

Alpenglow Timber Use Permit & IS/MND Appeal

PLN23-0054; CUP23-0004; EIS24-0004

10375 Silverado Way
Truckee, CA

Nevada County Board of Supervisors
October 8, 2024

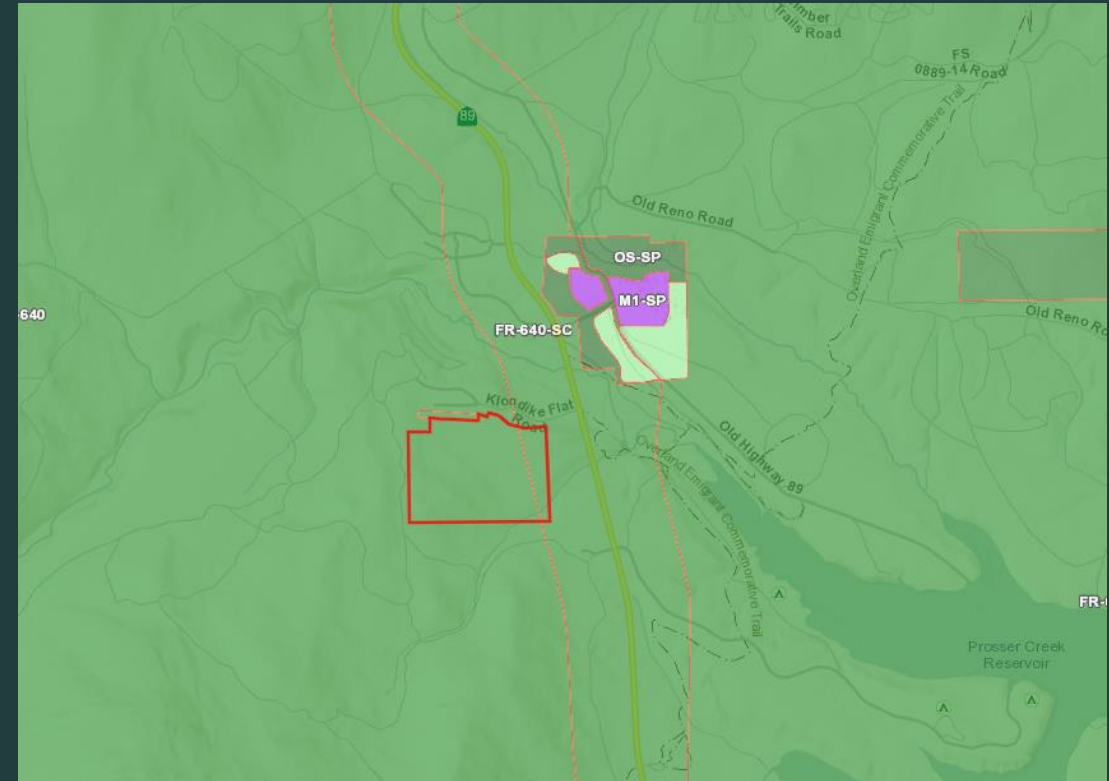


HEARING – PROJECT APPEAL

- The Nevada County Planning Commission approved (5-0) a Mitigated Negative Declaration and Use Permit on August 8, 2024, for the Alpenglow Timber Sawmill project
- Donald B. Mooney on behalf of Friends of Prosser Truckee filed an appeal on August 16, 2024
- Hearing to consider the Appeal
 - Project Description
 - Points of the Appeal
 - Recommendation

