approval of a Use Permit application to allow for the construction and operation of a mixed-use development including a forestry management and material processing facility supported by a wood fired boiler and associated structures (facility), and six residential dwelling units for State-Regulated Employee Housing in three duplexes located on an approximately 124-acre subject property.

Sawmill Facility Component:

The proposed facility would include an approximately 4.5-acre area with log decks for log storage and a partially enclosed debarker, a 48,000 square foot sawmill, an open 15,000 square foot firewood storage area with solar roof, a 9,600 square foot workshop, a 6,000 square foot boiler plant building, three (3) dry kilns utilizing a 3,000 square foot area, and associated infrastructure including truck scales, parking, and fuel and water storage. The proposed site layout is shown on the site plan in Figure 2, below.

The majority of the proposed development would be located outside the Scenic Corridor Combining District, including all buildings. The exception is the approximately 4.5-acre log storage yard area with log decks, including the enclosed de-barker as it utilizes a previously disturbed and clear-of-vegetation area. Neither this log storage area nor the project area beyond to the west is visible from the State Highway 89 North roadway.

All the facility structures utilize a common, simple design theme and metal siding, doors, roofing, and natural cement features utilizing earth tone colors intended to blend with the dominant surrounding forest canopy and natural environment, as shown in Figure 3.

Residential Facility Component:

Employee housing for five or more employees is subject to the permitting requirements of the California Employee Housing Act, requiring issuance of a permit to operate from the California Department of Housing and Community Development (HCD) and compliance with County regulations related to building construction, sewage disposal, and water supply.

The State-Regulated Employee Housing component is an allowed use by right in the FR Zoning District, subject to zoning compliance and building permit issuance. Although the residential component is an allowed use, the LUDC requires that whenever multiple project applications are proposed, they are processed concurrently and shall be considered by the Planning Commission. As a result, the proposed uses are compatible with the Forest Land Use and Zoning designations.

The proposed project includes six (6) housing units permitted under the California Employee Housing Act. The State-Regulated Employee Housing component would include three (3) duplexes with two (2) residential dwelling units each, for a total of six (6) proposed dwelling units. The residential component would be subject to standards for the construction, maintenance, use, and occupancy defined in the California Employee Housing Act.

The three residential duplex structures all utilize a similar rural design theme as shown in Figure 4, utilizing horizontal wood siding, wood trim, and asphalt roofing. The duplexes would consist of a 756-square-foot one-bedroom unit with covered parking and 1,646-square-foot three-bedroom units with a two-car garage. The one-bedroom unit would be located on the ground floor with the garage while the two-bedroom unit would be located on the second floor of the duplex. Each unit would be independent with separate access and sufficient cooking, cleaning, bathing, and sleeping facilities.

Supporting Development and Infrastructure:

The proposed project will incorporate native vegetation as landscaping and screening and includes approximately 25-acres located on the southern side of the subject parcel to be preserved as open space.

Electricity for the proposed project would be provided by proposed extensions from existing infrastructure operated by Liberty Utilities. Water for the proposed project, including fire suppression as well as the operational and residential components would be provided by an existing on site well supported by a proposed 200,000-gallon water tank to be located on an existing graded pad. The proposed system will extend the 8" water main to service both components and provide new fire department connections to support fire suppression. Four new septic systems would be installed to provide for sewage disposal for the proposed project; one system is proposed to support restrooms in the proposed facility and one system is proposed to support each for the three (3) proposed duplexes.

The project components would be accessed via new interior roads utilizing an existing driveway off of Klondike Flat Road. Klondike Flat Road originates from State Route (SR) 89 utilizing an approximate 450-foot stretch of roadway located within a 60-foot wide right of way through a parcel of land owned by the United States Forest Service (APN 016-530-011) by way of a Special Use Permit granted in 1976 and amended in 1985. The Klondike Flat roadway is contained within a dedicated 60' right-of-way in which then extends beyond the project boundary to Silverado Way. Klondike Flat Road would be improved to provide for two (2) 10-foot-wide travel lanes which meet Two-Way Fire Safe Access Road Standards as shown in Figure 6. The interior roadways leading to both the facility component (Mill Road) and the residential component (Alpenglow Drive) would be developed to provide for two (2) 10-foot-wide travel lanes to achieve Fire Access Road Standards. Residential dwelling units would be accessed via proposed private driveways improved to meet Private Driveway Construction Standards.

Project Operation:

The facility would operate 6 days per week, Monday through Saturday from 7 A.M to 10 P.M and produce 4.5 million board feet of lumber per year, generate 2,000 cords of firewood, and utilize processing and forest residuals to fuel the wood-fired boiler. Wood material would be sustainably sourced from fuels management and forestry projects throughout the surrounding region and hauled to the site from various project locations.

The project components would be accessed via new interior roads utilizing an existing driveway off of Klondike Flat Road. A total of 10 trucks are proposed to haul wood material to the site on operational days and cut lumber will be hauled away from the site in 4 trucks per day. Including residential and service trips, the total number of trips generated by the project is 61 daily trips with 7 occurring in the peak hour. Of these trips, 39 daily trips and 4 peak hour trips are proposed as new trips, the remainder are existing trips that would have gone to or from the existing operation in the Hobart Mills area located to the northeast of the proposed project on the opposite side of SR 89.

The project is expected to generate noise associated with operation of the proposed facility, including traffic noise along SR 89 and Klondike Flat Road. The primary noise sources associated with operation

of the proposed project include the sawmill, the planar, the debarker, firewood cutting machine, loading, and unloading of raw materials and finished products, forklifts, and heavy truck and auto circulation both entering and traversing the project site.

The boiler would support the operation of the dry kilns and provide space heat on-site to the facility and residential units. The boiler and kilns would operate for 365 days per year and 24 hours per day utilizing wood products from the operation. Operation of the boiler is the primary source of project related emissions, and the estimated operational emissions for the proposed project are 7,622 metric tons of CO₂e per year.

