

**NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA**

MINUTES of the meeting of October 26, 2017, 1:30 PM, Board Chambers, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California

MEMBERS PRESENT: Chair Aguilar and Commissioners Heck, Duncan, James and Jensen.

MEMBERS ABSENT: None.

STAFF PRESENT: Planning Director, Brian Foss; Principal Planner, Tyler Barrington; County Counsel, Alison Barratt-Green; Deputy County Counsel, Rhetta VanderPloeg; Deputy Fire Marshal, Matt Furtado; Principal Civil Engineer, Josh Pack; Administrative Assistant, Tine Mathiasen.

PUBLIC HEARINGS:

1. Dollar General Stores Page 1, Line 47
EIR15-001; DP14-001; MGT14-010; DP15-004; MGT15-013; COC17-0001; LLA16-006; DP15-001

STANDING ORDERS: Salute to the Flag - Roll Call - Corrections to Agenda.

CALL MEETING TO ORDER: The meeting was called to order at 1:30 p.m. Roll call was taken.

CHANGES TO AGENDA: None.

PUBLIC COMMENT: Members of the public shall be allowed to address the Commission on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Planning Commission, provided that no action shall be taken unless otherwise authorized by Subdivision (6) of Section 54954.2 of the Government Code. None.

COMMISSION BUSINESS: None

CONSENT ITEMS:

1. Acceptance of 8-10-2017 Hearing Minutes
2. PLN17-0099; EXT17-0009: Extension of Time for Deer Creek Meadows Final Map (FM07-007; MGT10-009; EIS07-037)

Motion to approve the 8-10-2017 Hearing Minutes and the Extension of Time for Deer Creek Meadows Final Map (PLN17-0099; EXT17-0009) by Commissioner James; **second** by Commissioner Duncan. **Motion carried on a voice vote 5/0.**

PUBLIC HEARING:

49 **EIR15-001:** Overview of the Environmental Impact Report (EIR15-001) prepared for three
50 proposed Dollar General Store projects in Alta Sierra, Rough and Ready Highway and Penn
51 Valley. The Dollar General Store projects consist of three projects, each at a different location in
52 western Nevada County. Each project is requesting approvals necessary to develop and operate a
53 9,100 square foot Dollar General Store with associated improvements, including landscaping,
54 parking, lighting and other site improvements. Public comment and final action on the EIR will
55 be taken as a part of the project public hearing which will immediately follow the EIR overview.
56

57 Chair Aguilar: Oh, okay, all right. We're here obviously to discuss the Dollar General and there
58 are four items of discussion. We're going to break the meeting up into three parts. The first part
59 is going to be a discussion of the Environmental Impact Report, or the EIR as you will hear. That
60 will be consecutively with the Alta Sierra development proposal. That will be the first part of the
61 meeting. Then, it's been suggested that we vote on those two items as a motion of intent, not a
62 firm vote, but a motion of intent, which we'll clean up at the end of the meeting. Then we'll take
63 maybe a three to five-minute break, then we'll discuss the Penn Valley development proposal and
64 then we'll take a little break if need be. Then finally, the Rough and Ready development
65 proposal. Each time, we'll make a motion of intent and then at the end we'll clean it up with the
66 final vote. With that in mind, Tyler, you're going to shepherd us through this process.
67

68 Commissioner Heck: Mr. Chairman?
69

70 Chair Aguilar: Oh, yes, sorry.
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72 Commissioner Heck: Thank you very much. Prior to getting started, I have a brief disclosure that
73 I need to read for the public, the staff, the project applicant and my fellow Planning
74 Commissioners. In my effort to better inform myself, about the concept of mitigation of dollars
75 for trees, as the mitigation was offered in the EIR, I reached out and had an email exchange and a
76 conversation with the director of the Bear Yuba Land Trust. My intent was to better understand
77 the mitigation measures offered for the oak woodland. I was told that the Bear Yuba Land Trust
78 was taken by surprise by the additional requirements placed by the County for a five year
79 monitoring and a certified biologist. Those requirements were not included in the Bear Yuba
80 Land Trust original proposal and the cost for those services require Bear Yuba Land Trust to
81 revise their mitigation proposal, which I understand that they have, although none of us here, I
82 believe, have any kind of copies. Additionally, due to the two-year drought, followed by record
83 precipitation, Bear Yuba Land Trust told me that they determined that oak plantings were in fact
84 not appropriate, as the failure rate was extremely high.
85

86 *[Phone rings.]* Chair Aguilar: You can answer it.
87

88 Commissioner Heck: I was further told a new proposal was made to the project applicant.
89 However, Bear Yuba Land Trust has not had contact from the applicant to this date, with any
90 kind of response to their updated proposal. I did pass this information along to staff as well as
91 County Counsel who advised me to disclose these conversations. In light of that information
92 received, should the Commission elect to approve the Alta Sierra project, my conclusions or how
93 this impacted my feelings about this was, I just want to be certain that the applicant and Bear
94 Yuba Land Trust reach agreements on proper mitigation measures that will be effective. I also
95 suggested that Bear Yuba Land Trust send somebody here to represent them, as that certainly is
96 not my job, nor would I, and I believe they may have someone here in the audience, so that
97 concludes.

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99 Chair Aguilar: Okay.

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101 Commissioner Heck: I saw a hand raise.

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103 Commissioner Duncan: Andy.

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105 Commissioner Heck: Andy, are you representing the Bear Yuba Land Trust?

106
107 Andy Cassano: Yes.

108
109 Commissioner Heck: Thank you. That's it.

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111 Chair Aguilar: Okay. Well, thank you very much. Tyler.

112
113 Planner Barrington: Thank you honorable Chairman, members of the Planning Commission. I'd
114 like to welcome the applicants and the public. I'd also like to welcome the members of the
115 different agencies and fire departments that have attended the meeting today in support of
116 responding to questions of the Planning Commission.

117
118 Chair Aguilar: Can you all hear him?

119
120 Public: No.

121
122 Planner Barrington: I'll try and talk closer.

123
124 Chair Aguilar: There you go.

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126 Planner Barrington: I also want to thank the public and the applicant for their patience in this
127 process. It's been a long process to get here. With that, I'll get started. There's three proposals
128 before you today, a project in Alta Sierra, a project in Penn Valley and a project in Rough and
129 Ready Highway for a 9,100 square foot Dollar General. SimonCRE, on behalf of Dollar General,
130 has submitted these applications and entitlements proposing these stores. In July of 2015, the
131 County and the applicant agreed to prepare an Environmental Impact Report for all three
132 projects. Each project is considered a separate project under CEQA, the California
133 Environmental Quality Act. However, a single EIR was prepared to ensure that the cumulative
134 analysis and impacts associated with all three stores could be adequately addressed and
135 considered. As the Chairman mentioned, it is our intent to break this meeting up into essentially
136 three public hearings. We'll start out by providing an overview of the EIR and the EIR process
137 by Mr. Patrick Hindmarsh from Michael Baker International. Next, we will hold a public hearing
138 for the Alta Sierra project where staff will provide a presentation on the project. We'll request
139 that the Planning Commission open and close the public hearing for that project, and then the
140 Planning Commission to deliberate and then take action through a motion of intent, as the
141 Chairman mentioned. From there, we'll be requesting a short break, up to five minutes. Next,
142 we'll follow that same procedure for both the Penn Valley project and the Rough and Ready
143 Highway project. Following those acts, motions of intent, we'll be asking for a final action on the
144 EIR in each of those actions based on your motion of intent. It would be our desire and our hope
145 that the Planning Commission would be complete with their deliberations, to give the public a
146 sense of when you make a motion of intent, you're not going to continue to open up the project

147 and discuss it further at that time. This is, again, three projects under one EIR and the Planning
148 Commission, because of the requirements of CEQA, is only required to certify the EIR one time
149 for all three projects. The certification, again, will apply to all three projects and the Planning
150 Commission, regardless of the certification of the EIR, has the ability to approve or deny the
151 individual projects. Once certified, that action on the EIR is final. We are recommending that
152 you look at each project individually as discussed, deliberate on the project and then make a
153 motion of intent to provide the Planning Commission, or the public and the applicant, with some
154 assurances where the Planning Commission will be voting on this project. We'd note that each
155 project does have its own impact and alternatives analysis, its own mitigation and monitoring
156 reporting program, and its own CEQA findings of fact that are specific to that individual project.
157 There is one statement of overriding considerations that applies to the Alta Sierra project only.
158 With that, I'll turn it over to Patrick, and he should be able to give you an overview of the EIR
159 process.

160
161 Chair Aguilar: Welcome Patrick.

162
163 Mr. Hindmarsh: Thank you.

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165 Chair Aguilar: Thank you.

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167 Mr. Hindmarsh: Are we on? Good afternoon. I'm going to provide a brief overview of the CEQA
168 process to date and moving forward for today. Before you, you see quite the lengthy process for
169 the environmental document. To give some background, a Notice of Preparation was circulated
170 for the projects in January of 2016. That's the third box there. Following comments received on
171 the NOP, we prepared a draft EIR which was circulated in January of 2017. Now, we are in the
172 highlighted portion considering the EIR in total for project approval. For the draft EIR, we
173 prepared an impact analysis for each of the sites with cumulative impacts, alternatives,
174 mitigation measures specific to each of the sites. For the final EIR, after receiving comments on
175 the draft EIR, we prepared responses to those comments and any necessary revisions to the draft
176 EIR based on those comments. An overview of the impacts identified in the draft EIR. There
177 were significant impacts identified for Alta Sierra and Rough and Ready, but no significant
178 unavoidable impacts for the Penn Valley site. The significant impact for the Alta Sierra site was
179 a visual quality impact and two significant and unavoidable impacts were identified for Rough
180 and Ready and those were visual quality and land use compatibility. We received a number of
181 comments on the draft EIR, almost 300 for all three projects. Most of the comments were related
182 to the projects themselves and not necessarily the adequacy of the EIR but there were a number
183 of comments that were related to environmental topics, and several of them were included
184 because if they were repeated often enough we prepared master responses, and those were
185 related to the use of septic systems, visual impacts, the use of STAA trucks, economic impacts
186 and just general EIR adequacy, stormwater, adequacy of traffic studies specifically to Rough and
187 Ready, and removal of trees from the Alta Sierra site. As for the contents of the final EIR, we
188 included all of the written comments on the draft EIR. Those were bracketed to identify specific
189 comments that were related to environmental topics. Each of those comments was responded to,
190 some of which were in master responses. In those cases the individual responses were referred
191 back to the master response. There were minor revisions to the draft EIR based on comments but
192 none of those were substantial enough to require the need to recirculate the EIR. Moving
193 forward, for this afternoon, as Tyler mentioned, the first action would be to certify the EIR as
194 complete and representing your independent judgment. I'm sorry. For the projects with the
195 significant unavoidable impacts you'll be required to adopt the findings of fact, and for a

statement of overriding considerations for any of the significant unavoidable impacts. The statement of overriding considerations would not be required for Penn Valley. And after those are adopted the projects can be approved, and the Planning Commission would also adopt the mitigation monitoring and reporting programs for each of the projects. As I mentioned before, the certification process would be that the Planning Commission would certify that the EIR has been completed in compliance with CEQA, that the EIR represents the Planning Commission's independent judgment and analysis, and that the Planning Commissioners have reviewed the EIR and considered that information in making their determination. As for the findings of fact, there are three findings that can be made: that changes have been required and/or incorporated into the project that substantially reduce or eliminate the impact, that those changes are the responsibility of another agency and that agency can and should adopt those measures, and that specific economic, legal considerations make mitigation infeasible. With that last finding, you would be required to adopt a statement of overriding considerations. Again, that would be based on legal, economic, social, or other benefits of the project that outweigh the significant impacts of the project. Thank you. Moving forward after you take action on the EIR and the projects, for any project that is approved we would file a Notice of Determination with the County Clerk within five days and that begins a challenge period on the EIR for 30 days.

Planner Barrington: That concludes Patrick's presentation. If there's any specific questions for Patrick prior to moving on to the Alta Sierra public hearing, please pose those questions now. He'll also be available as a part of the public hearing process.

Chair Aguilar: Tyler, I thought we were going to open up the public hearing for the EIR.

Planner Barrington: That's a part of the process for each individual project. There's a discussion of the EIR and the mitigation measures within that, much like a standard Planning Commission meeting where you consider an environmental document with the project. There'll be an opportunity to comment on the EIR throughout that process.

Chair Aguilar: Thank you Tyler. Bob.

Commissioner Jensen: Would now be the time to ask about a particular mitigation measure?

Planner Barrington: You may ask that now. If it's specific to a project we can discuss that as well as part of the project hearing.

Commissioner Jensen: I think it goes for all three. It's impact number 13.2.2. It's on page 52. No. I'm sorry. It's 13.2.1. It says the proposed project could expose sensitive raptors to stationary sources of noise in excess of established standards. Then the mitigation measure, because it could affect them, says that they can't be open from 7:00 at night till 7:00 in the morning. I think that's a very weak impact to put that strong of a restriction on the project. I would like to see it say that they can't exceed County's noise levels during the full 24-hour period, and rather than restrict them, because going forward in projects in the future it would bother me to have this impact come up with that mitigation measure.

Planner Barrington: For clarification, there's three different sets of mitigation measures and many of them are similar. 13.2.2 is a noise mitigation measure dealing with the Penn Valley project in particular. I assume that same mitigation applies to both Alta Sierra and to ...

245 Commissioner Jensen: It was on the Alta Sierra project and the other one also.

246
247 Planner Barrington: Correct. I believe it says construction hours. Is this what you're referring to?
248 Are limited to 7 to 7, Monday through Friday?

249
250 Commissioner Jensen: No. This is delivery hours.

251
252 Planner Barrington: Okay. That's for the Alta Sierra project only, I believe.

253
254 Commissioner Jensen: For all three projects.

255
256 Planner Barrington: Okay. Why don't we get into that when we get into the actual projects, and
257 then we can address it then, unless Patrick has a comment.

258
259 Mr. Hindmarsh: Excuse me. The mitigation measure 13.3 1b restricts the hours between 7 a.m.
260 and 7 p.m. That is specifically for the Rough and Ready site. That doesn't apply to Penn Valley
261 or Alta Sierra.

262
263 Planner Barrington: And the purpose of that is because the noise study determined that deliveries
264 at night would exceed the County's noise levels. That specific mitigation is detailed towards the
265 fact that the noise study documented that delivery trucks would exceed County noise applicable
266 standards in the nighttime hours for all three projects.

267
268 Commissioner Jensen: What I'm concerned about is whether something like this could be taken
269 and be used on like the Safeway store or something that's already existing and say, well since
270 Dollar General has to restrict their hours, could we now restrict Safeway's for the same reason?

271
272 Planner Barrington: For delivery purposes, correct.

273
274 Commissioner Jensen: Yeah.

275
276 Planner Barrington: Again, each project had a noise study that was specific to that project, and
277 the mitigation is directly tied to that noise study determining that the delivery trucks would
278 exceed County noise standards in that area based on ambient noise levels in those areas.

279
280 Commissioner Jensen: Is the County noise level different in more commercial areas than it is in
281 residential areas?

282
283 Planner Barrington: Yes. When you have a commercial area abutting a residential area, the noise
284 standards are different.

285
286 Commissioner Jensen: Are different.

287
288 Mr. Hindmarsh: And also the proximity of the residential uses, which are the sensitive receptors,
289 would weigh heavily on that. So if the residential uses are farther away, the noise is attenuated
290 with that given distance. But if they're very close to the noise source, it's louder, at those
291 receptors.

Commissioner Jensen: So based on this where says they could affect the raptors, if there's no raptors in the area then they could deliver?

Mr. Hindmarsh: I'm not sure we're looking at the same mitigation measure if we're talking about raptors.

Commissioner Jensen: Raptors, yes. It's mitigation, it's on page 52, and it's 13.2.1.

Planner Barrington: 52 of which staff report, the Rough and Ready Highway staff report?

Commissioner Jensen: Of the EIR... I'm mainly concerned with this because if we set a precedent that if there's a tree on the property, then the delivery hours will be from 7 in the morning until 7 at night. And that could be used throughout the county. And it bothers me that it doesn't say there are raptors there, therefore we will do it this way, it says they could.

Planner Barrington: I want to make sure we're on the same page here. On page 55 of the EIR.

Commissioner Jensen: 52.

Planner Barrington: 52 of the draft EIR, correct?

Commissioner Jensen: 2.0-52.

Planner Barrington: Can you show me what you're looking at?

Commissioner Jensen: Right there.

Planner Barrington: For the Commission's benefit, the impact statement, it's talking about noise receptors, not raptors. So those were the residences that are in close proximity to the building. So it's not, again, it's not related to impacts to birds or protected bird species. It's related to the impacts of the deliveries on the sensitive noise receptors that are in the proximity.

Commissioner Jensen: I'm sorry.

Chair Aguilar: It's alright. Any other questions of the consultant or staff? Okay. Tyler, now we're going to talk about the Alta Sierra project.

Planner Barrington: Correct.

Chair Aguilar: Okay. And then, we'll open it up for public hearing.

Planner Barrington: Correct.

DP14-001; MGT14-010; & EIR15-001 (Alta Sierra): A public hearing to consider a Development Permit application proposing a 9,100 square foot Dollar General Store and a Management Plan addressing disturbance to a 1.40-acre landmark oak grove and 4 individual landmark oak trees. In addition to the proposed retail commercial structure, the project includes associated improvements including but not limited to grading, landscaping, parking, lightened, signage and other related site improvements. The project site consists of 3 parcels in a

south/north orientation. The southern +/- 1.0-acre project site for the proposed building is located in between Alta Sierra Drive and Little Valley Road and will take direct access on Alta Sierra Drive. An adjacent parcel to the north will hold the project's septic line and a parcel two removed to the north will contain the project's septic leach field. **PROJECT LOCATION:** 10166 Alta Sierra Drive (Store), 10120 Alta Sierra Drive (septic line) and 15675 Johnson Place (septic leach field), Grass Valley, CA approximately 550 feet east of State Highway 49. **ASSESSOR PARCEL Nos.:** 25-430-08 (store); 25-430-10 (septic line) and 25-430-12 (septic leach field). **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Certify the EIR (EIR15-001) **PLANNER:** Tyler Barrington, Principal Planner.

Planner Barrington: All right. Thank you very much. Again, Tyler Barrington, Principal Planner for the record. The item for your consideration today is a proposed Dollar General store. It's file number DP14-001, MGT14-010, and EIR15-001. The project applicant is CJS Development II, being proposed by Simon Commercial Real Estate, who is the developer, and Serge Bartlome is the property owner. This project was applied for back in July of 2014. The project was 9,100 square feet plus associated development and fell just before the threshold of what is considered a Planning Commission project. It was considered by the County Zoning Administrator on March 11, 2015 and then again on July 1, 2015. Pursuant to Land Use and Development Code Section L-II 5.5E4, the Zoning Administrator in his authority elected to elevate this project to the Planning Commission. I would note that at that time the other two projects had been submitted and those were already elevated to the Commission. In taking this action, the Zoning Administrator did not find that the project was either consistent or inconsistent with the General Plan or the zoning code, and he also did not find that at that time the proposed environmental document was either adequate or not. And as I mentioned, the applicant did submit the Rough and Ready Highway and Penn Valley projects around this time, and the County and the applicant elected to prepare the EIR as I discussed earlier. So the proposed Alta Sierra project consists of three parcels. One for the store, which is located at 10166 Alta Sierra Drive, also known as APN 25-430-08. It does include a second parcel going from south to north. Parcel 2 is intended to provide the septic line easement, I believe for a 2-inch septic line and that parcel is 10122 Alta Sierra Drive, Assessor's Parcel Number 25-430-10. The third parcel where the soils testing was conducted is two parcels removed and it's a proposed offsite septic system at 15675 Johnson place, has an APN of 25-430-12. The proposed store parcel is approximately one acre in size. The access would be provided off of Alta Sierra Drive. Water would be provided by the Nevada Irrigation District, and as I mentioned there'd be an offsite septic system. This project is within what's considered the Alta Sierra Rural Center, by the County General Plan. The zoning on this property, this exhibit, shows you the three parcels, one, two, and three, as I described previously. The zoning is Neighborhood Commercial. The purpose of that zoning district is to provide for retail and service needs of nearby neighborhoods. It does allow for retail sales conducted indoors, which is being proposed today, pursuing to a Development Permit. I also mentioned that there is a Management Plan associated with this for impacts to oak trees and a landmark oak grove. The General Plan destination for the proposed project is Neighborhood Commercial, consistent with the C1 or Neighborhood Commercial zoning destination. It has a purpose of providing for retail service needs in nearby neighborhoods, clustering development to preclude strip development, and requires that development should provide convenient controlled access to arterial and collector roads. Here you have an air photo of the proposed site and the immediate vicinity of the Alta Sierra Rural Center. The surrounding land uses include two roadways, Alta Sierra Drive, which is considered a major collector. It's a 24-foot wide roadway with approximately 5,000 average daily trips. And Little Valley Road is on the east side, which is a local road. To the east, southeast and northwest, there is rural residential development, with an

RA-1.5-acre minimum zoning. And then moving farther is the entire Alta Sierra subdivision. There are several commercial uses in the area. To the south, there is the Alta Sierra Market, which I'll go into a little bit further. To the west are two vacant Commercially zoned parcels. To the northwest, there are several developed parcels with commercial uses on them, including Furry Friends, a chiropractor, a dentist, restaurants, The Herbal Garden, a gas station, Alta Sierra Wine, an auto repair business and a real estate office, amongst others. So the project itself, there's two entitlements essentially being requested. The first of which is a Development Permit for retail sales conducted indoors, to host the proposed Dollar General store. There is also a Management Plan to mitigate the impacts of the project on the site's landmark oak trees, of which there are four, and the 1.4 acres of landmark oak grove, which I'll go into in a little bit more detail. This proposed store is 9,100 square feet. It is proposing 34 improved parking spaces, associated lighting, landscaping, drainage improvements and commercial signage. The project would propose a single encroachment onto Alta Sierra Drive, which would be a 40-foot wide two-way driveway. The Management Plan is intending to address the impacts, again, of 1.4 acres of both direct and indirect impacts from construction grading, as well as the septic system, with a total of 85 oaks that will be impacted by this project. The project's biologist did determine that there are four landmark oak trees on the project site, all three parcels, three of which would be directly impacted and one would be indirectly impacted by the proposed septic system. What you have before you is the exhibit of the proposed grading and drainage plan. As I mentioned, 85 oaks would be impacted by this project. There are 10 oaks and 7 conifers which would be retained. In the lower right-hand corner is the proposed screen wall and retaining walls associated with this project. On the north side of the project, in order to meet grades for access for persons with disabilities, the applicant is proposing a retaining wall, that's from the east to the west. That's approximately eight feet in this area, to about five and a half feet on the eastern edge. On the backside of the parcel, the retaining wall's proposed to be about five and half feet in this area, to about 12 feet at the eastern corner. And then, going from east to north, the retaining wall would end about the area of the cursor and be about six feet in that area. The applicant is proposing two screening walls, six foot tall, color matched to the retaining wall and the proposed store. The retaining wall, as well as the screening walls, include columns approximately every 15 feet or so, that have cultured stone to match some of the design elements of the proposed store. I'll go into this a little bit later, but there is mitigation that requires a third wall, and/or the wall to be continuous, so that way commercial activities are less visible from the residential uses to the east. Regarding excavation, this project proposes to excavate approximately 5,988 cubic yards of cut and do 1,212 cubic yards of fill and, therefore, 4,776 cubic yards would be exported from the site. And the applicant proposes to take that material to Hanson Brothers Enterprises on La Barr Meadows Road, which has an existing Use Permit for that type of storage. It's estimated that approximately 450 truck trips will be required to perform this action. The applicant is proposing to provide a temporary access onto Little Valley Road to better allow for movements of these soil trucks. There is mitigation that requires a 21-day time period for that activity to occur unless, for some reason or another, there's inclement weather or other justified reasons why it can't occur within 21 days. It does require that the activities for soil exporting happen between 9 a.m. and 4 p.m. Monday through Friday. The intent there was to minimize conflicts during the peak traffic hours. And then, once that action is completed, the applicant is required to close off that temporary access. I would note that the original proposal included a through driveway and as a part of the deliberations, the Zoning Administrator did request that they redesign the site and remove that access to help minimize conflicts with the residences to the east. Regarding parking and landscaping, a 9,100 square foot store, pursuant to the County's parking requirements, requires 46 spaces. The applicant is requesting a parking reduction to 34 spaces. This is allowed by the Nevada County Land Use and Development Code Section L-II 4.2.9F12. When you have

an engineer prepare a parking analysis, an engineer who's certified to practice as a traffic engineer, documenting why the required number of spaces are not necessary for a project of this development. I believe the traffic study did provide three different examples. The parking analysis was reviewed by the County Planning Department and by the Department of Public Works and found to meet the County's code requirements for such a proposed reduction. For landscaping, about 17% of the site would be landscaped. They would retain some existing oak trees and as well as planting nine new oak trees on the site, which are not part of the oak tree mitigation. This landscaping would provide a 10-foot landscape buffer between the proposed development and surrounding uses. It meets the County's shading requirements, as well as the 45 square foot per parking space requirements. The project would also provide for 15% onsite open space. And, the proposal is to utilize mostly native plantings, covers and trees. It's an extensive planting plan, and staffers reviewed that plan and finds it to be consistent with the County's landscape requirements. On lighting and signage, the proposed project is proposing to include two light poles for parking lot security lighting as well as multiple wall-mounted lights. The applicant did submit a photometric plan that shows there will be some light spill off of the site and pursuant to the County's code, mitigation is required that they provide a final lighting plan to reduce that light spill to be retained completely on site. And some suggestions include reducing the wattage, relocating the lights, or making the poles shorter. For signage, the applicant has proposed two signs. One is proposed to be a monument sign; it's shown in the lower right hand corner. And the other is proposed to be a wall-mounted sign. In the upper right hand corner is kind of an artistic rendering of the development and shows the yellow sign. The County's code requires and recommends channel letter signs to be externally lit by downward facing gooseneck lighting and so mitigation measure AS-4.1.1D does require that they provide channel letter signage. The monument sign itself was restricted to be no more than 25 square feet. And the signage has been reviewed for consistency with the County's Land Use and Development Code signage standards and has been found to be compliant with those standards as mitigated. The monument sign is intended to be color matched to the proposed building and be on a cultured stone base. I would note that, it's kind of hard to see, but they're showing up lighting, which is allowed in that area. Regarding sewage disposal, as I previously mentioned, it doesn't show up that well, but the project would include a pump tank on the site. The leach line would go up the right hand side, the eastern side of the parcel to the north. And soils testing, including a primary and a repair area, have been identified two parcels removed. Environmental Health has reviewed the proposed septic system design and found it to be consistent. It would require a final design to be submitted as part of building permit plans. They do require that an easement be recorded. The applicant has provided a letter of intent to record an easement, contingent upon approval of their project. Regarding storm drainage, the applicant has provided a preliminary storm drainage analysis that documents that the proposed project, how it will handle a 10 and 100-year storm. The County's code requires that when you create new impervious surfaces, that you manage your storm water onsite so that post-project conditions don't exceed post-project levels, in terms of outflow. This preliminary drainage report has been reviewed and accepted by the Department of Public Works. A final drainage report and design would have to be provided to the County prior to any development occurring. So, essentially, onsite drains will be captured in two onsite open spaces or bioretention facilities. From there, it would be routed through water quality measures, such as oil water separators, and then enter into detention pipes, which are shown in this general location. The treated runoff would then be bled back into the offsite storm drain network, again at pre-project levels, which is consistent with the County's policies for storm drain design. The applicant has prepared a focus traffic study for this project, as well as the other projects. It looked at project intersections, including Highway 49 and Alta Sierra Drive, Alta Sierra Drive and Johnson Place, Alta Sierra Drive and the project entrance, Alta Sierra Drive Little Valley

Road and Gibboney Lane, as well as Little Valley Road and 49. I would note, as documented in many of the public comments that have been received, the proposed project utilized a 73-foot STAA truck as part of their truck turning analysis. The STAA truck is not allowed on these roads. According to the applicant, the purpose of doing so was to show that the site could potentially accommodate this size of the truck should, at some time, those trucks be allowed and I'll go into that a little bit more detail further on. In addition to analyzing the project pre-, post- and long-range project conditions provided a trip generate distribution analysis, a sight distance analysis, and then recommendations for mitigating traffic impacts. Alta Sierra Drive is currently operating at a Level of Service A. With the additional trips added to Alta Sierra Drive, the traffic study found that the post-project would continue to operate at Level of Service A, and then all the intersections that have been studied would not be exacerbated or result in a downgrade in the Level of Service. As I previously mentioned, Alta Sierra Drive has approximately 5,276 average daily trips. According to the focus traffic study, this project would generate approximately 583 ADT or average daily trips with 35 peak hour trips in the a.m. period and 62 in the afternoon period. Excuse me. Regarding internal circulation, as I mentioned, their truck turning template did use STAA trucks. STAA trucks are prohibited by mitigation measure AS-15.12B, as well as Department of Public Works condition B10. California legal trucks of 65 feet or less are allowed on Alta Sierra Drive and larger California legal trucks which go up to 65 feet would require a permit from the Department of Public Works, which is outlined in condition B10. The sight distance for this project has been reviewed by the project engineer or traffic engineer as well as the County, and mitigation is provided that requires them to ensure that no landscaping will be over 18 inches in size in that area to allow sight distance to be maintained, as well as there's a requirement that some clearing be done to it to help assist in maintaining sight distances. So as I mentioned, the EIR has concluded that this project will not downgrade the Level of Service at any of the studied intersections or roads. It will primarily serve pass-by trips, those are residents typically who live in the area who happen to be coming home or going to work and stopping there on the way by. It's not intended to be a significant regional traffic generator. Again, sight distance is adequate for both Alta Sierra Drive and Little Valley Road during soil exporting activities. And that the truck turning radii are acceptable to the County as well as the local fire district. Some of the traffic specific mitigation and conditions of approval include meeting the County's and commercial encroachment design standards as well as a tanning and encroachment permit. Tapering the northern driveway encroachment to assist with truck turning movements to pay the road improvement impact fee. To again, as like I mentioned to ensure landscaping doesn't conflict with sight distance requirements, utilize County onsite signage instructing requirements, and then providing a traffic control plan approved by the Department of Public Works for both primary access construction and the Little Valley Road access. The State Department of Transportation, Caltrans, has also commented on this project and recommended conditions of approval. These include requiring the applicant to pay their fair share contribution towards future improvements on State Highway 49 and to help assist in maintaining safety at the Alta Sierra Drive and State 49 intersection. Caltrans has requested a condition of approval requiring that the applicant replace the existing three section signal head on the northeast quadrant of that intersection with a five section signal head and a new type 1B pole, and then to reset the timing for all the intersections. Essentially what that does is it creates a dedicated right hand turn movement on a green, which doesn't currently exist. And then they'd be required to obtain an encroachment permit for any work in the Caltrans right of way. So essentially all traffic impacts have been adequately mitigated to less than significant levels and the conditions and mitigation measures will ensure that traffic impacts are not significant. Also, note that some comments requested a left hand turn lane and the traffic analysis didn't warrant a left hand turn lane for this development. Moving on to building design, the proposed project is approximately

