



**COUNTY OF NEVADA**

**COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

950 MAIDU AVENUE, SUITE 170, PO BOX 599002, NEVADA CITY,  
CA 95959-7902 (530) 265-1222 <http://nevadacountyca.gov>

Trisha Tillotson  
Community Development Agency Director

Brian Foss  
Planning Director

**NEVADA COUNTY BOARD OF SUPERVISORS  
Board Agenda Memorandum**

**MEETING DATE:** October 8<sup>th</sup>, 2024

**TO:** Board of Supervisors

**FROM:** Brian Foss, Director of Planning

**SUBJECT:** 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.

**RECOMMENDATION:**

- I. Project Action: 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.

**FUNDING:**

No budget amendments are required.

## **ATTACHMENTS:**

1. Resolution to Deny the Appeal
  2. Appeal to the Board of Supervisors
  3. Planning Commission Staff Report with attachments
  4. Initial Study/Mitigated Negative Declaration
  5. Planning Commission Hearing Minutes of August 8, 2024
  6. Notice of Conditional Approval Letter
  7. Ledinek Engineering Planar Memo
  8. RCH Group Air Quality Memo
  9. Saxelby Acoustics Noise Monitoring Memos
- 

This staff report provides a discussion and a brief background of the project, and the relevant issues identified in the appeal, and staff's responses to the relevant issues raised in the appeal to support the decision on the project.

## **PROJECT DESCRIPTION:**

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

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.

### **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 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 together.

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 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 a 1,646-square-foot three-bedroom unit with a two-car garage. The one-bedroom unit in each duplex would be located on the ground floor with the garage while the three-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 of the three proposed duplexes.

The project components would be accessed via new interior roads utilizing a new entry driveway off Klondike Flat Road. Klondike Flat Road originates from State Route (SR) 89 utilizing an approximately 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 which then extends beyond the project boundary to Silverado Way. Klondike Flat Road would be improved to provide for two 10-foot-wide travel lanes which meet Two-Way Fire Safe Access Road Standards. The interior roadways leading to both the facility component (Mill Road) and the residential component (Alpenglow Drive) would be developed to provide for two 10-foot-wide travel lanes to achieve Fire Access Road Standards. The conditions of approval require that prior to building permit issuance, the applicant shall either (1) complete an annexation of the subject property into the Truckee Fire Protection District (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. Language to this effect has been added to the Mitigated Negative Declaration Public Services section 15 in order to provide clarity of the requirement and allow LAFCo to rely on the CEQA document should annexation occur. Residential dwelling units would be accessed via proposed private driveways improved to meet Private Driveway Construction Standards.

**Project Operation:**

The facility would operate six 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 fuels management and forestry project locations.

The project components would be accessed via new interior roads utilizing a new entry driveway off Klondike Flat Road. A total of 10 trucks are proposed to haul wood material to the site on a typical busy operational day (for a total of 20 one-way truck trips) and cut lumber will be hauled away from the site in four trucks per typical busy day (for a total of eight additional one-way truck trips). There would also be 32 residential trips and 1 service vehicle trip, resulting in a total number of 61 daily trips generated by the project, with 7 occurring in the peak hour. Of these trips, 39 daily trips and 4 peak hour trips would be 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, where the applicant currently operates a similar forestry management facility under an expiring lease.

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 as fuel. Operation of the boiler is the primary source of project related emissions, and the estimated operational greenhouse gas emissions for the proposed project are 7,622 metric tons of CO<sub>2</sub>e 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 six 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 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 days per week, with operating hours not to exceed 7:00 AM until 7:00 PM.

**PROJECT SITE AND SURROUNDING LAND USES:**

The subject property is 124.06 acres in size and is located approximately 650 feet west of the Klondike Flat Road and SR 89 intersection north of Truckee. The site has a General Plan designation of FOR-640 (Forest – 640-acres minimum parcel size) and a split Zoning designation of FR-640-SC (Forest – 640-acres minimum parcel size – Scenic Corridor Combining District) and FR-640 (Forest – 640-acres minimum parcel size).