Project Construction:

In order to construct the proposed development, approximately 17.7 acres of total ground disturbance would occur across the approximately 124-acre parcel. Ground disturbance is anticipated to extend from minimal surface disturbance to up to 6 feet below surface. Approximately 17,000 cubic yards of material would be excavated, and approximately 2,400 cubic yards used as fill onsite, with excess cut disposed of offsite at the Hobart Mills Recycled Aggregate Yard or the Eastern Regional Landfill. Development of the improvements included in the proposed project would result in the parcel being covered with approximately five (5) percent impervious surfaces.

The project components are proposed to develop concurrently, and all construction is anticipated to occur across a 22- to 24-month period and occur within the standard approval timeline of three years from project approval. Construction activities are anticipated to occur no more than six (6) days per week, with operating hours not to exceed 7:00 AM until 7:00 PM.

2. Appeal Period. Pursuant to the requirements of the Zoning Regulations, you are hereby notified that this project is not valid until the expiration of the ten (10) day appeal period from the date of the Planning Commission's final action on the project (August 19, 2024 at 5:00 PM).
3. Defense and Indemnity Agreement. Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department the attached Defense and Indemnity Agreement. No further permits or approvals shall be issued for the project, unless and until the applicant has fully complied with this condition.
4. Expiration Date. All Conditions of Approval shall be completed within three (3) years from the effective date of the approval of the project (PLN23-0054; CUP23-0004; EIS24-0004) unless an extension of time for reasonable cause is requested prior to the expiration date and granted by the Board of Supervisors pursuant to Section 12.05.100 of the Nevada County Zoning Regulations (August 19, 2027).
5. Hours of operation for the sawmill facility are limited to the hours of 7 A.M. to 10 P.M., Monday through Saturday. The boiler and kilns are allowed to operate for 365 days per year and 24 hours per day.
6. Design of the buildings shall be in substantial conformance to that authorized in this approval, as represented on the approved building elevations kept in the Planning File. All final building plans shall represent the following design details: color, materials, and architectural features as described in the project staff report, or as may be modified at the public hearing and kept on file with the Planning Department. No design shall be permitted to have bright jarring colors or intense white color.
7. Lighting included in this approval is subject to conformance with Zoning Regulations Section 12.04.108. High pressure sodium, and mercury vapor light fixtures are prohibited, and flood lights and spotlights are prohibited. All proposed exterior lighting shall be shown on building plans. All exterior lighting shall be screened and directed downward to prevent off-site spill and night sky pollution. Lighting systems, other than signs, shall include dimmers, occupancy sensors, time controls or separate circuits, to allow sections of the lighting to be turned off as needed. All exterior security lighting shall utilize motion or heat sensors between 10 P.M. and 7 A.M. All exterior lighting shall be maintained as approved and installed.

8. The project signage shall be designed and maintained consistent with the preliminary sign plan kept on file with the Planning Department. No signage shall be permitted to have internally illuminated features.
9. All trash and recycling areas shall be contained within a screened enclosure, protected from adverse weather conditions, and accessible to the solid waste collection equipment. Said enclosures shall be built with compatible building materials and colors as used with the school facility, and shall conform to Section 12.04.111 of the Zoning Regulations.
10. The native vegetation on the project site shall be maintained or replaced to provide the same practical effect as the landscaping requirements of Section 12.04.107 of the Zoning Regulations. Landscaping shall be maintained along street frontages and along property lines of abutting residential properties. Prior to issuance of any grading or building permits, the applicant shall provide photographic evidence to the Planning Department for review and approval demonstrating the retained native vegetation provides the same practical effect as the landscaping requirements defined in Section 12.04.107 of the Zoning Regulations.
11. Parking areas shall be constructed in accordance with the design standards of Section L-II 4.2.9 of the Land Use and Development Code (LUDC), including surfacing, curbing, slope, drainage, back-out area, driveway/aisle widths, and parking stall sizes. The project site plan shows eleven (11) spaces and one of which is an ADA accessible space for the sawmill facility and garages for the residential component. Final plans should be in substantial conformance with approved site plans and maintained for the life of the project. All parking areas shall be maintained free of flammable vegetation and consist of surfacing capable of supporting a 75,000-pound vehicle.
12. Prior to the final inspections for building permits and prior to any commercial operations, the applicant shall submit evidence to the Planning Department certifying that Code Compliance File CC23-0090 has achieved compliance and a Closed status from the Code Compliance Division.
13. Prior to the final inspections for building permits, the applicant shall contact the Planning Department for a field inspection to verify all Conditions of Approval and ordinance requirements have been satisfied. Fees for such inspection shall be applicable on the project-building permit or at the time of request if no building permit is required.
14. **Mitigation Measure 1A: Minimize reflectivity and glare from building materials.** All potentially reflective building materials and surfaces shall be painted or otherwise treated to minimize reflectivity. Any mechanical equipment, air conditioning units, heating units, gutters, screens, vents or flashing placed on the roof of any structure shall be painted to prevent glare. All glass used on external building walls and the proposed water tank shall be low reflectivity. This condition shall be shown on all improvement/building plans prior to permit issuance.

***Timing:** Prior to issuance of grading/improvement/building permits and throughout operation.*

***Reporting:** Approval of future grading/improvement permit*

***Responsible Agency:** Planning Department and Building Department*

15. **Mitigation Measure 4A: Sierra Nevada Snowshoe Hare.** The following note shall be added to all improvement/grading/construction plans:
 - a. Avoidance. If feasible, construction will be completed entirely outside the snowshoe hare breeding season, or between September 1 and the end of February. If this mitigation measure is implemented, no other measures for snowshoe hares are required.
 - b. Pre-construction Surveys. If the project must be constructed wholly or in part during the snowshoe hare breeding season, a Nevada County prequalified biologist shall survey the proposed impact area(s) for active hare nests within seven days prior to the start of breeding season construction activities.
 - c. Establish Buffers. Should any active hare nests be discovered in or near proposed impact areas, a Nevada County prequalified biologist shall identify suitable construction free buffers around the nests.