26 feet at max height with a primary parapet roofline of about 18 feet and six inches. The overall design of the building included exterior stucco finish with fiber cement lap siding, wood fascia, stone veneer on the columns with metal doors and windows. It does include wainscoting, a standing seam metal mansard roof around the outside to break up the massing. Eight by eight wood pillars with rock bases and then the tower ridge in the middle. And here's a color rendering of the proposed design. The EIR did identify that while this project is generally consistent with the western Nevada County guidelines, that the project could improve it's overall aesthetic value by breaking up the flat roof more and breaking up the overall massing of the building. Mitigation measure AS-4.1.1A requires that additional architectural features on both the eastern and southern exterior walls and along the roof line be made to help with this. Here are the colors of the proposed building. It uses primarily earth tones, tans, browns and grays, which are consistent with the County's western Nevada County design guideline requirements. In preparation of the EIR, the applicant and the EIR consultant did prepare, well the applicant funded the EIR consultant to prepare visual simulations of what the proposed development would look like from different view points. And so we wanted to provide those to the Commission and the public. On the upper hand side is view point A coming down Alta Sierra Drive looking south, on the upper hand portion is meant to be, it's the existing setting. And then following the development of the site is basically what you would see from that same viewpoint. Looking north, going up Alta Sierra Drive again the same stand point of the proposed existing. Proposed on the bottom and existing on the top. As you can see the building is behind the existing Alta Sierra store. This viewpoint is looking from Little Valley Road, it shows the proposed retaining wall, again about 12 feet with an 18 foot tall building on top of it and then it basically goes up the side there and that's part of the retaining wall with the columns with it. And then the final viewpoint is looking south on Little Valley Road following the construction. So there's several potential aesthetic impact associated with this project including the level and size of the overall mass of the retaining walls. Again the applicant is proposing to make those color match with the building and do stone columns to help break up the massing of that. There is a screen, the screen wall is proposed as I mentioned. Two of them are being proposed at the end of each parking aisle. The mitigation measure AS-4.1.1C requires that a solid wall and/or a third wall be added to close the gap. This is meant to help minimize potential commercial activity impacts on surrounding residential uses. The new commercial building, the lighting, the signage and the parking, as well as the commercial activity, would result in an aesthetic visual impact in the area. Taking a 1.0-acre lot that's currently in a wooded state and replacing with a commercial development would be a significant visual impact. Some of the other mitigation measures that are intended to help minimize impacts include prohibiting windows on the south and east walls, and that's intended to minimize light; requiring additional architectural features as I mentioned on both the interior, exterior walls and screening and retaining walls; retaining and protecting natural mature trees; requiring more aesthetically pleasing signage, channel letter signs as I mentioned; and then ensuring the lighting is maintained on the site. Because this project will change the existing visual characteristics of the site and this impact has been identified to be significant and unavoidable, while mitigation is applied to this impact, that mitigation doesn't reduce this level to less than significance. Moving on, in terms of land use compatibility, this project is within the Alta Sierra Rural Center. The Alta Sierra Rural Center is a 35 acre, 24 parcel pod of C1 zoning. This pod has been in existence and commercially zoned since the 1980s. Surrounding development, this project is considered to be an infill project. To the north you have three buildings on a one-acre parcel that are approximately 10,000 square feet, which includes parking, lighting and signage. To the south you have the Alta Sierra Market, which is over 9,000 square feet, includes 41 parking spaces on a one-acre parcel. To the west is Alta Sierra Drive and two undeveloped commercial parcels, and to the east is Little Valley Road and Residential

Agricultural zoning. The nearest developed residence is approximately 110 feet from the eastern property line. The next nearest is approximately 180 feet from the northeast property boundary, and the house itself is approximately 400 feet from the proposed commercial building. There are several commercial uses in this area that have been established for some time, as I previously mentioned, so I won't go back through all those. There are several mitigation measures that have been applied to this project, and while they apply to other areas such as air quality, noise and aesthetics, those mitigation measures are meant to help and intended to help minimize land use compatibility impacts, specifically with the residences to the east. As Commissioner Jensen did mention, there is a limit on delivery hours to the daytime hours because the noise study did document that deliveries during the nighttime hours would exceed County noise standards. There's limits on the construction hours from 7:00 a.m. to 7:00 p.m. Monday through Friday, intended to help the residents of the area enjoy their weekends. Then there's other best management practices during construction such as limiting equipment idling to five minutes and erecting noise barriers. As I already discussed, the 21-day limit on construction access to Little Valley Road, the non-peak hours, and closing that, the applicant is required to prepare an off-road construction emissions plan and a dust control plan with the Northern Sierra Air Quality Management District intended to minimize dust to surrounding properties, use low VOC coatings and then get an authority to construct permit from Air Quality Control Board. In addition, there are several Planning conditions that are meant to help assist with the design of the building to minimize lighting impacts, to ensure signage is consistent and more aesthetically pleasing, to meet parking requirements, landscaping requirements, retaining the trees, and screening rooftop equipment and solid waste enclosures, improving the retaining walls, designing the site to accommodate future sidewalks and curbs and reducing construction noise. I would note, and this is consistent for all three projects, is the County does not have a policy or standards that restrict or dictate what the tenant of a retail store can be. Our requirements are to look at the store and determine whether or not it meets the County's requirements for site development, is consistent with the County's policies in the General Plan, and meets the design guidelines. This project has been found to be consistent with the C1 zoning and the Neighborhood Commercial General Plan designation, which allows retail sales conducted indoors pursuant to a Development Permit. As I previously mentioned, this project is considered an infill project in a developed commercial area, and the project has been mitigated and conditioned to reduce those impacts regarding land use compatibility to less than significant levels. Bear with me, we're getting to the end here. This project does include an oak tree Management Plan. Nevada County Land Use and Development Code Section L-II 4.3, the County resource standards and the L-II 4.3.15, the tree section of the code, does allow for a disturbance to occur within a sensitive resource when a professional prepares a Management Plan that documents why avoidance is not necessary and provides mitigation for reducing those impacts to less than significant levels. Parcels one, two, and three have been identified by the project biologists, which includes Salix Consulting as well as Costella Environmental Consulting who prepared the Management Plan, to host a landmark oak grove approximately 1.4 acres and four landmark oak trees. On the store parcel, that will result in the removal of 63 of these trees including three landmark oak trees. For the Planning Commission and the public, a landmark oak tree is an oak tree that is 36 inches diameter at breast height, and a landmark oak grove is an oak grove habitat that's basically a canopy closure greater than 33%. Parcel two could result in potential impacts for the trenching of the septic line, and then parcel three will result in indirect impacts of one landmark oak tree. As I had mentioned, 85 total trees are impacted by this project. 17 will be retained, including ten oaks and nine new oak trees will be planted as part of the implementation of the landscape plan. That's not part of the mitigating factors for the project. Because this is a developed area with two relatively major roads and other existing commercial

uses on both sides, the overall habitat value is somewhat marginal because of the ambient noises of State Highway 49 as well as traffic. In March 30, 2015, Tina Costella, Costella Environmental Consulting, submitted a revised Management Plan. As I mentioned, this documents that the project has a potential to impact 1.4 acres of landmark oak grove. Several mitigation measures were provided to lessen this impact to less than significant levels, and those were incorporated into the EIR document, including mitigation measure AS-6.1.3A, which is to protect native and mature vegetation onsite as an environmentally sensitive area, and fencing that area off during construction. There's criteria to avoid direct and indirect impacts to trees to be retained, including consultation with a qualified professional prior to excavation and doing root protection and safeguarding those trees during construction such as the orange fencing. The mitigation requires that construction personnel is educated and a qualified professional shall monitor the construction to ensure that oaks are retained or not impacted. Finally, the biggest, if you will, mitigation is the implementation of a black oak restoration project. Mitigation measure AS-6.1.3E was provided as a part of the Management Plan, attachment five of your staff report. It's based on the restoration of a project proposal prepared by the Bear Yuba Land Trust and the project biologist. It was submitted as a part of the Management Plan in March of 2015. This Management Plan and restoration plan provided some specifics and assurance that the project oak impacts could be mitigated at a regional project property. The Land Trust at that time had just acquired an approximately 35-acre property on the east side of Alta Sierra, which is about two air miles from the project site. At that time the Land Trust lacked funds to manage and restore the site. This site was identified as suitable due to its riparian habitat and comparable oak woodlands. This mitigation measure as it's currently written requires the payment of \$42,900 to the Land Trust to implement the restoration plan. I do have an asterisk next to that because there are some amendments that will be requested. The plan includes several things besides the payment to manage the lands. It includes habitat restoration and opening of the understory, creating a naturally functioning ecosystem, not a black oak plantation, doing fuels reduction and invasive, noxious species removal, planting of native grasses and forbs. It estimated that approximately 220 to 250 black oak seedlings will be planted, caged and provided with temporary irrigation. It anticipated a 60% survival rate and it did provide for up to five years of monitoring. It also provided a projected budget to how to implement the plan. Recently in early October following the release of the final EIR, the Land Trust did contact the Planning Department and expressed some concerns over the restoration proposal. Following the completion of your project staff report, staff did receive a letter from the Land Trust, which is included in today's staff memo, on October 20, 2017. In a nutshell, the letter basically stated that 2.5 years had expired since the proposal was made, and they did not have a formal agreement with the developer, and they did request to revise the proposal. They outlined that their preference would be to focus on habitat enhancement efforts versus planting new seedlings, and stated that they would provide a revised proposal that focused on the same oak preserve. A revised proposal was not submitted to the County. My understanding is it was submitted to the applicant. In consultation with County Counsel, the staff is recommending a revision to the oak tree mitigation restoration plan, and essentially it removes the dollar amount and requires that the applicant pay an amount agreed to by the Land Trust. Additionally, there was some language added that any change to the restoration plan such as focusing on habitat or saving and growing existing starts, if you will, saplings, that it shall be reviewed and approved by the project biologist and it must be equal to or greater in effectiveness than the original restoration plan. The project biologist would have to determine that. The final restoration plan would have to be submitted to the County for review, approval, and to be kept on file prior to issuance of any grading or improvement plans. Because of this revision, staff has reviewed the CEQA Guidelines, specifically Section 15088.5. We find that these proposed revisions to this mitigation

measure are not considered significant or new information regarding the recirculation of the EIR. The revised mitigation measure provides the same, if not more, effective mitigation to the project identified oak tree impacts than the original mitigation measure. It doesn't change the project impacts, nor does it change the analysis of the EIR and therefore, circulation is not required. We would suggest that the Planning Commission, should you elect to approve this project, that you make two added findings to both the EIR and the Management Plan. Those are provided in today's staff memo. Essentially, they state the items before you. Finding that recirculation is not required as a result of this minor change. As you know, Michael Baker International did prepare an EIR for this project. We went through an extensive public noticing process including hosting a scoping meeting at the Alta Sierra Country Club. The EIR was provided for a period that exceeded the minimum 45-day period, which closed on January 31st. The draft EIR did analyze the project and four alternatives: it analyzed no project/no build alternative, a no project or other commercial project alternative, a reduced project alternative, as well as an offsite project alternative, which looked at five different sites in the immediate vicinity of the project. Essentially, the EIR concluded, and this is contained in your findings as well, that these alternatives don't result in reducing the significant and unavoidable impacts below less than significant levels. The impacts would be similar, if not the same, as the proposed project. The applicant doesn't have the ability to obtain the offsite parcels; however, they are in contract with the existing parcel owner. And these alternatives would not further the project objectives. Moving on. The Planning Commission did hold a public comment meeting on January 26, 2017. As you know, we did receive 294 comment letters, three of which were from agencies including the State Clearinghouse, the Nevada Irrigation District, and Caltrans. The final EIR, including the response and comments and the revision of the draft EIR, was released for public review on September 25th, almost 30 days. The minimum was 10 days. And then the EIR did identify potential impacts to aesthetics, air quality, biology, cultural resources, geology and soils, hazardous materials, hydrology and water quality, land use and planning, noise, public services utilities, and transportation and traffic. All of those impacts have been mitigated to less than significant levels except for the visual impacts, which remain as significant and unavoidable. In order to certify the EIR, the Planning Commission must determine that the EIR is adequate and complete. The EIR must show good faith effort to the full disclosure of the environmental impacts and it must provide sufficient analysis to allow decision to be made regarding the project in contemplation of the environmental consequences. As I have previously mentioned in the overview, the Planning Commission may certify an EIR as adequate and approve or deny a project. Each project in this project includes a Mitigation and Monitoring Reporting Program in Attachment 3. In order to certify the project and approve the project, the Planning Commission must adopt that MMRP that includes CEQA findings of fact, which are provided in attachment 4, and then a statement of overriding considerations as Patrick explained. The decision-making body may still approve a project that has significant and unavoidable impacts as long as certain provisions that outweigh those impacts and the Planning Commission finds them to be acceptable. As shown in attachment 4, as a part of your CEQA findings of fact, the overriding considerations basically state that this project will provide an economic benefit by creating six to 10 permanent jobs. It has the ability to increase property tax on the project parcel. It has the potential to generate sales tax revenue and capture sales revenue dollars that are spent out of county. Currently, this parcel is undeveloped so property taxes are limited. The project will result in a productive use of a vacant commercial property contributing to the economic vitality of the County. The project has a potential to revitalize an aging business center by making new investment into that business center. The project does have the potential to reduce vehicle miles traveled thus potentially reducing greenhouse gas emissions. This is based on the fact that the items that are sold at this store are not readily available in the Alta Sierra area and do require that

the residents travel to either Auburn, Lake of the Pines, Grass Valley or other areas that wouldn't be as close. Then finally, the statement of overriding considerations finds that this project is consistent with relevant goals and policies of the General Plan. As outlined in staff's presentation, this project has been found to be consistent with the C1 Neighborhood Commercial zoning and the Neighborhood Commercial General Plan designations as a retail use indoors and as an infill project as conditioned and mitigated. It's also consistent with several General Plan goals and policies, which is outlined on page 20-22 of the project staff report. The project, as conditioned and mitigated, is consistent with the site development standards of the Land Use and Development Code Section L-II 2.4 including lighting, landscaping, parking, open space, setbacks, and such. The proposed Oak Management Plan has been reviewed and been found to be consistent with the County's resource standards. Because it's such a small parcel, avoidance is not possible. It's also been found to be consistent with the Western Nevada County Design Guidelines in terms of the earth tones and the different massing, as well as the mitigation measures which require additional architectural treatment to the project. So, following taking public testimony and deliberating on the project, staff would recommend that the Planning Commission make a motion of intent to certify the EIR subject to the recommended mitigation measures found in the mitigation monitoring and reporting program, making the CEQA findings of fact and adopting a statement of overriding considerations, attachment 4, and then make that additional finding A which essentially states that recirculation of the EIR is not necessary for the minor revision to mitigation measures 6.1.3E. Next, staff would recommend that the Planning Commission make a motion of intent to approve the Management Plan, MGT14-010, which is provided in attachment 5, making the revised Findings A-C as shown in staff's memo dated October 26th. That revised finding basically states that the revised restoration plan would be equal to or greater than the original required mitigation, specifically dealing with the payment of implementing the project. Finally, staff would recommend that the Planning Commission, after taking public testimony, reviewing and considering the evidence before you, that you make a motion of intent to approve the Development Permit, DP14-001, making Findings A-L. That concludes staff's presentation.

Chair Aguilar: Thank you, Tyler. A very detailed, complete report. Appreciate that. Questions of staff?

Commissioner Jensen: I have a few questions.

Chair Aguilar: Bob.

Commissioner Jensen: On the parcel that's receiving the septic tank and stuff, will there be no more building on that site? Does that and will that be included in the deed? And also, will the restriction of the deed that encompasses that go to the lot or to Dollar General?

Planner Barrington: Mr. Chair, Commissioner Jensen, the site where the proposed septic field is proposed to be located is already developed with the Las Katerinas Restaurant. And so there is actually an existing septic system that's somewhat behind the restaurant. And so this septic system proposal and the easement that would be placed on it is exclusive or separate from that existing septic system. In speaking with the Department of Environmental Health, they've indicated there's adequate room on that parcel for the restaurant to prepare additional soils testing to do a repair area should their septic system fail. The easement itself would be an easement across those three properties for the benefit of the Dollar General store. Does that answer your question?

Commissioner Jensen: So, if Dollar General store goes out, then the easement goes away?

Planner Barrington: The easement would retain across the land.

Commissioner Jensen: It's not for Dollar General?

Planner Barrington: It's for the parcel.

Commissioner Jensen: For the parcel?

Planner Barrington: Correct.

Commissioner Jensen: Okay. So the restaurant would not be able to expand in size?

Planner Barrington: So, I put up the air photo for you. This is the restaurant building. There's other areas where the restaurant may be able to expand. The septic system for the proposed Dollar General store is on the back half of the proposed project. The existing septic systems for the existing restaurant is in this area here. So, by allowing Dollar General to install a septic system on this side, it would likely have no impact on any expansion plans, because they would have to go over their own septic system first.

Commissioner Jensen: Thank you.

Chair Aguilar: Laura.

Commissioner Duncan: Tyler, earlier in your presentation you put up some photos of what the building would look like on the site. Was there one that showed a front view of that? From Alta Sierra?

Planner Barrington: Limited front view. I'll try and bring it up for you. This is the closest to a front view of the project.

Commissioner Duncan: Without signage.

Planner Barrington: It only shows the monument sign. Again, this monument sign is not actually the proposal. The proposal would be-

Commissioner Duncan: That's how it would be laid out though?

Planner Barrington: Right. Correct.

Commissioner Duncan: That's it. Okay. And there isn't a better frontal view of that building?

Planner Barrington: Only the rendering.

Commissioner Duncan: Okay. Right. And renderings always look really nice. It's the reality, sometimes, that doesn't quite translate to once it's constructed. Thank you.

Planner Barrington: And I would note that the sign, here, that's shown, would not be allowed as is. It would have to be channel letters. We would anticipate that those letters would be yellow. Corporate yellow with black outline.

Commissioner Duncan: Okay. Thank you.

Chair Aguilar: Any other questions of staff?

Commissioner Heck: Yes, I have a couple. Thank you. Tyler, staying with this building design thing for a minute, it's been unclear to me. So, which of these faces, is it the west or the east? It looks like it's the west elevation that actually faces Alta Sierra Drive. Is that correct?

Planner Barrington: That is correct.

Commissioner Heck: And, were there any additional mitigation measures contemplated for the mass of this building? Of this elevation?

Planner Barrington: The mitigation measures specific mostly on the eastern and southern walls. Or, roof line. So, no.

Commissioner Heck: Because this kind of looks like a warehouse or something. Kind of the way it looks like to me. Okay. Then, my next question, please, is with regard to the parking, you know, you said the code requires 46. The applicant is asking for 34. So, that's a 26% reduction. And, my question about that is, having been in real estate, this building may not always be a Dollar General. And, if this were to be something else, I could anticipate that it might be split. It's very large at 9,100 square feet, and it's hard to find retailers that will fill that kind of space. So, if this were divided up, what would the parking requirement be? Or, maybe a better way to just say is, was the parking of, whatever it was, 34 spaces determined solely on the specific use of Dollar General?

Planner Barrington: Mr. Chair, Commissioner Heck, the parking reduction was based on the use of Dollar General's other Dollar Generals that had been established. Should the business not be successful and a new business go in there, the County requires that a tenant improvement be applied for, at which point we would review the project for consistency with parking, landscaping, et cetera. If it was a project that necessitated more parking than what's provided, we would require a traffic engineer, pursuant to our code, prepare a new parking analysis that documents why the 34 spaces are adequate to provide for their use.

Commissioner Heck: Okay. Thank you.

Chair Aguilar: So, just to piggy back for a clarification. If the developer came in and, correct me if I'm wrong, if the developer came in and said, "I want to build a building there." And no name, "I'll fill it in later." Then, it would be the County's responsibility to say, "Well, what's it going to be?" And, "We don't know." So then, probably, the 46 would be required. So, they kind of go to the worst case scenario. Well, because it's been identified, then the engineer says, "Well, here's our modification, because we have a specific tenant." Is that correct?

Planner Barrington: That's correct.

881 Chair Aguilar: Yeah, okay. Any other question? Oh, Ed, yes?

882
883 Commissioner James: Little more detail here on the 451 dirt trucks that are going out Little
884 Valley Road?

885
886 Planner Barrington: I'd let the applicant speak to this, but my understanding is the trucks will be
887 coming down Little Valley Road, make a right hand turn into the site, pick up the material, take a
888 right, go up to Alta Sierra Drive, then drive up 49 to La Barr Meadows Road.

889
890 Commissioner James: Is there some form of provision in terms of traffic control? Is there a
891 provision, also, that requires that, when these trucks beat up the road, that they come back after
892 the project is complete and any repairs that are necessary are made?

893
894 Planner Barrington: I'd probably defer that to the Department of Public Works. But, there is a
895 traffic control plan requirement, and the payment of mitigation fees for traffic impacts could help
896 that. But, again, I would, the specifics on how they handle construction projects are usually
897 handled by Public Works. Which, I believe, is available.

898
899 Commissioner James: I think that ought to be a condition that requires that, if this gets approved,
900 that the road be brought back to it's before condition.

901
902 Chair Aguilar: Is Public Works here? What kind of impact are we talking about for 450 trips
903 minimum?

904
905 Josh Pack: Good afternoon Commissioners, Josh Pack, I'm your Principal Civil Engineer and
906 also the County's Traffic Engineer. So, 450, the roads are designed to handle that sort of traffic,
907 in particular Alta Sierra. So, theoretically, the roads would be in pretty good shape, and be
908 buffered to be able to handle that. However, it's not unusual for us for construction projects to
909 put conditions on their permit to go back and do before and after studies. So that if the road is
910 damaged, we have pictures before and after and then we ask the applicant to make those
911 applicable repairs. So that's not uncommon for larger construction projects and we can certainly
912 look to condition the project to do that.

913
914 Chair Aguilar: Okay. Thank you Josh. Any other questions?

915
916 Commissioner Heck: I do have another question, sorry Mr. Chairman. Given that I had this
917 inquiry with Bear Yuba Land Trust and knowing that they have someone here, in looking at the
918 new way in which the proposed mitigation is that it appears to be an agreement to agree. And
919 maybe that's incorrect. But, my experience with agreements to agree is that they're very difficult.
920 So, I'd really like to hear from Bear Yuba Land Trust, if they're here, about where this is. And/or
921 the applicant, you know. Where is this agreement at?

922
923 Chair Aguilar: We'll hear from the applicant in a little bit.

924
925 Commissioner Heck: And Bear Yuba as well?

926
927 Chair Aguilar: Yuba would be during public comment, correct? Or are they as a consultant for
928 part of the team?

930 Planner Barrington: I would defer to Counsel.

931
932 Commissioner Heck: Well, they're part of the, they're listed several times throughout the
933 document, and they're listed as sort of the chief whatever in charge of the mitigation. So, it seems
934 like, at some point, we'd like to hear from them.

935
936 Chair Aguilar: Counsel?

937
938 Director Foss: Commissioners, I was just going to recommend - I'm not Counsel but I'll speak for
939 Counsel after consulting with them - if the Commission has a specific question for the Land
940 Trust, now would be an appropriate time to ask them that specific question. And then, maybe
941 through the normal course of action, hear from the applicant.

942
943 Chair Aguilar: Thank you Brian. Is Land Trust here? Oh, that's right, Andy. Hi Andy.

944
945 Andy Cassano: Good afternoon Mr. Chairman and Commissioners. My name is Andy Cassano,
946 I'm a volunteer board member for Bear Yuba Land Trust, and I'm here today representing them.
947 And we'll try to answer your questions.

948
949 Commissioner Heck: Thank you. Andy, can you speak to the way in which the revised
950 mitigation is then, which my comment earlier was, it seems to be an agreement to agree. And, I
951 want to understand where this, I understand Bear Yuba Land Trust has provided a new proposal
952 to the applicant. And, if you could tell us where that is in terms of your negotiations, if you see
953 that this is all happening, it's okay, or whether there's some differences to be worked out, or
954 where you are?

955
956 Mr. Cassano: Well, first of all, I might just point out that Bear Yuba Land Trust is a non-profit
957 corporation that's in the business of conserving open space and developing trails. Bear Yuba
958 Land Trust is not an activist or lobbying organization. We have no interest in being for or against
959 individual development projects. So, we have no interest in how you decide today on this project.
960 We are in the business of providing mitigation opportunities. We do, we have seen in the past
961 that sometimes in the course of mitigating development projects, the benefits of the development
962 occur outside the County or outside the realm of the actual project, and our board is interested in
963 trying to provide our services to provide mitigation options that are more meaningful to the
964 community and more directed at the areas where projects do occur. As I think staff discussed, the
965 background here is that 2-1/2 years ago a biologist came to the Land Trust and worked out a plan
966 for an oak tree replanting program. After 2-1/2 years, the next thing we saw was a mitigation
967 measure that was in the draft EIR that added conditions and actually provided that we would be
968 the only mitigation for the oak tree situation. Ordinarily in mitigating oak trees, the Bear Yuba
969 Land Trust is one of several opportunities, one of several choices given to the applicant on how
970 to address mitigation. For example, they can do their own oak replanting, they can go provide
971 other options. In this case it was clear that we could no longer provide the same mitigation
972 measure and the extra things required for the price quoted in the EIR. So what our Executive
973 Director, who was not available to attend today, did was to provide a new proposal to the
974 applicant that would incorporate the monitoring and would get away from oak replanting, which
975 we've seen very poor success with oak replanting. The new proposal would be to identify oak
976 seedlings on the land that we own in Alta Sierra and to protect that from deer browsing and to try
977 to clear the areas around those and make a better oak management area. Now, as to your question
978 about agreeing to agree, that is not the Land Trust's problem today. You're in charge of providing

the mitigation measures. So we're happy to work with the County, we're happy to work with the applicant in trying to provide meaningful mitigation. We're not asking to be the sole option, but we're here and we would like to see mitigation. If you choose to approve the project, we would like to see some kind of mitigation in the region of the project. But the idea of agreeing to agree is really a question for staff and your legal counsel.

Commissioner Heck: Thank you.

Chair Aguilar: Thank you Andy. Ricki, anything else?

Commissioner Heck: No. I think you've covered it for me. Thank you.

Chair Aguilar: Bob?

Commissioner Jensen: Could you go back to the elevations on the project?

Chair Aguilar: And thanks a lot, Andy.

Mr. Cassano: Thank you.

Commissioner Jensen: Okay. I'm looking at the south elevation. That shows the building in gray but in reality, on the left side it's sitting on top of about an eight-foot retaining wall. And on the right side it's sitting on about a 12-foot tall retaining wall. So I would've thought that would've been in the elevation there. The same way with the east side. The east side on the left starts with a 12-foot retaining wall and goes to about a six or eight-foot retaining wall. So when you're standing on the property corner on the southeast corner, you're ten feet from a 25-foot tall wall. Is that correct?

Planner Barrington: Essentially.

Commissioner Jensen: Thank you.

Chair Aguilar: Thank you Bob. Any other questions of staff before we move to the applicant? Oh, I had one. Did you say that the traffic signal, is it going to be no right on red?

Planner Barrington: It's going to allow for right-hand turns on the red, but it's going to provide a dedicated right-hand green-

Chair Aguilar: Arrow.

Planner Barrington: Correct.

Chair Aguilar: Thank you. All right. Is there any presentation that Dollar General applicants would like to present to the Planning Commission at this time?

Dan Biswas: My name is Dan Biswas. I'm with SimonCRE. I represent the developer. Just for clarification, I do not represent Dollar General. Dollar General is a tenant of ours. We are a preferred builder/developer for them. So I have a small presentation that Dollar General has okayed us to use. I think in the interest of saving everyone's time, I know a lot of people have

1028 taken off work to be here, so I don't want waste too much time on a presentation here. But they
1029 have provided us a video that kind of explains a little bit about Dollar General and I'll go ahead
1030 and play that here for you guys. Is there sound? It doesn't sound like the sound is working. Is
1031 there a volume on the computer?

1032
1033 Chair Aguilar: Is this presentation going to apply to all three stores?

1034
1035 Mr. Biswas: Yes. Unfortunately, we didn't know what the format, how the projects were going to
1036 be presented prior to the presentation, so I'll kind of go over the generics of all three projects
1037 from our perspective at this time.

1038
1039 Chair Aguilar: Okay.

1040
1041 Dan Biswas: It doesn't seem to be working still. So looks like we're going to have to go ahead
1042 and skip the video. It explains quite a bit, but I'll move on from that.

1043
1044 Chair Aguilar: Well, let's hold on a second. Do we need to get somebody in here? We could take
1045 a 5-minute break.

1046
1047 Mr. Biswas: They're not good, but I can probably unplug this here. Let's see if it works.

1048
1049 *[Mr. Biswas begins showing a video.]*

1050
1051 Video: The day begins. So much to do and so little time. We understand, our team is working
1052 every day to keep up with your busy life. We've been delivering value and convenience for more
1053 than 75 years. From one general store in Kentucky, we've grown to more than 14,000 stores
1054 across America in small towns, big cities, and every place in between. And with 15 distribution
1055 centers around the country, we're working hard to get the products you want to the store in your
1056 neighborhood because we know your Dollar General store is the one that matters most. It's where
1057 you'll find groceries, cleaning supplies, health and beauty products, the name brands you know
1058 and love, and our own trusted brands, all at every day low prices. 25% of what we sell is priced
1059 at a dollar or less.