The Scenic Corridor Combining District is located on the eastern portion of the subject property, extending onto the property by approximately 650 feet on the northern side of the property and approximately 100 feet on the southern side of the property. The subject property consists of managed forest land at various stages of maturity, with several dirt access roads and clearings currently being used for temporary storage of logs and equipment.

The site is surrounded to the west, south, and east by similar forest land owned by the United States Forest Service. The subject property is situated within a 160-acre inholding on the Tahoe National Forest. Surrounding land uses include forest and recreational uses on the surrounding USFS parcels, as well as a neighborhood comprised of approximately a dozen residences on ½-acre to 1-acre lots, and several private dirt roads. The Site Performance (SP) Combining District located to the north of the subject property was

implemented in 1991 in response to illegal subdivisions to restrict the development of permanent dwellings until the parcels comply with minimum Zoning Regulations.

The project components would be accessed via new interior roads utilizing a new entry 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 APPEAL:**

The appeal letter of the Planning Commission's unanimous (5-0) decision to adopt the Mitigated Negative Declaration and approve the Use Permit was submitted to the Clerk of the Board on August 16, 2024. The appeal letter includes comments submitted via email to the Planning Department less than three hours prior to the Planning Commission hearing. Due to staff travel and meeting setup time requirements, the email was not received by the Planning Department and therefore not included in the public comments submitted to the Planning Commission. As a result, the appeal includes provisions which were not brought forward in previous written or oral comments reviewed by the Planning Commission.

The appeal letter includes specific provisions which are being appealed and specific concerns regarding the appellants' observation of the planning and environmental review process. The appellants contend multiple violations of the California Environmental Quality Act including (1) an inadequate project description, (2) that the Initial Study and Mitigated Negative Declaration (IS/MND) fails to consider the whole of the action, and that substantial evidence exists in the administrative record that supports a fair argument that the approved project may have significant environmental impacts related to (3) noise and (4) wildfire, thereby necessitating the preparation of an Environmental Impact Report (EIR), as well as proposals for revised Conditions of Approval. The appellants request the Board of Supervisors rescind approval of the MND and Conditional Use Permit, and direct County staff to prepare an EIR.

Each of the specific provisions noted in this Appeal are provided below in summary (for the complete text please see the Appeal in Attachment #2) shown in bold text followed by staff's responses to each of appeal points.

- 1. The IS/MND contains an inadequate project description.**  
**"The IS/MND contains an inadequate Project Description as it omits a planned Phase 3 of the Project.**

**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."**

The IS/MND Project Description provides all relevant details needed to evaluate the proposed project's environmental impacts and is adequate under CEQA. Pursuant to Section 15124 of the CEQA Guidelines, the project description should not provide extensive detail beyond that needed for evaluating environmental impacts.

The appellants' claim that a proposed Phase 3 was omitted potentially derives from the original application materials that identified a two-phased operational activity within the main sawmill building involving both lumber and cross laminated timber products. This was and is only an internal (to the sawmill building) operational timing clarity, not a development application proposing construction phasing pursuant to Zoning Regulations Section 12.05.100.C et seq. Through the project review process, the applicant clarified and confirmed that a phased construction approach was not necessary and therefore was not proposed by way of the formal entitlement application. As a result, all aspects of the proposed development were analyzed together including the development of the sawmill facility, boiler unit, residential component, and associated infrastructure, as well as the operation of each component, and all activities were described in the project description.

The appellants also, in erroneously claiming that the IS/MND purportedly omitted Phase 3, which they allege includes the manufacturing of specific products such as glulam, argue that the project description should have included a specific identification of materials or wood products to be produced. Planning, zoning, and development law generally regulates land use, rather than specific items produced by a land use. Furthermore, neither the CEQA Guidelines nor applicable case law require such a level of specificity, and the identification of specific products is not necessary to evaluate the proposed project's environmental impact. Rather, technical impact analyses relating to traffic, air quality, and greenhouse gas emissions utilized peer-reviewed models of sawmill operations which incorporate a variety of sawmill and wood processing activities which traditionally occur at sawmills throughout the country.