The buffers will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the nests are no longer active.

- d. Monitoring. Active snowshoe hare nests in or near construction zones will be monitored by a Nevada County prequalified biologist a minimum of once per week to ensure that construction-free buffers are adequately protecting the affected hares, and to identify any additional avoidance and minimization measures that may be necessary. The monitoring effort will continue until the nests are no longer active or until construction is complete, whichever comes first.

Timing: Prior to issuance of grading/improvement/building permits and throughout construction.

Reporting: Approval of future grading/improvement permit

Responsible Agency: Planning Department and Building Department

16. **Mitigation Measure 4B: Nesting raptors and migratory birds.** The following note shall be added to all improvement/grading/construction plans:

- a. Avoidance. If feasible, construction will be completed entirely outside the avian nesting season, or between September 1 and January 31. If this mitigation measure is implemented, no other measures for nesting birds are required.
- b. Nest Surveys. If the project must be constructed wholly or in part during the avian nesting season (February 1 - August 31), a Nevada County prequalified biologist shall conduct pre-construction surveys for active raptor and migratory bird nests within 10 days prior to the start of nesting season construction activities. Nest surveys will encompass the project site and surrounding lands within ¼ mile for the northern goshawk and all other nesting birds. Nest surveys will be repeated every 10 days until the completion of all project-related vegetation clearing and grading activities.
- c. Establish Buffers. Should any active nests be discovered in or near proposed construction zones, a Nevada County prequalified biologist shall identify suitable construction-free buffers around the nests. The buffers will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged and are no longer reliant on the nest or parental care for their survival.
- d. Monitoring. Active nests in or near construction zones shall be monitored by a Nevada County prequalified biologist a minimum of once every week to ensure that construction-free buffers are adequately protecting the affected birds, and to identify any additional avoidance and minimization measures that may be necessary. The monitoring effort will continue until the nests are no longer active or until construction is complete, whichever comes first.

Timing: Prior to issuance of grading/improvement/building permits and throughout construction.

Reporting: Approval of future grading/improvement permit

Responsible Agency: Planning Department and Building Department

17. **Mitigation Measure 4C: Maternity Roosting Bats.** The following note shall be added to all improvement/grading/construction plans:

- a. Avoidance. If feasible, tree and snag removal will be conducted entirely outside of the bat maternity season, or between September 1 and April 14. If this mitigation measure is implemented, no other measures for roosting bats are required.
- b. Pre-construction Surveys. If tree and snag removal must occur during the maternity season (April 15 - August 31), a Nevada County prequalified biologist shall conduct pre-construction surveys for active maternity roosts within 10 days prior to any such activities. The surveys will encompass all large trees and snags proposed for impact. The biologist will look for individuals, guano, and staining around cavity openings, and will listen for bat vocalizations. If necessary, the biologist will wait for nighttime emergence of bats from roost sites. If no active maternity roosts are found within the survey area, no further mitigation is required.
- c. Establish Buffers. Should any active maternity roosts be discovered in trees or snags proposed for impact, the Nevada County prequalified biologist shall identify a suitable construction-free buffer around the roost site. The buffer will be identified on the ground with flagging or fencing, and will be maintained until a qualified biologist has determined that the nursery is no longer active.
- d. Monitoring. Active maternity roosts shall be monitored by a Nevada County prequalified biologist a minimum of once every week to ensure that construction-free buffers are adequately protecting the

affected colonies, and to identify any additional avoidance and minimization measures that may be necessary. The monitoring effort will continue until the bats have dispersed or until construction is complete, whichever comes first.

Timing: Prior to issuance of grading/improvement/building permits and throughout construction.

Reporting: Approval of future grading/improvement permit

Responsible Agency: Planning Department and Building Department

18. Mitigation Measure 4D: Provide Copies of Permit Conditions/Mitigation Measures to Contractors.

To ensure the proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and any other permit requirements to the contractors prior to grading and construction.

Timing: Prior to issuance of grading/improvement/building permits.

Reporting: Approval of future grading/improvement permit

Responsible Agency: Planning Department and Building Department

19. Mitigation Measure 4E: Western bumblebee. The following note shall be added to all improvement/grading/construction plans:

- a. Avoidance. If feasible, construction will be completed entirely outside the flying season, or between September 1 and February 28. If this mitigation measure is implemented, no other measures for western bumblebees are required.
- b. Surveys. Within 1 year prior to vegetation removal and/or the initiation of construction, a qualified biologist familiar with western bumble bee behavior and life history shall conduct surveys to determine the presence/absence of the species. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between approximately March 1 to September 1. Survey results including negative findings shall be submitted to the CDFW upon completion.
- c. Permitting. Should any active nests be discovered in or near proposed construction zones, the applicant shall receive a CESA Section 2080 Incidental Take Permit from the California Department of Fish and Wildlife, if required.

Timing: Prior to issuance of grading/improvement/building permits and throughout construction.

Reporting: Approval of future grading/improvement permit

Responsible Agency: California Department of Fish and Wildlife, Planning Department and Building Department

20. Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Human Remains or Cultural Resources are Discovered during Project Construction. All grading and construction plans shall include the note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following:

Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 100 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law and Mitigation Measure 18A.

Timing: Prior to issuance of grading/improvement/building permits and throughout construction.