1060
1061 *[Video stops and discussion regarding technical difficulties ensues.]*

1062
1063 Mr. Biswas: I can go through the general DG at a glance. I mean, basically what it goes through
1064 is basically the type of retailer, the products that you'll find, some of the merchandise. You
1065 know, it's a leading small box convenient discounter. Corporate offices are from Goodlettsville,
1066 Tennessee. They've got over 14,000 stores in 44 states. They're convenient size in convenient
1067 locations. And Dollar General typically goes after rural markets specifically needing 1,200
1068 households or less. Sorry, go back a little bit. One of the misconceptions about Dollar General is
1069 that it's a dollar store. It's actually a discount retailer. Only 25% of the products are priced at a
1070 dollar or less. This includes like typical snacks, drinks, Coke, Pepsi, those kinds of things as
1071 well. The typical customer base is value conscious and convenience seeking rural small town
1072 residents across a broad section of the country here. One of the other things I wanted to focus on
1073 is some of the benefits of Dollar General. In 1993, Cal Turner Jr. established the Dollar General
1074 Literacy Fund to honor his grandfather who was functionally illiterate. You can go to the next
1075 slide. Dollar General provides funding and grant money for adult literacy, family literacy,
1076 schools, youth literacy programs that any libraries, schools, any kind of educational facilities

would like to apply for, so within a twenty-mile radius of each store. Another misconception here is that Dollar General is a big box store. There are 7,400 square feet of floor area which is the customer fronting, total square footage of the store is 9,100 square feet. Obviously, some of that is for the back of the house area. You can see the typical size of a super center and a grocery store are anywhere from four to six and half times the size of a Dollar General store so it's not a huge big box store. As you can see, some of the products they carry are paper and cleaning products, packaged foods, perishables, snacks, health and beauty, pet supplies, pet food, seasonal products, home products and décor, and apparel. The next ones are just pictures of some of the interior of the store. You can see that most of the brands that they carry are premium brand name products. The detergent there you can see, back in the back soft drinks, Coca-Cola, Ritz, these are all premium brands that you would expect to find at any grocery store or convenience store. You can see party supplies there, magazines, and paper towels and toilet paper, those kinds of products as well. Another misconception is that they don't provide any perishable foods, but they do have refrigerators that carry milk, juice, eggs, and other perishable goods like cheese. They carry health and beauty products, cards, and on this slide, I left it in here because I wanted to show how the stores typically, they are light and inviting when you come in, they're not drab. They are painted white on the ceiling specifically so that the stores are nice and illuminated and are welcoming to the clients. So now to get into the three projects a little bit more specifically, as you can see in Tyler's presentation, some of the elevations of, well, we've only talked about the Alta Sierra one at the current time, but you can see from this slide that there are significant alterations to a typical prototype Dollar General store for both the Rough and Ready site and the Penn Valley site. All in all, these three developments, we'll be spending about two million dollars into the local economies per store, to better serve the local community. Additionally, as a developer, we've already invested substantial amounts of money in three years' time into supporting local consultants, contractors, businesses in the county. Our general contractor and many, if not all sub-contractors, will be local. Some of the benefits and reasons why we think Dollar General is a good fit for these locations; job creation: I think the three stores, I think it was mentioned in Tyler's presentation it would be six to ten jobs but it's actually closer to eight to 12 jobs. And 24 to 36 additional jobs created by Dollar General in Nevada County totaled with the three stores. Additionally, taxable sales; 1.6 million dollars in taxable sales for each location. Including all three stores, taxable sales annual will be in excess of 4.8 million. The third one, I've already kind of talked about this a little bit, you know, the average size of the Dollar General is 9,100 feet and that's 6.5 times smaller than a local grocery store. Additionally, the one thing that was kind of brought up about the stores maybe going out of business and things like that. Dollar General is very confident in their marketing research for locations that we target and go for developments and so they have a 15-year lease with three options for 5 year additional leases. So they are pretty confident that the stores will not fail and they will be around for quite some time to boost the local economy. Additionally, they focus on the small town values. We specifically target rural markets as we mentioned before. It only takes 1,200 households in a market for us to sustain a Dollar General store. Typically, they don't want to be where a Safeway or a bigger grocery is because they want to cater to the local passersby as they are going to and from work. Number 6 is trusted and respected. Dollar General does business all over the United States. This isn't actually previous, we are closer to 14,000 stores now and continuing to grow. They have successfully worked in many communities to find compromises to problems real and imagined, which is basically what we are here to do today. Number 7 is they respect the law. The proposed locations are zoned correctly for commercial use, and intended for purposes meant to enhance the quality of life, i.e. providing a more convenient location for products that the typical consumers within the local areas will need. Number 8, I touched on that already, quality brands. At Dollar General, you will find quality merchandise manufactured by Clorox, General Mills,

Proctor and Gamble, Unilever, Kimberly Clarke and others. I also mentioned this one as well. It's not a dollar store. Dollar General only sells high quality products that deliver great value on everyday items, priced anywhere from 50 cents to 60 dollars. As I mentioned, 25% of their actual product mix is a dollar or less. Number 10, we are sensitive to the environmental concerns. We have spent great expense on studies required by the County. Their business plan allows for short drives and convenient commutes, versus driving to Auburn, or even Roseville for simple everyday needs. Additionally, as I mentioned before, we have spent additional expense. These projects originally were not required to go through an EIR process and we, as the developer, negotiated and convened with the County to go that route to make sure that all the environmental concerns were taken into consideration. So, Tyler has showed the property simulations for the Alta Sierra site, but these are the ones for the Rough and Ready site. From Rough and Ready Highway facing west, as you can see on the top elevation, that's the existing store. It's run down, it's falling apart, and currently a blight in the area. The proposed store, add the crosswalk to the site there, to connect some of the local residents. I know there's schools and children that walk in the area so we have taken that into consideration. This store, as you can see, is not that much bigger than what the, as far as massing goes, and you can see that it only adds benefit to the area. The landscape plan there makes this area look like a park in comparison to the existing landscape and existing site as it is today. This is the Alta Sierra slide that you have already seen through Tyler's presentation. This one shows a Dollar General sign on the building there, which I don't believe the other one did, because there were several back and forths when we were going with the consultant to develop these visual simulations. But as you can see from this view, it's not a huge change to the landscape. Obviously, from the other side, I don't have the slide from the Little Valley Road put in here, but any site, any development on this site would have to do the same if not almost exactly the same mitigation's because of the elevation change. So, this is a commercially zoned property. These trees would have to be removed regardless for any tenant that came in there. Because of the hill, you would have to do some mitigation measures when it comes to the retaining walls as Mr. Jensen, Commissioner Jensen, mentioned. So this is not uncharacteristic to any other project that would go in that site. This is the Penn Valley site. It fits in very well with the characteristics of this area. There's quite a bit of existing buildings there that are right around this location that this building would complement very well. And as you can see we've made quite a bit of modifications to the exterior of the building to retain some of the mountain neighborhood qualities and aesthetics. This is another view from the other direction. As you can see, it's kind of hard to even see the building on the lower photo simulation. So basically, I've kind of gone through some of these already, the proposed project benefits: 10 to 12 new permanent jobs created per store, plus consultant and construction revenue brought to the County. Increase in sales tax revenue for the County and state. Increase in County revenue from real estate taxes based on fully improved building. Local and regional subcontractors utilized during construction. Providing additional shopping options for brand name products at affordable prices. And in closing, I've already mentioned most of this already, but these projects are correctly zoned so the question isn't really whether or not this is the right tenant for the space. This is about whether or not the development fits the County's zoning criteria. All the sites were specifically targeted for this acquisition for Dollar General. Site attributes and marketing research. They spend millions and millions of dollars a year trying to find out where the best locations to serve the local economies are. We spend immense time and research we've put into working with the County for each project. I mean, over the last three years Tyler and I have worked together quite extensively, going back and forth and making sure that we get the studies done correctly so that they take in all considerations as far as environmental impacts are concerned. And as I mentioned originally, these projects do not

warrant an EIR. They were a Zoning Administrator approval level and it was elevated based on initial reactions from the public. That's it and thank you.

Chair Aguilar: Thank you, Dan. Any questions of the applicant?

Commissioner Heck: Yes, I have a question. So the six to 10 or eight to 12 jobs that have been cited here. Can you tell me what is the average wage of those jobs?

Mr. Biswas: That's a Dollar General question that I don't have the information specifically available but I would guess minimum wage to 15 to 20 dollars an hour depending on the position.

Commissioner Heck: 15 to 20 dollars an hour you think.

Mr. Biswas: Depending on the position. I think minimum wage to 15 to 20 dollars an hour.

Commissioner Heck: My guess would be more minimum wage. Okay, thank you.

Chair Aguilar: Any other questions of the applicant?

Commissioner Jensen: I got just one.

Chair Aguilar: Yeah, Bob, sure.

Commissioner Jensen: On the Alta Sierra project, why didn't you turn the building around and put it on a north face to reduce the impact from the south.

Mr. Biswas: As far as how?

Commissioner Jensen: The location.

Mr. Biswas: The look of the building or you're saying having it put up against the hill?

Commissioner Jensen: Put it up against the hill rather than set it on top of a 10-foot retaining wall.

Mr. Biswas: Well, there were numerous reasons for that. I mean, we went through probably 15 or 20 different site plans to try to get to that goal of the best site for circulation et cetera and that's the best option that we've come up with.

Commissioner Jensen: Thank you.

Chair Aguilar: Yes, Laura.

Commissioner Duncan: Do you have any other building designs that call for a smaller footprint?

Mr. Biswas: There is, there's a 7500 square foot building but Dollar General does not allow us to use those in rural markets. They're specifically for urban developments, infill developments.

Commissioner Duncan: Yeah. The scale of the project just seems a bit large, trying to shoehorn into this particular site. It looks like there would be a massive amount of earth removal.

Mr. Biswas: Well, just to let you know the site directly to the south of us is actually 1,000 square foot bigger than ours.

Commissioner Duncan: Right. I think it's important to note that Nevada County doesn't want to build on past mistakes. And we want to go forward.

Mr. Biswas: But it does meet the requirements.

Commissioner Duncan: Right and I'm not arguing about the criteria. I mean this is commercially zoned. It's just the question of does it meet all the criteria to allow the development to move forward.

Chair Aguilar: Any other questions of the applicant? Okay, so I'm going to open up the public comment. And this is specifically public comment for, because we'll look at Rough and Ready and Penn Valley down the road. Actually, we'll look at Penn Valley next and then Rough and Ready. So this public comment, if you could, Alta Sierra people who want to comment, that would be great. But also the EIR. So if you have comments on the EIR. Is that correct?

[Chair Aguilar opened public comment at 3:16 p.m.]

Planner Barrington: Mr. Chair, each project hearing will have opportunities to make comments on the EIR and the project so-

Chair Aguilar: That's right.

Planner Barrington: So if someone has specific EIR comments specific to one store they should probably hold those comments to that store.

Chair Aguilar: Right. Did y'all hear that? Alright. So this is specifically Alta Sierra. If the applicant could please vacate the chair. There's going to be two chairs. There's a sign in sheet that will help Tine. And so if you give your name and address for the record, that'd be great. So go ahead and be friendly and sit next to, let's keep those two chairs occupied as long as it takes and... Oh yeah, if somebody has to leave, that's a great point, Laura, thank you, if somebody has to leave like Rough and Ready is the last one. If you have to take off and you can't wait for the Rough and Ready, you're more than welcome to make the public comment specifically on that. We'd like to keep that compact and organized but if you have to go you can make comment on your specific concern. We're going to limit it to three minutes and because of the size of the audience, I'm sorry, I'm going to have to be fairly strict with that so please consolidate your thoughts. Yeah, hi.

Lily Valerie Anthony: Hi. I just have a general question for EIR, the gentleman that was just up here.

Chair Aguilar: Oh yeah and let me just say that if you do have questions we don't answer back and forth. We'll save them until the end at the end of this general comment period and then staff will answer them.

1272
1273 Ms. Anthony: So with his presentation the questions that arose for me is, he didn't talk about
1274 does the Dollar General sell alcohol and tobacco and what percentage of their sales are alcohol
1275 and tobacco? And also he talked about Dollar General sells quality brands but that would be
1276 under whose standards? I believe here in Nevada County we are into more holistic and organic
1277 health. So to whose standards are those quality brands? And then also ...

1278
1279 Director Foss: Sorry Mr. Chair, can we get a name for the record? I'm sorry.

1280
1281 Chair Aguilar: Oh yeah, please if you'd state your name and address for the record. I know we
1282 have the sign in sheet but that helps our clerk.

1283
1284 Ms. Anthony: Lily Valerie Anthony and I live on Sunset Avenue in Grass Valley. So that was
1285 just my general questions for EIR. Thank you.

1286
1287 Chair Aguilar: Thank you, Lily. Yes, sir?

1288
1289 Ray Yedding: My name is Ray Yedding. I live at 10195 Alta Sierra Drive. I have resided there
1290 for 35 years and the thing is, we want to make one remark about his presentation. This was an
1291 EIR impact meeting. The things that he showed on his diagram and his pictures there we've all
1292 heard before since 2014. Same pictures, same everything. We know his encompassment of a 20-
1293 mile radius and you look at that store he's already competing with where he wants to go with
1294 Kmart, in other words. I will now get into a quick statement here. I have written 126 emails on
1295 my computer in regards to this since 2014 and numerous amount of letters and objections. I
1296 understand the 73-foot delivery truck. I know I have talked to the California Highway Patrol
1297 ordinance officer. He has issued two citations at this point at the Dollar General store in
1298 Brunswick. That doesn't look like keeping within the law to me. Now they do not make their
1299 deliveries during the time that he's on duty so they're still using the same truck. They have said
1300 that they will reduce the size of their truck to a smaller truck. I would think they would have to to
1301 try to turn one around in the parking spaces that are shown on the parking in that. The water
1302 runoff is my main concern. I live at the base of Alta Sierra Drive and Little Valley Road. In 1992
1303 a flood came down and washed away the bridge to my property. For two years I fought with the
1304 government to help me build a new bridge. They said, install an eight-foot culvert and a four-foot
1305 overflow. In the pictures that I have sent and given to Tyler, there's 40-some pictures,
1306 photographing along there, plus the ones that happened at this last rain. At this last rain, the
1307 eight-foot culvert was completely full and washed away eight foot of the bank on my property
1308 causing two alder trees, at least 10-12 inches in diameter to collapse in the stream and on my
1309 property. I do not need more watershed from a parking lot. I showed Tyler a picture of three
1310 inches of rain that I measured with a ruler of water running down Alta Sierra Drive, not in the
1311 culvert, Alta Sierra Drive to my driveway, down my driveway into the stream. So watershed is a
1312 main concern of mine, that those trees will be gone, that land will be gone, and more water will
1313 be created. Should that happen, I have already notified and have signed receipts here from the
1314 Board of Directors that have shown that I will file a notice against you, a notice of intent, if I get
1315 more damage, if this happens.

1316
1317 Chair Aguilar: Ray, you've had your three minutes, is there anything that you can wrap up with?

1318
1319 Mr. Yedding: The leach field ... one point, and I'll be done. The leach field requirements, if you
1320 ask for it in the County to find out the codes and the requirements, I wrote down all of that on

1321 your paperwork that you require. I received a call from Luke, the Code Ordinance Officer, who
1322 was not familiar with any of the codes or the information I was looking for. I explained the
1323 situation to him, the adjoining property for a leach field and crossing over a property for the
1324 leach field. He said he never heard of anything like that, can't find it in his paperwork. And it
1325 seemed to be illegal to him, but suggested I research it further. I'd like to close with just one
1326 statement. This is a statement that was in The Union, March 14, 2015. It was according to
1327 Barratt-Green. "The County's land use policies exist for the benefits of a community as a whole.
1328 Those policies are enforced through reasonable conditions of approval. The County is defending
1329 this case as to protect the scope of its land use. The authority is to protect the rural quality of life
1330 and the benefit for all, not just the chosen few." I hope you'll take that into consideration.

1331
1332 Chair Aguilar: Well thank you so much Ray. Appreciate it.
1333

1334 Laurie Oberholtzer: Good afternoon. Laurie Oberholtzer, 310 Nevada Street, Nevada City. And
1335 I'm representing the Rural Quality Coalition. We've been commenting on this project since the
1336 early consultation period. So it's been awhile. And I think you all know, I'm an environmental
1337 planning consultant and have written many, many EIRs, including for Nevada County, over the
1338 years. And I just want to keep it simple. I have to leave at a quarter to four. And really our main
1339 comments were on the Rough and Ready project, but they apply to certainly Rough and Ready,
1340 well to all of them. And I just want to remind you, that as a Planning Commission, that this is a
1341 discretionary project. All three of them are. And that means you can say yes or no. I know that
1342 can seem kind of confusing because it's got the zoning and all of that. But even though it is zone
1343 C1 you can say yes or no on any of these projects, and there's information in the EIR, and that
1344 the public has presented that would back you up on that. So that means you can alter the findings
1345 and you can alter the overriding considerations. And I urge you to do that. The key issues,
1346 particularly for Rough and Ready and Alta Sierra, are the General Plan consistency or
1347 inconsistency and the aesthetic impacts. And really, it's the main job of the Planning
1348 Commission, when it comes to the General Plan, is to make decisions on whether or not projects
1349 are consistent or inconsistent with the General Plan. And ultimately that's your decision, it's not
1350 the EIR consultant's decision, it's not staff's decision, it's your decision. And there's a lot of
1351 leeway in how you implement General Plan policies. And in this case, I would send you to the
1352 Neighborhood Commercial General Plan designation and look at how that reads. And of course I
1353 was around when the General Plan was written and there was a real concern that our rural areas
1354 be retained. And the idea behind the Neighborhood Commercial designation was that it not
1355 provide for regional supporting-type commercial. And I would ask that you take that into
1356 consideration when you decide whether or not these projects are consistent with the General
1357 Plan. And then of course on the aesthetic impact issues, you've got a lot of backup in both the
1358 Rough and Ready and the Alta Sierra EIRs on that issue, and I think it's well within the scope of
1359 what you could do to find that there are significant unavoidable impacts in that area and that
1360 there really aren't any appropriate overriding considerations. So I hope that you will do that
1361 today. Thank you.

1362
1363 Chair Aguilar: Thank you Laurie. Hi.
1364

1365 Charisse Lolli: Hi, I'm Charisse Lolli. Chair, members of the Planning Commission, thank you
1366 for the opportunity to voice my concerns. We've come before you now to seek a reasonable
1367 response to the final EIR that's been presented. We're faced with many of the same issues that
1368 were presented at the first hearing, because in most cases, the final version simply restates the
1369 draft. I'll limit my comments to the Alta Sierra site. The developers have presented a final

document with pages and pages of negative impacts, agreeing that even with all the mitigation measures they've created, we're still left with a combination of impacts that are significant and unavoidable. Most of the mitigation factors that have the longest lasting and most detrimental effects have been offset by funding various County projects or funds that have no direct benefit to the neighborhoods that it impacts. The negative impacts that remain significant and unavoidable are created by a combination of the continual lighting and glare upon a dark residential neighborhood and the aesthetics of the building being out of character with the rest of the area's rural and small town character. Besides its obvious conflict with the visual theme of the shopping area that it claims to complement, I'd like to add at this point too, that it's supposed to complement the shopping center but there's not even a sidewalk that leads it to another business. You have to drive out into the street, or walk into the street, to get to another business that's in that shopping area. The fact that our residents welcome stores and businesses that fit in our neighborhood's character, needs, size and location as we have demonstrated with Las Katarina's, but we do not want a chain store next to our rural residential neighborhoods. The site plan allows for 25% reduction in the standard code allowance for the number of parking stalls, because the chain store has the availability to show that it doesn't need it with other stores. No other store is going to be able to do that but a chain store. So by determining that this is going to be a chain store, it's going to forever be a chain store. Over 100 mature trees will be cut down to facilitate this project. And consultants have advised that there's a likelihood that the remaining trees upon the parcels that contain the septic system will also have to be removed later. This will allow even more light and glare to impose the residential neighborhood. The report fails to recognize the continual worsening of these significant impacts in the near future. Nevada County has had to cut thousands of trees that have been destroyed by drought, disease, fire and flooding. It makes no sense to do this intentionally. The purpose of the CEQA was to identify and avoid any negative impacts, but this project fails to do that by not analyzing the effects of a smaller store appropriate for the parcel. I understand it is because the developer refuses to do that. Regarding the smaller sized delivery trucks that Dollar General says it will use, we already have those laws in place at the Brunswick. I'd like to see their bill of lading to show that they are using those smaller trucks. I don't know why they would start doing that now. The EIR states that violations of oversized delivery trucks would be enforced and would meet escalating fines, but it doesn't state who's going to enforce it, or define the schedule of the escalating fines. In making your decision I hope that you do not confuse convenience with needs.

Chair Aguilar: Can you wrap it up please?

Ms. Lolli: I'm almost done.

Chair Aguilar: Alright. Thank you.

Ms. Lolli: There's nothing in this chain store that does not already exist within three miles. Please consider the mom-and-pop businesses that it will directly compete with by selling similar items as they do. It's going to certainly push those closer to failure. And finally, I hope that you do not confuse overriding considerations with cash. Our County's overriding consideration should be to protect the residents from negative impacts, rather than padding the County coffer. I urge you to not accept development of the Dollar General store at Alta Sierra because there are no reasonable overriding considerations for this project that could outweigh the unavoidable and significant negative impacts it will impose upon us. Thank you for your time.

Chair Aguilar: Thank you Charisse. Appreciate it. Ma'am?

1419
1420 Marrisa Mei: Hi my name is Marissa Mei, my address is 17571 Patricia Way in Grass Valley in
1421 Alta Sierra. I wanted to address the presentation, if I understood this correctly, that the developer
1422 SimonCRE is building this building and they're leasing it to Dollar General. So what that means
1423 is you're making a County zoning exception for the parking to the person who is leasing the
1424 building, not the person who built it. Which means that they won't always be there. So that's just
1425 a technical observation, if I got that correct, but that's how I understood the presentation. I
1426 wanted to say that approval of this project would involve overriding significant unavoidable
1427 negative impacts which are actually listed in the EIR, which will really affect the residents.
1428 Which is light, glare, noise and the visual impact and as you pointed out, I think that the back
1429 wall of this building will be much taller than we actually thought. I think that, in regard to that, it
1430 occurred to me in the last few days to put yourself in the place of the people who live on the road
1431 behind there. If the tables were turned and you lived there, would you want this project
1432 approved? And I feel like the Planning Commission has a sacred trust to honor and respect the
1433 quality of life of the residents who have been living there for a long time. And the last thing I
1434 wanted to say was I have always been concerned about the Heritage Oaks. I believe that there are
1435 regulations in place, if not laws, protecting Heritage Oaks and I have always wondered about the,
1436 and I brought it up at other meetings, about trading money for these trees which are really
1437 invaluable and really older than all of us. The arrangement with the Bear Yuba Land Trust seems
1438 very vague to me, and that concerns me. And I also feel, I would like to just say in the end, that I
1439 don't believe that this project justifies sacrificing the 100 trees on this property. Thank you.

1440
1441 Chair Aguilar: Thank you, Marissa, appreciate it. Yes ma'am?

1442
1443 Kenley Jones: Hi, my name is Kenley Jones and I live at 10244 Alta Sierra Drive and I am the
1444 person who lives behind the project. That is where my house is. My home is the closest to the
1445 Alta Sierra site and I have picture windows that look directly at the lot for the Alta Sierra store.
1446 As do many of my neighbors, I always think of how beautiful it is. The idea of looking at walls,
1447 lights, and hearing noise from cars and trucks is hard to imagine. Of course, I know that these
1448 things have been addressed in the environmental report, but they only put a bandaid on these
1449 problems. I thought, I tried to think if this store wasn't going to be next door, would I want a
1450 Dollar General? And the answer is no. The truth is, we don't need a Dollar General. There are
1451 plenty of stores in town carrying the same items. The reality is, Dollar General needs small
1452 communities to make money and raise their stocks. But in the end, they often change the
1453 character of these communities with their box store image. They don't supply a lot of jobs and
1454 they are open seven days a week, so there is no break from noise of the trucks and cars. It is time
1455 for real communities to say no to Dollar General. If communities do not want them, then we
1456 should be able to say no. I hope the Nevada County Commission will set an example to other
1457 communities to say no to Dollar General. And in doing so, honor their communities and the
1458 voices of their neighborhoods. Thank you.

1459
1460 Chair Aguilar: Thank you, Kenley. Hi.

1461
1462 Julie Reaney: That was a surprise. My name is Julie Reaney. I live at 10942 Henson Way in
1463 Alta Sierra. I've been a resident of that area for 30 years, which has given me plenty of time to
1464 observe the existing problems and can only anticipate the increase in hazards that we already
1465 have. I've sent numerous memos in that more directly address the EIR. I didn't realize this
1466 hearing would be set up the way it is. So I will simply give you my two primary areas of most
1467 concern. Which is, fire hazard. Our community is particularly vulnerable to fire. There is a

tremendous amount of brush surrounding the very small spit of land that the large Dollar General will be occupying. Even though the fire department and, apparently, ambulance services have said that they will have adequate access to any catastrophe that happens on Little Valley Road, I very much question if any of them can actually find a place to park on that narrow winding road let alone drag out the equipment, aid whoever is in need, or tamp out a fire before it consumes the whole area. My other main concern is traffic circulation. I'm frankly, I'm not impressed by the number of studies that have been done. What I'm concerned about is the quality of life that we have there, which is unique. That's why I moved there. It's got a lot of character, a lot of trees, lot of nice people. Traffic circulation is already in bad shape. We have too many cars that are trying to navigate Alta Sierra Drive, in particular. And certainly, Little Valley Road has more than it can contend with right now. If indeed Dollar General will have the amount of walk-in traffic it anticipates, that means the additional amount of traffic will come with those people. Which further compounds traffic congestion in our area. You can't have it both ways. What I miss most about this whole event that has gone on for two and a half years and literally some of us have grown old during that time, I would just like to say that what I find missing and outside the borders of EIR, is common sense. It's gone somewhere into the ether. And I hope the Planning Commission will restore common sense and support for a neighborhood that already pays a lot of tax dollars. Thank you.

Chair Aguilar: Thank you Julie.

Barry Pruett: My name is Barry Pruett, I live in Penn Valley. I kind of wanted to make a broader point and I'm going to use the Rough and Ready development as a more acute example. But, 30,000 foot view, kind of long term, you know, I had an opportunity to kind of preliminarily go through the staff report related to the proposed development and Rough and Ready. Which Tyler hasn't said yet but the staff's going to recommend a not approval. Based upon the preliminary analysis, the lot on which the proposed Dollar General development in Rough and Ready is located and zoned C1 Commercial. And said proposed development conforms to all land use laws and regulations with no unmitigated impacts with the exception of land use and compatibility based on size and aesthetics. And I think we already saw the pictures, I don't know if you've been to the site, but it's already fairly blighted. This is actually going to make it look better by putting a Dollar General store in there with the trees as opposed to what it looks like now. The project only has two impacts, or at least, and these two impacts are regularly approved across the state, and all that is necessary for you is to find basic facts to override these impacts and they are abounding in that instance. It's a way nicer building than what's already there and the trees will replace that already blighted area. In short the development Rough and Ready complies with all land use regulations with no important unmitigated impacts and consequently there's no legal reason to deny the application. As pointed about by an executive by the United States Chamber of Commerce, communities that have stable, predictable and transparent institutions enjoy investor confidence and economic growth. And such transparency comes from the clear rule of law that gives us people security. Conversely, communities with weak institutions and processes that don't follow the rule of law tend to experience delayed economic development, they pay a high price for investment and they suffer through volatility and unemployment. There's a reason our community suffers from a lack of low housing and lack of employment opportunities. This recommended denial of the Dollar General in Rough and Ready is a bright example. Stable, predictable and transparent institutions are the hallmark and foundation of a thriving community, investors will not invest in a community that doesn't maintain predictability through the rule of law. In connection with this proposed development in Rough and Ready and if the development isn't approved, the County is creating instability and

unpredictability for other potential investors in our community by wrongfully depriving these particular owners of the properties economic use possibly in violation of the Fifth Amendment to the Constitution. Whether we like or dislike Dollar General is not a proper Constitutional reason to deny the application, especially when this one is wholly compliant with land use laws and regulations. Denial of the application further creates a possibility of litigation, and creating a possibility of litigation simply because one doesn't like a legally compliant proposed development is unwise and nearsighted.

Chair Aguilar: Sir, how much longer do you have? And are you a part of the applicant team?

Mr. Pruett: Nope.

Chair Aguilar: Okay, you're not.

Mr. Pruett: No, I'm here individually.

Chair Aguilar: Alright, so if you could wrap it up, I'd sure appreciate it.

Mr. Pruett: In conclusion, failure to follow the rule of law in approving the first class development on a commercially zoned lot creates instability, instability causes folks not to invest in our community and that causes problems of low income, a lack of low income housing and lack of employment opportunities and I strongly urge you to consider these when you guys deliberate.

Chair Aguilar: Thank you, Barry.

Mr. Pruett: Thanks.

Chair Aguilar: Appreciate it. Yes sir, hey.

Bob Zucca: Hi there, my name is Bob Zucca. I live in Nevada City, and I've been a part of the community for the last 50 years, fifth generation here in our area, and I just want to say I love our county, I love our community full heartedly, volunteer a lot of time and try to make it a better place to live. I'm here just to very briefly speak in regards to, I'm a landscape professional in the area and work in the greater Northern California area commercial projects, residential, high end residential projects, and I've reviewed the three landscape plans for these proposed Dollar Generals and the plans themselves, it's incredible what Dollar General is going to do landscape wise. I mean when you look at these commercial buildings, which we've landscaped a ton of, I mean, in 5 years the buildings, they're still going to resemble themselves but they're going to be, they're well landscaped, it's like a high end residential landscape. I mean it's going to be beautiful. I'm not speaking for or against Dollar General. I'm just telling you looking at the plans, you know, from a professional standpoint. I'm really surprised actually that there's that much landscaping there, I think it's awesome, I mean I think they're going to be really pretty projects, so that's something to think about. If you like going to Briar Patch or you like going up and down Sierra Collage Drive and you see the landscaping that's taken place there and the architecture in those buildings and what's happening, it's going to be really similar. Ten years from now you won't see those buildings from the street, so thank you.