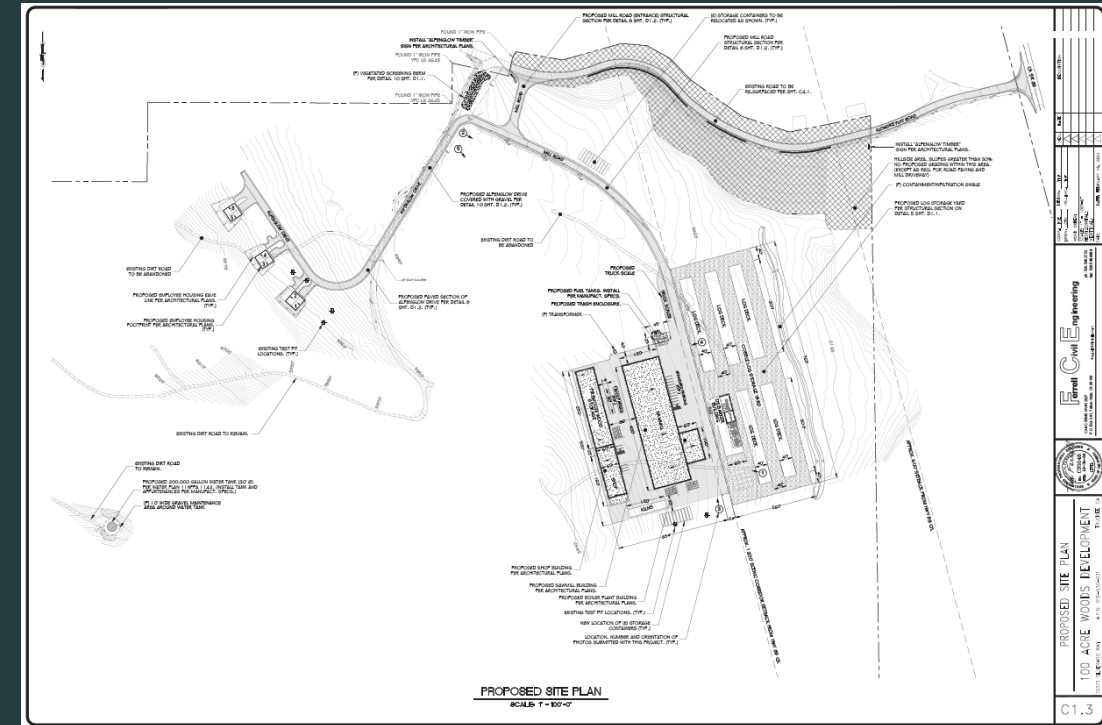
PROJECT SITE

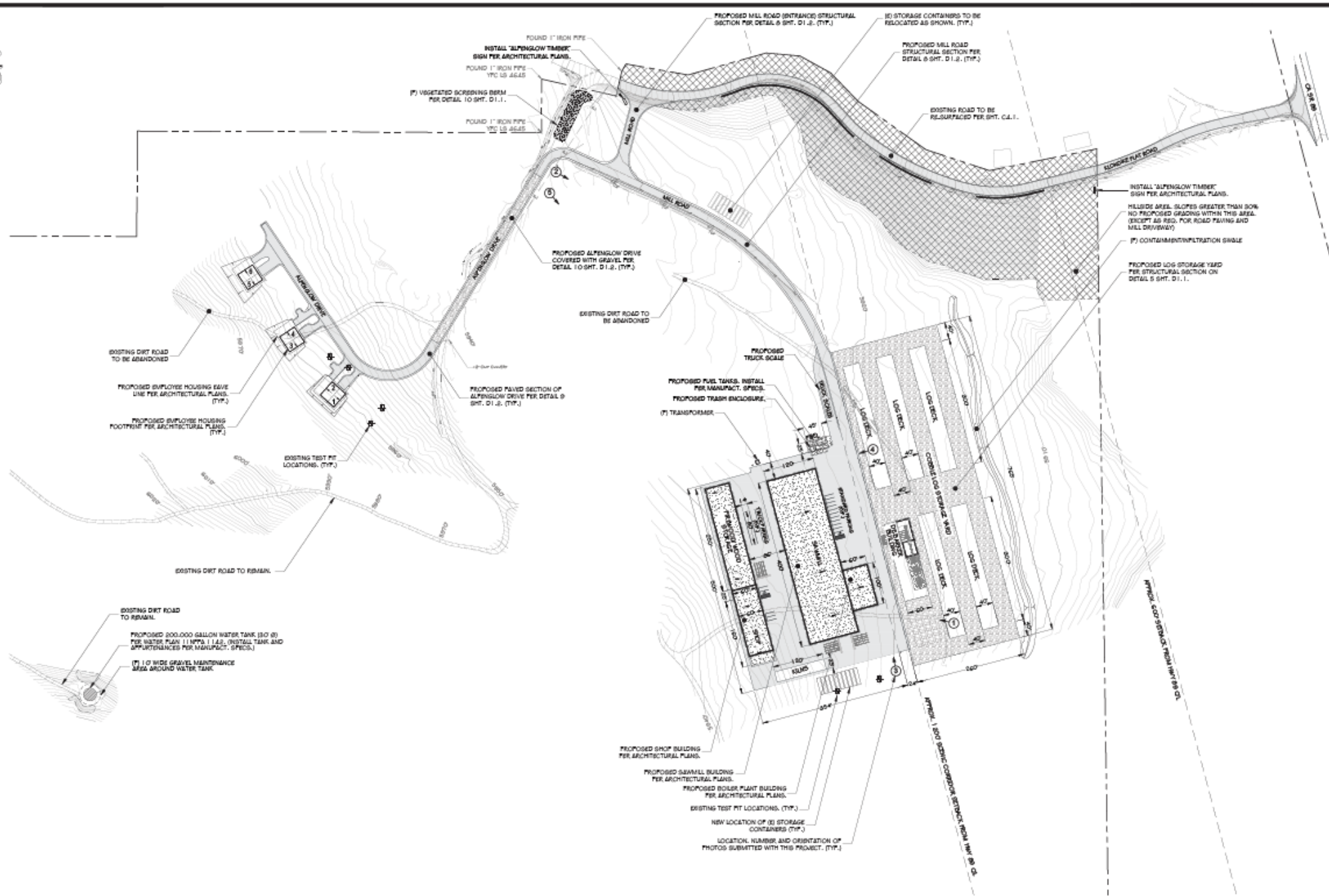
- **124.06-acre subject property**
 - Situated within USFS inholding
- **FOR-640 General Plan Designation**
- **FR-640-SC Zoning Designation**
 - Scenic Corridor Combining District
- **Surrounding properties are also designated as Forest**
 - Full-time and seasonal residential uses



PROJECT DESCRIPTION

- **Sawmill Facility Component**
 - Sawmill, firewood storage area, workshop, boiler plant, drying kilns, log deck, and associated infrastructure.
- **Residential Facility Component**
 - 6 units of State-Regulated Employee Housing within 3 duplexes
- **Supporting Infrastructure**
 - 200,000-gallon water tank, electricity extensions, and road improvements





PROPOSED SITE PLAN

SCALE: 1" = 100'-0"