The appellants' claim that the facility would manufacture glulam is inaccurate. Cross laminated timber products would be produced at the facility using a more modern process with non-formaldehyde-based glue that does not produce off-gassing or odor. The manufacturing of cross laminated timber products was known and taken into account in the analysis of noise impacts. Emissions from the use of glue were not estimated as part of the air quality and greenhouse gas emissions analyses, because such emissions are negligible. The applicant has submitted a supplemental memorandum from its air quality consultant, RCH Group, regarding air quality emissions from the proposed production of cross laminated timber projects, which is attached as Attachment 8. The supplemental memorandum concludes that the VOC emissions from glue use increases the emissions, previously determined to be 35.2 lbs/day, by 0.3 lbs/day (an increase of less than one percent), which would still be well within the level B range (24-136 lbs/day) and does not change the significance conclusions in the IS/MND. Air quality impacts would remain less than significant.

In addition, the appellants claim that the project description should include a specific location of where timber and wood materials would be sourced from. The project description included a description of the regional vicinity proposed to be utilized for wood collection. “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.” Similar to the discussion above, neither the CEQA guidelines nor applicable case law requires such a level of specificity. Further, the identification of specific locations of wood sources is too speculative considering the specific location and size of these independent projects are unknown which makes it unnecessary to include such information in order to evaluate the proposed project’s environmental impacts.

For the above reasons, Planning Department staff conclude that the project description does include adequate detail to evaluate environmental impacts related to project operation.

**2. The IS/MND fails to consider the whole of the action.**

**“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.”**

CEQA Guidelines Section 15378 defines a project under CEQA as “the whole of the action” that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. Piecemealing or segmenting means dividing a project into two or more pieces and evaluating each piece in a separate environmental document, rather than evaluating the whole of the project in one environmental document. This is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less than-significant impact on the environment, but which together may result in a significant impact.

As discussed above in Item 1, the development and operation of all project components were analyzed within the IS/MND. Specifically, the air quality analysis section (Section 3) of the IS/MND includes a discussion of project operation, including but not limited to the sawmill facility and components therein, boiler, kiln operations, wood product manufacturing, and the residential duplexes, and reasonably foreseeable impacts as well as



specific Mitigation Measures to ensure compliance with Northern Sierra Air Quality District (NSAQMD) standards and criteria air pollutant impact thresholds. The noise analysis section (Section 13) of the IS/MND includes a similar discussion of all operational components of the proposed project, including vehicular noise, and identifies specific Mitigation Measures to ensure compliance with noise standards identified in the County General Plan and Zoning Regulations, as well as federal standards for evaluating noise impacts. The traffic analysis section (Section 17), wildfire analysis section (Section 20), and other sections also similarly include an analysis of reasonably foreseeable impacts due to project operation.

As discussed in Item 1, the specific locations of wood material sourced for project operations was not defined, but reasonable assumptions of the general locations were utilized to determine traffic, air quality, greenhouse gas (GHG) emissions, and other reasonably foreseeable impacts. Specifically, the IS/MND assumed that “the new sawmill would accept material locally (within a 20-mile radius) instead of it being trucked to locations outside the area.” It further explained that “[w]ithout the proposed sawmill . . . , the shortest trip lengths generated by these forest thinning projects would be 70 miles.” County staff, in consultation with staff from State regulatory agencies determined the 20-mile radius assumption provided adequate information to complete the appropriate analyses, and identification of specific locations of wood sources is not necessary to evaluate the proposed project’s environmental impact.