Chair Aguilar: Thank you Bob.

1566
1567 Raquel Ayala: Good afternoon Commissioners. My name is Raquel Ayala, I currently live in
1568 Auburn. My husband and I are currently thinking about buying a home outside of Auburn and
1569 we have been looking into places around Alta Sierra. The only problem we have found is the
1570 lack of stores in the area. When you have two little ones, as I do, every minute counts. My sister-
1571 in-law lives about two miles from where the Alta Sierra proposed Dollar General is going to be
1572 located and she's always complaining about the lack of stores, about simple quick trip taking her
1573 an hour or more to do. Currently, if, let's say, I were to need to buy diapers for my little ones or
1574 milk or eggs or other necessities, the closest options will be either Auburn or Grass Valley. Each
1575 takes about 20 minutes to get to. Should I forget an item as I often do, that will be very
1576 inconvenient to do and sometimes maybe even out of the question until my next shopping trip.
1577 Having a Dollar General in the area will not only provide young families like mine a convenient
1578 place to shop but it will also provide us with affordable products. Both my husband and I work
1579 full time, but I know that when I was going to law school and when I took time off from work to
1580 prepare for the Bar exam, every penny counted. A store like Dollar General would have really
1581 helped us. For these reasons, I urge you to approve the Dollar General in Alta Sierra. Thank you.

1582
1583 Chair Aguilar: Thank you ma'am. Yes sir.

1584
1585 Michael Brady: I'm Michal Brady. If you're going to limit the Dollar General on size of trucks,
1586 are you going to limit the propane truck that fills the tank behind it? Are you going to take away
1587 the Little Valley's commercial property? The first two houses back there when we moved in, you
1588 know six were commercial, they had businesses inside of them. I don't know whether it was
1589 approved or not but you're talking about telling the gas station they can't have their tankers.
1590 You're talking a propane shop can't have propane for the houses in Alta Sierra? He asked a very
1591 good question, 7 to 7, what about gas station deliveries? 24 hours a day right there. What about
1592 the golf course deliveries? They're going in bigger trucks than 73's. That whole shopping center,
1593 the commercial aspect is bigger than 73's. And also why did you let Forest Springs clear cut it
1594 and not argue trees? The same way on the top of the hill, the nursery, clear cut, now you're
1595 saying down here we can't take out the trees? Something's wrong in your Planning Commission.
1596 I really mean it, the length of this to get in, and now messing with other businesses in that area,
1597 after they go in front of you, when nobody had to before, something's wrong, you don't want
1598 businesses in this area. And it's sad, I know, I'm a business owner. I don't know what you're
1599 doing, you guys. What, two weeks ago in the paper you're looking for money, and you're going
1600 to save something on this one where you're going to gain thousands of dollars. And in Stockton
1601 last year, when you had one of these meetings, they gave Stockton \$53,000 for schools. And if
1602 you'd have seen the gentleman, he wasn't in a suit and tie, he was in a plaid shirt and blue jeans
1603 that handed them a check for \$53,000. I mean, I don't know what you're doing, you're killing the
1604 community of not authorizing the businesses to go in, have to spend two and three years to be
1605 able to come in. And I know of three in that shopping center and they died in the first six months
1606 because of all the problems they had, they couldn't come back out of debt, and it's sad. Thank
1607 you.

1608
1609 Chair Aguilar: Okay, thank you sir.

1610
1611 Robin Voigt: I am Robin Voigt, I live right across the street from the Rough and Ready project. I
1612 do have to leave, I'm supposed to be somewhere at four, fortunately it's only five minutes away.
1613 But I do want to make my comments based on just the, it's going to be probably very similar,
1614 some of my notes are probably going to be applicable to everything. I am concerned about after

the approval process, after you know, some of the notes, one of the things he said was some of the problems we're going to leave to the public agencies to handle. That's a concern for me. Another one, the larger truck, the bigger size will need a permit that they're going to get from DPW. That concerns me. That's how they get around that big concern that our residents had a long, long time ago about big trucks coming in. They're all ugly. I've been, I've seen all the Dollar General. I don't need to look at the rendering. I see it, it's beautiful. Yeah, right. But I see the ones that are already built, and they're all ugly. And I would ask if that wainscoting and that stucco that they're going to put on, ask if it's going to be all the way round the building, or is it just going to be on the front? They make sure the façade, it kind of matches their rendering, but you need to know that for sure. The other thing I noticed is the one here in Alta Sierra it's next door to a market, the market that already exists. That's competition. That's money going to maybe a low-wage employee. Six to eight to ten or twelve, whatever number they're picking, are those local employees or is it somebody in headquarters that has to do the accounting for all three stores? Where is that? What is that exactly? Is the general manager doing a dozen stores or is he actually being one of the employees that's putting money back into the community by buying stuff here in our community? We all know that profits on a small box store, big box store, they do leave the county. They leave the state. They sometimes even leave the country. We want stuff that comes back, that's why our downtown is so vibrant because people are supporting the small business owner, and that's who I support is the small business owner, not the national chains. The noise and there were two words that when he talked about the noise levels that might occur. I heard two words. I heard Tyler talk about city noise levels. I heard somebody else talk about County noise levels. This is important in Rough and Ready because it's not really in the city. If I or one of my residents complained about noise: "Oh, well. We're not in the city, so we don't really have to." There's a concern as to what's going to happen after they're built and the complaints start coming in? This is a residential, I know it's commercial property. You're not a rubber stamp as this one man insinuated, that you need a legal decision and a reason to say no to this project. I don't think you do, because that would insinuate if you needed a, you would just be a rubber stamp.

Chair Aguilar: Robin, sorry. You have three minutes, and so can you wrap it up?

Ms. Voigt: I sure can. The rendering did not show, I did see the rendering quickly about the Rough and Ready. It didn't show that he said we've taken consideration for the school and other pedestrians. I didn't see anything in that rendering. I do agree with the other woman. We are not typical consumers. Many of those national brands have been shown to be hazardous, and this is the kind of, to our environment, and these are the kind of products we're trying to get away from. The biggest thing, the biggest point is it is the visual impact, it is the change to the character of our resident and our corridors that lead in and out of town. And I have to say that it is not a fit for our community.

Chair Aguilar: Thank you, Robin.

Ms. Voigt: Thank you.

Chair Aguilar: Yes, ma'am.

Carol Young: Hi, my name is Carol Young, and I'm from Auburn. Your little pro timer light is not on, which is probably maybe why we're running over three minutes. I'm just generally here to speak about all three General stores and discuss the significant negative impacts, unavoidable, of

getting old. We can't see. If it's raining, we don't want to go anywhere. The lights bother our eyes. You just wear down, and we're on medication. Sometimes we shouldn't be on the road, and to have to drive clear into Auburn and in the parking lots that are busy, it's tough when you get older, and so we end up on meals on wheels. And so that fulfills the biggest fear that all old people have and that is the loss of independence. If we could just drive from here to there, let me buy what I want instead of what you bring me to eat. Let me buy a loaf of bread and a little thing of baloney, then that's independent, and you're still too young to understand what it is. I'm sorry the store has a dumb name, and I'm sorry they're not invisible, but in time if what he was saying about the landscape is right, they will be. And if you could just, I know a lot of the people that spoke are older today. Just, change, it's just hard, but this is an option. I can't tell you how important this option is for aging in place. People want to stay in their homes and we want our independence, and so I thought the zoning was right. I really don't understand the kerfuffle. But I do know, God, if you could help us get off the roads we'd appreciate that. Restore a little of our independence, appreciate it. Thank you.

Chair Aguilar: Thank you Carol. Yes, ma'am.

Joyce Haire: Yes. My name is Joyce Haire, and I'm a resident of Grass Valley. My husband and I Bill Hare have resided at our residence at 10200 East Drive near the Rough and Ready proposed site. You have in your possession I believe it's letter 129 that he sent to you last January regarding our comments about this project. I would like to say about the woman that just spoke, if you think about all three sites there are small markets or big markets within walking or short driving distance of all three of the proposed sites, so. That aside, I wanted to let you know that we are against all three proposed sites. We have a site already in Brunswick. It sort of got sneaked in on us. My husband and I read the paper cover to cover, The Union. We never really saw much if anything about that. All of a sudden it was built and there it was. I have to tell you we have actually been in the store one time since it was built. It was May of 2015, and we were invited to some friends' house for dinner, so we stopped to buy a bottle of wine to give them as a hostess gift for having us for dinner. We were in the store at least 10 minutes and did not see an employee anywhere, which kind of goes against Dollar General's idea of "we are providing employment." There was no employee. She was on the back stoop of the store having a cigarette break. We could have walked out of the store with our \$5.29 bottle of white chardonnay if we would have wanted to. So, with all due respect to Tyler Barrington, we have very much respect for him and everyone connected to the Planning Commission, the Planning Department, and everyone else who has spent so much time on this, in our opinion is a worthless project or projects. Getting back to the Brunswick Basin store, every time we drive by there and it's at least minimum once a week, at the fewest there are one to three cars in that parking lot. At the most there have been between seven and ten, and just within the last few weeks or couple of months maybe 12 or 13 and that was only one or two times. Next page, I'm almost done. Then there's that myth that Dollar General is a dollar store, and they don't seem to be telling everybody that it isn't, so they kind of let that myth get around. In the past four years my husband and I have traveled throughout the United States. Almost every Dollar General store that we saw on our travels, and we traveled in the states of Montana, Arizona, Colorado, Idaho, Virginia, Utah, did I say California, and Idaho and Montana, so we got around. Every Dollar General store we saw was on a two lane highway out in the middle of nowhere, and next to it was a post office and/or a gas station, and maybe a little general store or a small restaurant that may or may not have already gone out of business.

Chair Aguilar: Joyce.

Ms. Haire: Yes. About one more minute, or half a minute. Let's see, where was I? Back here.

Chair Aguilar: Two lane highway.

Ms. Haire: Yes. Right. Yes. I don't know if any of the rest of you have noticed that but Bill and I did. We really appreciate all the hours of time that have gone into finding out about these projects for the three Dollar General stores, but they are not a right fit for Nevada County. So, let your conscience be your guide and do what is best for our County and its residents. We depend on you, all of you, to make the right decisions for us. Dollar General, LLC reminds me of the theme from the movie called The Carpetbaggers from the early '60s. Dollar General comes to our town with our permission, does its harm, then it leaves, and it never looks back.

Chair Aguilar: Thank you, Joyce.

Ms. Haire: Yes.

Chair Aguilar: Yes, ma'am.

Beth Di Veccio: Excuse me, Beth Di Veccio, 12231 Sunset Avenue. I'm here today to kind of represent the Sunset neighborhood in order to have you hopefully understand why we feel the way we do about having the Dollar General at the Rough and Ready location.

Chair Aguilar: So, are you not planning on staying?

Ms. Di Veccio: I was supposed to leave about 25 minutes ago.

Chair Aguilar: Okay.

Ms. Di Veccio: I'm in big trouble.

Chair Aguilar: Okay, right.

Ms. Di Veccio: Anyway, I will read very quickly. I'm sorry to have to jump ahead.

Chair Aguilar: Well, because we're really trying to focus on Alta Sierra.

Beth Devecchio: I know.

Chair Aguilar: Yeah, I opened that.

Beth Devecchio: Let's see. I'll just explain a little bit about our neighborhood, so hopefully, like I say, you'd better understand how we feel. Because of the layout of our neighborhood, the traffic in our location at Sunset is almost exclusively residents, driving to and from their homes. We have no sidewalks anywhere in our area, our streets are narrow, and there are cars parked periodically on both sides of the streets, making our roads even more narrow. Because the traffic is primarily residents, who are familiar with the lifestyle of our neighborhood, our children are free to play in the streets with their tricycles, bicycles, scooters, et cetera. Our older generation of residents is able to take their daily walks literally down the middle of the roads. We have a

neighbor who has a child who is blind, but her family can walk her to the edge of their property and allow her to cross the street safely to get their mail, giving her a little feeling of independence. We have another resident who is in her 90s, and cares for her grandson in her home. He is a veteran who is confined to a wheelchair but because of our quiet neighborhood, they are able to move about our streets safely. The residents are aware of these and other situations and drive accordingly. My nextdoor neighbor and I walked through the neighborhood and talked to our neighbors. We gave each of them information about the proposed Dollar General stores and encouraged them to contact Dan Miller, Tyler Barrington and Jessica Hankins. I emailed Dan Miller to discuss our situation and he replied with the following email, and I quote, "Beth, your walk around the neighborhood was a success. I have received emails from your neighbors and none of them support the store. Dan," end quote. Our neighborhood's biggest concern is the safety of our residents. If the Dollar General store is allowed to build at this location, the lives of our neighbors will be changed forever. The Dollar General proposal shows two large driveways, one on Rough and Ready, and one on West. If a customer of the store exits onto West and glances to the left and sees traffic building up at Rough and Ready and West, he will naturally look to the right and see Sunset, will take a right onto West, a left onto Sunset, and a left onto East to exit onto Rough And Ready, driving right through our neighborhood. This is the only alternate way of exiting the neighborhood. There'll also be delivery trucks driving the same direction and our quiet, safe neighborhood will no longer exist. The location of this Dollar General store is right in the middle of a residential neighborhood. The surrounding properties are small, single story homes on small lots. There is no landscaping that can be done that would keep this very tall 9,100-square-foot store from being an eyesore in our residential neighborhood.

Chair Aguilar: Thank you, Beth. Okay, we're going to take a little bathroom break, so we'll get right back to you.

[Break from 4:05 p.m. to 4:12 p.m.]

Chair Aguilar: Well, thank you for the little bit of a break. So ...

Commissioner Duncan: Oh, we've got two, oh she's a repeat.

Chair Aguilar: Yeah, she's a repeat and I asked her, you know. But the thing is that she was a little confused because she thought she was speaking specifically to the EIR and now she wants to speak about the development, and so it's like, sure.

Commissioner Duncan: Okay.

Chair Aguilar: Yeah.

Commissioner Duncan: You're a good guy to call.

Chair Aguilar: Alright, alright, thank you.

Ms. Anthony: Ready? Okay, thank you for allowing me to speak a second time. I did only have-

Chair Aguilar: I'm sorry, your name is?

Ms. Anthony: Oh, my name is Lily Valerie.

Chair Aguilar: Lily, yes.

Ms. Anthony: I live on Sunset Avenue in Grass Valley near the Rough and Ready proposed project. So I didn't address that originally because I thought we were to wait but I have to make it to the bank before it closes, sorry. And I do have a few things that haven't been brought up yet that I would like to bring up to the Planning Commission. So, in regards to the Rough and Ready project, of course the concerns have been brought up about our rural neighborhood and the safety of the neighborhood and the children and the pets. In regards to that same aspect I wanted to talk about the noise pollution, the breaking of the asphalt on our little small roads that haven't been upgraded to this point already, and that would be Sunset Avenue, West Drive and East Drive. And we do not have any sidewalks available for pedestrians and we do have a concern about traffic on Sunset Avenue. And then my second point is the environmental hazards, which would be the drainage, the runoff from the parking lot, the oil drainage. Do we have a sustainable drainage plan that could hold that runoff in regards to the environmental impact of the neighborhood, being a residential neighborhood? So that's a concern. And another concern I have is the water pressure from NID in the event of an emergency. So, I believe that a project this size would have, I'm not up to date on the specifics but, in the event of emergency the pressure that would be needed to put out a fire, would that all be taking away everything from the rest of the neighborhood? Would we have any water supply to protect our own homes? That's a concern that I have. And then another concern that I have, which I did bring up earlier, is the concern that wasn't addressed is the alcohol and tobacco sales, the percentage and for the Dollar General. And of course we don't support what they call 'Name Brand Products.' We live in a neighborhood that since 1939 has had Sunsmile Farms, which is a completely organic farm. The water supply from NID doesn't reach that any longer so we don't have that in our community, but to put a Dollar General just doesn't, our neighborhood does not want it, and we are a small neighborhood and where are the other people going to come from that's going to shop at this store? We have a market at Alta, which is less than half a mile away, and we have a Oak market down at Squirrel Creek, which is less than a half a mile away. And for the product that this proposed Dollar General's going to carry, we have that at CVS, Walgreens, Rexall and the Dollar Store in Grass Valley, which is less than three miles away. So I hope that you can take those considerations into account regarding your approval or disapproval of this project. Thank you.

Chair Aguilar: Thank you Lily.

Ms. Anthony: Oh, and I made ten copies of my concerns, where should I leave those?

Chair Aguilar: To Tine.

Ms. Anthony: Oh, thank you.

Chair Aguilar: The clerk. Yes, sir?

Hal Lindvall: Yeah, hi, I'm Hal Lindvall and I live at 10560 Ivey Lane, Nevada City. Born and raised here in Grass Valley, lived throughout Nevada County my whole life, I'm 54, so I'm here to support my community. I really don't see why we need four of these stores here in our community. Like others have already said, and I've noticed myself, the one that is existing hardly does any business. When you drive by there you hardly see any cars in there, so why do we need more? Number one, for that. And like was just stated as well, there's so many other markets and

1860 little gas station markets and grocery stores close by where these places want to be built, so
1861 basically it doesn't seem like we, it seems ridiculous, it doesn't seem like we need four of these
1862 stores in our community. That's my concern, I just don't see it. There's no need for it and I just, I
1863 would hate to see it happen. That's it for me.

1864
1865 Chair Aguilar: Thank you, Hal, thank you.

1866
1867 Mr. Lindvall: I appreciate it.

1868
1869 Chair Aguilar: Yes sir?

1870
1871 Mac Young: I have ten copies for the board.

1872
1873 Chair Aguilar: Yeah, you can give them to Tine, the clerk there.

1874
1875 Mr. Young: My name's Mac Young, I live in Auburn, California and I believe in free markets, I
1876 believe in land use rights, and I believe in the right for Dollar General to put up shop in Nevada
1877 County. Before I get started, I just want to say to Mr. Foss and Mr. Barrington, with all due
1878 respect, I think we got it wrong with the Rough and Ready store. When you cite aesthetics and
1879 land use compatibility for being the disqualifying reasons for the Rough and Ready location, I
1880 have to say with regard to the aesthetics, right now doing nothing is worse than doing something.
1881 That area is a blight. I really like the landscaping plan that they put in place, they're gonna turn
1882 that into a park, and in terms of land use compatibility, it's designated Commercial. The building
1883 size is under 10,000 square feet and everything else is pretty much subjective and arbitrary, and
1884 so I'm clear with that. The handout I just gave you basically takes a look at sales tax revenue per
1885 capita by county, it's a comparative analysis. And I cite this because, pertinent to CEQA
1886 guideline Section 15093, CEQA requires the decision-making body to balance as applicable the
1887 economic, legal, social, technological, or other benefits, including region-wide and state-wide
1888 environmental benefits, of a proposed project against its unavoidable environmental risks when
1889 determining whether to approve the project. So I'm gonna focus on the economic rationales
1890 behind this. So if you take a look at Placer County, our neighbors to the west, on average
1891 renumerations in 2015 per capita, per citizen of Placer County, rank third in the entire state at
1892 \$163 per person in that year. Sutter County, our other neighbor, came in at \$120. Nevada County
1893 came in just under \$94. So, what this indicates to me is that we've got a real leakage problem
1894 here in Nevada County. We do not have enough retail operations to satisfy the needs of our
1895 residents, and so as a result they're moving to different counties to spend that money. If we could
1896 do just as well as Sutter County, and I've got nothing wrong with Yuba City, I think that's just
1897 fine, that would result in an additional \$3,000,000 in sales tax revenue coming to this county if
1898 we could just somehow figure out whatever magic Yuba City is offering. If we could do as well
1899 as Placer County, which is number third, it's right behind Napa County and right ahead of San
1900 Francisco County, which is astounding to me, we're looking at some serious money. The other
1901 thing I wanted to also add is on average a Dollar General will generate revenues of \$1.7 million
1902 per store per year. That would equate to roughly anywhere between \$350,000 to \$400,000 in
1903 revenue in sales tax. Furthermore, they plan on hiring 30 full-time employees.

1904
1905 Chair Aguilar: Mac, are you ready to wrap?

1906
1907 Mr. Young: I'm wrapping it up. This has a multiplier effect. I appreciate your time.

1909 Chair Aguilar: All right. Thank you sir. Yes, ma'am.

1910
1911 Brenda Wells: My name is Brenda Wells and I live at 12041 Hanley Drive in Grass Valley,
1912 which is Alta Sierra. The gentleman that just spoke before me talks about money and I just feel
1913 like that's what it is. It's all about money. It's about easements, assessments, rules, regulations,
1914 numbers, and Environmental Impact Report, but where's the impact on the humans that live
1915 there? To me that's the biggest thing, and I would agree with the gentleman sat here before, we
1916 don't need four of those stores. It just doesn't fit in our neighborhood. The one we have doesn't
1917 do that well. Why would we want more? If they vacate then there's not enough parking and there
1918 we go. Thank you.

1919
1920 Chair Aguilar: Thank you Brenda. Sorry. I'm sorry, ma'am. You're a repeat.

1921
1922 Ms. Mei: I have spoken before.

1923
1924 Chair Aguilar: Yeah.

1925
1926 Ms. Mei: Yes. My name is Marissa Mei, but I just wanted to say that this very detailed financial
1927 analysis sounded like it came from someone who lives out of Nevada County, and I thought you
1928 were asking for input from people who are residents of Nevada County.

1929
1930 Chair Aguilar: No. Anybody can.

1931
1932 Ms. Mei: Anyone can.

1933
1934 Chair Aguilar: Sure. This is America. Anybody can talk. Thank you.

1935
1936 Ms. Mei: Just wanted to make sure.

1937
1938 Chair Aguilar: We don't suppress anybody's opinion.

1939
1940 Juanita Hoffman: Hello Council.

1941
1942 Chair Aguilar: Then, you know what, just to clarify that. That's a good point. Some people do
1943 have Auburn addresses that are still in Nevada County. Lake of the Pines is an example. But still,
1944 anybody that wants to talk is allowed to talk. Yes, ma'am.

1945
1946 Ms. Hoffman: I'm Juanita Hoffman. I live at 12251 Sunset Avenue, and that would be in the
1947 neighborhood of the Rough and Ready Dollar General store project. I was a little bit insulted
1948 there, saying that it was a blight and it was ugly. I'm going to say that my neighbors and I don't
1949 feel like we live in an ugly place. As you've heard from all of my neighbors so far, that we don't
1950 approve and we're not happy with this Dollar General store project going in. I see that what
1951 happens when it's built and there's noise, who do we complain to when there's litter? Public
1952 Works has told me, "Well, if there's litter we'll give you a garbage bag and you can go collect it."
1953 Oh, please. I do that enough. And we do have a Dollar General store for those that want to shop
1954 there and it's in Nevada City, Brunswick. I went there one time and there was a car in the parking
1955 lot who had the hood up and they were changing their oil in the parking lot and it was a busy
1956 Saturday. There was businesses booming all over in that area. I walked in the Dollar General
1957 store, it was empty. They must sell motor oil, I guess, because that's what was happening outside,

and I didn't see a single person in the store except for the employee who was reading a newspaper at the counter. And it just was stuffed with product and not a single customer on that busy Saturday afternoon. I just don't want to see this happen in our neighborhood. We're not a match. We're just not a match in Rough and Ready with West, East, and Sunset Avenue for this to go through. And the traffic on the highway, I don't see how there would not be problems. Thank you.

Chair Aguilar: Thank you Juanita. Yes sir.

Richard Chandler: My name is Richard Chandler. I live on Little Valley Road.

Chair Aguilar: Mr. Chandler, did you say?

Mr. Chandler: Yes sir. Yeah.

Chair Aguilar: Okay. Chandler.

Mr. Chandler: My main concern, because my little speech is going to be very short, but it's just we have a road, of course, down there, but the thing is all we have is dirt next to the road and weeds. And we have kids that are, the bus is down at the other end, but we have kids that are going to a school, and that's their walk every day. So our concern is traffic that would be going down there as it is now. And so to put this store in there and to add things to it is just uncalled for. Everything that's been said, I just, that's why I'm not going to speak anymore, because it's already been brought up. But to have a store, because we have Dollar General store up in 10 minutes away, and the Dollar Tree, and Dollar Tree is great. They do very well, but not Dollar General. So thank you for your time.

Chair Aguilar: Thank you Mr. Chandler. Yes sir.

Fraser Hardy: My name is Fraser Hardy. I live at 10153 Hard Rock Road. I'm in close proximity to the Rough and Ready location in Rough and Ready. I hadn't actually intended on speaking so I'll be very brief. I was motivated to come up here by the several individuals who had sort of implied that it was the obligation of this committee to basically approve anything that would bring more revenue to the community. But I'm going to point out what you all know already is the obvious is that to remind you of the obligation to the community itself, and that's we have these types of committees. I realize that any form of development you lose something in order to develop a piece of property. Some people will fight any type of development. I don't think that's the case here. The problem is is that the Dollar General store does not bring anything new to this community. I don't know that it's necessarily representative of the sensibilities of this community, which you all are aware of. It's a rural community. I think a lot of people here want things to be more natural than to be representative of a big city. Everything that is sold in a Dollar General store is in very close proximity to what we have already. There's one in Brunswick. There's everything in Brunswick, for that fact. All these locations are fairly close. I don't see that this brings anything to this community whatsoever. There's many things that could be put in any of these locations that would be great benefit to this community. Dollar General unfortunately is not that fit. Thank you.

Chair Aguilar: Thank you Mister Hardy. Keoni.

2007 Keoni Allen: Good afternoon. My name is Keoni Allen, 130 East Main Street, Grass Valley,
2008 California. And I have a couple of thoughts. The first one is you guys ought to be applauded for
2009 the job that you do. It appears to be a pretty thankless job where no matter what you do, half of
2010 the people are going to be mad at you. So thank you, because somebody needs to do this for us.
2011 And so my real thought was just to talk about the fact that we being a nation of laws and rights,
2012 that's so important to who we are and what we are, and the folks that are here today saying they
2013 don't like this store, it's awesome. That's totally within their rights and that's a part of who we
2014 are. But I wanted to point out there's other rights that are at play here, and that's the right to
2015 develop your property subject to the zoning that's in place. So somewhere along the line Nevada
2016 County, in its wisdom, zoned this piece of property that we're talking about Commercial.
2017 Somebody owns that piece of property and they have obviously been paying property taxes on
2018 that property based on an appraisal or a valuation for its future development potential. Now we
2019 have somebody that wants to develop that piece of property. It just appears that they have the
2020 right to do that subject to your conditions and requirements that you put on that. I would hope
2021 that in this conversation about all the other things that we don't like, that we don't lose sight of
2022 the fact that the right to develop your property subject to some rules is a very basic and inherent
2023 to who we are and what we are. Thanks.

2024
2025 Chair Aguilar: Thank you, Keoni. All right. As far as Alta Sierra, we're starting to thin down a
2026 little bit here. Is there anybody else that would like to speak? We'll get to you. No? Okay. Hi.

2027
2028 Sandy Jacobson: Good afternoon. Sandy Jacobson. 10091 Pekolee Drive, one mile from the
2029 proposed site in Alta Sierra. Up until about a week ago I didn't have a dog in this race. Too busy,
2030 couldn't pay attention. These are my mom's car keys. I don't know that they're going back.
2031 Having a store that close provides something to her that may not be available. That's why I'm
2032 here today. Yes, I'm the forgetful person that could use some spaghetti sauce once in a while and
2033 it'd be nice not to drive to town. But this is the reason we should consider it. Thank you.

2034
2035 Chair Aguilar: Thank you, Sandy. Okay. Yes, sir?

2036
2037 Larry Purciel: Hi, Larry Purciel. I don't have a blog to recite or anything. Pretty brief. I've been
2038 to, we live on Giving Lane, about a half mile from the Alta Sierra store. I'm betting there are
2039 many times they have the quality products, the products that he presented, they had them right
2040 there, and I don't see any reason why we need. We don't have to go to Auburn to buy these
2041 things. If we want more, we can go to KMart or SPD five miles away. That's really close, close
2042 compared to what we're talking about but it's right there so I don't really see another thing we
2043 need. I'm for, in the presentation, all the problems that we have with traffic and congestion and
2044 the size of the property there, the building there, I think is way over. So I'm really against this.
2045 Yeah, if we had a doctor's office or a drafting office, you know, other kinds of things there, that'd
2046 be fine, but this doesn't really fit in our County, so. Thank you.

2047
2048 Chair Aguilar: Thank you, Mr. Purciel. Yes, sir?

2049
2050 Tom Schultz: Hi; Tom Schultz. I live in Alta Sierra, and I'm kind of just echoing what several
2051 have already said about that store going in there. And I'm here with seven or so people that are
2052 going to be directly impacted negatively by the visual look of that store. You know, and I know
2053 that, I'm a pro-growth person. I was a contractor for 12 years and I think building's a great thing.
2054 I was thinking, if you came to the end of Alta Sierra Drive at 49 and you look at that hill right
2055 there and all that open land right there, I thought, "Well, there's a good spot for a Dollar

General," or for any kind of a store that is being mentioned. But I think the location of this Dollar General in Alta Sierra is its worst problem. If it were somewhere where it weren't bordering a dozen people that have a lifestyle that will be looking and directly affected by that every day. And the children going for candy bars and Cokes and stuff like that that'll be hopping this retaining wall and working the danger zone that it might create on that back side. I think Dollar General might have a place in that Alta Sierra area, off of 49 or something. But right where it's located, and the place where it's chosen, just doesn't fit that to me, and I think it's really ugly when looked at from the residents and the neighbors that are going to have to deal with that. And I'm here to support them, and I hope you'll decide against it for that location. Thank you.

Chair Aguilar: Thank you, Mr. Schultz. Sorry, yeah. Anybody else would like to comment after her? There's a open chair. Yes, ma'am. Hi.