Reporting: Approval of future grading/improvement permit

Responsible Agency: Planning Department and Building Department

21. **Mitigation Measure 7A: Halt Work and Contact the Appropriate Agencies if Paleontological Resources or Unique Geological Features are Discovered during Project Construction.** All grading and construction plans shall include the note outlining the requirements provided below to ensure that any paleontological or geological resources discovered during project construction are properly managed. These requirements including the following:

Any person who, in the process of project activities, discovers any fossils, paleontological resources, or unique geological features within the project area, shall cease from all project activities within at least 100 feet of the discovery. A qualified paleontologist or geologist shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment.

Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*

Reporting: *Approval of future grading/improvement permit*

Responsible Agency: *Planning Department and Building Department*

22. **Mitigation Measure 13A. Limit Potential Noise Impacts:** The following note shall be included on all future grading, improvement, and building permits:

- a. Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the daytime hours of 7 AM and 7 PM daily.
- b. Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- c. When not in use, motorized construction equipment shall not be left idling for more than 5 minutes.
- d. Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts.
- e. Operational activities shall be limited to between the daytime hours of 7 AM and 10 PM daily.

Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department and Building Department*

23. **Mitigation Measure 13B. Limit Heavy Truck Trips to Daylight Hours Only (7AM-7PM):** The following note shall be included on all future grading, improvement, and building permits:

- a. Heavy truck trips shall be limited to between the daytime hours of 7 AM and 7 PM daily.
- b. The operation is required to provide mufflers which meet the standards of the California Highway Patrol on all trucks belonging to the operator and used on public roadways.

Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department and Building Department*

24. **Mitigation Measure 18A: Unanticipated Tribal Cultural Resources.** If any suspected Tribal Cultural Resources (TCRs) are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074). The Tribal Representative will make recommendations for further evaluation and treatment as necessary.

When avoidance is infeasible, preservation in place is the preferred option for mitigation of TCRs under CEQA protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. Culturally appropriate treatment may be, but is not limited to, processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location within the project area where they will not be subject to

future impacts. Permanent curation of TCRs will not take place unless approved in writing by the California Native American Tribe that is traditionally and culturally affiliated with the project area.

The contractor shall implement any measures deemed by the CEQA lead agency to be necessary and feasible to preserve in place, avoid, or minimize impacts to the resource, including, but not limited to, facilitating the appropriate tribal treatment of the find, as necessary. Treatment that preserves or restores the cultural character and integrity of a TCR may include Tribal Monitoring, culturally appropriate recovery of cultural objects, and reburial of cultural objects or cultural soil. Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of the CEQA, including AB52, have been satisfied.

***Timing:** Prior to Issuance of grading/improvement/building permits and throughout construction*

***Reporting:** Planning Department Approval of Grading and Construction Permits*

***Responsible Agency:** Planning Department & California Native American Tribes*

25. **Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste.** Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the Eastern Regional Landfill and if encountered, shall be properly disposed of in compliance with existing regulations and facilities. Inert waste, such as rock or concrete should be retained "on-site" and incorporated into the development as much as possible. Such methods shall be noted on the grading and improvement plans.

***Timing:** Prior to Issuance of grading/improvement/building permits and throughout construction*

***Reporting:** Planning Department Approval of Grading and Construction Permits*

***Responsible Agency:** Planning Department and Building Department*

B. BUILDING DEPARTMENT

1. Complete grading, erosion control, construction, and utility plans shall be submitted for review at time of building/grading permit submittals in conformance with Nevada County Land-Use Code Chapter V.
2. Complete mill equipment specifications including seismic anchorage and electrical plans.
3. 2 sets of wet stamped/signed complete geotechnical evaluation reports shall be submitted at time of building/grading permit submittals.
4. A State Storm Water Pollution Prevention Plan (SWPPP) permit shall be obtained and submitted at time of grading plan submittal.
5. Complete drainage calculations shall be provided at time of grading plan submittals.
6. A special inspection agreement shall be completed and included at time of construction plan submittal for all required project special inspections.
7. Disabled accessible parking shall be provided with paths of travel to building entrances based on the overall number of parking spaces provided. Routes of travel shall connect all facilities and amenities throughout the site.
8. Commercial structures shall be designed to meet disabled accessibility standards in accordance with Chapter 11B of the California Building Code.
9. Temporary and permanent bike parking spaces shall be provided by the total number of parking spaces provided per the CA Green Building Standards Code.

10. Clean air/EV/vanpool parking spaces shall be provided based on the overall number of parking spaces provided per the CA Green Building Standards Code. The surface of these spaces shall be constructed of concrete or asphalt.
11. Plans shall indicate the accommodation for the installation of required elements for the future installation of Electric Vehicle (EV) charging stations per CA Green Building Standards Code 5.106.5.3. A minimum number of future EV charging stations shall be provided per this code. A minimum number of these spaces shall be designed to meet requirements for a van accessible parking space and a minimum of spaces shall be designed to meet the requirements for a standard disabled accessible parking space per Chapter 11B of the California Building Code.
12. A complete code analysis shall be provided for the buildings showing allowable area, height, fire protection components, non-separated/separated uses, property setbacks, etc.
13. Building shall have exterior fire rated/listed assemblies per locations on property in compliance with the California Building Standards Codes.
14. A plumbing fixture analysis/calculation shall be provided for all structures showing the minimum number/type of plumbing fixtures required for the building uses per the CA Plumbing Code.
15. The project shall meet all ignition resistant Wildland Urban Interface (WUI) construction requirements per Chapter 7A of the CA Building Code.
16. The landscaping on the site shall be designed to meet the state model water efficient landscape ordinance (MWELo) requirements. Complete plans, details and calculations shall be provided by a licensed landscape architect indicating compliance.
17. **Mitigation Measure 3E: Provide energy-efficient utilities.** Improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit: The project shall use energy efficient lighting (includes controls) and process systems beyond Title 24 requirements (e.g. water heating, furnaces, boiler units, etc.).

Timing: Prior to issuance of grading/improvement/building permits and throughout operation.

