



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

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Date: August 10, 2017
To: Nevada County Planning Commission
From: JD Trebec, Associate Planner
Subject: Northern Sierra Propane – PLN16-0072, DVP16-8, EIS16-0002
Proposed Change to Mitigation Measure/ Condition of Approval
Attachment: Revised Actions for Consideration

On August 9, 2017, staff received comments on the Northern Sierra Propane Development Permit application from the neighboring land owner, Kim Crevoiserat, requesting changes to the proposed Mitigation Measure/Condition of Approval regarding noise attenuation to include the increased wall height and noise limits of the previously approved Development Permit at the location. Although the previous project, a ten-unit industrial condo development with several loading bays, a higher number of employees, and possibly more intensive uses would likely have produced more noise than the current proposal; staff has reviewed the request and increased the conditioned wall height from six to eight feet to ensure maximum coverage of the wall to mitigate any potential noise.

The request for the imposition of Residential noise limits on the Industrial-zoned lot was not found as acceptable as noise limits are set by the General Plan and Land Use and Development Code (LUDC). In this case, LUDC Sec. L-II 4.1.7.D.4 sets the Exterior Noise Limits for the project parcel at 5 dBA above the Residential limits. The resulting limits of Leq 60 and Lmax 80 during business hours are still well below the Leq 80 and Lmax 90 allowed for Industrial-zoned land. It should be noted that the project parcel is also within the 55 and 60 dBA Airport Noise Contours. LUDC Sec. L-II 4.1.7.D.6 sets the allowable noise limit in areas where ambient noise exceeds standards at 5 dBA above the level of the ambient noise which in this case would again set the Leq limit at the 60 to 65 range. Given the established LUDC requirements and ambient noise levels, staff did not find it necessary to reduce noise levels to Residential levels on the Industrial lot.

The revised Mitigation Measure/Condition of Approval is as follows:

Condition A.16. Incorporate noise attenuation features to buffer neighboring residences (Mitigation Measure 12A). Prior to approval of grading or building permits, the project shall incorporate design controls that assist in minimizing potential long-term operational noise impacts on the adjacent residence to the east and south. The wall shall extend around the southeastern portion of the parking area enclosing all eight vehicle parking stalls. Sound protection features shall include a ~~six-foot~~ eight-foot wall of CMU block or the equivalent

sound dampening material. The final design shall be reviewed and approved by the Nevada County Planning Department, and if deemed necessary by the Planning Department, shall be reviewed for noise attenuation by a qualified noise specialist to ensure that noise will remain within levels allowable by the Nevada County Land Use and Development Code.

Timing: *Prior to issuance of the grading permits or building permits*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Nevada County Planning Department*

Pursuant to California Environmental Quality Act (CEQA) Section 15073.5(c) recirculation of the Mitigated Negative Declaration is not required because the Mitigation Measure is replaced with an equal or more effective measure pursuant to CEQA Section 15074.1 and a new finding to that effect has been added. The Environmental Action Findings were revised to reflect the proposed change, adding a finding that acknowledges the change and finds the change to be equivalent to or more effective than the original wording in that increased height of the wall and lower noise limits exceed the original mitigations.

If the Planning Commission approves the project, I recommend that you take the following revised Environmental Action followed by the project approval actions as outlined in the Staff Report.

REVISED FINDINGS AND ACTIONS FOR CONSIDERATION

Northern Sierra Propane PLN16-0072, DVP16-8, EIS16-0002

Environmental Actions

- I. After reviewing and considering the proposed Mitigated Negative Declaration (EIS16-0002), adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to Section 15074 of the California Environmental Quality Act Guidelines, and make Findings A through E D:
 - A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment;
 - B. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Planning Commission; and that the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels; and
 - C. That the changes made to Mitigation Measures 12A are equivalent to or more effective than the original proposed wording of this measure, and will not result in additional significant impacts that require recirculation of the proposed Mitigated Negative Declaration because the wording increases the height of the sound attenuating wall; and
- E D. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.