Kim Sayre: Hi; my name is Kim Sayre, and I live at 18969 Covey Court, in south part of Alta Sierra. And I wanted to make a couple of points that echoed with me and resonated with me and my values and my family. First of all, for the convenience and the safety of young families and the elderly in the location near the Alta Sierra, the proposed location, I think that that's a very important consideration to make. I know that we say, "We could just drive a couple more miles," but sometimes that isn't really an option. And I'm really grateful that for me it was an option, but for my mother, it isn't always an option. And so, this is something that I would really hope that you would take into consideration. Also the second thing is that this, I understand and I feel for the people, especially directly around the location that have brought their concerns forward. But this property has been zoned Commercial for a long, long time. And to impede the people that own that property, to sell it to someone, to develop it within the guidelines of what is supposed to be there or allowed to be there, especially with the extra considerations that they've taken to try to mitigate the environmental impacts and things. I think that that's really unfair for us to just say, "Well, I'd rather have Trader Joe's," or, "I'd rather have it be across the street." Well, this parcel is for sale and this company is interested in developing it for our community. And they've gone through the letter of the law and I would hope that it would be approved. Thank you.

Chair Aguilar: Oh, thank you, Kim. Okay. So, I don't believe we actually close public comment. We just continue it to when we're going to hear Penn Valley and then Rough and Ready, correct?

Planner Barrington: Well, our thought would be to close the public comment period for the Alta Sierra store, open a new public hearing for the Penn Valley store, close that public hearing, and do the same for Rough and Ready Highway. I know a lot of comments have been made on Rough and Ready Highway, but that was our desire.

Chair Aguilar: Sure, okay. Yeah, that's your desire, but is that ...

Planner Barrington: You can re-open the public hearing at any time.

Chair Aguilar: Well, the problem is that I don't want to have to reiterate some of the same stuff. And so if you open up the public, if you close it now and then you open up the public comment, then what's going to keep the same comments coming and all that?

County Counsel Alison Barratt-Green: Chair, if I might help. In light of all the crossover that's already occurred, we'd recommend going ahead and leaving the public hearing open, and then close it at the end of all three projects. We know that that was not the original plan, but we've

also received a lot of comment on other projects that should be taken into account with these other projects.

Chair Aguilar: Okay, well that was my intention, was to leave it open the whole time. But, yeah. Yeah, but see, here's the problem. If you close the public comment, then you open it up, then you have got to hear it all over again. Or, if somebody says, "Well, I already spoke," and it's the same stuff, we're trying to avoid that. That's what I'm trying to avoid.

Counsel Barratt-Green: So the question to us is whether or not the Commission should be making a motion of intent at this time before the public hearing has closed. And I think in light of what has already happened here, probably the smoother way to handle that would just be to do your actions at the end of the public hearing. Because it sounds like a lot of people have already spoken, hopefully, but you do have other presentations from staff on the other projects.

Chair Aguilar: So, what are you saying? Are we keeping it open or are we closing it?

Counsel Barratt-Green: I would recommend leaving the public hearings open, going ahead and taking the staff reports on the other projects and inviting any remaining comments on those other projects.

Chair Aguilar: Okay, so. Do you have another comment on Alta Sierra? Okay, all right. Why don't you hold it until the next time then? Yeah. Appreciate it. All right. Okay, so, for Alta Sierra, we're going to bring it back to the applicant and to the staff, and so, yeah, yeah. Right. And so are there any, I forget which one, who talks first, the applicant or the staff. The applicant, okay. So, if you have any comments that you would like to present at this time, after hearing all the public comment, you're more than welcome to. And then we're going to go to staff.

Mr. Biswas: Again, Dan Biswas with SimonCRE. I think we wanted to comment on a couple of the questions that came up. Number one, the alcohol sales and tobacco. That's something that Dollar General applies for as a separate permit. It doesn't happen in every single store, so that's something that they would, I'm sorry, that's something that happens in every store on a store by store basis, so they apply for a separate permit. It doesn't have anything to do with us. And they would go through that process separately.

Chair Aguilar: So, do you know if their intention is to do beer and wine, just for the ladies' edification.

Mr. Biswas: I mean, I think they typically would prefer to have it if it's available but it's not my call to make.

Chair Aguilar: Sure, I understand. Okay.

Mr. Biswas: Additionally, one of the other comments that keep coming up are the aesthetics of the buildings. As we mentioned in the Rough and Ready site, the current building is in complete disrepair. It's not that the neighborhood is completely horrible or anything like that, it's that that specific site is not better than what we would be proposing. So when staff mentions in the staff report that the aesthetics is the concern, I would argue that that's exactly the opposite of what we'll be doing there. As others have mentioned, landscaping will be put in and over time that will grow into place to reduce the visual impact on all three sites. With reference to the number of

cars, I heard a couple comments from people saying that they hardly ever see any cars in the parking lots. This is part of the reason why we've had the parking study done. This is part of the reason why it has been approved per the parking site that was entered into the studies that we've gone and spared no expense to acquire. Dollar General doesn't need more than 1,200 homes to make money and to survive as a business. So like I mentioned on numerous occasions already, the traffic is basically people who are on their way home, as many of the people who have testified have mentioned as well. They go to and from their houses to pick up things that, these are not extra trips. In these traffic studies that we've provided, you'll see that the, and I think in Tyler's presentation as well, I think the added daily traffic trips were only 586 daily traffic trips per day when the, I think the current one was 5,200 per day so it's not adding significant traffic. These are people going in and out within a short period of time. It's not people hanging out, staying in the store. So the traffic comes and goes as it comes. Additionally, actually, I think that's pretty much it. That's all the comments that I had.

Chair Aguilar: Is the wainscoting going all the way around?

Mr. Biswas: As you can see in the elevations, the building, you can see on all three sides that there is architectural design elements that were required by Planning and that's not going to be, they're not going to get through construction inspections without putting what's on the plan into the development projects. So I think that's kind of a nonissue.

Chair Aguilar: Okay. Let's see what else here. Some of these comments, I'm sorry, have to do with Rough and Ready so I'm going to wait for that, that people have brought up. Okay, Tyler. Excuse me, any questions of the applicant? Tyler?

Planner Barrington: Thank you Mr. Chair. Few responses. Obviously, whether or not they sell alcohol or tobacco is not a CEQA impact. It's not a land use policy so the EIR doesn't disclose or document that. Regarding the runoff on Alta Sierra Drive, those are existing conditions. The applicant is not required to address existing conditions but to deal with their own development. They've provided a preliminary drainage report, which documents how they can meet the County's requirements that the project after construction will not result in an increased amount of stormwater runoff than currently coming off the site today. There was a comment, and I hope that my colleague might help me if I miss this, about whether CEQA requires that you mitigate every potential impact out there. The requirement for CEQA is that you fully disclose impacts of the project, you make a good faith effort to mitigate those impacts to the greatest extent possible. We feel that the CEQA document has done that through the EIR. Regarding the septic system of it being offsite, it's not typically standard for the County to allow septic systems to go offsite. It has done it in the past and this instance, this is intended to be kind of a low-flow operation if you will. It's not a restaurant at this time and therefore, Environmental Health allowed them to do soils testing offsite and it's agreed to the design being proposed. The easement will ensure that that system can be maintained over time. Fire hazards, those are addressed through building code requirements, fire-flow requirements. I would like to address the Rough and Ready Highway ones as a part of my Rough and Ready presentation-

Chair Aguilar: Sure.

Planner Barrington: Because some of those items are covered as part of that presentation.

Chair Aguilar: What about sidewalks?

2203
2204 Planner Barrington: Sidewalks are not required and are not being provided at this time. There's a
2205 requirement that the site be developed in a way that could accommodate future sidewalks if they
2206 ever become part of that road prism. There was a comment about the restriction on overnight
2207 deliveries. That specific to this store. It's looked out on a case-by-case basis, it's not going to be
2208 something that's applied to other businesses that are operating under other permits. The 73-foot
2209 truck, I don't know what the conditions of approval are for that Grass Valley store, whether or
2210 not it addresses the 73-foot truck, but they are prohibited at this time and there are remedies
2211 through the Highway Patrol for that. So they've documented that they won't be using that truck
2212 and we've mitigated adequately for that. I think that comes to most of comments that related to
2213 actual pertinent CEQA issues or project issues. The agreement regarding the oak mitigation.
2214 Should the agreement not be reached, the applicant is still required to implement an oak tree
2215 restoration plan. And it would be our intent that that plan is similar and determined to be equal to
2216 or better than what is being proposed by the Land Trust in 2015 and hopefully, currently what is
2217 being proposed and reviewed and negotiated with the applicant. It's our understanding that as
2218 Mr. Cassano pointed out, the amount of cost in order to implement that plan is significantly more
2219 than the \$42,000 which was presented in 2015 and so the applicant will have to ensure that those
2220 oaks are adequately mitigated through those negotiations and/or an alternative plan that matches
2221 the current one. With that, I think that's all I really have. I would like to comment, just I know
2222 I've said the Rough and Ready Highway there was a comment about aesthetics and land use are
2223 not just grounds for denying the project, I'll cover that in my review but there's other
2224 requirements that are code and policy related that result in incompatibility. So unless Brian or
2225 anyone in-house has any other comments that I missed, those are our current responses.

2226
2227 Chair Aguilar: Remind me on the EIR. Is there a square footage where it is not visually
2228 impacted, Alta Sierra?

2229
2230 Planner Barrington: No. There is not.

2231
2232 Chair Aguilar: Okay. I mean, or where it's not mitigable.

2233
2234 Planner Barrington: Oh.

2235
2236 Chair Aguilar: I'll word it: and so is there a square footage where it is mitigatable?

2237
2238
2239 Planner Barrington: Not that I'm aware of. The EIR did locate an alternative size of 7,200 square
2240 feet. We don't have a plan for what that would look like but it's assumed that the store would be
2241 similar in height and in design and impact. I don't think that would make it shorter or smaller
2242 from a height standpoint and from a mass standpoint. It may cut off 2,000 square feet, but-

2243
2244 Chair Aguilar: Yeah. But like what Bob was saying, I'm not talking about just Dollar General,
2245 any development on that property. If it was put more on the upside of the hill, then you don't
2246 have that large retaining wall if it was, somebody made a comment, a gentleman made, Mr.
2247 Chandler, I think, made a comment to that. Doctor's offices, that type of thing. So does that kind
2248 of development make it mitigatable from a visual point of view?

Planner Barrington: It would be on a case-by-case basis. It'd depend on what's being proposed but I would think that a few thousand square foot store would have more room to operate and move around. The proposal for us today, the project objectives are for a 9,100 square foot store.

Chair Aguilar: Right. Well, we're also talking about the EIR.

Planning Barrington: Right.

Chair Aguilar: And so Patrick, did you have any input on that?

Mr. Hindmarsh: Well, in the EIR we did address this 7,200 or 7,400 square foot store. We didn't have a site plan but we assumed that a smaller store would be able to pull farther away from Little Valley Road so there would be possibly less grading required. There would be a separation between any retaining wall and the store itself. So, it would be visually less intrusive, but we couldn't say for certain than it would be a less than significant impact. Any development on the site, you're going to need to remove trees, you would need to do grading, you would need to do retaining walls. So, it's difficult to say that you'd be able to reduce it to less than significant for any development.

Planner Barrington: And to build that-

Chair Aguilar: Yeah, but I mean, it could be logically right? It could be built with the topography, I would think? Isn't that what his point was? Build it more with the topography?

Commissioner Jensen: Oh, I only made a point about the store being this big. If they could move it back from a retaining wall so that it wasn't so tall looking from the intersection of Alta Sierra Drive and Lone Pine or whatever the other street is.

Commissioners: Little Valley.

Planner Barrington: I think that any commercial development of that site would have to meet grades for storm water runoff and for accessibility. And so, there would have to be some flattening of that site, which would require cut and fills, regardless of the size of the building.

Chair Aguilar: Well, Grass Valley, it just approved a handicap elevator, right? So, from the sidewalk actually, instead of doing the ramp because they weren't able to get the ramp, so as we speak, that development is being built. So I mean, there's potentially ways around that, I would think. Okay, so questions of staff. Are you sure? You're the applicant, yeah.

Mr. Biswas: Just to note, I didn't mention this before, but the other prototype, the 7,500 square foot prototype is a square, and we actually did, and I believe we submitted, sorry, I'm not used to the microphone here, but what I was saying was, the 7,500 square foot prototype is a square essentially, and we actually did, and I believe we submitted to the County at some point, some renderings of site plans that had the 7,500 square foot building and it didn't fit with the traffic circulation and the trucks because of the square size of the building. We can show that to the Planners later, but that's the one of the reasons why we didn't consider that building.

Chair Aguilar: Okay, thank you Dan.

Commissioner Duncan: So, your prototype for a smaller store is a square rather than a rectangle?

Mr. Biswas: Correct.

Commissioner Duncan: And you're saying that on that given site, you couldn't make it fit with the grading?

Mr. Biswas: It's not with the grading necessarily, it's the layout of the parking and there's a million other things that came into play with how that building sits on the site. So, we have to take into consideration the trucks, the parking, the grading, the mitigation for the walls. There's a lot of other things that depend on how that building can fit on the site and based on the square building, it sticks out too far. The building is, I believe it's 130 by 170 feet, the current building that we have, and because of that, it allows the traffic to flow through the site, whereas the 7,500 square foot, I don't remember the exact dimensions but because it's a square, it's a longer side of a building.

Commissioner Heck: Well, it wouldn't have to be a square. I mean, you have the-

Mr. Biswas: But there-

Commissioner Heck: -the ability to design it in a different way.

Mr. Biswas: We don't have that ability with Dollar General, unfortunately.

Commissioner Duncan: So, that's the corporate prototypes. You've got two of them. And that's an interesting point to make, because there's lots of corporate brands located across America in small towns and big cities, and for example, McDonald's. I mean, what they used to say coming into town, "You want us, you got the golden arches, and they're gonna be 30 feet tall." And cities started to push back and communities said, "That's not what we want. We don't like that," and they got it. Those brands did get it, and I think there's examples here in Grass Valley of some. Taco Bell for example used to have a hideous design that they inflicted upon a community and they're getting better at it. They're getting better at understanding what the public wants to see, what they like to see. This is home, this is who we are and I don't believe Dollar General puts that story out, that people want to identify with it.

Mr. Biswas: Sure, I understand that, but to the Dollar General's defense, they don't have a lot of room to change the prototype size of the building and layout, but we have made significant improvements to the building, elevations, and design of the building. You won't find any Dollar Generals in the near vicinity that are as nice as these elevations are.

Commissioner Duncan: Yeah, and I guess I was over in Placer County; I went the Colfax store and saw that and that's a massive grading project to shoehorn that store in, and I had these visions of what the Alta Sierra site's going to be, with that level of grading and that massive structure that looms over the landscape.

Mr. Biswas: We did the Colfax site and that wall behind the building is 40 feet, and these are not even close to the same scale of grading that was on the Colfax site.

Commissioner Duncan: That was a massive undertaking.

2348
2349 Mr. Biswas: Yes, it was.

2350
2351 Commissioner Duncan: I guess what I'm trying to say, is it doesn't give you too many bonus
2352 points when the public does see projects like that, and I think aesthetics is very important and I'm
2353 a bit dismayed that after all the time that you have spent in Nevada County that you don't get that
2354 message. That maybe this corporate architecture isn't a good fit and maybe there are tweaks that
2355 you could make to propose to staff that they could then further help the community understand
2356 what you're trying to bring forward.

2357
2358 Mr. Biswas: In all fairness, I think we've done that over the last three years. You should've seen
2359 the original elevations that we propose. Things have changed significantly since we started these
2360 projects.

2361
2362 Commissioner Duncan: I'm getting a nod of accent from the staff, so thank you for coming
2363 forward, but this is a tough crowd out there, and I think it's a tough crowd to deal with.

2364
2365 Mr. Biswas: But we've also heard quite a bit of a testimony for the store as well, so.

2366
2367 Commissioner Duncan: You're absolutely right, there certainly is, and I think there's a silent
2368 majority out there that doesn't show up at the meetings that might very well be saying, "Wow,
2369 this was something that will help me. It will be of benefit." And that they're not here, for
2370 whatever reason. We hear a lot from Sandy Jacobson, who spoke about offering another
2371 shopping opportunity so that she didn't have to put additional miles going back into town if
2372 something was forgotten. She talks about food insecurity among the seniors and I think the
2373 pricing of your products within that store look pretty good for the folks in Nevada County that
2374 aren't above the medium income level and that are close to subsistence. And I think there has
2375 been a misconception within the community that this is a dollar store, and there's been a lot of
2376 snide references to products that are made in China, and after having gone into your stores, I
2377 view it as sort of a mini Costco or warehouse type shopping experience. And it's too bad that
2378 more people aren't better informed about what you're trying to offer, but it's hard to get around
2379 sometimes that visual impact and the brand that this community thinks they have about who they
2380 are and what they want to look like. And I think that is a big part of the General Plan that does
2381 address the public's concern, and I don't think we can ignore that.

2382
2383 Mr. Biswas: Okay, thank you.

2384
2385 Chair Aguilar: Okay, any comments on the Alta Sierra would be appreciated. Now's the time.

2386
2387 Commissioner Heck: Mr. Chairman, and then, what follows after these comments?

2388
2389 Chair Aguilar: Then we'll, if it's the pleasure of the Commission, then someone will make a
2390 motion of intent.

2391
2392 Commissioner Heck: On the EIR?

2393
2394 Chair Aguilar: And Alta Sierra project. Both, the EIR and the development project.

2395
2396 Commissioner Heck: They can't be separate motions?

2397
2398 Chair Aguilar: They will be separate motions.
2399
2400 Commissioner Heck: Certified or not certify, or-
2401
2402 Chair Aguilar: They will be separate motions.
2403
2404 Commissioner Heck: Oh, okay.
2405
2406 Chair Aguilar: Yeah, and so even the EIR will still be a motion to intent, and then we'll just wrap
2407 everything up at the very end.
2408
2409 Commissioner Heck: It's just confusing process.
2410
2411 Chair Aguilar: It's a confusing process, yeah.
2412
2413 Commissioner Duncan: Tyler can clarify for the decision makers up here.
2414
2415 Chair Aguilar: Oh, look what he has, a little cheat sheet.
2416
2417 Commissioner Duncan: Oh, thank you Tyler, you anticipated.
2418
2419 Planner Barrington: So, before you, Commission, that it's the staff's recommended actions. I
2420 know that the public hearing is still open, so I'm not clear that you can make a motion of intent or
2421 you can. Counsel?
2422
2423 Counsel Barratt-Green: It's fine to make a motion of intent. This is not your final action on the
2424 project, however. This will help give staff direction and some understanding of where you're
2425 going, as well the public and the applicant.
2426
2427 Commissioner Heck: Well that being the case, then I actually do have comments.
2428
2429 Chair Aguilar: Sure.
2430
2431 Commissioner Heck: So, saying that this is the time, then I will take this opportunity. So kind of
2432 following up on some of what Laura had to say. I think that people move to this community
2433 because they want the rural character of what we have here. And, I think that it is incumbent on
2434 project developers to reflect that, and I don't think that this project as proposed does that. I think
2435 it's critical to preserve our rural character, and going back to our General Plan, I was reading and
2436 rereading it over the last week. I kept coming back to the central themes of our General Plan, that
2437 the themes are to foster a rural quality of life, sustain a quality environment, and preserve the
2438 character of our rural areas. So, given the size and the scope of this proposed project, given that
2439 it has the feel, it's like, if it looks like a duck and walks like a duck, it's a duck, this has the feel of
2440 a big box Roseville Sacramento chain that is simply does not reflect our rural character here.
2441 You guys, it just doesn't. And I have a real problem. I don't particularly believe that the
2442 overriding considerations offered by staff are sufficient to override the aesthetics and the way in
2443 which this conflicts with the rural nature of what we have here in our communities, and
2444 especially Alta Sierra. I think that I'm not anti-development at all, I'm a business person. I
2445 believe that there are many other kinds of projects that could be put in that location. They already

2446 have a store, they don't need another store to provide things. I just don't understand, when you
2447 list these overriding considerations, so six to 10 or eight to 12 minimum wage jobs, well, why
2448 don't we just put a MacDonald's there? That'll probably provide 25 minimum wage jobs. That
2449 would be zoned properly. Will that make the character or support the character of the rural
2450 quality? I don't think so. So, I'm feeling pretty, well, obviously that's where I'm headed. Okay. I
2451 can stop there, thank you.

2452

2453 Chair Aguilar: Thank you Ricki.

2454

2455 Commissioner Heck: Okay.

2456

2457 Commissioner Duncan: I have a question.

2458

2459 Chair Aguilar: Sure.

2460

2461 Commissioner Duncan: In the overriding considerations included in the action on the EIR, that
2462 would apply to all three.

2463

2464 Planner Barrington: It would not. Those overriding considerations are specifically tailored
2465 towards Alta Sierra.

2466

2467 Commissioner Duncan: Specific to ... Okay.

2468

2469 Planner Barrington: As well as the findings.

2470

2471 Commissioner Duncan: So, it's possible that you could adopt the overriding considerations and
2472 still not approve the development plan.

2473

2474 Planner Barrington: That is your purview. However, if you were going to recommend denial of
2475 the project, we'd probably recommend that you don't adopt the statement of overriding
2476 considerations.

2477

2478 Chair Aguilar: However, with Rough and Ready, could you explain that again? If by approving
2479 the EIR, you're really saying ...

2480

2481 Planner Barrington: So-

2482

2483 Chair Aguilar: Finish that sentence for me.

2484

2485 Planner Barrington: Sure. The EIR, again, the EIR provides a disclosure document which
2486 outlines the potential anticipated impacts of the store. And so, one of those impacts for Rough
2487 and Ready Highway is that there's a land use compatibility and a aesthetic visual impact. Many
2488 of the project denial findings for Rough and Ready Highway are based on incompatibility with
2489 the General Plan, which focuses on aesthetic impacts. So by certifying the EIR in that case, the
2490 EIR supports the Commission's potential decision-

2491

2492 Chair Aguilar: Got it.

2493

2494 Planner Barrington: - to deny the project.

Chair Aguilar: Right. So, if you're for the Alta Sierra project you have to make a statement of overriding conditions. If you're not for the Alta Sierra Project, then you say, "I am not going to make that statement of overriding conditions."

Commissioner Duncan: It would delete attachment four ...

Planner Barrington: You'd still have to make the CEQA findings of fact to certify the EIR, but you wouldn't have to make the overriding considerations.

Chair Aguilar: Right. So you make the CEQA findings and, just like we said, not certify the statement.

Counsel VanderPloeg: Mr. Chairman, just to be clear, the EIR is independent of-

Chair Aguilar: Yeah.

Counsel VanderPloeg: Okay. So that's one action, and then you have each project specific.

Counsel Barratt-Green: If I can clarify. So, the action to certify the EIR is simply saying that the EIR is adequate in terms of disclosure and the mitigation measures that are being proposed. The statement of overriding considerations is independent of that and applies on a project-by-project basis. So that's part of your findings of fact related to approving or not approving a project. You don't make your statements of overriding considerations until you're reviewing a specific project. That's why they are each different for each of these different projects because the recommendations from staff are different for each of the projects.

Chair Aguilar: Right. Because the EIR says that with the Alta Sierra Project, there is an unmitigatable measure. And then, when it's time to review the project, do we say, "Oh, we can override that." Yes or no?

Planner Barrington: Right.

Chair Aguilar: Okay. Any questions or comments?

Commissioner James: Are we still talking about the Alta Sierra Project?

Commissioner Duncan: We're still there.

Commissioner James: Okay.

Chair Aguilar: We're still there. Yes.

Commissioner Duncan: We haven't moved down the road yet.

Commissioner James: Got it.

Chair Aguilar: But we're getting really close.

2544 Commissioner James: I heard that from Tyler once and he didn't really get really close. Okay.
2545 Well, I have a lot of concerns, too, on the Alta Sierra project. It always bothers me when an
2546 applicant says, "This is what we do." "Well, that's nice. And this is what we do." And so, I think
2547 there's, I have nothing against Dollar General stores. I've even been in one, even bought stuff
2548 there. Okay. I don't have any stock in them, I just have nothing against them. They're fine. I
2549 think, though, at times whenever you look for a use, does the use make sense in the location that
2550 is being proposed. And in the Alta Sierra one, this one I really have struggled with. I just think
2551 there are some issues there that because of how they want to develop and the way they're going
2552 to develop doesn't make sense. My neck bows when I hear, "This is our footprint. This is how we
2553 do it. This is our design." I've been in a lot of communities where they've said that, not maybe
2554 Dollar General, but other developers. And when they want to develop there bad enough, they'll
2555 come around with a different design. The fact that it has to be a square, oh, come one. It could be
2556 a circle. It could be a trapezoid. It could be whatever they want to make that would fit. And so, I
2557 think if they really want to be there bad enough, they've heard a lot of the concerns. I really
2558 object to this high castle wall that's being built, and maybe he make it a climbing wall to get a
2559 double use out of the thing, you know? The kids will love it. So, I really think you need to go
2560 back, if you're really that desperate to develop here, is to come back with a design that fits the
2561 community much better, and allays a lot of their concerns. So that's my feeling. In the current
2562 design and proposal, I would vote no.

2563
2564 Chair Aguilar: Do you have any, no. Okay. I think we're at the point where we've heard about the
2565 EIR, and so we would like to entertain a motion for approval or disapproval of the EIR.

2566
2567 Commissioner James: I want to get it right.

2568
2569 Commissioner Jensen: Is that as it relates to all three projects?

2570
2571 Chair Aguilar: Yes.

2572
2573 Commissioner James: Okay.

2574
2575 Chair Aguilar: And so, then.

2576
2577 Commissioner Duncan: You can only vote once.

2578
2579 Chair Aguilar: And it's just the motion of intent, but we only vote once on it and then, I mean,
2580 actually, we'll have to solidify it at the end. But then, each project is going to have its own
2581 CEQA findings, Bob. And so, we either say we accept those or we don't accept those. But, as the
2582 EIR, the Environmental Impact Report, was that report adequate in identifying the issues of
2583 creating a Dollar General on these three parcels and were those impacts properly identified and
2584 mitigated as much as they could be? And is the answer yes or no, that's really what it boils down
2585 to.

2586
2587 Commissioner James: All right. I'll try. Okay. I **move** that we certify the final Environmental
2588 Impact Report (EIR15-001/SCH2016012009), subject to the recommended mitigation measures
2589 found in the Mitigation Monitoring and Reporting Program attachment. I think there's several
2590 attachments. Is it attachment three? All right. Making the CEQA findings of fact, attachment
2591 four. That's my motion.

2593 Chair Aguilar: Was that a motion of intent? I'm sorry, I wasn't ...
2594
2595 Commissioner Jensen: Yes.
2596
2597 Counsel VanderPloeg: Mr. Chair?
2598
2599 Chair Aguilar: Yes?
2600
2601 Counsel VanderPloeg: Oh, okay. Sorry. Go ahead.
2602
2603 Chair Aguilar: Okay.
2604
2605 Counsel VanderPloeg: Confusing.
2606
2607 Chair Aguilar: Is there a second?
2608
2609 Commissioner Duncan: I **second** it.
2610
2611 Chair Aguilar: Is there discussion? Okay. Clerk, call the role for the motion of intent.
2612
2613 Clerk Mathiasen: Commissioner James?
2614
2615 Commissioner James: Yes.
2616
2617 Clerk Mathiasen: Commissioner Duncan?
2618
2619 Commissioner Duncan: Yes.
2620
2621 Clerk Mathiasen: Commissioner Heck?
2622
2623 Commissioner Heck: Yes.
2624
2625 Clerk Mathiasen: Commissioner Jensen?
2626
2627 Commissioner Jensen: Yes.
2628
2629 Clerk Mathiasen: Chair Aguilar?
2630
2631 Chair Aguilar: Yes.
2632
2633 Chair Aguilar: So, that **five - oh**, for the motion of intent. Now, Alta Sierra, is there a motion to
2634 approve or not approve? Well, whose is this, in whose district? Laura.
2635
2636 Commissioner Duncan: I'll make a **motion** to deny Management Plan MGT14-010, attachment
2637 five, making revised findings.
2638
2639 Clerk Mathiasen: Is that intent or ...
2640
2641 Commissioner Duncan: The actual motion. Motion of intent, yes.

Commissioner Jensen: I'll **second** it.

Clerk Mathiasen: Ready?

Chair Aguilar: Did you have any? Discussion is open.

Counsel Barratt-Green: Our concern is there was a little clarification that the statement of overriding consideration should not have been with your prior motion. They should be attached to the current motion. So, we wanted to make sure we were clear on-

Commissioner Duncan: I deny that on the development plan.

Counsel Barratt-Green: - whether you are approving or denying the statement of overriding considerations, with respect to this. So, good call.

Chair Aguilar: So, I'm sorry I don't understand that. Yeah.

Commissioner Duncan: So, you want us to do the motion of intent to deny the Management Plan and not adopt the statement of overriding considerations as part of that action?

Counsel Barratt-Green: Yeah. That's the question. Are you adopting the statement of overriding considerations for Alta Sierra and denying the project or are you denying the project and not adopting the statement of overriding considerations?

Commissioner Duncan: Right. And I think that was the original discussion earlier and there was confusion about that and so, I think, Ed, would you want to rescind your motion and make it with the deletion of the statement of overriding considerations?

Commissioner James: Well, my intent was not to address the statement of overriding conditions, because that seems to imply that you're going to vote to approve the project and that's not my intent. I don't intend to, when we vote for that project, to vote for it.

Commissioner Duncan: Okay. Yeah. And I think it was a bit confusing as to how that was worded and I think the Commission was looking at staff recommendations as written here. So, Alison, how would you suggest that we remedy this?

Commissioner James: Vote to deny.

Chair Aguilar: Well, your denial is really based on not accepting the statement of overriding conditions.

Commissioner Duncan: Right. We adopted them and-

Commissioner Heck: Could you not, just-

Counsel Barratt-Green: Okay. So-

Commissioner James: We didn't adopt them.

Commissioner Duncan: Okay, Alison?

Counsel Barratt-Green: I'm sorry, let me make a suggestion here. These are all motions of intent so there not your final action. What we're really looking for at this point is direction to staff so if you could just go ahead with your current motion but clarify by motion what your intent is with regard to the statement of overriding considerations. That I think will provide staff and the applicant and all present with the information we need to move forward.