Moreover, any fuel management and forestry projects that would haul timber and wood materials to the project site would be planned, permitted, and operated separately, and would have independent purposes and independent utility with respect to the proposed project. All materials coming to the proposed project facility would be from fuel management and forestry projects that would need to be permitted by CAL FIRE and/or the USFS and follow the California Forest Practice Rules or USFS regulations. These separate and necessary permitting efforts would be subject to environmental review or an exemption/exclusion finding under CEQA, a Timber Harvesting Plan, or NEPA as determined by the permitting agency. There is no evidence indicating that any fuel management or forestry project would occur solely because of the approval of the proposed project, or would be a reasonably foreseeable consequence of the proposed project.

Therefore, Planning Department staff conclude that the IS/MND does consider the whole of the project action and includes adequate detail to evaluate environmental impacts related to project operation.

### **3. Potentially Significant Noise Impacts**

**“[T]he Environmental Noise Assessment fails to adequately study and identify the potential noise generated by the Project.**

**“[I]t is uncertain that the mitigation measure would reduce the impact to less than significant.”**

The appellants claim that the noise impact analysis is inadequate and does not include all feasible mitigation that would reduce the project impacts to a less than significant level. Although the planar structure within the main structure was modeled with doors closed, there was no need to model it with doors open, as suggested by appellants, because the planar is in an enclosed sound structure that has doors that must be closed as part of the safe operation of the planar. More simply, the doors of the structure must be closed in order for the planar to run. (See attachment 7, September 9, 2024, letter from Ledinek Engineering and attached planar safety switch product data sheet.) Further, it should be noted that modeling of the proposed structures is conservative as insulation was not taken into account during modeling. At the time of the study, an insulation had not been selected, so the structure walls were modeled as thin sheet metal only. The applicant has since indicated that the project will utilize 4"-6" insulation, which would significantly improve sound insulation of the project structure. As discussed in the IS/MND, Staff Report, and particularly in the Memorandum to the Planning Commission prepared for this project, all impacts have been adequately mitigated to a less than significant level. See the attached staff report for a discussion of consistency with the Zoning Regulations, the attached Mitigated Negative Declaration and the attached July 17, 2024, memorandum from Saxelby Acoustics for a discussion of the potential environmental impacts and the mitigation measures to reduce noise impacts to a less than significant level.

**4. Potentially Significant Wildfire Impacts.**

**"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 appellants correctly assert that no specific mitigation was proposed to reduce potential wildfire impacts but fail to recognize that the mitigation measures identified to reduce other impacts, as well as project conditions of approval and project design components have spillover effects that reduce the identified less than significant impacts. For instance, the implementation of standard Building Code requirements (COA B.15), Fire Standard Access Road requirements (COA C.1), enhanced sight distance requirements (COA I.7), and Mitigation Measures related to construction activities inherently reduce potential wildfire risk.

The appellants also assert that the very nature of a sawmill's existence could inherently be a significant impact which was not analyzed. Although multiple comments received did include news articles and other information relating to sawmill fires in California and around the country, no causation was identified between wildfires and the existence of

sawmills. Fires occurring at sawmills in recent years are predominantly the result of large biomass chip piles catching fire from spontaneous combustion, due to the piles being too coned and generating excessive heat as part of the cone shape and natural decomposition. The proposed project would not store large piles of biomass on site, and any wood chips onsite would be stored in a flattened pile to prevent heat buildup. Another potential cause of sawmill fires is spark from static electricity buildup in the dust extraction system in the planar line. The proposed project's dust extraction system will have a combustion detection and fire suppression system installed in the ducting to address this potential source of ignition.

Further, the project has been reviewed and conditioned by the Office of the Nevada County Fire Marshal in consultation with the Truckee Fire Protection District, both expert entities in identifying causes and mitigation for wildfire impacts, to ensure all applicable access, evacuation, construction techniques and defensible space requirements are achieved. As discussed in the IS/MND, Staff Report, and Memorandum to the Planning Commission prepared for this project, all impacts have been mitigated to a less than significant level. See the attached staff report for a discussion of consistency with the Zoning Regulations and the attached Mitigated Negative Declaration for a discussion of the potential environmental impacts and determination that wildfire impacts were analyzed appropriately.