Reporting: Approval of future grading/improvement permit

Responsible Agency: Planning Department

C. DEPARTMENT OF PUBLIC WORKS

1. Prior to final building inspection, roads shall be improved to the following standards and shall meet Chapter 10: Road Standards, Road Design Standards:
 - a. Internal Road shall meet Fire Standard Access Road Standards - 20' Wide w/ 2' Shoulders.
 - b. Klondike Flat Road shall be improved to meet Two-Way Fire Safe Access Road Standards, per Std Dwg C-1.
2. Prior to final building inspection, the applicant's engineer shall certify that any required improvements have been completed in conformance with the applicable standards.
3. Prior to any work within the right of way, the applicant shall obtain an encroachment permit from the County, which includes a Traffic Control Plan showing all public roadways where work is to be performed and indicates each stage of work, closure dates for street and section of closure (if necessary and otherwise allowed by local jurisdiction), signage, flaggers, and any other pertinent information. The Traffic Control Plan shall be reviewed and approved by the County before the contractor begins work. Caltrans encroachment permit will be required for improvements to encroachment at SR 89.

4. The driveway access from Klondike Flat Road must conform to the County's Commercial Approach standards in the Land Use and Development Code, as shown in the County's Standard Drawings. Compliance with the standards must be shown on plans.
5. Prior to application completeness, the applicant shall provide preliminary grading and drainage plans with an accompanying analysis prepared by a registered civil engineer that demonstrate no net stormwater runoff from the proposed project. The drainage analysis shall meet all requirements of Article 5, "Storm Drainage" of the Nevada County Land Use and Development Code Section L-XVII. This shall include a hydraulic analysis of the project drainage system including culvert sizing, invert elevations, design storm freeboard and detention pond sizing. The hydrologic analysis shall include an analysis of post-development peak runoff versus pre-development peak runoff at all points exiting the development. Include in the grading plan grading for structures, parking areas and detention ponds.
6. Dischargers whose project disturbs one or more acres or where projects are less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, shall be required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit shall require the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).
7. The project is required to obtain coverage under either the General Permit for Storm Water Discharges Associated with Industrial Activities (General Permit), Order No. 2014-0057-DWQ (NPDES No. CAS000001) or the Timberland Management Activities on Non-Federal and Federal Lands General Order No. R5-2017-0061. Industrial activity subject to this permit includes earth disturbance, clearing, grading, grubbing, stockpiling, and excavation. The Industrial General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Applicant shall provide the Waste Discharge ID to the Department of Public Works after obtaining coverage under the appropriate Order.
8. Pursuant to General Plan Policy 11.6A, commercial and industrial development of 1 acre or greater in size must provide oil, grease and silt traps. The applicant shall provide for oil, grease, and silt traps designed by a registered civil engineer in the site plans and shall demonstrate that a legally enforceable mechanism for long-term maintenance of such facilities has been provided pursuant to General Plan Policy 3.19C.
9. Pursuant to General Plan Policy 3.19C, the applicant shall maintain all drainage facilities constructed as part of the project through a permanent, legally enforceable mechanism such as, but not limited to, a CSA, CSD, or recorded covenant. Prior to grading or improvement permit issuance, the applicant shall demonstrate that a legally enforceable mechanism for long-term maintenance of such facilities has been provided.
10. Prior to issuance of any building permits, the applicant shall pay appropriate traffic impact fees proportional to 39 ADTs based on the latest fee schedule adopted by the Nevada County Board of Supervisors at time of building permit for trips generated by the project.
11. Driveways and parking lot circulation shall be designed to fire safe road standards. Prior to issuance of the grading permit, a truck turning analysis shall be completed for ingress and egress to the project site along with internal circulation areas to ensure that the larger of fire trucks or delivery vehicles can successfully navigate the project site.
12. Landscaping and all other improvements for roads required to meet County standards shall be designed, installed, and maintained to ensure that driver sight distance is sufficient. No improvements other than maintainable landscaping shall be permitted in the County right of way.

13. Indicate on the site plan the location of any existing or proposed lighting. Public Works will require that any proposed lighting be shielded and directed away from rights-of-way to prevent any light and glare trespass that could result in safety issues for passing motorists.
14. Prior to issuance of the grading permit, identify all easements and utilities on and adjacent to the site on the site plan.
15. The developer shall establish a Permanent Road Division (PRD) for maintenance of proposed roadways and other infrastructure, including storm water facilities, or provide a road agreement or annex to a maintenance entity for Klondike Flat Road.
16. Prior to building permit issuance, the applicant shall provide either a) conformance with Waste Management's standard of 50 feet of backout between trash enclosures and parking and building areas, or, if that cannot be met, b) documentation of Waste Management's approval of the location of the waste and recycling bins shown on the site plan. The trash bin shall be placed within a solid screen enclosure constructed of materials and colors compatible with the building style, at least one foot higher than the receptacle.
17. Street signs shall be of the type and size as shown in the Nevada County Standard Drawings. A street sign installation with four sign plates on each post is required at each intersection. The location of street sign installations shall be shown on the improvement plans.
18. Stop signs, speed limit signs and other traffic control signs shall be of the size and type and shall be installed in locations that are in conformance with the State of California, Department of Transportation Traffic Manual and as required and approved by the Engineer.
19. Nevada County has an exclusive franchise agreement with Tahoe Truckee Disposal Company, Inc., A California Corporation (DBA, Tahoe Truckee Sierra Disposal or TTSD), for collection and transport of all franchise material, including green waste, generated within Eastern Nevada County. Therefore, applicant shall agree to the following terms:
 - a. If accepting material from residential or commercial customers, material processed on site must either be self-hauled by customers (i.e. delivered by a person or entity directly to the disposal facility), or any hauling service provided by the applicant must be incidental to another service provided (i.e. gardening, landscaping, tree trimming, cleaning, maintenance, etc.); and
 - b. Applicant shall not haul materials solely for the purpose of hauling and/or removal of debris from residential or commercial customers; and
 - c. Persons or entities providing hauling incidental to another service cannot subcontract any portion of the self-haul to the applicant or an affiliate; and
 - d. Applicant shall not sell, loan or rent bins or carts or other containers or provide a bin or cart collection service to residential or commercial customers. Any violation of the above terms may result in civil actions or revocation of use permits or other entitlements granted by Nevada County. In addition, the applicant shall indemnify and hold harmless the County from any action arising from said violations.