Commissioner Duncan: Okay. And is it sufficient just to go forward with the motion of intent, in regards to the Management Plan, adding the additional language about the statement of overriding considerations?

Director Foss: Yes. However, if the motion of intent is to deny the Management Plan and/or the Development Permit, we will need to come back to you with supporting findings for denial. Currently there are findings for approval, until the motion of intent will need to remain a motion of intent and we would come back with findings that support your direction.

Commissioner Duncan: So, do we continue this?

Director Foss: If the motion or if the determination of the Planning Commission is not to support the recommendation for approval, we cannot take final action on Alta Sierra today.

Chair Aguilar: But we can take final action on the EIR.

Commissioner Duncan: Right.

Commissioner James: But we can make a motion of intent, can we not? Sorry. Can we not make a motion of intent to deny?

Chair Aguilar: Yeah.

Director Foss: Yes.

Chair Aguilar: Okay. In fact, that's what they're looking for is direction. Right.

Commissioner Jenson: Okay. Seems pretty clear to me.

Chair Aguilar: Yeah. Okay. So, here's the confusing part-

Commissioner Duncan: It's the late hour.

Chair Aguilar: You don't need to approve the Management Plan if you're not going to approve the project. You just need to give the intent that you're going to vote against the project and then they'll come at a later meeting with the findings. I think that's how we would deal with this. Correct?

Director Foss: That's correct.

2740 Chair Aguilar: Well.

2741
2742 Director Foss: My understanding from what I'm hearing is that you want to certify the EIR, not
2743 make the overriding findings, and deny the Management Plan and the Development Permit. We
2744 need to come back with the appropriate findings to support that direction and if that's the
2745 consensus and that's the direction, we will do that.

2746
2747 Commissioner James: Do you even have to make a motion on the Management Plan if you're
2748 going to make a motion of intent to deny the project? There's no Management Plan required.

2749
2750 Director Foss: I would recommend that you make motion on all the entitlements that are
2751 requested.

2752
2753 Chair Aguilar: Okay. That makes sense, because it's before us.

2754
2755 Commissioner James: Okay.

2756
2757 Chair Aguilar: So, we're still, okay, we've already made the motion of intent on the EIR, that's
2758 done.

2759
2760 Commissioner Duncan: We made it on the motion to deny the Management Plan.

2761
2762 Chair Aguilar: We made a motion of intent to deny the Management Plan.

2763
2764 Commissioner Duncan: It has to go to vote.

2765
2766 Commissioner Heck: There's not been a vote.

2767
2768 Chair Aguilar: So, that's right. We're at the discussion phase. Clerk, call the roll please.

2769
2770 Clerk Mathiasen: Commissioner Duncan?

2771
2772 Commissioner Duncan: Yes.

2773
2774 Clerk Mathiasen: Commissioner Jensen?

2775
2776 Commissioner Jensen: Yes.

2777
2778 Clerk Mathiasen: Commissioner Heck?

2779
2780 Commissioner Heck: Yes.

2781
2782 Clerk Mathiasen: Commissioner James?

2783
2784 Commissioner James: Yes.

2785
2786 Clerk Mathiasen: Chair Aguilar?

2787
2788 Chair Aguilar: Yes.

2789
2790 *[Motion carried 5-0.]*
2791
2792 Chair Aguilar: Okay. Motion of intent-
2793
2794 Commissioner Duncan: I will make a **motion** of intent to deny the project Development Permit
2795 DP14-001 with the findings.
2796
2797 Commissioner James: **Second.**
2798
2799 Clerk Mathiasen: Commissioner Duncan?
2800
2801 Commissioner Duncan: Yes.
2802
2803 Clerk Mathiasen: Commissioner James?
2804
2805 Commissioner James: Yes.
2806
2807 Clerk Mathiasen: Commissioner Heck?
2808
2809 Commissioner Heck: Yes.
2810
2811 Clerk Mathiasen: Commissioner Jensen?
2812
2813 Commissioner Jensen: Yes.
2814
2815 Clerk Mathiasen: Chair Aguilar?
2816
2817 Chair Aguilar: Yes.
2818
2819 *[Motion carried 5-0.]*
2820
2821 Chair Aguilar: So. Do we have to give a reason why?
2822
2823 Director Foss: Commissioners, in order to have support of finding for your direction, we would
2824 like to get the Commission's thoughts on, you know, your decision for denial, that we can
2825 articulate through findings.
2826
2827 Commissioner Duncan: The site is not suitable for the 9,100 square foot building. The size and
2828 scale is inconsistent with the site.
2829
2830 Public: There's a bigger building next door.
2831
2832 Commissioner Duncan: Tell him he can't talk-
2833
2834 Chair Aguilar: Yeah. Sorry. That's out of order. Sorry.
2835
2836 Commissioner Duncan: And the amount of grading required to shoehorn the building in.
2837

Commissioner James: The massing of the retaining walls, I think that can be mitigated substantially. I still have a concern of not meeting parking requirements.

Chair Aguilar: Yeah. I think that the details of the store, architecturally, could be a lot better. And, I mean, I understand and I agree actually with my other Commissioners as far as the size and specifically the visual quality. And it's the visual quality, it's the mass, there was no consideration of this large retaining wall being broken up with, no creativity with it, like it could be stepped. You could have planter boxes, you could, you know, there was no consideration to that at all and when it's all said and done, it was a rectangular building with some applied, and sorry on the architect but you need the truth, it was applied architectural features instead of being, there's a, this is not a time for a lesson on architecture but there is form and function. This was function and yeah, the form was minimal. So I think that we do demand better in Nevada County. So, anyway. Is that enough?

Planner Barrington: Yup.

Chair Aguilar: OK, alright, so do we need another break or can we continue?

Commissioner Heck: I just want to make sure. So you've got my comments earlier, right? That I did not feel that this was consistent with the General Plan. Okay, so you got all that? So I don't need to reiterate. Thank you.

Commissioner Duncan: One down. You can keep going.

Chair Aguilar: Okay. If we're okay, then we will continue. I'm okay with a five-minute break if people in the audience need a five-minute break? No? Okay, we'll continue moving forward then. So now we're going to talk about Rough and Ready. No, excuse me, Penn Valley. Penn Valley. We're ready.

Planner Barrington: Well, good evening, Commissioners.

Commissioner Heck: Is anyone supplying dinner?

Planner Barrington: The project before you're-

Chair Aguilar: Okay, sorry.

Commissioner Heck: Clear the room.

Chair Aguilar: Yeah.

Commissioner Heck: You can get started.

Chair Aguilar: Thank you.

DP15-004; MGT15-013; COC17-0001; LLA16-006; & EIR15-001 (Penn Valley): A public hearing to consider a combined application proposing: 1) A Development Permit application proposing a 9,100 square foot Dollar General Retail Store and associated improvements including but not limited to grading, parking, lighting, landscaping and signage. The project will

take direct access from Penn Valley Drive; 2) a Management Plan addressing project impacts to a wetland and encroachment in the non-disturbance buffer of a season stream; 3) a Certificate of Compliance to recognize APNs 51-120-06 and 51-151-29 as separate legal parcels; and 4) A Lot-Line Adjustment between two adjoining parcels to reconfigure APN 51-120-06 from 5.95-acres to 1.20-acres to contain the proposed Dollar General project, while maintaining road frontage on Penn Valley Drive for APN 51-150-29, which would increase from 3.10-acres to 7.85-acres. **PROJECT LOCATION:** 17652 Penn Valley Drive (Store) and 17630 Penn Valley Drive (Certificate of Compliance and Lot-Line Adjustment), Penn Valley, CA located between the Penn Valley Post Office and the Penn Valley Mini-Storage. **ASSESSOR PARCEL Nos.:** 51-120-06 (store); and 51-150-29 (Certificate of Compliance and Lot-Line Adjustment). **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Certify the EIR (EIR15-001) **PLANNER:** Tyler Barrington, Principal Planner.

Planner Barrington: Okay, the project for your consideration is a proposed Dollar General store located in Penn Valley, Development Permit number DP15-004, includes a Management Plan MGT15-013 for impacts to the site's wetlands and disturbance within 50 feet of a seasonal stream. There's a Certificate of Compliance for two parcels, COC17-0001. There's a Lot Line Adjustment LLA16-006 to create the 1.2-acre parcel for this project and of course, the consideration of the EIR. The developer is Raylan V, LLC, which is representative of SimonCRE, commercial real estate development. The property is owned by David and Christine Ott. Project is located at 17652 Penn Valley Drive, which is the store parcel and 17630, which is the Certificate of Compliance and Lot Line Adjustment parcel. The APNs are 51-120-06 for the store and 51-150-29 for the Lot Line Adjustment and Certificate of Compliance. So much like the Alta Sierra project, this project was applied for on June 5, 2015 and it fell just below that threshold at 10,000 square feet, which requires Planning Commission review. The Planning Director, in his role as the Zoning Administrator, pursuant to Section L-II 5.5E4, elevated this project to the Planning Commission. Again, the applicant and the County elected to prepare an EIR to consider the cumulative impacts of the three projects. There are some prior entitlements on this project site. In 2003, the Planning Commission and Board of Supervisors approved the Penn Valley Oaks project, which was a 12,000 square-foot commercial development with three buildings and 19 single-family lots. This project has subsequently expired on, I believe, August 22 of 2017. These 2 properties were also considered as a part of the Nevada County Housing Element Rezone Program Implementation Project and the parcel number 51-150-29, the parcel associated with the Certificate of Compliance and Lot Line Adjustment, was rezoned and includes the Regional Housing Need overlay district. Just for the background information, this is kind of the site plan for that Penn Valley Oaks project that was approved back in 2003. So I covered the project location already. The parcel size is a reconfigured 1.2-acre parcel. Access would be provided by Penn Valley Drive. Water would be public water provided by the Nevada Irrigation District. This project would be hooked into public sewer and this is within the Penn Valley Village Center. The exhibit before you is a zoning map. The hatch parcel is the store parcel and this is the Certificate of Compliance/Lot Line Adjustment parcel. The zoning on that property is C2-SP. That's Community Commercial with a Site Performance Combining District. The Site Performing Combining District requires adherence to the Penn Valley Area Plan. The General Plan destination for this property is Community Commercial, consistent with the zoning. The purpose of the C2 zone is to provide a wide range of retail and service uses that serve the varied needs of a large geographic area. The use type is again a retail sales conducted indoors, which is allowed subject to the approval of a Development Permit. This project also includes a Management Plan with a Certificate and a Lot Line. Here's the air photo of the site. Again, the proposed store parcel would be a new 1.2-acre parcel in this area and this area would be

combined with the surrounding properties and I'll cover that shortly. Surrounding uses include, to the south is Penn Valley Drive, which a major collector road, and to the north is Squirrel Creek. There are residential uses in the area. To the northeast, is the Clear Creek Mobile Home Park and to the southwest is some medium density residential development off of Broken Oak Court. As you move away from this parcel, there's more rural residential and RA Residential Agricultural zoning. This is the commercial core of the Penn Valley area and so it does include several commercial-type uses. Immediately to the west is the Penn Valley Mini Storage and immediately to the east is the Penn Valley Post Office. South of the project, across the street, if you will, is the Seventh-Day Adventist Church. And then there's several different businesses, like a fence supply store, a wood store, a hydroponics and smoke shop, immediately in the vicinity. So the entitlements that are requested is a Development Permit, the Management Plan for impacts to the wetlands and the watercourse, a Certificate of Compliance to legalize the parcels and a Lot Line Adjustment to create the 1.2-acre store parcel. This proposal is for a 9,100 square foot Dollar General retail facility. It includes 46 improved parking spaces consistent with the code requirements. It has associated lighting, landscaping and drainage improvements, an underground water storage facility for fire flow, and signage. As I mentioned, this would create a single shared project encroachment, which would share access with the post office and with the parcel, should the Lot Line Adjustment be approved, the parcel that will be combined. This project would propose to fill 0.16 acres of a wetland and encroach into a 100-foot setback of the wetland, as well as encroach into a 50-foot setback of an on-site seasonal stream. So getting into the project, the Certificate of Compliance is a Conditional Certificate of Compliance. Essentially, the property owner purchased these two properties through a tax sale in 2013. Through the review of this project, the County determined that these properties were not separate legal parcels and were created in violation of the Subdivision Map Act. In addition, the parcel number 51-150-29, which is not the store parcel, currently only has 15 feet of road frontage, which is not consistent with the County's requirements. The conditions of approval for the Certificate of Compliance require that a Lot Line Adjustment be recorded to ensure that this parcel maintains a minimum 50-foot road frontage. The County Surveyor is responsible typically for reviewing the Certificate of Compliances and has applied standard conditions of approval to it and found that this Certificate of Compliance is consistent with local, state and federal laws. Regarding the Lot Line Adjustment, on the right-hand side is an exhibit of the two parcels. The 1.2-acre parcel would go from 5.95 acres to 1.2 acres and then the other parcel would go from 3.10 acres to 7.85 acres after the adjustment. It would be combined with the two parcels. This would be required as a condition of approval of the Certificate of Compliance. It would provide the adequate road frontage for that remainder parcel, if you will. It does require that an easement be recorded to provide access to this project parcel, and that the existing easements that serve the parcel on the other side of Squirrel Creek, there's two of them, those would be retained as part of that. As with the Certificate of Compliance, the County Surveyor has reviewed the Lot Line Adjustment and has applied standard conditions of approval for the recordation of that particular document. I would note just briefly that the Lot Line Adjustment is typically a ministerial process but the County's code requires when you're proposing a discretionary project that includes ministerial actions and entitlements, that they also be considered by the appropriate decision-making body. Getting into the project itself, this proposed project would require 800 cubic yards of cut and 5,045 cubic yards of fill. The project estimates that it would import 4,245 cubic yards of fill material, which would be approximately 420 truck trips. This project also would install a large underground water storage tank to provide fire flow, which I'll cover later on. Standard conditions of approval and requirements for grading have been applied to the project, including requiring them to get a stormwater pollution prevention plan, a national pollution discharge elimination permit, and standard best management practices to minimize erosion. The storm

drain, much like the Alta Sierra project, is provided. A preliminary drainage analysis, which documents that this proposed project with the new impervious surfaces can meet the County's code requirements for retaining stormwater onsite and then allowing it to flow off at pre-project levels. This preliminary drainage plan has been reviewed by the County's Department of Public Works and found to be acceptable for County standards. Similar to Alta Sierra, this proposed onsite drainage would be captured onsite and passed through a retention basin, where it'll pass through water quality measures such as oil water separators prior to entering into the underground detention pipes. Then the treated runoff would be bled off, metered if you will, to the offsite drainage network, again, at pre-project flow levels. The applicant has submitted a focused traffic study and that has been reviewed and deemed to be adequate by the County's Department of Public Works as well as reviewed as a part of the EIR. It did look at project intersections such as Penn Valley Drive and the project, Penn Valley Drive and Pleasant Valley Road, Penn Valley Drive and State Highway 20, Penn Valley Drive and Spenceville Road, Penn Valley Drive, Rough and Ready Highway, and State Route 20 again. The traffic analysis did use a 73' STAA truck and as we previously discussed, the application is mitigated in condition to prohibit the use of a 73' STAA truck because they are prohibited on the County's local roads. Much like the other project, this one did also provide a trip distribution analysis, a sight distance analysis, and provide recommendations. The project found that all studied intersections as well as Penn Valley Drive, the level of service would not be exacerbated or degraded as a result of this project. Currently about 4,394 average daily trips travel down Penn Valley Drive, and this project would introduce 35 a.m. peak-hour trips and 62 p.m. peak-hour trips. The truck turning template, like I mentioned used a larger vehicle. However, that would be prohibited by mitigation measures and conditions of approval from the Department of Public Works. A California legal truck would be allowed, and a larger California legal truck up to 65' would require a permit from Public Works as with any project in the County. The sight distance has been determined to be adequate by the traffic engineer of the EIR and our staff. Some of the specific conditions and mitigation measures related to traffic and circulation including a requirement to meet the County's commercial encroachment design standards and obtain an encroachment permit, pay the road improvement fee, ensure landscaping doesn't conflict with sight distance requirements, provide onsite signage and striping per County's standards, provide a traffic control plan, and this particular project includes a requirement to provide pedestrian crossings to access the post office and to get across Penn Valley Drive to the south. Regarding fire protection. The project is subject and reviewed and served by the Penn Valley Fire Protection District. The fire district has determined that the building materials and the access meet the applicable fire code requirements, including internal circulation. The applicant proposes to meet the County fire flow requirements or the building code fire flow requirements through the use of NID water. Currently the flow in the area is deficient to meet appropriate pressure requirements of the California Fire Codes, and so several designs have gone back and forth with the fire district for review. I would note that the Nevada Irrigation District is working on improvements in the area that could provide some relief. However, at that time of the submittal, those weren't complete. Essentially, the applicant is proposing to use onsite underground water storage tanks with a rated fire pump, hydrant, and a post indicator valve for the fire sprinklers. The applicant has provided a design showing 96,000-gallon underground tanks, and the fire district has indicated they may need twice as much size depending on the improvement project performed by NID. The fire district has conceptually accepted the preliminary design and it will require review and approval of the final system as part of their building permit as required by the conditions and mitigation measures. And all other standard fire conditions such as defensible space and meeting fire code requirements have been applied to the project. Getting into landscaping, because they're creating a new parcel, the applicant is able to meet the County's

parking requirements for the number of parking spaces provided. They're also, the size and the design of the aisle widths as well as the parking spaces themselves are consistent with the requirements of the County code. They have provided an extensive planting plan, which meets the County's requirements for street-side buffering, the shading requirements, the interior parking lot requirements as well. The proposal is for 100% drought-tolerant planting as part of their landscape plan. Approximately 22% of the site will be retained as open space and a standard landscape mitigation measures and conditions have been applied such as verifying that the planting has been done in compliance with the plans, submitting a final plan, submitting a letter of surety that the landscaping will be maintained should it die. Regarding lighting and signage, the applicant is proposing five parking light poles with multiple wall-mount lights, much like the Alta Sierra project. Some light spill of minimal amount was shown to go off the site as part of their preliminary lighting plan, so mitigation measure PV-4.2.2a requires they submit a final lighting plan as part of their building permit review that demonstrates that they can adequately retain all of the lighting on site, and it suggests reducing the wattage or removing or relocating lights that are spilling offsite. There are two signs being proposed. One is a monument sign and one is a wall-mounted sign. 260 square feet would be allowed. The County's code does encourage channel letter signs and so there's a condition of approval that requires the wall-mount sign to be channel lettered, which is shown here in black and white, and so it won't be the big yellow sign that's shown there. That's assumed that those letters would be yellow with black outline. The monument sign is meant to be color matched to the proposed building with a cultured stone base as recommended by the County sign ordinance. There's a mitigation measure to ensure that this particular project would provide downward facing lighting versus upward facing lighting. Getting into the design of the building, the maximum height is 26 feet 9 inches, and that's the decorative gable roof in the front as well as the sides in this area here. The parapet roof is approximately 17 feet 8 inches tall. The overall design of this project is meant to invoke a western trading post. It utilizes a variety of materials including horizontal shiplap wood board siding, vertical board and batten wood siding, exterior wood fascia, metal doors and windows. Some of the design features added to the project include wood plank faux barn doors and faux windows, a composite shingle mansard roof awning, wood posts, and roof and wall articulation and pop-outs on all sides of the building. The design of the building has been reviewed for consistency with the Western Nevada County Design Guidelines as well as with the Penn Valley Area Plan and has been found to be consistent in color and design and architectural style with those two documents. Overall, this building is consistent as documented in your staff report, with other similar commercial buildings in the area, which also invoke a western theme or trading post style. Much like the Alta Sierra Project, this project also has visual simulations of what the proposed massing of the building will look like from two different public vantage points along Penn Valley Drive. Here's a view point A, looking east. As you can kind of see in the background, the store is approximately located here. I would note that the colors in the visual simulations don't reflect the proposed architectural style, but the overall size and mass is consistent with what's being proposed. So here you have a view looking west by northwest of the existing site and then what the store would look like. Again, the sign doesn't match what would be proposed, because it would be color matched to the building as well as the gray colors. It's usually more of a ruddy oak, which is a reddish burnt sienna-type color. Regarding land use compatibility, this project has been found to be consistent with the Penn Valley Village Center Area Plan and with the other development in that area. It is consistent with the C-2 zoning as well as the SP overlay. It meets the requirements of the Community Commercial General Plan land use designation. It is consistent with other developed properties in the area, surrounding commercial development. It's actually smaller than what was previously proposed and approved by the Planning Commission for the Penn Valley Oaks Project, which did not include any

tenants. Regarding the Housing Element Rezone Program, there are some questions about how that combination of those parcels would impact that program. In adopting the Housing Element Rezone Program, the County adopted a set building envelope on that parcel, where the proposed residential component of that project was required to be. Combining those two lots would not change the minimum required density. It would not change the location where those buildings would be located. So it would not have an impact. If any other commercial development would occur on the other parcel, or the other portions of the parcel, it would have to be carefully designed to take into account that particular project. This is an infill project in the Penn Valley area. It's a logical expansion to the commercial core of Penn Valley. It meets the County's comprehensive site development standards as mitigated in conditions regarding lighting, landscaping, parking, signage, access, and the Watercourse and Wetlands Management Plan. It also furthers several General Plan goals and policies, which is outlined in your staff report. The Management Plan, County's resource standards, Land Use Development Code Section L-II 4.3.3 and L-II 4.3.17, Watercourses, Wetlands and Riparian Areas allows for those resources to be impacted or encroachment into their disturbance areas, subject to your approval of a Management Plan prepared by a qualified professional. In this instance, Mr. Greg Matuzak prepared the biological report and Management Plan. This project would, once again, encroach into 50 foot of that seasonal stream and would fill some wetlands, and would also encroach into the setbacks for the wetlands. In 2010, as a part of the approval of the Penn Valley Oaks Project, a wetland delineation was submitted to the Army Corp of Engineers for review. That has since expired and so mitigation is required that they go back through that process and get approval to fill those wetlands and perform adequate mitigation. Mitigation measure PV-6.2.4 does provide many best management practices to protect the wetlands that are not to be filled in the onsite seasonal stream, including requiring erosion control measures and other similar, adhering to the County's grading requirements. The project's biological report and the EIR did identify potential impacts to migratory birds and potentially the Western Pond Turtle, and so standard mitigation is provided to require a biological monitor pre-construction surveys to ensure that those impacts are less than significant. Going into the environmental review, once again Michael Baker International prepared the EIR. It's a single EIR but these are considered three separate projects pursuant to CEQA. We went through the NOP process and held a scoping meeting at Buttermilk Cottage in Western Gateway Park. The project was available for over 45 days, which is the minimum for a draft EIR. The EIR did analyze this project, as well as four alternatives: the no project/no build alternative, the no project/other commercial project alternative, the reduced project alternative, and the off-site project alternative. Much like the Alta Sierra Project, the alternatives would not result in less than significant impacts that aren't already mitigated. Similar impacts would occur. The off-site alternatives, the developer doesn't control those properties, and therefore it's not feasible for them to move this project off-site. Those are reasons built into the CEQA findings of approval for denying those alternatives. 294 comment letters were received. Three from agencies, none of those agency comments related to the Penn Valley Project. The EIR response comments and the revisions to the EIR were released for a period of almost 30 days, above the 10-day period, and several potential impacts were identified. However, adequate mitigation was identified for each of those impacts, and all impacts have been mitigated to less than significant levels. The EIR can be certified at one time for all three projects and the Planning Commission is required to determine that the EIR is adequate and complete, that the EIR shows a good faith effort to full-disclosure of the environmental impacts, and that it provides sufficient analysis to allow decisions to be made regarding the project. And once again, with certification, the Planning Commission has the ability to approve and/or deny a project. In adopting and approving the project, the Planning Commission will be required to adopt a specific mitigation monitoring and reporting program, as well as the CEQA findings of fact, and there's

no statement of overriding considerations for this project because there's no significant and unavoidable impacts. So, this project has been found, as I previously mentioned, to be consistent with the underlying zoning and General Plan designation as a retail use with indoor sales and an infill project, consistent with the community character. It does support and further several General Plan goals and policies, as outlined in pages 19 through 21 of your project staff report. It's consistent for the County's requirements as mitigated and conditioned for site development. The Wetland and Watercourse Management Plan has been determined to be adequate mitigation and impacts to this project are similar to those approved in 2003. With a western themed, the earth tones, the architectural features to make it look like a western trading post, this project has been found to be consistent with the western Nevada County design guidelines, as well as the Penn Valley Area Plan, and with existing commercial development in the area. Subsequently, the Planning Department, based on the evidence on the record and the findings of the EIR, does recommend that your Planning Commission, after taking public testimony and deliberating on the project, to make a motion of intent to find that the certified EIR is adequate for this project subject to those mitigation measures found in the mitigation monitoring and reporting program, and make the CEQA findings of fact, provided in attachment four. Next, we recommend that you make a motion of intent to approve the Management Plan for impacts to the wetlands and encroachment into the setback for the watercourse, making findings A and B. We also recommend that you make a motion of intent to approve the Conditional Certificate of Compliance, making findings A and D, which would create two separate and legal parcels, consistent with the Map Act requirements, and would allow for adequate road frontage to be provided on the larger remainder parcel. Staff would recommend that the Planning Commission make a motion of intent to approve the Lot Line Adjustment, which would create the 1.2-acre parcel for this project, making finding A. And then finally, staff would recommend that you make a motion of intent to approve the Development Permit, making findings A through L. That concludes staff's presentation.

Chair Aguilar: Thank you, Tyler. Questions of staff?

Commissioner James: I have a real quick question.

Chair Aguilar: Yes.

Commissioner James: More a clarification. On page 11 of the staff report under the fire protection, you reference the 96,000-gallon underground tank. But on the conditions of approval, under Nevada Irrigation District, page 34, you refer to a 92,000-gallon tank. So, that probably needs to be-

Commissioner Duncan: Good catch, Ed.

Planner Barrington: So, Chair, Commissioner James, it's undetermined exactly the size that they need to, they've shown that they can provide a 96,000-gallon underground water storage. The fire district says they may need 180. In concept, they have agreed to that, so-

Commissioner James: Do the two numbers need to-

Planner Barrington: Correct. I think that, that's a minimum. It's undetermined at this time exactly what the size they need to be, but we can amend that conditions to say 96,000 gallons just to be consistent.

Commissioner James: Just to be consistent.

Planner Barrington: Yeah, so let the record reflect that condition E1-

Chair Aguilar: Does it say "or larger"?

Planner Barrington: It just says 92,000, so I can add "or larger."

Chair Aguilar: Yeah, yeah. Okay. All right, any other questions of staff? Would the applicant like to make any additional presentation?

Mr. Biswas: Not presentations, but in regards to the water, the fire tanks, from what I understand the NID improvements have already been made, most of them and they should be done by the end of the year. So, we shouldn't have to even put in an underground tank. From what I understand, we should have a 1,500 gallon per minute for two hours fire flow.

Chair Aguilar: Better yet.

Mr. Biswas: By the end of the year. So, by the time it gets under construction it should be taken care of.

Chair Aguilar: Thank you Dan. Any questions of the applicant? Yes.

Commissioner Heck: Well, this is probably for staff, but do we have or did the applicant receive a Will Serve letter from the NID with regard to the fire flow?

Mr. Biswas: I believe so. I have to check on that one. I know there was some back and forth between NID specifically regarding that but, as I mentioned, earlier this year we were told that the improvements had already been made and NID would be willing to submit a Will Serve letter if it hasn't already been done.

Chair Aguilar: Any other questions of the applicant? Okay, public comment is still open. So if anybody would like to talk about Penn Valley. Dan, if you don't mind please. Thank you. There again, just state your name and address for the record and then you can fill it in after you're done.

Karen Lauterbach: My name is Karen Lauterbach. I live at 19400 Branding Iron Road in Penn Valley. So, first I have a question that perhaps you guys can address later. If you were talking about before and after road use, after the 420 truckloads of dirt are taken off of that road. Penn Valley's roads are a lot less robust than the Highway 49. So I would want to know if that was going to be looked at and fixed if the project went through. And the other thing is, I'm just here as one of the people to oppose this project. Please, not Penn Valley. It's just not right for the character of our town. I didn't want to have this go unopposed. I just think it's going to put the little place out of business that's next door. There's a little store already next to the post office, there's the Holiday Market for the Lake Wildwood community. I just don't think it's quite right. I did want to comment about the propaganda presentation that we had earlier, about how it's so light and bright and inviting. I've been into a Dollar General store, it's not light and bright and inviting. It's tacky and harsh and gaudy and soulless so, it doesn't really fit in with the character

of Penn Valley. So, I just wanted to add my voice to those who were opposed to the project. Thank you.

Chair Aguilar: Thank you Karen. Yes, ma'am.

Ms. Haire: Ah, yes, Joyce Haire, 10200 East Drive, Grass Valley. I just have four quick things to say. First, regarding the Penn Valley project, I copy everything she said and one thing I haven't heard yet is the feelings of the gentleman who owns the market there already in Penn Valley. I haven't read anything or heard anything about how he feels about this, but if I were him I would not want a Dollar General store in Penn Valley. So, therefore, I don't want one there either. Second, I do want to give all my respect and admiration to Tyler Barrington and Brian Foss and to the five of you, because I just cannot imagine the hours of work and time and energy that you have spent on this project and I just want to thank you all so much, everyone connected with this for all these years and everything that all of you have done. It's much appreciated. Okay, number three, I just wanted to add a little comment about all the Dollar General stores that we saw, you know, in seven or eight states, that were on the little two-lane highways. None of them that I could remember were impacting a neighborhood or a small town or an already small business district that had been in that community for a long time. They were all just kind of out there and they sort of served their purpose, but they don't serve their purpose here. And lastly, I'm a true believer in the dumbing down of our whole world because of the technology. The couple of people that spoke, and one of them was Sandy, I can't think of her last name right now. She and Bill and I have been friends now for years and years. Jacobson. And she talked about, you know, forgetting about things when you go to the store. My college roommate from 51 years ago taught me a very good lesson. She said, "Keep a little piece of paper or notepad." I keep a piece of paper and I usually put a piece of scotch tape on it so it doesn't get under all my other stuff. "When you think of something you need from the store, you write it down and then when you're ready to go to the store you make your list." And you know what she's a lot smarter than me but, I learned that from her and I'm a lot smarter now. So, I do not have a cell phone, I do not have an iPhone, we have a landline and we have a desktop PC computer. And that's all I have to say, and again thank you all very much.