PROPOSED SITE PLAN

100 ACRE WOODS DEVELOPMENT

10075 BLUEBIRD WAY A.P.N. 016-033-037

TEL: 310.444.4444



Ferrell Engineering
CIVIL ENGINEERING
10075 BLUEBIRD WAY
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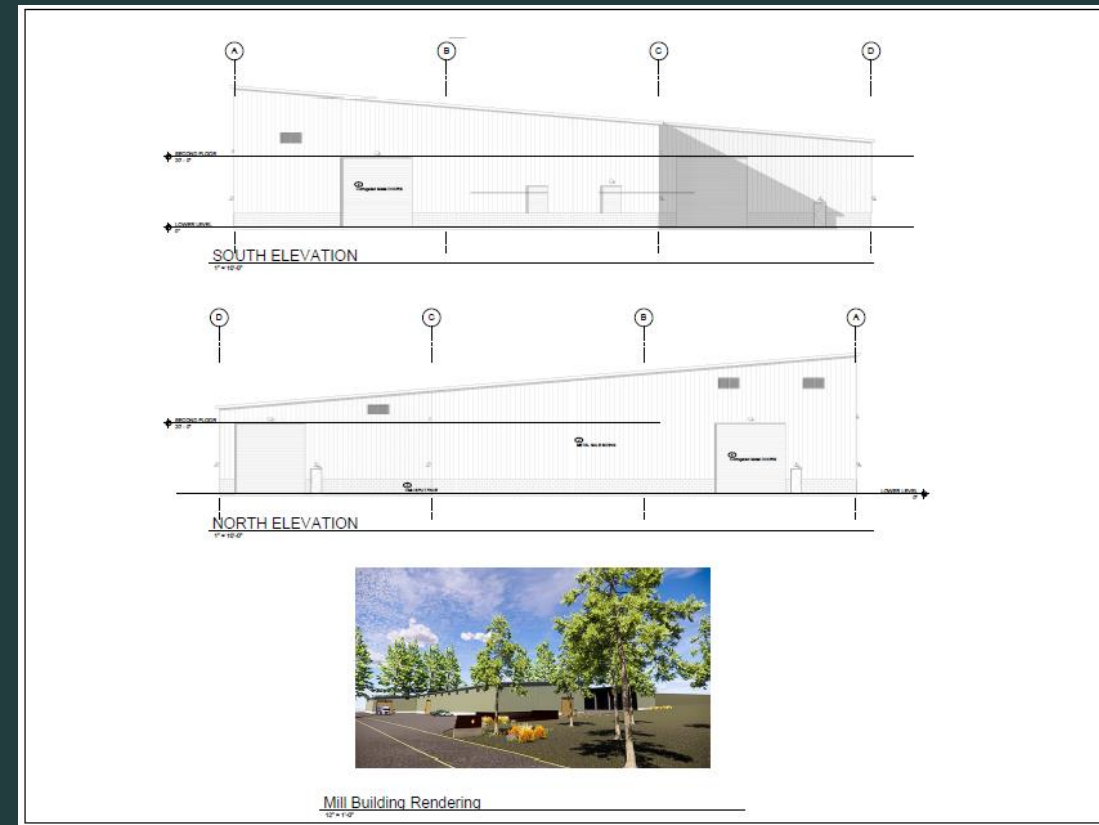
DATE: 10/15/2014
BY: J. FERRELL
CHECKED: J. FERRELL
SCALE: 1" = 100'-0"
SHEET: 1 OF 1

NO.	REVISION
1	ISSUED FOR PERMIT

PROJECT DESCRIPTION

SAWMILL FACILITY

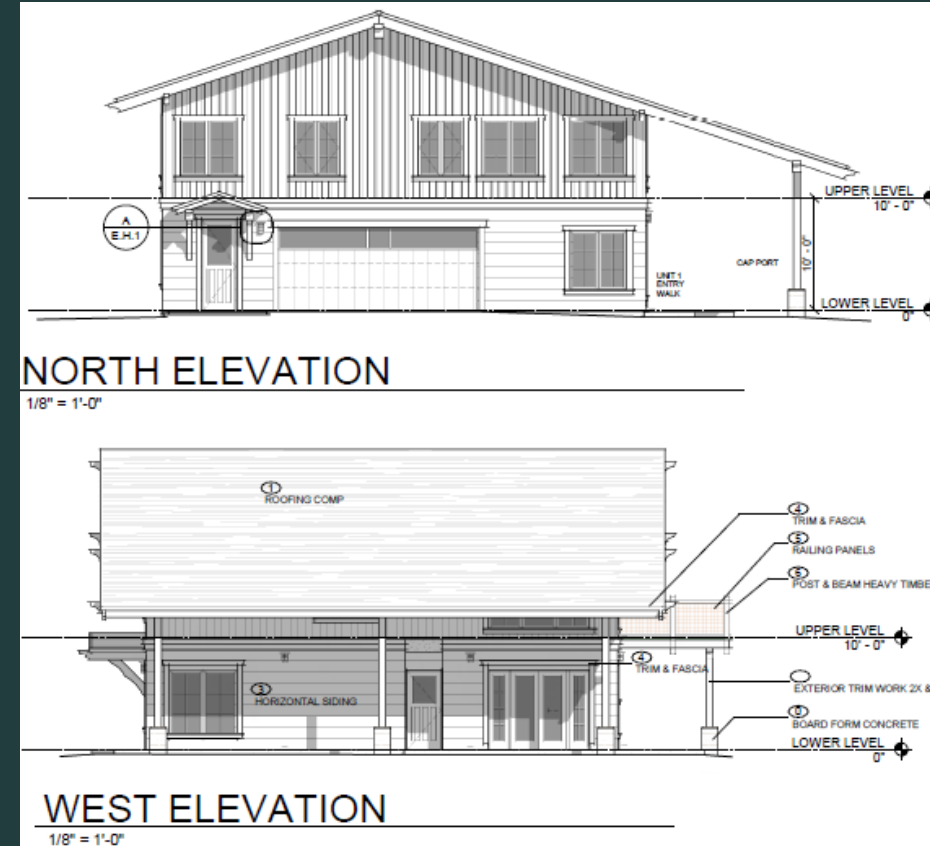
- 48,000 sf sawmill structure
- 6,000 sf attached boiler plan structure
- 15,000 sf firewood storage structure
- 9,600 sf workshop structure
- 3,000 sf area for 3 dry kilns
- 4.5 acre area for log decks
 - Partially enclosed debarker
- Truck scales, parking areas, fuel and water storage areas