D. NEVADA COUNTY OFFICE OF THE FIRE MARSHAL/CALFIRE

1. All roads will meet Nevada County Road Standards, to and including required widths, weight ratings, radius(s), shoulders, markings, signage, and vegetation clearance.
2. Prior to final approval, all structures located on all developed parcels shall comply with the following:
 - a. Vegetation clearance around structures shall meet the minimum requirements of Public Resources Code Section 4291. Structures shall have a maintained Defensible Space/Fuel Reduction Zone by removing, limbing, and/or thinning trees, brush, flammable vegetation, or combustible growth no less than 100 feet from structures or to the property line, whichever is closer to prevent the transmission of fire. This is not a requirement to clear all vegetation from the property. Such thinning or removal of vegetation does not apply to individual isolated trees, ornamental shrubbery or ground cover plants

unless such vegetation forms a means of rapidly transmitting fire from ground vegetation to canopy trees.

- b. Create and maintain a 10-Foot-wide vegetative fuel modification zone along both sides of the driveway, measured from the shoulder, by removing any vegetation that contributes to a significant risk of fire.
3. The Fire District has adopted development fees for new construction and fees for services provided by the Department of Fire Prevention and shall be paid at the time services are rendered. The Fire District's approval of this application is not valid until all plan review fees have been paid.
4. Ensure all Fire Related site plan features are met as they will be inspected prior to final. All meetings and inspections require a minimum of 48-hours advance request.
5. **Mitigation Measure 2A: Obtain a Timber Conversion Permit and Timber Harvesting Plan if required by CAL FIRE.** Prior to any tree removal and the issuance of grading and improvement permits for the proposed project, the applicant shall obtain a Timber Conversion Permit and Timber Harvesting Plan by CAL FIRE and provide evidence of the permits to the Planning Department.

Timing: Prior to issuance of grading/improvement/building permits.

Reporting: Approval of future grading/improvement permit

Responsible Agency: Planning Department

E. ENVIRONMENTAL HEALTH DEPARTMENT

1. Prior to issuance of grading, building, or improvement permits, the applicant shall obtain written approval from Lahontan Water Quality Control Board and CalRecycle stating the Removal Action Workplan has been approved. The Lahontan Regional Water Quality Board has determined the site it is an illegal dump site and is subject to an investigative order under California Water Code section 13267 or a cleanup and abatement order under California Water Code section 13304. The Lahontan Water Quality Control Regional Board is designated at the Lead Agency per Department of Toxic Substance Control (DTSC) certified lead agency requirements.
2. Prior to any ground disturbance, the applicant shall obtain a written Clean Closure Certification from Lahontan Regional Water Quality Control Board with concurrence from CalRecycle and the Nevada County Environmental Health Department stating the Removal Action Workplan has been successfully implemented. In addition, the applicant shall obtain an Air Quality permit for Soil Aeration/Remediation from the Northern Sierra Air Quality Management District prior to any ground disturbance.
3. Construction projects that involve more than one acre of ground disturbance must obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order WQ-2022-0057-DWQ (see correspondence from Robert Tucker, LRWQCB, to owner dated October 12, 2023). Following the construction project, the facility for the sawmill operation must obtain coverage under the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities, Order Nos: WQO-2014-0057, WQO-2045-0122-DWQ, and WQO-2018-0028-DWQ (2014 Water Quality Orders | California State Water Resources Control Board) or (2018 Water Quality Orders | California State Water Resources Control Board).
4. EH22-0622 septic permit was submitted for the Sawmill. Each of the three centralized systems will require a separate septic permit submittal. All four (4) septic systems are required to be issued and receive final inspections prior to building construction.
5. The applicant shall obtain a Small Domestic Water Supply Permit from this Department. Submit a major drinking water plan check, along with applicable fees, to begin the permitting process. Please reference the guidelines for a new public water system to get more information regarding the drinking water plan

check submittal requirements. The Small Domestic Water Supply Permit required to be issued and receive final inspections prior to final occupancy of structures.

6. The proposed project shall comply with applicable regulations which are enforced by Nevada County Department of Environmental Health (NCDEH) as the Local Enforcement Agency (LEA) pertaining to the storage and management of solid wastes (Title 14, California Code of Regulations (14 CCR), Title 27, California Code of Regulations (27 CCR) & Nevada County Code).

Pursuant to Nevada County Code "All solid wastes shall be stored, collected, utilized, treated, processed, and disposed of in such a manner that a health hazard, public nuisance, or impairment of the environment shall be kept within State and local standards. All solid wastes shall be disposed of at disposal site approved by the County." A description of solid waste handling and disposal procedures should be provided to Nevada County Environmental Health.

Green waste, chipping and grinding and/or processing green waste for a biomass operation is subject to these regulations. Applicant would need to contact the Local Enforcement Agency (LEA, Nevada County Environmental Health) for solid waste program requirement information.

7. The sawmill operation will likely generate hazardous waste including but not limited to used oil (non-RCRA Hazardous Waste per CA Health and Safety Code, Division 20, Chapter 6.5, Article 13), equipment maintenance wastes and emission control wastes from the wood fired boiler system. Please be advised that the operator shall comply with waste determination requirements in the California Code of Regulations, Title 22, Chapter 12, Section 66262.11.