Chair Aguilar: Thank you Joyce. And sorry, Joyce, but in the future we'd like to just stay focused on the Dollar General. Yeah, okay.

Mr. Mastrodonato: Okay good evening, I don't know if you've seen the clock, but it's rare that I get to sit here and say good evening to Chair Aguilar, Commissioner James and all the Commissioners. My name is Mike Mastrodonato. I live at 17714 Penn Valley Drive. We are the neighboring business and residents. I actually live on the property. We manage Penn Valley Mini Storage directly to the east of the proposed project. You may also be aware of the fact that I serve as president of the Penn Valley Area Chamber of Commerce. So, today I would actually like to state the position of the Chamber of Commerce for one and then speak to you on the project as a private citizen and neighbor. So hopefully, Chair Aguilar, you will allow me some leeway there.

Chair Aguilar: Sure.

Mr. Mastrodonato: First of all, the Penn Valley Area Chamber of Commerce had some questions pertaining to the project way back before the initial draft DIR was done. We submitted them to staff. The Chamber then felt that the questions that we had were adequately answered in the EIR

process. That being said, our board of directors chose to neither oppose the project nor support it. The reason we did that was that we felt that it was important that our membership base and specifically our business members had the opportunity to formulate and go forth with their own opinions on that. That being said, we did in early 2016 facilitate a town hall meeting in Penn Valley, which was very poorly attended. To address the person that spoke before me, some of the folks that were there certainly had some opposition to the project, some were supporting the project, but I can specifically say that not one business owner other than myself, and I don't own the business, attended that meeting. As well as, I believe, the scoping meeting as well. So, Mr. Simon from SimonCRE came to that town hall meeting. He made himself available to the community to answer any and all questions and, as I stated, that meeting was rather poorly attended. Okay, moving on as a private citizen and a neighbor of the project and a manager of the neighboring business. I think that we have a rare opportunity in Nevada County, especially within the Penn Valley Village Center. We have a rare opportunity for some economic development finally. I would hate to think that for this project or even the other ones, that the design aspects of a retaining wall would keep economic development from happening. As it's been stated, this is not a dollar store. It's a general store with name brand household goods. I often refer to the, when I speak to people, especially people in opposition, I make the comment that if it was the James General Store and not Dollar General, people would generally support it. So we have this kind of NIMBYism going on where we don't like corporate America being here. But yet, I don't think there's anyone in our community that has the capabilities to do a multi-million dollar project like this on a degraded piece of Commercially zoned property in the Village Center, which is currently a dark dumping ground, homeless camp, full of drug activities and a fire hazard. The opportunity to put this project in will provide jobs. The environmental impact will save fuel, time, hundreds of trips up the hill or even out of our county. It will help our senior citizen population, those in Lake Wildwood. And it'll kind of spur the ongoing hopefully revitalization of the Penn Valley Village Center. As far as the changes in the rural characteristic of our community, the Village Center is zoned Commercial. A development like this belongs on that property. And if we're not gonna develop these Commercially zoned properties, we probably need to get back and just go zone everything RA in this county. As far as the- I've also heard about Trader Joe's, everyone's for that but against Dollar General. The demographics don't support that, they never will, and we won't ever become Roseville because we simply don't have that much property to turn into a Roseville. Hence, we have to build retaining walls to get a development done. Merchandise from China. I challenge anyone to go to any store anywhere and not purchase something from China whether you know it for not. We have an aging population base, I think it's important. And lastly, I think it's somewhat discriminatory to have an opinion on what type of business could go where. It reminds me of, "Hey we need a restaurant." So somebody comes into the community, wants to build us a restaurant, but it's an Italian restaurant. We don't want an Italian restaurant. We need a steak house. So, we just can't pick and choose against the rules of the land to make those types of decisions. So, I would appreciate your recommendation to approve this project, and actually all three of them. Thanks for your time.

Chair Aguilar: Thank you Mike. Appreciate it. Well, there's one more comment.

Mr. Biswas: I just want one note. I checked on the Will Serve letter and we do have one. May 19, 2015.

Chair Aguilar: Okay great. Thank you. Mr. Allen.

Mr. Allen: It's getting late. We're all still here. So I'm still Keoni Allen, still at the 130 East Main Street in Grass Valley. Wanted to point out the obvious. This building doesn't appear to have any of the constraints that you were criticizing about the Alta Sierra site. It appears to have a better looking elevation. It appears to have all the parking that would be required, perhaps more than necessary if I understand the traffic studies. And so I'm hoping that you'll approve this project quickly. Thanks.

Chair Aguilar: Thank you Keoni. Any other comments on Penn Valley? Okay, alright. Bring it back to, any other comment Dan? Okay.

Commissioner Duncan: Responses.

Chair Aguilar: Responses? Well, okay. Tyler?

Planner Barrington: No additional comments. If it's the pleasure of the Commission, we can add a condition to essentially require, it's not a standard practice of Public Works, but the applicant perform a before and after analysis of pavement condition. And should any damage occur, at the discretion of Public Works, that the project applicant shall be responsible for repairing that damage.

Commissioner Duncan: I have a comment.

Chair Aguilar: Yeah.

Commissioner Duncan: I agree with the concept that we don't regulate the type of business that goes into an appropriately zoned area. But if it's not inconsistent, I think we need to look at it for what that's saying to us. Whereas, the Alta Sierra site had a lot more challenges to it. I mean I look at the Penn Valley site and it looks like more opportunities for it. And it doesn't loom over the surrounding businesses. I mean it's there, it's flat, which is in short availability in Nevada County. There isn't too much flat land left for development. But this one I think fits better, and I also think that the architecture looks better than the other one. I mean, there is a western themed motif going on in Penn Valley. One of the things, though, that strikes me about the many Dollar General stores that I have seen is the signage, that wall sign on the facade of the building. It just like right in your face. And here it looks a bit benign on this rendering. But when it is the full size sign up there, the colors, I don't know what it is. I mean, they're corporate colors that they brand themselves with because they want people to recognize what it is. I think a monument sign could easily tell people what it is. This isn't a store that's on a major highway. I think as Mr. Simon said that they are pass-by traffic. I mean known to the neighborhood that this store is available. So, if we could eliminate that sign on the façade, all the better. It's just the garish colors of it. I mean it's usually inconsistent with the, they're trying to make some appropriate color choices for the actual building, but then the sign color and the type of lettering, just doesn't fit often times. It just detracts, I think, from what they're trying to do. I think they are trying to show some sensitivity to the community with the design. So I think the monument signs serve that purpose and I'm questioning the necessity for having that wall signage. The other point I wanted to make about that is the landscaping. It's been touted that the landscaping is really something that we should all look forward too. But I think time and time again in Nevada County, we've approved projects with landscaping that failed to materialize. And I think we need to keep a better watch on what's going on. And maybe it's an annual monitoring. You know, not just leaving it up to an irate citizen to say, "Hey, wait a minute. What happened to that tree?"

3376 That 15-foot tree is now only three feet, or something like that. I mean, we need to do a better
3377 job of convincing the public that we are trying to be good planners for the community, making it
3378 a place that we're all proud to live in. So, I would like to get that provision added in, that there is
3379 some oversight as to that landscaping. What was my other note here? It is a convenience store
3380 and I think that it serves the community well to have that convenience located there and it also
3381 gives them more choices.

3382
3383 Chair Aguilar: Any other comments? Ed?

3384
3385 Commissioner James: I do.

3386
3387 Commissioner Heck: I do. I do as well. So.

3388
3389 Chair Aguilar: So, Ed, please.

3390
3391 Commissioner James: Oh, me? Okay. I think in the past, haven't we required maintenance
3392 agreements for landscaping as a standard condition?

3393
3394 Planner Barrington: It's a standard condition. It's provided in condition A-9.

3395
3396 Commissioner James: Right. So, if they don't maintain their landscaping, somebody can make
3397 that happen because it's legally provided for.

3398
3399 Planner Barrington: Correct.

3400
3401 Commissioner James: Okay.

3402
3403 Commissioner Duncan: Ed, excuse me. The only comment I would offer is Penn Valley isn't
3404 quite that close to Nevada City or Grass Valley. And living in the South County I note that often
3405 times they sort of, no one notices, until the public says something. And I know we have those
3406 agreements that are in place but it's a matter of someone actually doing the work. You know,
3407 doing the job, going out and inspecting.

3408
3409 Commissioner James: Right.

3410
3411 Commissioner Duncan: And I don't know that that always happens.

3412
3413 Commissioner James: But you had a little more teeth if you have an agreement.

3414
3415 Commissioner Duncan: Absolutely. Absolutely.

3416
3417 Commissioner James: That's my point. So it isn't an argument of whether I'm supposed to do it or
3418 not. Here's your landscaping plan, this is what you were supposed to maintain, so do it. Well, I
3419 like what I see. Like I say, I have no problems with Dollar General. Just to comment on the prior
3420 action, I just think there's better design options and better alternative things they could've done
3421 to make that site more usable and a little more friendly to that community. Here, I think they've
3422 done a good job. They do meet the parking requirements. I like the architecture and I think it's
3423 going to be a successful project in our area. So I'm in support.

Chair Aguilar: Yes., Ricki.

Commissioner Heck: Thank you.

Commissioner Heck: Thank you. I kind of echo what my two colleagues have said. It's a remarkable, the difference here in the aesthetic versus what was proposed in Alta Sierra where you have a lot more impacts to the neighbors. I also think this is a way better design, you guys did a good job with this. I also think this fits the community and, Tyler, you asked specifically about making a condition about truck traffic or something? Could you reiterate that because my question about that is, is that a condition that we would routinely place on any other commercial development that was coming into this site?

Planner Barrington: Mr. Chair, Commissioner Heck. As the representative from Public Works mentioned, on a case-by-case basis on large construction projects such as this, they do require that. If the Commission desires to add a condition specifically, that would help memorialize that and ensure that that's part of the improvement plan and part of the traffic control plan.

Commissioner Heck: Was it recommended by our Public Works or was this came as a result of public comment?

Planner Barrington: Commissioner James recommended it as a part of Alta Sierra project.

Commissioner Heck: Oh, okay. Alright. Thank you.

Chair Aguilar: Any other comments? Yeah, I think that that architecture is better on this. I agree with the sign. That sign is, I think the word used was "garish." I don't know if I would use that word. It would be better to see it as it's really going to be proposed with the individual letters, maybe. But it's a business and it needs to have its signage on there. I agree that sign is huge. Yeah, it's huge. It's hard to, I would love to see an alternative to that sign. Do they do alternatives, Dan?

Mr. Biswas: As shown up here, the image shows the yellow and black sign, but I think what we proposed is actually the sign below it which is a channel letter sign which is only the Dollar General wording. When we had done the original renderings, it wasn't a condition of approval, is that correct? So, as Tyler mentioned, the lettering would be yellow lettering with a small black, I think it's just metal actually, around the outside of the lettering. It's very different than what you see in the color image above it, and I think that's what we've already proposed.

Commissioner James: I think that's fine.

Commissioner Duncan: Clarification on that. You mean the background is yellow and the lettering is black?

Mr. Biswas: No, there's no background, that's what I'm saying. It's a channel signage. You can see on that image, there's like a rectangle that goes behind that sign, but it's just the letters of the Dollar General words.

Commissioner Duncan: Oh. Okay.

3474 Director Foss: Commissioners, I think the Grass Valley, if I'm not mistaken, the Grass Valley
3475 Dollar General has the channel lettering, if you can picture that one.

3476
3477 Commissioner Duncan: Is there a maximum size that you display? Can this be reduced?

3478
3479 Mr. Biswas: Well, Dollar General always wants bigger signage than what's allowed.

3480
3481 Commissioner Duncan: They all do.

3482
3483 Mr. Biswas: But this is all currently what's allowed by the signage requirements. Signage is one
3484 of the most important things to them, as far as branding goes. When you mentioned that the sign
3485 is garish and it shouldn't be on the front of the building, it's allowed by zoning ordinance to put a
3486 sign on the building and they have every right to do it. Obviously it has to meet the Planning
3487 requirements for the local look and feel of the building, or the general developments in the area,
3488 so that's what we've switched to the channel lettering rather than the black and yellow sign.

3489
3490 Commissioner Duncan: Right, and that was a recommendation made by the staff to the
3491 Commission to consider in coming up with a decision on it.

3492
3493 Commissioner James: I think that's a good compromise. I have no problem with what's being
3494 proposed here.

3495
3496 Commissioner Duncan: Maintaining the wall signage?

3497
3498 Commissioner James: No, what staff is proposing.

3499
3500 Commissioner Heck: The channel. That's good.

3501
3502 Chair Aguilar: What's the zoning code on the sign?

3503
3504 Planner Barrington: So the zoning code does recommend, but doesn't require, channel letter signs
3505 and so that's why we have a condition of approval that says it should be a channel letter sign.

3506
3507 Chair Aguilar: How about the size?

3508
3509 Planner Barrington: There's a maximum square footage allowed based on the frontage of the
3510 building, so a total max of the entire property would be 260 square feet would be allowed. The
3511 monument sign can't be more than 25 square feet, so that leaves a lot of wiggle room, if you will,
3512 for the maximum allowed signage on the wall. I'd have to pour through my zoning code to get
3513 the actual figures for you but it looks like this is about 23 feet wide by about 24 inches and that's
3514 the channel letters themselves.

3515
3516 Chair Aguilar: Can we see the landscaping plans?

3517
3518 Planner Barrington: Certainly.

3519
3520 Chair Aguilar: Okay. I think my comment would be that this is better than Alta Sierra, as far as
3521 aesthetics of the building go. In the landscaping, I don't know. What I've seen with the Dollar
3522 General has not been what, there was one comment saying it's a beautiful design and it's like,

3523 "Really?" I haven't seen that with the Dollar Generals. So if we can go back to the previous slide.
3524 Do you ever put planter boxes and soften this site up? If you're going with that motif, which you
3525 are, the motif, but how about planter boxes in the front?
3526

3527 Mr. Biswas: I mean, I think there's a cost.
3528

3529 Chair Aguilar: Well, sure there's a cost, but that's minor. Those are the kind of things-
3530

3531 Mr. Biswas: They are not minor. When you add up every little thing you guys are asking for and
3532 we have to do for the County-
3533

3534 Chair Aguilar: No, I don't agree. These are the kind of details that make our community
3535 beautiful. This is why people move up here. We're trying to maintain the rural quality, the
3536 character, and those kind of details are not out of order to ask for in a landscaping design, to put
3537 some planter boxes. Now my other Commissioners may not agree with it, but that's what I'd like
3538 to see. Because I think that anything we can do to soften this up-
3539

3540 Commissioner James: Can you put the landscaping plan back up?
3541

3542 Chair Aguilar: I mean you know, it's like okay, we're going for this theme but there's no
3543 decoration in the landscaping. There's no mine carts, for example, or anything like that.
3544

3545 Commissioner James: I think that's a good idea. I think putting some planters in front of the
3546 building, it doesn't have to be a fern grotto, but putting some color in there that makes the place a
3547 little more interesting would be appropriate. I don't think that'll make or break you.
3548

3549 Chair Aguilar: Yeah. Thank you, Ed.
3550

3551 Commissioner James: You're welcome.
3552

3553 Chair Aguilar: Alright. Any other comments?
3554

3555 Commissioner Duncan: Mr. Simon doesn't look-
3556

3557 Commissioner Heck: I agree. Soften it up.
3558

3559 Mr. Biswas: For the record, I'm not Mr. Simon, just FYI.
3560

3561 Commissioner James: Are we ready for a motion?
3562

3563 Commissioner Duncan: Sure, Ed.
3564

3565 Commissioner James: Alright. I have the motion of intent to-
3566

3567 Mr. Biswas: I guess, one more comment, I guess. In the landscaping mitigation measure, there's
3568 quite a bit of landscaping that's actually on the site. I mean we have, additionally, the parking lot
3569 shade trees, specified, selected. The location specified we designed to achieve 40% coverage in
3570 the parking lot within 15 years as required by County code. The conceptual or preliminary

landscape plan provides 18 15-gallon trees, 17 white alders and one pyramidal English oak, 11 24-inch box trees, two crab apple trees, five ponderosa pine-

Commissioner James: You know what? And we appreciate that. And you know what, one of these days, you are going to be driving by this thing and you are going to tell people in other cities, "Go look at what we did in Penn Valley." So now you'll have a great example to show other folks. So, putting little planter boxes in front of your building is chump change, okay? Let's move on.

Mr. Biswas: I disagree but thank you.

Commissioner James: Well, we can disagree as well. Now, may I make the motion?

Chair Aguilar: Yes, please. Motion of intent.

Commissioner James: Motion of intent to certify, we've got to certify this again, right?

Commissioner Duncan: Right.

Planner Barrington: You need to find that the certified EIR is-

Commissioner James: The final Environmental Report-

Chair Aguilar: Sorry, go ahead Tyler.

Planner Barrington: Assuming that your motion of intent to certify the EIR for the Alta Sierra project, you can find that that certified EIR is adequate for this project, subject to the recommended mitigation measures and CEQA findings of fact, as on the screen.

Chair Aguilar: Oh, okay. Great. So it is on the screen there, too.

Commissioner James: Oh, okay. Good. I will just read the screen. **Motion** of intent to find that the certified EIR (EIR15-001/SCH2016012009) is adequate for the project, subject to the recommended mitigation measures found in the mitigation monitoring and reporting program, attachment 3, making CEQA findings of fact, attachment 4.

Chair Aguilar: Is there a second?

Commissioner Jensen: I will **second** it.

Chair Aguilar: Any discussion? Clerk, call the roll please. And this is a motion of intent.

Clerk Mathiasen: Commissioner James?

Commissioner James: Yes.

Clerk Mathiasen: Commissioner Jensen?

Commissioner Jensen: Yes.

3620
3621 Clerk Mathiasen: Commissioner Heck?
3622
3623 Commissioner Heck: Yes.
3624
3625 Clerk Mathiasen: Commissioner Duncan?
3626
3627 Commissioner Duncan: Yes.
3628
3629 Clerk Mathiasen: Chair Aguilar?
3630
3631 Chair Aguilar: Yes. **Five-zero**.
3632
3633 Commissioner James: Can I just read off of here now or do I? Okay, **motion** of intent to approve
3634 the Management Plan MGT15-013, attachment 5, making findings A through B.
3635
3636 Commissioner Jensen: I **second** that.
3637
3638 Chair Aguilar: Clerk, call the roll.
3639
3640 Clerk Mathiasen: Commissioner James?
3641
3642 Commissioner James: Yes.
3643
3644 Clerk Mathiasen: Commissioner Jensen?
3645
3646 Commissioner Jensen: Yes.
3647
3648 Clerk Mathiasen: Commissioner Heck?
3649
3650 Commissioner Heck: Yes.
3651
3652 Clerk Mathiasen: Commissioner Duncan?
3653
3654 Commissioner Duncan: Yes.
3655
3656 Clerk Mathiasen: Chair Aguilar?
3657
3658 Commissioner James: Yes. **Five-zero**.
3659
3660 Commissioner James: Okay. I make a **motion** of intent to approve the Conditional Certificate of
3661 Compliance COC17-0001, making finding A through D.
3662
3663 Commissioner Jensen: I **second** that.
3664
3665 Clerk Mathiasen: Commissioner James?
3666
3667 Commissioner James: Yes.
3668

3669 Clerk Mathiasen: Commissioner Jensen?
3670
3671 Commissioner Jensen: Yes.
3672
3673 Clerk Mathiasen: Commissioner Heck?
3674
3675 Commissioner Heck: Yes.
3676
3677 Clerk Mathiasen: Commissioner Duncan?
3678
3679 Commissioner Duncan: Yes.
3680
3681 Clerk Mathiasen: Chair Aguilar?
3682
3683 Chair Aguilar: Yes. **Five-zero.**
3684
3685 Commissioner James: And a **motion** of intent to approve the Lot Line Adjustment LLA16-006,
3686 making finding A.
3687
3688 Commissioner Jensen: I **second** that.
3689
3690 Clerk Mathiasen: Commissioner James?
3691
3692 Commissioner James: Yes.
3693
3694 Clerk Mathiasen: Commissioner Jensen?
3695
3696 Commissioner Jensen: Yes.
3697
3698 Clerk Mathiasen: Commissioner Heck?
3699
3700 Commissioner Heck: Yes.
3701
3702 Clerk Mathiasen: Commissioner Duncan?
3703
3704 Commissioner Duncan: Yes.
3705
3706 Clerk Mathiasen: Chair Aguilar?
3707
3708 Commissioner Aguilar: Yes. **Five-zero.**
3709
3710 Commissioner James: And lastly a motion-
3711
3712 Commissioner Duncan: Before we get to that motion, we talked about the additional planter
3713 boxes softening the appearance of the building, so that should probably go into that as a
3714 condition.
3715
3716 Commissioner James: Right. I would have that in my motion.
3717

3718 Planner Barrington: I would also add the road analysis condition as well.
3719
3720 Chair Aguilar: Correct.
3721
3722 Commissioner James: That's it? Okay, with those additions, a **motion** of intent to approve the
3723 project Development Permit DP15-004, making findings A through L.
3724
3725 Commissioner Jensen: And I **second** that.
3726
3727 Clerk Mathiasen: Commissioner James?
3728
3729 Commissioner James: Yes.
3730
3731 Clerk Mathiasen: Commissioner Jensen?
3732
3733 Commissioner Jensen: Yes.
3734
3735 Clerk Mathiasen: Commissioner Heck?
3736
3737 Commissioner Heck: Yes.
3738
3739 Clerk Mathiasen: Commissioner Duncan?
3740
3741 Commissioner Duncan: Yes.
3742
3743 Clerk Mathiasen: Chair Aguilar?
3744
3745 Chair Aguilar: Yes. **Five-zero**. Okay, on to Rough and Ready. You want to take a break?
3746
3747 Planner Barrington: Yes, we should take a short break.
3748
3749 Chair Aguilar: Sorry?
3750
3751 Commissioner Duncan: Yes, please.
3752
3753 Planner Barrington: Yes, please.
3754
3755 Chair Aguilar: Five minutes?
3756
3757 Planner Barrington: Perfect.
3758
3759 Chair Aguilar: Okay, five-minute break. Thank you.
3760
3761 *[Break from 6:24 p.m.to 6:35 p.m.]*
3762
3763 Chair Aguilar: Okay. We're going to talk about informational items while the attorneys are
3764 talking about the logistics of the vote. Discussion of upcoming Planning Commission meetings.
3765
3766 *[Discussion ensued.]*

Chair Aguilar: Let's continue on with Rough and Ready please.

DP15-001; & EIR15-001 (Rough and Ready Highway): A public hearing to consider a Development Permit application proposing a 9,100 square foot Dollar General Retail Store and associated improvements including but not limited to grading, parking, lighting, landscaping and signage. The project proposes to have direct access on both Rough and Ready Highway and West Drive. **PROJECT LOCATION:** 12345 Rough and Ready Highway, Grass Valley, CA at the intersection of West Drive and Rough and Ready Highway approximately 2-miles east of Rough and Ready Rural Center. **ASSESSOR PARCEL Nos.:** 52-122-03. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Certify the EIR (EIR15-001) **PLANNER:** Tyler Barrington, Principal Planner.

Planner Barrington: Good evening Commissioners. Tyler Barrington, Principal Planner, for the record. The item for your consideration is a proposed Dollar General store at 12345 Rough and Ready Highway, APN 52-122-03. Project file number is DP15-001 and EIR15-001, and the property owner is David and Dawn Fisher. Some background, obviously your Commission is aware that this project was relegated to the Commission pursuant to the Zoning Administrator's rights under Section L-II 5.5E4. The site itself is developed with a 2,864 square foot commercial building, formerly the Midget Kitchen. It was approved with a site plan in 1978. In 1987, an administrative site plan was approved which converted 350 square feet into a six stool beer bar, and it's currently being used as the Morning Star Jewelry, which is a business run and owned by the property owners. This site is on the Rough and Ready Highway, which was originally State Route 20, and it was realigned in the mid-1980s. The Commercial zoning that remains are likely remnants of that former highway-orientated uses. As I mentioned, this project is on Rough and Ready Highway, 12345. It's at the intersection of West Drive and Rough and Ready Highway, approximately two miles east of the Rough and Ready Rural Center. The project size is approximately 1.02 acres. The water is provided by the Nevada Irrigation District. This project proposes onsite septic, and it's actually in the Grass Valley Community Region and in Grass Valley's Area of Influence and in their sphere. Zoning on this parcel is Neighborhood Commercial, C1, and it has a Neighborhood Commercial General Plan designation as well. That purpose is to provide for retail and service needs in nearby neighborhoods. The project is being proposed as retail sales conducted indoors, which is allowed subject to a Development Permit. Surrounding uses include the Rough and Ready Highway which is a major collecting road, West Drive which is a local road. It's surrounded by a 6.85-acre pod of C1 zoning consisting of nine parcels. What I missed on the previous slide is the development does propose access on Rough and Ready Highway and West Drive, so two access points. There is a significant residential development in this area. To the northwest in this air photo is the Booth Center transitional housing, which used to be a motel. Then moving farther out, there's residentially developed parcels on commercially zoned lands. As you get farther away, it's Residential Agricultural zoning, and there's larger undeveloped RA parcels moving out. To the west, there is a small mobile home park that's zoned R-3-MH on the right-hand corner of the screen. I wanted to provide this to the Planning Commission. It's an exhibit contained in your staff report. It gives you an idea of the zoning and the types of uses that are currently existing. As you can see with the exception of the Booth Center and the project property, the uses are all residential, although the zoning is commercial. So entitlements requested are a Development Permit DP15-001 for a 9,100 square foot Dollar General retail facility. It is requesting a reduction in parking, from 46 required spaces to 29. The applicant has provided a traffic analysis which documents that 29 spaces is adequate for this use. The project does include associated lighting, landscaping,

drainage improvements, and underground water storage similar to Penn Valley, and signage. And again, those two access points. For excavation, this project would require approximately 3,086 cubic yards of cut and 792 cubic yards of fill, which would export 220 truck trips or 2,294 cubic yards. This project would also require a large underground water storage tank, and standard best management measures and conditions would be applied, such as streambed alterations, stormwater pollution prevention plan and other similar grading requirements. I would note that there are no conditions being proposed on this project because staff is going to be recommending denial. But anyways, those would be the typical conditions. They did provide a preliminary drainage analysis, pretty much like the other projects. It's proven to meet our County code requirements for pre- and post-project conditions. A focused traffic study was prepared and, much like the other projects, uses a 73-foot wide STAA truck. Again, that would be prohibited should this project be approved. All studied intersections for this projects will continue to operate at acceptable levels, with one exception, and that's the Rough and Ready Highway and Ridge Road intersection which is impacted. Should this project be approved, that intersection would require that the applicant construct a traffic light. Essentially, if they were not to construct it and someone else was to construct it, they would require to pay their fair share towards that cost. And if they were to construct it, they could, in turn, make reimbursement agreements with other developments in the area. Average daily trips are 35 in the peak hour in the morning and 62 in the afternoon. STAA trucks are prohibited by the mitigation measures and, much like the other projects, they could use California-legal trucks. Sight distances are determined to be adequate on Rough and Ready Highway and West Drive. Regarding fire flow protection, again this project does meet building materials, access, and circulation requirements for the fire code. Fire flow is deficient and therefore they would require to install at least a 48,000-gallon underground storage tank with a fire pump hydrant, post indicator valve and fire sprinklers. The fire district has indicated that this would be sufficient but would require a final review and approval prior to any building permit being approved. All other standard fire conditions would be applied to this project and I would note, in addition, this project is in a very high fire severity zone so should the Commission desire to approve this project, a fire protection plan would be required. I already covered the parking so we'll go into landscaping. About 19.1% of the site would be landscaped. It's a significant extensive landscaping plan, utilizing mostly drought-tolerant plants, about 16.7% would be retained as open space, and should the Commission approve this project, standard conditions for landscaping would be required. Lighting, much like the other projects, there's six parking lot light poles proposed, two wall-mount lights, and it's shown that some light spill would occur on the surrounding properties. Mitigation is required to provide a final landscape plan that would show that they can keep all light on site. I would note that the EIR did find that one of the factors which makes this projects inconsistent with the surrounding area is the lighting. There's no level of screening that would make it compatible. The applicant is proposing a six-foot fence on the back side of the project, and therefore the EIR did determine that this project, or the lighting, would contribute to a significant and avoidable aesthetic and land use compatibility impact. The two signs are very similar to the previous projects, one wall-mounted and one monument sign, and they would match and have to be top-lit, if the project were approved. The building design is a 26-foot and 8-inch maximum height building, with an 18-foot 6-inch primary roof line. It does use a more modernized western theme, with similar materials like horizontal shiplap wood board siding, faux barn doors and faux windows, the composite shingle roofs. The color and style of the proposed project is found to be consistent with the Western Nevada country design guidelines. The overall height, the size, the mass of the building is found to be inconsistent and incompatible with the surrounding residential developed parcels. Therefore, it contributes towards the significant unavoidable impacts that are identified in the project EIR. This next slide shows you the vantage points for the visual sims that were

taken for this project. As you can see in this air photo, the site is pretty densely packed with residential developments surrounding the proposed parcel. This photo is a visual simulation of what the building would look like, looking east on Rough and Ready Highway. Here's the proposed building. As you can see, it dominates the site with built mass. It dwarfs the other residential type uses in the area. And here's the final picture from West Drive across from the, there's an existing small driveway encroachment. So this project has been found both consistent and inconsistent regarding land use compatibility. It's consistent with the Grass Valley Community Region and the Area of Interest. The project was routed into the City and the City had no comment and no desire to annex the project. It is consistent with the C1 zoning, as a retail use conducted indoors as well as with the Community Commercial General Plan land use designation itself. And they have met the comprehensive site development standards and, as I mentioned, from an architectural and color standpoint, the design guidelines for the rest of the county. Where it is inconsistent, however is related to surrounding development. While it is zoned Commercial, these parcels are developed with residential uses. The overall size and mass of the building, the lighting, the truck deliveries and the commercial access on West Drive would result in incompatible and unavoidable impacts to that surrounding neighborhood. A smaller, more localized store, for example, such as a Chicago Park Market or the Harmony Ridge Market, would likely be more compatible and less impactful to the surrounding areas. There are no other similarly sized commercial developments in this area. Again, the project does result in significant and unavoidable land use compatibility impacts, as identified in the project's specific Environmental Impact Report. And in addition, and probably more importantly, is this project is found to be inconsistent with several goals and policies of the County's General Plan as well as the central themes of the General Plan to protect the rural quality of life, and that's outlined on the record on pages 18 to 20 of your staff report as well documented in the project findings which are on pages 22 through 25. All of these are similar comments as previously provided. I would note that the alternatives did look at a reduced project size, and an off-site project alternative. It identified that the only feasible site for an alternative would be the Penn Valley site, as no commercial properties in this area met the criteria that Dollar General looks for. Staff finds that these alternatives are not feasible and do not meet the intentions or the objectives of the project, and therefore the CEQA findings provided to your Commission outline that these are not acceptable by the Commission. The potential impacts identified, there were several, and most of those were mitigated to levels of less than significant with the exceptions of aesthetics and land use compatibility. Those remain significant and unavoidable and, based on this substantial evidence on the record, support the findings that this project would not be consistent with the County's General Plan, and would not be consistent with the surrounding existing residential character and neighborhood of this area of the County. The Planning Commission, again, to certify the EIR you must determine it is adequate and complete. You have the ability to approve or deny a project regardless of your action on the EIR. Should the Planning Commission desire to approve this project, you'd have to adopt the Mitigation Monitoring and Reporting program and adopt the CEQA findings of fact. I would note that unlike the Alta Sierra project, because we couldn't find this project to be consistent with the County's General Plan, that we did not and were not able to prepare an adequate statement of overriding considerations, and therefore, we would recommend that you deny this project. Again, as I mentioned, this project would be consistent with the allowable retail sales indoors. It does say infill project, but that's a typo. It's not an infill project. It would be a new, large commercial development. And it does meet the zoning requirements, but it doesn't meet the General Plan policies for protecting the rural quality of life. As I mentioned, it does meet the design guidelines for height and color and design. But again, the massing dwarfs anything else in the area. As I previously mentioned, it is inconsistent with several General Plan policies outlined in your staff report and substantially covered through

the evidence on the record. And it's provided through the project findings for denial on pages 22 through 25. The project is not consistent with the central themes of the General Plan as I previously mentioned, and it doesn't protect the rural quality and neighborhood character of this area of our county. So with that, staff would recommend that your Planning Commission make a motion intent to find that the certified EIR, assuming that the Commission certifies it for part of the Alta Sierra project, is adequate for this project, and adopt the CEQA findings and mitigation monitoring reporting program, finding that the EIR is adequate environmental review and provides full disclosure of the potential impacts. But we do not recommend that you adopt a statement of overriding considerations. Should the Commission desire to approve this project, we would request that you provide staff with direction regarding the overriding factors which lead your Commission to approve this project. Next, we would recommend for a motion of intent that you deny the project based on the substantial evidence on the record that this project is incompatible with the surrounding neighborhood, resulting in significant unavoidable impacts as supported by the EIR and that this project is inconsistent with the County's central themes, goals, and policies, making findings A through E. That concludes staff's presentation.