PROJECT DESCRIPTION

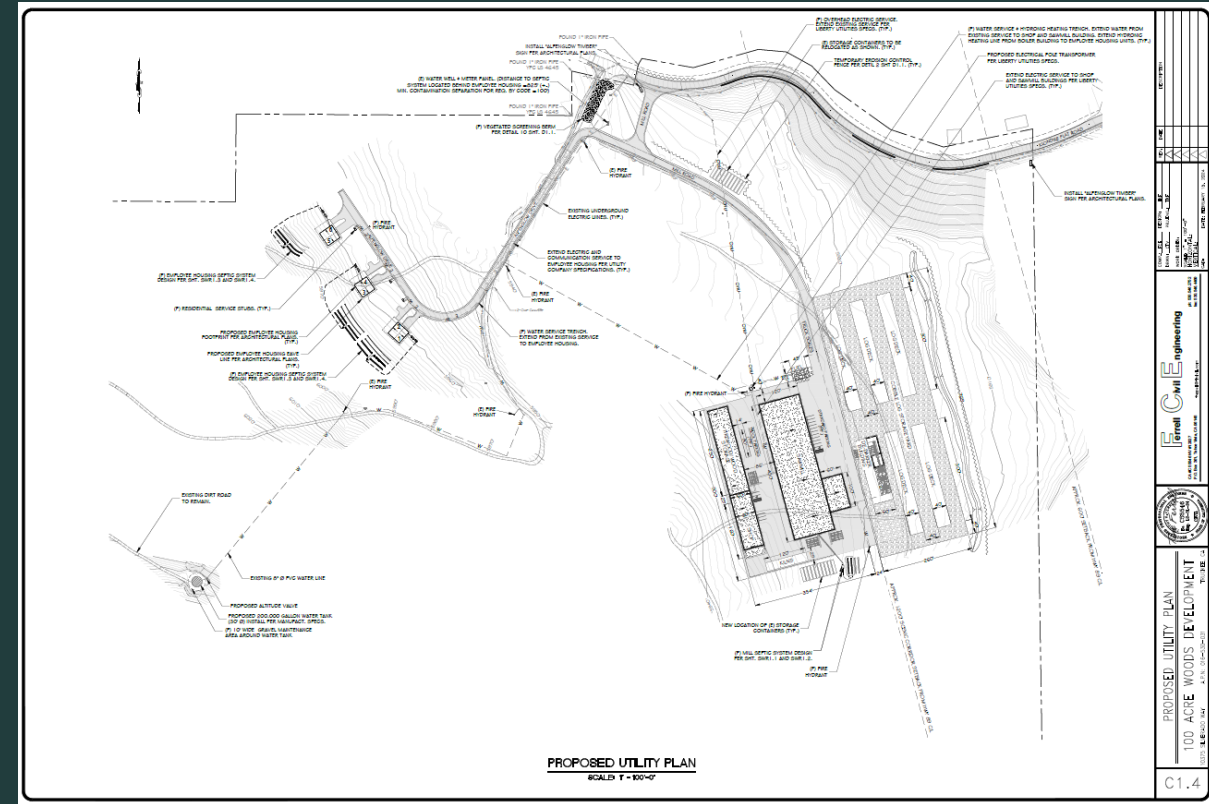
RESIDENTIAL & INFRASTRUCTURE

- **6 units of State-Regulated Employee Housing**
 - 3x 756 sf 1-bedroom units
 - Ground floor with covered parking
 - 3x 1,646 sf 3-bedroom units
 - Second floor with 2 car garage
- **200,000-gallon water storage tank**
 - Serves project components and fire department connections
- **Road improvements**
 - SR 89 encroachment, Klondike Flat Road and internal connections



PROJECT DESCRIPTION CONSTRUCTION AND OPERATIONS

- **22–24-month proposed construction timeline**
 - 3-year development allowance with potential for 2x 2-year extensions
- **Year-round operations**
 - 6 days per week (Mon.-Sat.)
 - 7 AM to 10 PM
 - Biomass boiler and 3 kilns would potentially operate 24/7
 - Truck trips limited to daytime hours only (COAA.13/MM 13B)



ENVIRONMENTAL REVIEW

- **Planning Department prepared draft Initial Study and proposed Mitigated Negative Declaration (IS/MND) pursuant to CEQA and Guidelines**
 - Circulated for public review and comment for 2x 31-day comment periods
 - May 24 to June 24, 2024
 - June 28 to July 29, 2024