8. **Mitigation Measure 9A: Halt Work and Contact the Appropriate Agencies if Solid Waste is Discovered during Project Construction.** The extent of the existing waste disposal site and 100-foot setback thereto shall be delineated as a Non-Disturbance Area on all future improvement/grading/construction plans associated with this project. All grading and construction plans shall include the note outlining the requirements provided below to ensure that any waste discovered during project construction are properly managed. These requirements including the following:

Any person who, in the process of project activities, discovers any waste including sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal shall cease from all project activities on the project site. The Lahontan Regional Water Quality Control Board as the Local Enforcement Agency and the Nevada County Department of Environmental Health shall be notified to assess any discoveries and develop appropriate management recommendations for waste treatment and site cleanup.

Timing: *Prior to issuance of grading/improvement/building permits and throughout construction.*

Reporting: *Approval of future grading/improvement permit*

Responsible Agency: *Planning Department, Environmental Health Department, and the Lahontan Regional Water Quality Control Board*

F. TRUCKEE FIRE PROTECTION DISTRICT

1. The Fire District routinely adopts and amends the California Fire Code. New developments are required to comply with the locally adopted and amended Fire Code that is in effect at the time the project is permitted. Complete plans must be submitted to the Fire District for review and approval Plan Review — Truckee Fire Protection District. The developer will be responsible for plan review fees for both in house plan reviews as well as third party plan reviews conducted to ensure compliance with the locally adopted fire code. The developer is required to comply with the Fire District's interpretation of the Fire Code as the authority having jurisdiction. Some typical interpretations include: providing Knox key box access for building control rooms and gates, providing markers, snow removal, and vehicle impact

protection for fire hydrants, providing and maintaining pre-fire safety plans for Fire District use and, limiting vertical combustible construction prior to completion of an emergency water supply.

- a. Inspections can be scheduled at Inspections — Truckee Fire Protection District
 - b. Sprinkler plans can be submitted as a deferred submittal to EFS Engineered Fire Systems, Inc.
2. The Fire District has adopted a capital facilities mitigation program that applies to new developments. This project is unique in that fire protection funding generated from the proposed development may not accurately represent the values at risk or impacts to service delivery related to the development. Prior to building permit issuance, the applicant shall either (1) complete an annexation of the subject property into the TFPD jurisdiction approved by the Nevada County Local Formation Commission (LAFCo), or (2) enter into an Out of Area Service Agreement with TFPD approved by the Nevada County LAFCo.
 3. The developer is required to comply with the Fire District's currently adopted defensible space ordinance throughout the life of the project. The Zone 0 "ignition resistant zone" will be in effect after January 1st 2023 for new construction and January 1st 2024 for existing construction. A vegetation management plan that addresses the creation and continued maintenance of defensible space around the entire project area will be required.

G. CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL

1. All imported soil and fill material shall be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs) for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in the Preliminary Endangerment Assessment Guidance Manual for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting DTSC's Human and Ecological Risk Office (HERO) webpage. All testing results shall be submitted to DTSC for further evaluation to determine future involvement. Please use the Unit's Inbox to submit the results and reference the project title and this comment letter in your response.
2. A Hazardous Waste Management Plan shall be incorporated into the project to segregate and dispose of any hazardous waste if encountered at the Site. Please coordinate with Kerri O'Keefe at the LRWQCB for guidance.
3. The project site is required to achieve a Clean Closure status granted by LRWQCB prior to any ground disturbing activities.

H. LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

1. Prior to issuance of grading, building, or improvement permits, and prior to any ground disturbance, the applicant shall obtain written approval from Lahontan Water Quality Control Board and CalRecycle stating the Removal Action Workplan has been approved.
2. Prior to final occupancy of any structure, the applicant shall obtain a written Clean Closure Certification from Lahontan Water Quality Control Board and CalRecycle stating the Removal Action Workplan has been successfully implemented.
3. Construction projects that involve more than one acre of ground disturbance must obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order WQ-2022-0057-DWQ (see correspondence from Robert Tucker, LRWQCB, to owner dated October 12, 2023). Following the construction project, the facility for the sawmill operation must obtain coverage under the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities, Order Nos: WQO-2014-0057, WQO-2045-0122-DWQ, and WQO-2018-0028-DWQ

(2014 Water Quality Orders | California State Water Resources Control Board) or (2018 Water Quality Orders | California State Water Resources Control Board).

4. **Mitigation Measure 10A: Storm Water Pollution Prevention Plan (SWPPP).** Obtain a Storm Water Pollution Prevention Plan (SWPPP) from the Lahontan Regional Water Quality Control Board. Given that the project would disturb over one acre, the project applicant shall obtain permit coverage under the Construction General Order from the Lahontan Regional Water Quality Control Board and provide it to the Building Department prior to the onset of any construction activities and prior to issuance of grading and improvement permits. The project applicant shall obtain coverage under the Industrial General Order from the Lahontan Regional Water Quality Control Board and provide it to the Building Department prior to final inspection of improvement permits.

Timing: Prior to issuance of grading/improvement/building permits and throughout operation.