## **5. Proposed revisions to Conditions of Project Approval.**

The appellants propose a number of revisions to project Conditions of Approval and Mitigation Measures that were not identified in written or oral comments received prior to the project Planning Commission hearing. Specifically:

- i. 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?**

The Nevada County General Plan and Zoning Ordinance define daytime hours as the hours between 7 AM and 7 PM. Further, Mitigation Measure 13B specifically states that "Heavy truck trips shall be limited to between the *daytime hours of 7 AM and 7 PM daily* [emphasis added]." To provide further clarification, Planning staff suggests that the Board of Supervisors modify the first line of Mitigation Measure 13B and Timber Use Permit Condition of Approval 23 by replacing the words "daylight hours" with "daytime hours."

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

Existing state law in the California Vehicle Code requires all legally registered vehicles to be equipped with an adequate muffler. Similarly, all on-highway trucks operating in California have to meet California Air Resources Board rules, and as such need to meet exhaust emissions standards. Those standards and rules require trucks operated in California to have emission control devices and certified exhaust systems including exhaust filters and mufflers, with very few exceptions. The appellants incorrectly assert Mitigation Measure 13B applies this standard to the operator. In fact, Mitigation Measure 13B requires the operator “*provide mufflers* which meet the standards of the California Highway Patrol *on all trucks belonging to the operator* and used on public roadways.” Under the approved Mitigation Measure, the operator is responsible for supplying mufflers to their own vehicles in order to comply with state law, whereas individual vehicle owners are responsible for supplying those mufflers for their own vehicles. As a result, no expansion of Mitigation Measure 13B to require the operator to provide mufflers to all vehicles entering the site is required to feasibly implement the mitigation.

**iii. COA 2 [Appeal Period] should be amended by replacing "July 22, 2024" with "August 8, 2024."**

The appellants correctly identified the expiration of the ten-day appeal period should be August 19, 2024 at 5:00 PM, or ten days from the date of the Planning Commission’s final action. Despite the textual error, the appeal period was implemented pursuant to the Nevada County Zoning Regulations correctly as evidenced by the accepted appeal.

**iv. 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.**

As discussed in the IS/MND, Staff Report, and Memorandum to the Planning Commission prepared for this project, all noise impacts have been mitigated to a less than significant level. Although the planar structure within the main structure was modeled with doors closed, there was no need to model it with doors open, as suggested by appellants, because the planars are in an enclosed sound structure that has doors that must be closed as part of the safe operation of the planars. The planars will not run if the doors are not closed. Therefore, it is not necessary to impose a condition of approval requiring that planar doors be closed. Further, it should be noted that modeling of the proposed structures is conservative as insulation was not taken into account during modeling. At the time of the study, an insulation had not been selected, so the structure walls were modeled as thin sheet metal only. The applicant has since indicated that the project will utilize 4”-6” insulation,

which would significantly improve sound insulation of the project structure. See the attached staff report for a discussion of consistency with the Zoning Regulations and the attached Mitigated Negative Declaration for a discussion of the potential environmental impacts and the mitigation measures to reduce noise impacts to a less than significant level.

**SUMMARY:**

Staff finds that all the issues raised in the appeal have been considered and were adequately addressed by project conditions of approval and mitigation measures. The proposed project as conditioned meets all the requirements to obtain a Conditional Use Permit and is consistent with the County's Zoning Regulations. The project has been mitigated to ensure less than significant impacts to all environmental issues pursuant to the IS/MND adopted by the Planning Commission.

---

**RECOMMENDATION:**

Staff recommends the Board of Supervisors take the following action:

- I. Project Action: 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.

**Item Initiated and Approved by:** Brian Foss, Planning Director