ENVIRONMENTAL ANALYSIS

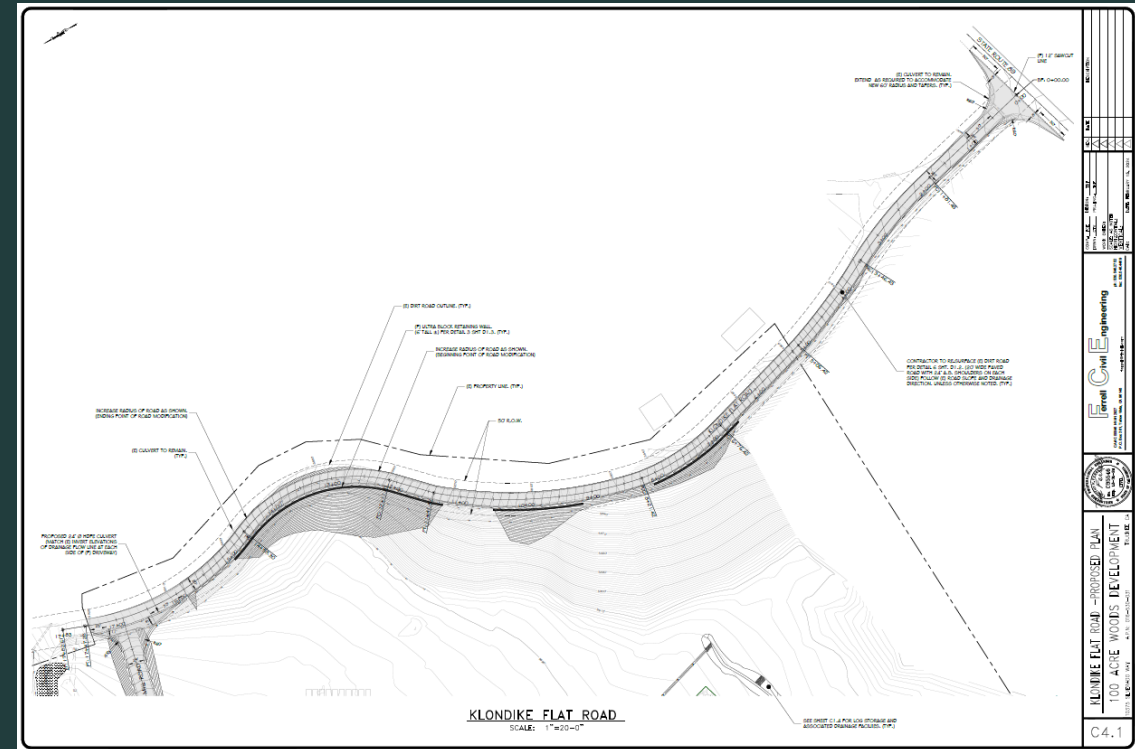
AIR QUALITY

- **Project reviewed by County Staff and Northern Sierra Air Quality Management District (NSAQMD)**
 - Construction required to comply with NSAQMD regulations
 - Dust Control Plan (COA J.1/MM3A)
 - Vehicle operation requirements (COA J.2/MM3B)
 - Authority to Construct/Permit to Operate (COA J.3/MM 3C)
 - Operations required to limit criteria air pollutants
 - Statewide and NSAQMD emission requirements (COA J.4/MM 3D)
 - Selective Catalytic Reduction device limits NO_x (COA J.3/MM 3C)
 - Energy efficient utilities (lights, heaters, etc.) (COA J.5/MM 3E)
 - Additional RCH analysis: Glue emissions are negligible



ENVIRONMENTAL ANALYSIS TRAFFIC AND TRANSPORTATION

- Project reviewed by County Staff and Caltrans for impacts and roadway design
 - Change in traffic flow not expected to result in significant impacts
 - Klondike Flat Road and proposed internal roads to be improved to Fire Safe Access Road Standards (COA C.1)
 - Sight distance along SR 89 required to be improved (COA H.1 and H.6)



ENVIRONMENTAL ANALYSIS

NOISE

- **Project reviewed by County Staff for impacts and consistency with General Plan and Zoning Regulations**
 - Short term construction activities are required to occur during daytime hours on weekdays only, limit vehicle idling to less than 5 minutes, and locate stationary sources as far from residences as practical (COA A.22/MM13A)
 - Sawmill operational activities would adhere to daytime, evening, and nighttime noise standards of FR Zoning District through project design
 - Traffic related noise would result in ambient noise level increases of fewer than 5 decibels, and would not exceed federal criterion for ambient noise impacts
 - Heavy truck traffic limited to daytime hours of 7 AM to 7 PM (COA A.23/MM 13B)

ENVIRONMENTAL ANALYSIS

FIRE SAFETY AND WILDFIRE

- **Project reviewed by County Staff, CAL FIRE, and Truckee Fire Protection District for impacts and consistency with identified standards**
 - Project required to enter into TFPD service area through annexation or Out of Area Service Agreement via LAFCo processes (COA F.1)
 - 200,000-gallon water storage tank and 8" water main extensions are adequate to serve building sprinklers and Fire Department Connections
 - All structures required to meet CA Building Code WUI standards (COA B.15) and TFPD Defensible Space Ordinance (COA F.3)

GENERAL PLAN AND ZONING CONSISTENCY

- **Consistent with Forest-640 General Plan Designation**
 - Forest (FOR) is intended to provide for production and management (including timber harvesting and related operations) of timber resources, and compatible recreational and low-density residential uses.
- **Consistent with Forest-640-Scenic Corridor Zoning Designation**
 - Proposed land uses (Development & processing natural resources (lumber mills), Power plants, private, including biomass fuel production, and Employee Housing) consistent with current Zoning Designation.
- **Consistent with Site Development Standards, Community Design Standards, and Eastern County Design Guidelines**

Appeal

The Appeal includes 5 main points:

- The IS/MND Project Description is inadequate
 - The IS/MND fails to consider the whole of the action
 - The Noise analysis is inadequate
 - The Wildfire impacts are not addressed adequately
 - Conditions/Mitigation Measures need modification
-
- Supplemental Memo regarding Fair Argument and Wildfire Risks

Appeal Point #1

- ***The IS/MND contains an inadequate Project Description as it omits a planned Phase 3 of the project and fails to disclose the source of timber associated with the Sawmill/Processing Facility***
 - Project Description is complete. Original Application included a phased operational approach however the project was analyzed for complete build out and operation
 - The use of laminated timber products was considered as part of noise and air quality analysis and follow-up memo from RCH Group for air quality and was considered negligible
 - Source of timber was estimated as an approximate 20-mile radius however definitive source is speculative

Appeal Point #2

- ***The IS/MND fails to consider the whole of the action and segments the environmental review.***
 - Environmental Analysis including Air Quality, Traffic, Wildfire, Noise and others is included full project operation including all components of project and identified mitigation to reduce impacts to less than significant
 - The source of timber was reasonably estimated to be from within a 20-mile radius of project location however, a definitive source would be speculative

Appeal Point #3

- ***The environmental analysis fails to adequately study and identify the potential noise generated by the project and the mitigation is uncertain to reduce impacts to less than significant***
 - Noise study completed by Saxelby Acoustics including additional memos addressing planar equipment
 - Analysis included modeling with the doors closed. Planar can not be operated with doors open
 - Noise analysis assumed no building insulation which will further reduce noise levels

Appeal Point #4

- ***The IS/MND fails to adequately address the potential risk to the neighboring community from a wildfire resulting from the operation of the Project.***
 - Project has been reviewed and conditioned by Nevada County Fire Marshal and Truckee Fire Protection District
 - Impacts are less than significant with the incorporation of conditions of approval
 - Project operation will not include large piles of biomass chip piles and has built in systems to mitigate risk of fire