Reporting: Approval of future grading/improvement permit

Responsible Agency: Planning Department, Building Department, and LWQCB

I. CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

1. Any project along or within the State's ROW requires an encroachment permit that is issued by Caltrans. The applicant must provide necessary documents including but not limited to environmental, cultural resources, traffic operations and hydraulics and mitigate effects on the State's highway right of way. Facilities proposed within the State ROW necessitate a Maintenance Agreement with the local entity.
2. The development of this site will increase impervious surface area through the construction of roads, driveways, parking lots, buildings, etc. with a corresponding increase in surface water runoff. This project will decrease surface water detention, retention and infiltration. No net increase to 100-year storm event peak discharge may be realized within the State's highway right of way and/or Caltrans drainage facilities as a result of the project. Any cumulative impacts to Caltrans drainage facilities arising from effects of development on surface water runoff discharge from the 100-year storm event should be minimized through project drainage mitigation measures.
3. Increases in peak runoff discharge for the 100-year storm event to the State's highway right of way and to Caltrans' highway drainage facilities must be reduced to at or below the pre-construction levels. The cumulative effects on drainage due to development within the region should be considered in the overall development plan of this area.
4. All grading and/or drainage improvements must maintain or improve existing drainage pathways and may not result in adverse hydrologic or hydraulic conditions within the State's highway right of way or to Caltrans drainage facilities. The developer must maintain or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of storm water management Best Management Practices (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.). Once installed, the property owner must properly maintain these systems. The proponent/developer may be held liable for future damages due to impacts for which adequate mitigation was not undertaken or sustained.
5. Runoff from the proposed project that will enter the State's highway right of way and/or Caltrans drainage facilities must meet all regional water quality control board water quality standards prior to entering the State's highway right of way or Caltrans drainage facilities. Appropriate storm water quality Best Management Practices may be applied to ensure that runoff from the site meets these standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems in perpetuity.
6. All work proposed and performed within the State's highway right of way must be in accordance with Caltrans' standards and require a Caltrans Encroachment Permit prior to commencing construction.

7. Prior to commencing construction, apply for and receive an encroachment permit to relocate the existing speed limit sign and conduct vegetation management in order to improve sight distance at the Klondike Flat Road/SR 89 intersection.

J. NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

1. **Mitigation Measure 3A: Prepare a Dust Control Plan.** Prior to issuance of grading and improvement permits, submit a Dust Control Plan to 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, and gain their approval. The disturbance of natural surface area includes any clearing or grading. Include the approved Dust Control Plan on the project plans using clear phrasing and enforceable conditions, under its own heading. Provide evidence of NSAQMD approval to Nevada County with permit application submittal.

Timing: Prior to issuance of grading/improvement/building permits.

Reporting: Approval of future grading/improvement permit

Responsible Agency: NSAQMD and Planning Department

2. **Mitigation Measure 3B: Reduce emissions during construction.** The following are the minimum mitigation measures designed to help reduce project emissions related to construction, which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations.
 - a. During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes.
 - b. Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the District. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
 - c. Grid power shall be used (as opposed to diesel generators) for job site power needs during construction.
 - d. Temporary traffic control shall be provided during all phases of the construction to improve traffic flow as deemed appropriate by local transportation agencies and/or Caltrans.
 - e. Construction activities shall be scheduled to direct traffic flow to off-peak hours unless otherwise deemed infeasible by the District.
 - f. There shall be a limit of one wood-burning appliance per residence, and it shall be an EPA Phase II certified appliance. Also, each residence shall be equipped with a non-woodburning source of heat.

Timing: Prior to issuance of grading/improvement/building permits and throughout construction.

Reporting: Approval of future grading/improvement permit

Responsible Agency: NSAQMD and Planning Department

3. **Mitigation Measure 3C: Authority to Construct/Permit to Operate.** Building, altering, replacing, or operating the proposed source of air contaminants, shall require an Authority to Construct/Permit to Operate from the Air Pollution Control Officer, unless the Northern Sierra Air Quality Management District (NSAQMD) determines that such equipment is exempt from permitting or unless such equipment is currently registered with California Air Resources Board under the Portable Equipment Registration Program. The Authority to Construct shall be obtained at the same time as building permits and shall require the installation of a Selective Catalytic Reduction device or an alternative emissions control device or operational techniques pursuant to NSAQMD requirements. Prior to operation, an inspection shall be scheduled with the NSAQMD for the issuance of the Permit to Operate.

Timing: Prior to issuance of grading/improvement/building permits and throughout construction.

Reporting: Approval of future grading/improvement permit

Responsible Agency: NSAQMD and Planning Department

4. **Mitigation Measure 3D: Reduce Emissions during Light Industrial Land Use Activities.** The following are the minimum mitigation measures designed to help reduce project emissions related to

operational activities which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations.

- a. Mobile heavy equipment shall meet State engine-tier standards in effect at the time of operation.
- b. During operation, the operator shall minimize idling time to a maximum of 5 minutes for all diesel powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes.
- c. Alternatives to open burning of vegetative material will be used unless otherwise deemed infeasible by the District. Among suitable alternatives are chipping, mulching, or conversion to biomass fuel.
- d. Grid power shall be used (as opposed to diesel generators) for job site power needs during construction.

Timing: Prior to issuance of grading/improvement/building permits and throughout operation.

Reporting: Throughout operation.

Responsible Agency: NSAQMD and Planning Department

K. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

1. **Notice of Determination Fee.** Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee, currently \$2,916.75, must be paid as a condition of filing the Notice of Determination for this project. This fee must be submitted to the Planning Department within 5 days of the permit approval with the check made payable to the County Clerk, County of Nevada. Without payment of this fee, the 30-day Statute of Limitations on court challenges to this project's approved environmental document will remain open, which could affect the permit validity. This fee is required to be collected on behalf of the State Department of Fish & Wildlife.

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's decision (deadline 5 p.m. on August 19, 2024).

Please find enclosed a Defense and Indemnification Agreement. Please sign this form and return within 15 days of project approval.

NEVADA COUNTY PLANNING DEPARTMENT

BRIAN FOSS, PLANNING DIRECTOR

By: Jodeana Patterson, Clerk to the Planning Commission

enc: Defense and Indemnification Agreement*
(*Applicant and Representative only)

cc: Project Applicant and Representative
Principal Planner
Building Department
Public Works Department
Office of the Fire Marshal
Environmental Health Department
Truckee Fire Protection District
California Department of Toxic Substances Control
Lahontan Regional Water Quality Control Board
Caltrans
Northern Sierra Air Quality Management District
California Department of Fish and Wildlife