Appeal Point #5

- ***The appeal requests changes to conditions of approval/mitigation measures including mitigation measure 13B, questions adequacy of mitigation and requests an additional condition to require planar doors to be closed***
 - Mitigation measure 13.B has been modified from “Daylight” hours to “Daytime” hours of 7 am to 7 pm.
 - Mitigation requires mufflers on project trucks to meet noise reductions and comply with California Air Resources Board rules.
 - Planar can only operate if planar doors are closed consistent with modeling analysis (*attachment 7*)

Supplemental Appeal Document

- ***Additional letter from Appellant states that a Fair Argument has been made that the project may have significant impacts to the environment especially to Wildfire risks and EIR needed***
 - Cites the comment letters received as the fair argument standard
 - The supplemental information argues that forest thinning causes increased wildfire risks
 - The stated argument is related to forest management practices and not related to the direct physical impacts of the proposed project
 - Argument is speculative and not a reasonably foreseeable indirect impact (CEQA Sec. 15064(d) & Sec.15145)

PROJECT RECOMMENDATIONS

- 1. Adopt the Resolution to deny the appeal and uphold with modifications the decision of the Planning Commission to adopt the Mitigated Negative Declaration (EIS24-0004) and to approve the Conditional Use Permit (CUP23-0004) 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.**

PARCEL BACKGROUND AND EXISTING LAND USE

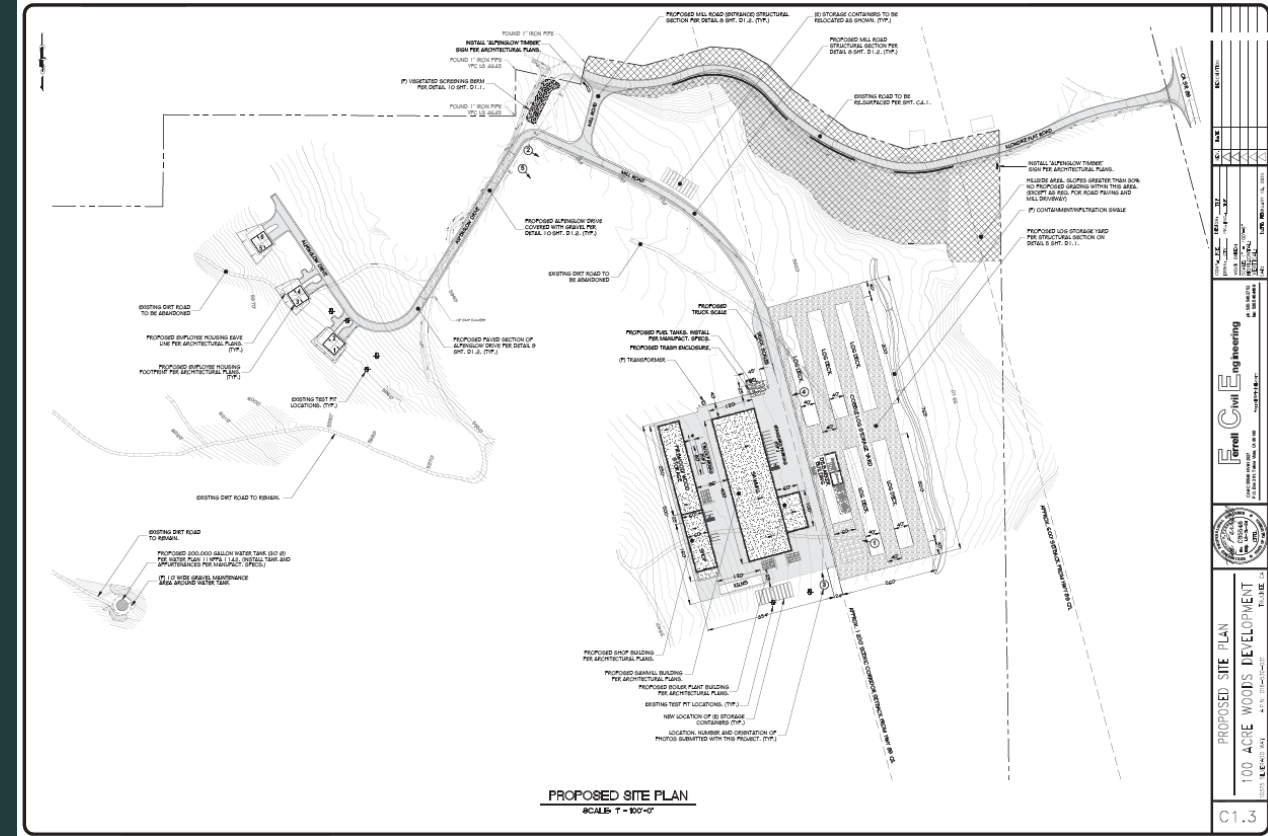
- **2001 Use Permit approved by Planning Commission for a church, amphitheater, and associated structures**
 - Project was never developed, and all previous approvals are no longer valid
- **Historic solid waste site on southern side required to achieve Clean Closure Certification**
 - Avoided through project design and conditions
- **Subject property currently used for Temporary Log Storage**
 - Allowed use consistent with the purpose of the Forest (FR) zoning district - no land use entitlements are required for allowed uses
- **Code Compliance File CC23-0090 required to achieve Closed status prior to final**



SITE DEVELOPMENT STANDARDS

FOREST DISTRICT STANDARDS

- Project designed to comply with FR Zoning District Standards
 - Property line setbacks
 - 45' from ROW centerline
 - 30' from side and rear property lines
 - Building height limits
 - Not taller than 45' or 3-stories
 - Maximum impervious surface
 - Not more than 5% of subject property
 - Permanent Open Space
 - Not less than 20% of subject property



8/7/24 MEMORANDUM TO THE PLANNING COMMISSION

- **Additional public comments received following the publication of the Staff Report**
 - CEQA Fair Argument Standard and Substantial Evidence Test (CCR § 15384)
 - (a) "Substantial evidence" as used in these guidelines means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.
 - (b) Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.
 - Addendums to Technical Impact Analyses submitted by the applicant intended to provide additional clarity and disclose potential 'busiest day' scenario impacts
 - 'Busiest day' scenario impacts do not exceed significant impact thresholds, and do not require additional mitigation to maintain less than significant impacts with proposed mitigation

SITE DEVELOPMENT STANDARDS

PROJECT DESIGN AND AESTHETICS

- **Facility buildings designed with CMU base, metal siding, metal roofs, metal roll up doors, and aluminum window frames**
 - Utilize earth tone colors and limit reflectivity (COA A.14/MM 1A)
- **Residential buildings designed with wood siding, wood trim, asphalt roofing, and heavy timber architectural elements**
 - Subject to standards defined in the California Employee Housing Act and regulated by HCD



Mill Site Overview
12" = 10'



Employee Housing Site
12" = 10'

SITE DEVELOPMENT STANDARDS LIGHTING AND SCREENING

- 24 lights proposed on facility buildings
 - LED area lights over roll up doors
 - LED gooseneck lights over pedestrian doors
 - All lighting required to be downcast, shielded, and sensors to avoid light spillage (COA A.7)
- Existing native vegetation utilized for screening and landscaping
 - Vegetated screening berm proposed near entrance to reduce visibility
 - Development would not be visible from SR 89 due to vegetation and natural topography

AmberLED Technology

The LEPS AmberLED HPSD luminaire is available in two wattages with a wide choice of mounting configurations and an IES Type V distribution designed to replace HPS lighting systems from 150w to 400w HPS for wildlife or security applications requiring monochromatic AmberLED light. LEDs operate between 500 and 595 nm, greater than 160nm required for wildlife protection. Typical area lighting applications include retail centers, industrial parks, schools and universities, office buildings and medical facilities. Mounting heights of 14 to 25 feet can be used based on light level and uniformity requirements.

Specifications and Features:

Housing: Die Cast Aluminum Housing and Front Frame, Integral Heat Sinking and Driver Compartment. Product Available: House/Pole/Gooseneck/Steel Hardware.

Listing & Ratings: CSA Listed for Wet Locations, ANSI/UL 1598, ETL, IES, IESNA, LED Compliant.

Finish: Textured Architectural Bronze Powdercoat Finish Over a Chromate Conversion Coating. Custom Colors Available Upon Request.

Lens: Tempered Clear Flat Glass Lens or Tempered Clear Flat Polycarbonate Glass Lens.

Mounting Options: Mounts with Kitty Hawk Arm, Adjustable Swivel, 2" Diameter Mounting Arm Adapter, Three, Two-Piece Bracket or Easy Hang Wall Bracket (factory installed).

AmberLED: Aluminum Board.

Wattage: One Array, One System: 81.5w (150-250w HPS Equivalent)
Two Array, Two Systems: 119.3w (250-400w HPS Equivalent).

Driver: Electronic Driver, 120-277V, 50/60Hz, Dimmable Driver.

Warranty: 5 Year Warranty for 40°C to 100°C Environment.
See Page 3 for Projected Lumen Maintenance Table.

AmberLED

Color	Mounting	Options
Flat Glass Lens Flat Polycarbonate Lens	2" Bronze 2" Custom Custom Finish	<ul style="list-style-type: none"> AA-Kitty Hawk Arm AA-Gooseneck AA-Mounting Arm Adapter AA-Three Piece Bracket AA-Easy Hang Wall Bracket AA-For Mount

Certification & Listings:

CSA, ETL, IES, IESNA, LED Compliant

75118A | 75121A | 75124A
LED Driverless Gooseneck Flood light
40W, 120/240/277V, Black

Features:

- Clear Polycarbonate Lens
- Swivel head fixture
- Operating Temperature: -40°F to 122°F
- Photocell Included
- Powder Coated: Black
- Aluminum Housing
- Environment: IP65 Rated - Suitable for Wet Locations
- Certification: ETL
- 5 Year Limited Warranty

Part #	Wattage	Voltage	Lumens	CCT	CRI	Dimming	Lighting Platform	Lumens/Watt
75118A	40W	120/240/277	5,219	3000K	>72	N/A	Outdoor	128lm/W
75121A			4,800	4000K				
75124A			4,800	5000K				

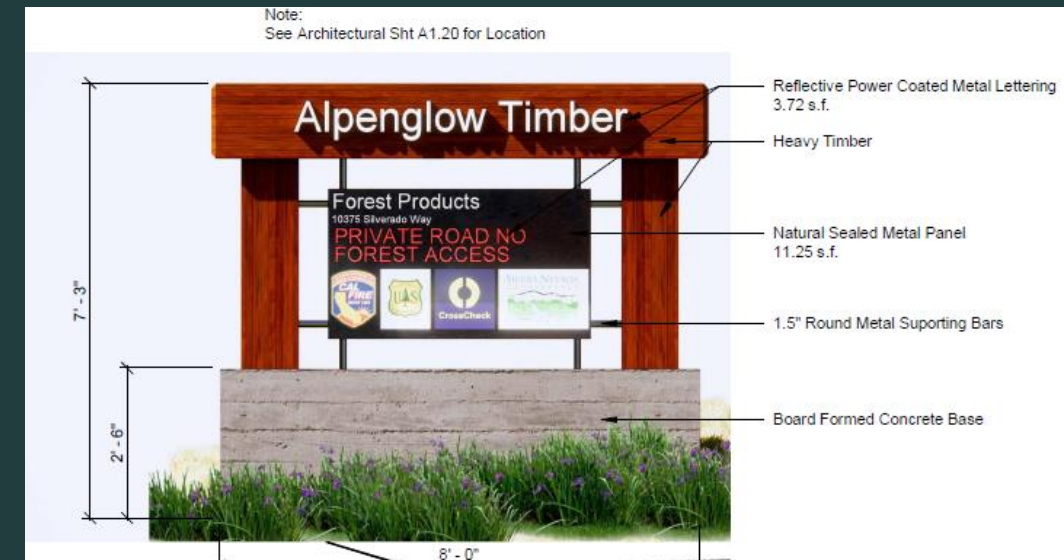
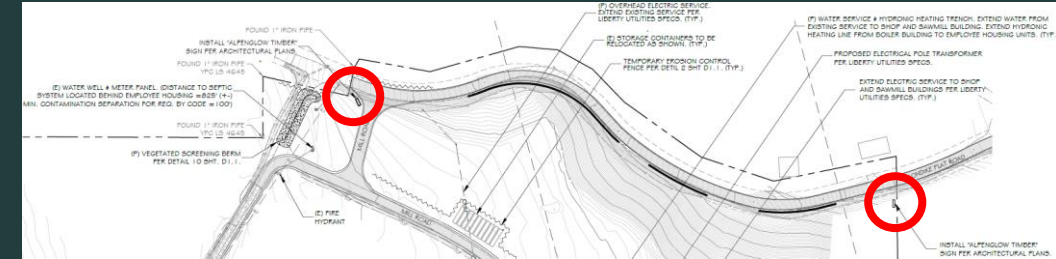
PHOTOMETRY

Lighting Supplier Since 2003
Warehouse Lighting.com
1756 South 163rd St
New Berlin, WI 53151
info@warehouselighting.com
Phone: 888-454-1466
info@warehouselighting.com

SITE DEVELOPMENT STANDARDS

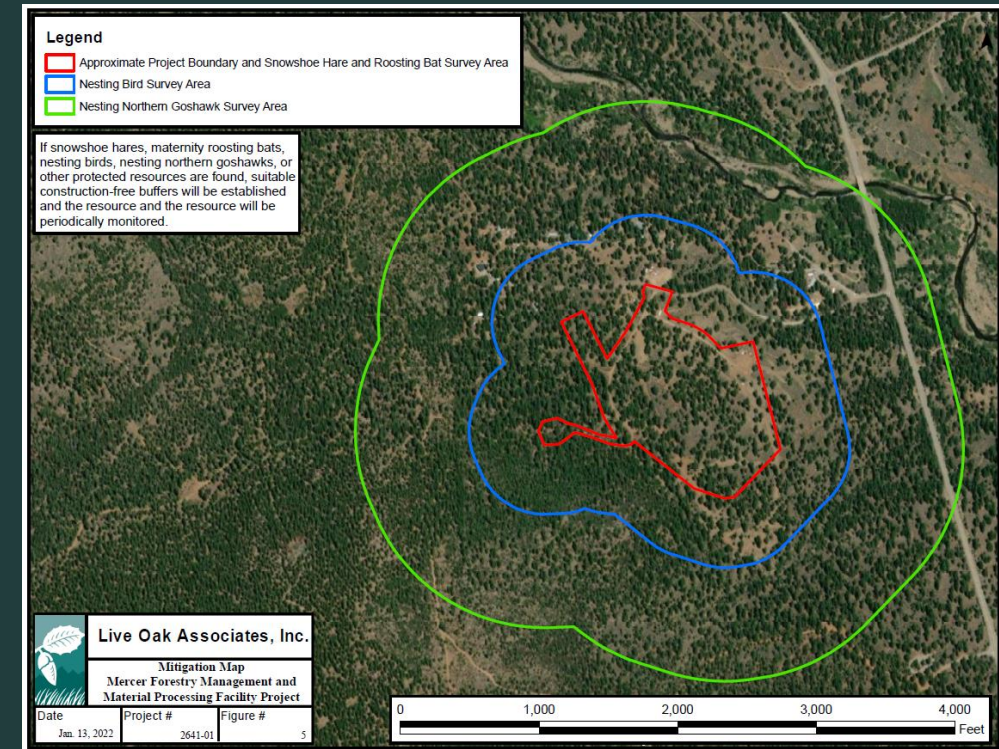
SIGNAGE

- **2 signs proposed on subject property**
 - Monument sign located at property line
 - Directional sign located at facility entrance
- **Signage design consistent with Community Design Standards**
 - Board formed concrete base
 - Heavy timber frame
 - Sealed metal sign panels



ENVIRONMENTAL ANALYSIS BIOLOGICAL RESOURCES

- Project reviewed by County Staff and Department of Fish and Wildlife (CDFW) for reasonably foreseeable impacts
 - Project is required to mitigate potential impacts to special status species and habitat
 - Sierra Nevada snowshoe hare, nesting migratory birds and raptors, maternity roosting bats, and western bumblebee* (COA A.15-A.19/MM 4A-4E)
- Project is required to protect water quality
 - Construction and industrial Storm Water Pollution Prevention Plan (SWPPPs) (COA C.6 and C.7)



PUBLIC AND AGENCY COMMENTS RECEIVED

- **More than 350 comments received throughout application review, environmental review pursuant to CEQA, and prior to Staff Report publication. Additional comments received are included in Memorandum to the Planning Commission that identified concerns related to the project including, but not limited to:**
 - Increased traffic along SR 89 and Klondike Flat Road
 - Traffic hazards along SR 89 and Klondike Flat Road
 - Noise pollution within the Klondike Flat neighborhood
 - Impact of new activity on Klondike Flat Road
 - Extended hours of operation causing neighborhood disruption
 - Uncontrolled growth potential
 - Decline in property values
 - Public safety concerns and child safety
 - Incompatible land uses related to the surrounding area
 - Air quality concerns and potential health impacts
 - Destruction of the rural community character
 - Light pollution and spillover into the Klondike Flat neighborhood
 - Lack of secondary emergency access
 - Bicycle and pedestrian safety
 - Inadequate roadways
 - Flawed traffic, noise, air quality, wildfire, and other environmental analyses