Chair Aguilar: Thank you Tyler. Okay. Any questions of staff? Dan, is there anything you'd like to add?

Mr. Biswas: I mean, it's falling apart. I mean, we're not specifically saying that the whole area, I mean anything put in the space would be a bonus to the neighborhood. You know, I'm sure there's well-deserved parts as well. I mean, this is not a good-looking project. I mean, you can see this is not a good looking parcel. I mean you can see that this building is falling apart. Anything that we do will be aesthetically much better than what it is. Tyler, I completely disagree with the findings in there. I think we've done quite a bit of research. We've done quite a bit of studies. There's more than enough evidence of mitigation measures that have been taken into consideration on this site. You know, I think the incompatibility with the land uses is not the case. I mean, all the properties surrounding this property are zoned Commercial as well. Just because there's residential housing on there doesn't mean there will always be residential housing there. You're limiting people from selling their property commercially based on this recommendation. You know, I think that's not doing the rest of the community justice. I think that's all I have to say.

Peter Lemon: Chair Aguilar, fellow Commissioners. This is Peter Lemon, representing the applicant. I just want to weigh in here. Something that happened out in the hallway that I overheard. It just kind of made the point that I would like to make. So I'll just kind of reference that conversation. Two gentleman were talking and they said, "Well, I already read in the paper that the Rough and Ready project was denied so why are we even having a hearing on it?" And I thought to myself, "What power staff has" and "what power the press has." Well, thank God we have a hearing and that you're hearing us out. The main point I'd like to make has to do with roman numeral two, their motion of intent to deny the project based on the General Plan inconsistency issues. I think those are largely a matter, if you focus on pages 18, 19 and 20 of the staff report, those are largely a matter of interpretation and opinion, personal opinion and personal like or dislike. I just want to make one example. The first one is General Plan Goal 1.4. If you focus on the first part of that quote and you stop reading, just do that for a second if you don't mind. "Within community regions, provide for an adequate supply and broad range of residential, employment generating, and cultural, public and quasi-public uses, located for convenience, efficiency, and affordability," And then the rest of-

3963 Commissioner Heck: And the rest of the sentence.

3964
3965 Mr. Lemon: And the rest of it, which is what staff is focused on, is: "While protecting,
3966 maintaining, and enhancing communities and neighborhoods." So it's a matter of interpretation
3967 and all of these are the same way. I could emphasize, and we will, the first part of them, and they
3968 all have to do with promoting and allowing growth. And certain kinds of growth. The other side
3969 of it, the flip side of it, is maintaining the rural character. So, I would ask you, if you're going to
3970 make a motion of intent to deny, to not base it on General Plan general policies, which are
3971 fraught with the need for personal interpretation. Instead, put it based upon actual facts, actual
3972 findings that you have concluded. But really, I think what you could do is find that there's a need
3973 for it. It's a good thing. If the design needs some tweaking, it needs some tweaking, but you
3974 definitely could find a statement of overriding considerations. Be happy to draft one for you, as
3975 so many other development entitlements are overridden by statements for the economy, et cetera,
3976 so jobs, et cetera. So, that's all I have to add. Thanks.

3977
3978 Chair Aguilar: Thank you Peter.

3979
3980 Commissioner Duncan: I think I'd like to respond to Peter's comment about "the news". You
3981 know you heard "the news" in the hallway. I think we're all a little leery of "the news" these
3982 days. And it certainly was reported in The Union that I read, but it didn't say that it was denied, it
3983 was just not recommended for approval from the staff, and people's interpretation of what they
3984 read varies greatly.

3985
3986 Chair Aguilar: Okay, any other? We're going to, public comment's already open, so if anybody
3987 would like to come down and talk about Rough and Ready. Sure. I mean you talked before, but
3988 obviously we're looking for specifically Rough and Ready.

3989
3990 Fraser Hardy: This is specifically Rough and Ready. My name is Fraser Hardy. I live at 10153
3991 Hard Rock Road in Rough and Ready, so I am very close proximity to this parcel of land that's
3992 being shown. I feel that Commissioner Hack pointed out that the important work of this
3993 Commission is to preserve and look out for the community and our sensibilities as a rural
3994 community. And I feel in some ways that I'll end up parroting a lot of the concerns that Mr.
3995 Barrington expressed with regards to what is, in fact, a residential community. So as you leave,
3996 as you head down Rough and Ready Highway and you're heading west and you head out of
3997 Grass Valley, you see nothing but homes and farms. There's a large church, there's a post office,
3998 there's a fire department. You don't really hit a main business until you hit the feed store, which I
3999 think might actually really be Penn Valley already when you hit Simply Country. I was quite
4000 surprised to see that this is in fact Commercially zoned. Until this came about I was like, "How
4001 can this be? This is all homes." Do I understand the need that somebody should be able to sell
4002 their property for development? Yes. But do I think it needs to be this behemoth in our
4003 neighborhood? I do not. It does not serve what we need. There's gonna be little sold here more
4004 than what's gonna be better than what's sold down at the Oak Market on Squirrel Creek Road,
4005 which will be less than half a mile away. This does not serve this immediate community and it
4006 would be in our backyard. It does not fit. And I think it really becomes tremendously relevant
4007 since you basically just approved something just down the road in Penn Valley, which does, as
4008 the gentleman who worked with the Business Bureau there, the Chamber of Commerce, that does
4009 fit the sensibilities of that community, the way that's zoned and everything works. I just don't
4010 think it makes sense for us and I hope that you see it that way. Thank you.

Chair Aguilar: Thank you.

Ms. Haire: Joyce Haire, 10200 East Drive, Grass Valley, and as a longtime member of the Bear Yuba Land Trust, I have ten words for the Commission: Open space is a bonus, a Dollar General store isn't. Please respectfully accept my request that you vote no on the project at Rough and Ready Highway. Thank you.

Chair Aguilar: Thank you Joyce. Mike?

Mr. Mastrodonato: Chair Aguilar, Commissioners. I just have a couple of questions that I know I'll wait to get answers from the staff.

Chair Aguilar: Mike, give your name and address.

Mr. Mastrodonato: Oh, Mike Mastrodonato, 17714 Penn Valley Drive.

Chair Aguilar: Thank you.

Mr. Mastrodonato: Tyler stated in his presentation that the city of Grass Valley had no interest in annexing the project, I believe he said. My question, just for my own education, would be that being that this particular parcel is in the Grass Valley sphere of influence, what are the possibilities of annexation and when? And if indeed that does happen, Grass Valley for all intents and purposes can go forth and re-zone the parcels, the parcel, the surrounding parcels. I guess, getting to my point, who knows what it could end up being? Including high-density housing, apartments, who knows. So I'm just, for my own curious education, I'd like to hear those answered. Thank you.

Chair Aguilar: Thank you Mike. Anybody else? Yes ma'am. Anybody after her? Please take a chair.

Juanita Hoffman: Juanita Hoffman on Sunset Avenue, at the Rough and Ready site. I really don't think that aesthetically a Dollar General store is an improvement. And Dan said something about, well it might not always be residential. Well, we're a small neighborhood and we really like where we live and we really like our neighborhood a lot if you've heard from my neighbors. Our kids are in the street and there's no sidewalks, we walk in the middle of the street, we meet, we talk. It's ideal. And I don't think it's fair to say, or kind to say, well it might not always be residential and that's a reason to have a Dollar General store. I'm sorry. And also, have you driven the Rough and Ready and tried to figure out how the traffic would get in and out of that off of the highway? Even with a stoplight at Ridge Road, that's quite a ways up the road from where this is going to be. There would seem to have to be a need for a turn lane there, otherwise I don't see how it would be a safe project. Thank you very much.

Chair Aguilar: Thank you Juanita. Yes ma'am, and there is another chair open here, for anybody.

Katherine Scourtes: Hi everyone. My name is Katherine Scourtes. I'm a resident of Alta Sierra but I've lived in this county for almost forty years and this is actually not about Alta Sierra, it's about the Rough and Ready store and the Dollar General projects in general. First of all, I want to say I resent the comment that was made earlier that if we question this project, we are not capitalist or we're NIMBYs or whatever. It wasn't done in those words but I want to say that I'm

a capitalist. I own real estate both here and in other places, other states. I just sold in another state and even outside the country. And I have owned and operated several businesses, including the mobile home park that's up the street from the Rough and Ready store. Excuse me. I want to say as far as the Rough and Ready store, at the time that I owned the mobile home park, we had a hard time abating the problems with drugs and other bad things that were, mainly drugs, that were happening at the place. And the fact is that right now there is a motel, I think that used to be a motel, down the street from there that houses families. The Salvation Army houses families that have been homeless and there are kids there and women that are let go out in the community during the day. So I am concerned about what is going to happen if this Dollar General has alcohol and tobacco for sale in that location. Also another thing that we've found when I owned a mobile home park is that the bedrock in that area is very close to the surface. In fact we had a hard time making utility improvements because of that. So I don't know where and how they're going to locate their underground storage tank. I also want to say that as far as the blighted condition they have said that exists right now, my opinion personally is because I have traveled in other places in the country and I have owned commercial property in other places in the country, I had even thought of contacting Dollar General to locate in my property. But I changed my mind because they were the ones that were blighted when I went around, because they only have two people in each store and that's not enough to keep it up. There were shopping carts upside down, flying garbage and flying plastic bags all around on the outside and the store inside was a mess. Especially in the areas of neighborhoods. The ones that were visible on the street-

Chair Aguilar: Joyce, could you wrap it up you've had your three minutes here.

Ms.Scourtes: Yes, yes, yes.

Chair Aguilar: Thanks.

Ms. Scourtes: Anyway, the other thought the other thing I wanted to say and wrap it up is that I had a picture of the Dollar General up in Brunswick and I lost it because it was in an old phone, of one of those 73 foot trucks that had broken down. It was in the back of the store and a tow truck had pulled it up, pulled the whole cab up in the air in order to tow it. And I don't know how often that happens but imagine that scenario on our little streets in our neighborhoods. So thank you.

Chair Aguilar: Thank you Joyce, appreciate the comments. Yes.

Will Larson: Hi, Chairman and Commissioners. I'm Will Larson, I live on Sunset Avenue as well, with Juanita and it's really been wonderful spending the afternoon with you people. I have greatest respect for you. I have a lot of objections to this development and they're probably not relevant. I'm an RN and a public health nurse and I just don't think this kind of development is good for the health of the community. I mean, they like to sell things like Coke and cigarettes and beer and that's how they make their money. And it's people that don't have very good self control, if they're far away from a place where they can get candy and beer, I mean maybe they're five years old, or you know, then they might not get in trouble but if there's something right there that you might call an attractive nuisance, it's probably it's not good for them. So, this in not probably relevant of the way you make decisions but it's kinda what I think about. So, anyway, that's all I have to say, thank you.

Chair Aguilar: Thank you very much. Anybody else. Katherine, I'm sorry I mistook your name as Joyce, so sorry. Oh I think we're done, we're done. Yeah. So. Yeah, that's already done. Yeah. Yes sir, hi.

Joe Spang: Hi, my name is Joe Spang and I live at 10141 East Drive. And I like our community, I agree with what my neighbors say about the quaintness of it, its rural dignity and I don't think the Dollar General was a good match there, so thank you.

Chair Aguilar: Thank you Joe. Anybody else? Okay, public comment officially closed. Bring it back to the applicants, anything that you'd like to comment on.

[Chair Aguilar closed public comment at 7:11 p.m.]

Mr. Biswas: There was a couple things that came up a couple times. You know, one of the questions was the commercial. She mentioned it may not always be residential, but I was referring specifically to the commercial lots along Rough and Ready Highway, not all of the residential area. So just a clarification there.

Chair Aguilar: Sure.

Mr. Biswas: You know, in regards to the septic and the bedrock, the underground tanks because of the bedrock. We've done geo tech reports, we've done percolation tests as well for septic feasibility with approval from the County on the septic location. You know, also the other comment was the product mix. People keep focusing on the snacks that are available. Maybe they're not necessarily the most healthy snacks to everyone, but it's not the only thing they sell at Dollar General. They sell convenience items, party supplies, everything else that I mention in my presentation earlier. Some of these food items that they're taking into consideration are things that many of the people in the area do-

Chair Aguilar: Sorry, that's not to you. That was left on.

Mr. Biswas: Sure. I mean there is a demand for those products and that's why they sell those products, so.

Chair Aguilar: Okay, alright, thank you Dan. Tyler?

Planner Barrington: Mr. Chair, members of the Commission. There was one question related to the Grass Valley sphere of influence from Mr. Mastrodonato. It's not actually in their sphere of influence. It's identified in their sphere of influence as an area of interest or an area of influence. There's no horizon for the annexation. There may be for surrounding areas, and it wasn't so much the annexation of the project. The County's policies dictate when a discretionary project comes in that's in the City's sphere, that we first route that project to the City to determine if the City would like to serve the project and annex it. Because this was in their area of influence, we also sent that to them as a courtesy, and, again, they said that they would not be annexing this project site at this time.

Chair Aguilar: Or in the near? There is no time.

Planner Barrington: Correct. There is no timeframe for it.

Chair Aguilar: Okay. Any questions of staff? Alright, well. What's the pleasure?

Commissioner Jensen: Are we ready for a motion?

Chair Aguilar: We are.

Commissioner Jensen: Okay. I make a **motion** of intent to find that Certified EIR (EIR15-001/SCH2016012009) is adequate for the project, subject to the recommended mitigation measures found in the Mitigation Monitoring and Reporting Program, attachment three, making the CEQA findings of facts, attachment four, but not making a statement of overriding consideration.

Commissioner James: **Second.**

Chair Aguilar: Clerk, call the roll please.

Clerk Mathiasen: Commissioner Jensen?

Commissioner Jensen: Yes.

Clerk Mathiasen: Commissioner James?

Commissioner James: Yes.

Clerk Mathiasen: Commissioner Heck?

Commissioner Heck: Yes.

Clerk Mathiasen: Commissioner Duncan?

Commissioner Duncan: Yes.

Clerk Mathiasen: Chair Aguilar?

Chair Aguilar: Yes, **five-zero.**

Commissioner Jensen: I'd like to make a **motion** of intent to deny the project Development Permit DP15-001, based on substantial evidence on the record that the project is incompatible with surrounding neighborhood, will result in a significant and unavoidable impact and is inconsistent with the County General Plan central themes, goals, and policies, making findings A through E.

Commissioner James: **Second.**

Chair Aguilar: Clerk.

Clerk Mathiasen: Commissioner Jensen?

4207 Commissioner Jensen: Yes.

4208

4209 Clerk Mathiasen: Commissioner James?

4210

4211 Commissioner James: Yes.

4212

4213 Clerk Mathiasen: Commissioner Heck?

4214

4215 Commissioner Heck: Yes.

4216

4217 Clerk Mathiasen: Commissioner Duncan?

4218

4219 Commissioner Duncan: Yes.

4220

4221 Clerk Mathiasen: Chair Aguilar?

4222

4223 Chair Aguilar: Yes. **Five-zero.** Okay. So now we need to turn these motions of intent into real
4224 motions.

4225

4226 Director Foss, Yes, we're going to take a motion to certify the EIR first, and this will be separate
4227 from any of the project actions. This will be to certify the Final Environmental Impact report
4228 only, and I want to point out where the findings are if you have your Rough and Ready staff
4229 report, since that was the last one we are on. It's the same in all three staff reports. On this
4230 particular staff report it's on page 49, it's attachment three. I should say it is attachment three,
4231 page 49 within attachment three, second page of attachment three, and it's under II titled
4232 "General Findings and Overview." The motion to certify the final EIR would be making those
4233 findings under II including A and B, and the bullet points that are listed under B, excepting the
4234 fifth bullet point, which states that the FEIR is adequate under CEQA to address the potential
4235 environmental impacts of the project. So all those findings under II A and B excepting the fifth
4236 bullet point and stopping after the seventh bullet point and before III would be the findings that
4237 the Commission would make to simply certify the final EIR not making a statement of
4238 overriding consideration for any project or findings of fact or any of those types of things, and if
4239 that is the desire of the Commission, I believe you can simply say "so moved."

4240

4241 Commissioner Heck: I would **so move**.

4242

4243 Director Foss: Okay.

4244

4245 Commissioner James: **Second.**

4246

4247 Chair Aguilar: Clerk, call the roll.

4248

4249 Clerk Mathiasen: Commissioner Heck?

4250

4251 Commissioner Heck: Yes.

4252

4253 Clerk Mathiasen: Commissioner James?

4254

4255 Commissioner James: Yes.

4256
4257 Clerk Mathiasen: Commissioner Duncan?
4258
4259 Commissioner Duncan: Yes.
4260
4261 Clerk Mathiasen: Commissioner Jensen?
4262
4263 Commissioner Jensen: Yes.
4264
4265 Clerk Mathiasen: Chair Aguilar?
4266
4267 Chair Aguilar: Yes. Passes **five-zero**.
4268
4269 Director Foss: So now at this point if we want to revisit Penn Valley project, and Tyler, can you
4270 put up the revised findings revised motions that you had please? So you would make these
4271 motions again absent the term “motion of intent” and you would basically find that the certified
4272 EIR is adequate subject to the recommended mitigation measures found in the mitigation
4273 monitoring reporting program, attachment three, making CEQA findings of fact, and the same as
4274 listed for motions two through five, absent “motion of intent.”
4275
4276 Commissioner James: I'll make that **motion** to find that the certified EIR (EIR15-
4277 001/SCH2016012009) is adequate for the project, subject to the recommended mitigation
4278 measures found in the mitigation monitoring and reporting program, attachment three, making
4279 the CEQA findings of fact, attachment four.
4280
4281 Chair Aguilar: Who's going to second that?
4282
4283 Commissioner Jensen: I will. **Second**.
4284
4285 Chair Aguilar: Clerk, call the roll.
4286
4287 Clerk Mathiasen: Commissioner James?
4288
4289 Commissioner James: Yes.
4290
4291 Clerk Mathiasen: Commissioner Jensen?
4292
4293 Commissioner Jensen: Yes.
4294
4295 Clerk Mathiasen: Commissioner Heck?
4296
4297 Commissioner Heck: Yes.
4298
4299 Clerk Mathiasen: Commissioner Duncan?
4300
4301 Commissioner Duncan: Yes.
4302
4303 Clerk Mathiasen: Chair Aguilar?
4304

4305 Chair Aguilar: Yes. Passes **five-zero**.
4306
4307 Commissioner James: **Motion** to approve the Management Plan MGT15-013, attachment five,
4308 making findings A through B.
4309
4310 Commissioner Jensen: I'll **second** that.
4311
4312 Clerk Mathiasen: Commissioner James?
4313
4314 Commissioner James: Yes.
4315
4316 Clerk Mathiasen: Commissioner Jensen?
4317
4318 Commissioner Jensen: Yes.
4319
4320 Clerk Mathiasen: Commissioner Heck?
4321
4322 Commissioner Heck: Yes.
4323
4324 Clerk Mathiasen: Commissioner Duncan?
4325
4326 Commissioner Duncan: Yes.
4327
4328 Clerk Mathiasen: Chair Aguilar?
4329
4330 Chair Aguilar: Yes.
4331
4332 Commissioner James: **Motion** to approve the Conditional Certificate of Compliance COC17-
4333 0001, making findings A through D.
4334
4335 Commissioner Jensen: I'll **second** it.
4336
4337 Clerk Mathiasen: Commissioner James?
4338
4339 Commissioner James: Yes.
4340
4341 Clerk Mathiasen: Commissioner Jensen?
4342
4343 Commissioner Jensen: Yes.
4344
4345 Clerk Mathiasen: Commissioner Heck?
4346
4347 Commissioner Heck: Yes.
4348
4349 Clerk Mathiasen: Commissioner Duncan?
4350
4351 Commissioner Duncan: Yes.
4352
4353 Clerk Mathiasen: Chair Aguilar?

4354
4355 Chair Aguilar: Yes, and that passed **five-zero**, and so did the one before.
4356
4357 Commissioner James: And a **motion** to approve the Lot Line Adjustment LLA16-006, making
4358 finding A.
4359
4360 Commissioner Jensen: I'll **second** that.
4361
4362 Clerk Mathiasen: Commissioner James?
4363
4364 Commissioner James: Yes.
4365
4366 Clerk Mathiasen: Commissioner Jensen?
4367
4368 Commissioner Jensen: Yes.
4369
4370 Clerk Mathiasen: Commissioner Heck?
4371
4372 Commissioner Heck: Yes.
4373
4374 Clerk Mathiasen: Commissioner Duncan?
4375
4376 Commissioner Duncan: Yes.
4377
4378 Clerk Mathiasen: Chair Aguilar?
4379
4380 Chair Aguilar: Yes. Passes **five-zero**.
4381
4382 Commissioner James: **Motion** to approve the project Development Permit DP15-004, making
4383 findings A through L.
4384
4385 Commissioner Jensen: And I'll **second** that.
4386
4387 Chair: Okay, is that as modified? This is Penn Valley, we're going to-
4388
4389 Planner Barrington: It would be as modified to add a condition of approval for planter boxes in
4390 the front of the store, the landscaping, and a condition to require the analysis of pre- and post-
4391 project pavement conditions, and a requirement that the applicant fund the repair of those.
4392
4393 Commissioner James: Included in the **motion**.
4394
4395 Chair Aguilar: Bob?
4396
4397 Commissioner Jensen: Yes, I'll **second** that also.
4398
4399 Clerk Mathiasen: Commissioner James?
4400
4401 Commissioner James: Yes.
4402

4403 Clerk Mathiasen: Commissioner Jensen?
4404
4405 Commissioner Jensen: Yes.
4406
4407 Clerk Mathiasen: Commissioner Heck?
4408
4409 Commissioner Heck: Yes.
4410
4411 Clerk Mathiasen: Commissioner Duncan?
4412
4413 Commissioner Duncan: Yes.
4414
4415 Clerk Mathiasen: Chair Aguilar?
4416
4417 Chair Aguilar: Yes. Passes **five-zero**. Okay, with that, there's a 10-day appeal period on all those
4418 motions.
4419
4420 Director Foss: Including the EIR, we've got to clarify.
4421
4422 Chair Aguilar: And including the EIR, yes. Okay so, Rough and Ready.
4423
4424 Commissioner James: It would be similar to what we just did with Penn Valley to make the same
4425 motions again without the motion of intent.
4426
4427 Chair Aguilar: Yes. Okay. Bob?
4428
4429 Commissioner Jensen: **Motion** that find that certified EIR (EIR15-001/SCH2016012009) is
4430 adequate for the project, subject to the recommendation mitigation measure found in the
4431 mitigation monitoring and reporting program, attachment three, making the CEQA findings of
4432 fact, attachment four, but not making a statement of overriding considerations.
4433
4434 Commissioner James: **Second**.
4435
4436 Chair Aguilar: Tine?
4437
4438 Clerk Mathiasen: Commissioner Jensen?
4439
4440 Commissioner Jensen: Yes.
4441
4442 Clerk Mathiasen: Commissioner James?
4443
4444 Commissioner James: Yes.
4445
4446 Clerk Mathiasen: Commissioner Heck?
4447
4448 Commissioner Heck: Yes.
4449
4450 Clerk Mathiasen: Commissioner Duncan?
4451

4452 Commissioner Duncan: Yes.

4453
4454 Clerk Mathiasen: Chair Aguilar?

4455
4456 Chair Aguilar: Yes. Passes **five-zero**.

4457
4458 Commissioner Jensen: Make a **motion** to deny the project Development Permit DP15-001, based
4459 on substantial evidence on the record that the project is incompatible with surrounding
4460 neighborhood, will resulting in a significant and unavoidable impacts, and is inconsistent with
4461 the County General Plan central themes, goals, and policies, making findings A through E.

4462
4463 Commissioner James: **Second**.

4464
4465 Clerk Mathiasen: Commissioner Jensen?

4466
4467 Commissioner Jensen: Yes.

4468
4469 Clerk Mathiasen: Commissioner James?

4470
4471 Commissioner James: Yes.

4472
4473 Clerk Mathiasen: Commissioner Heck?

4474
4475 Commissioner Heck: Yes.

4476
4477 Clerk Mathiasen: Commissioner Duncan?

4478
4479 Commissioner Duncan: Yes.

4480
4481 Clerk Mathiasen: Chair Aguilar?

4482
4483 Chair Aguilar: Yes. Passes **five-zero**. There is a 10-day appeal period on that one as well. Well,
4484 we've done it all. And then Alta Sierra, you're going to write up some findings for that and then
4485 we'll hear that at the next meeting.

4486
4487 Director Foss: Well we need to decide which meeting we want to hear that at. If you want to
4488 continue to the next meeting, we do need to draft up the findings and noticing. There is some
4489 level of noticing that will need to occur with that hearing. I don't know if we want to take a-

4490
4491 Commissioner Duncan: When's the next meeting?

4492
4493 Chair Aguilar: November 9th or December 14th.

4494
4495 Commissioner Duncan: Can we do the 9th?

4496
4497 Director Foss: I believe we can.

4498
4499 Commissioner Duncan: Okay.

4500

4501 Director Foss: So if you want to continue to that date and time certain at 1:30, we'll come back
4502 with findings based on your direction.
4503
4504 Chair Aguilar: Do I hear a motion to that?
4505
4506 Commissioner Heck: Wait, I have a question. One thing. Would it not be okay or acceptable for
4507 us to go ahead and certify the EIR so that the entire EIR is certified tonight? And then do the
4508 other piece from the motion of intent?
4509
4510 Director Foss: The entire EIR is certified.
4511
4512 Commissioner Heck: Oh, okay.
4513
4514 Director Foss: Currently. When we come back, you'll likely see a similar motion just to find that
4515 certified EIR adequate to base your decisions on for the Management Plan and the Development
4516 Permit. We'll have to work that out, but we don't need to certify the EIR again.
4517
4518 Commissioner Heck: Okay. So, I'm sorry. You were trying to make a motion of something.
4519
4520 Chair Aguilar: The time certain to hear the Alta Sierra project.
4521
4522 Commissioner Duncan: For November 9th at 1:30.
4523
4524 Chair Aguilar: Yes.
4525
4526 Commissioner Duncan: Okay, that's my **motion**.
4527
4528 Commissioner James: **Second**.
4529
4530 Chair Aguilar: Do we roll call this? Yeah, okay. Tine.
4531
4532 Clerk Mathiasen: Commissioner Duncan?
4533
4534 Commissioner Duncan: Yes.
4535
4536 Clerk Mathiasen: Commissioner James?
4537
4538 Commissioner James: Yes.
4539
4540 Clerk Mathiasen: Commissioner Heck?
4541
4542 Commissioner Heck: Yes.
4543
4544 Clerk Mathiasen: Commissioner Jensen?
4545
4546 Commissioner Jensen: Yes.
4547
4548 Clerk Mathiasen: Chair Aguilar?
4549

Chair Aguilar: Yes, **five-zero**. I don't think there is any appeal period on that.

Director Foss: Commissioners, just want to clarify that's with the public hearing closed.

Chair Aguilar: Yes, it is.

Director Foss: Thank you.

Chair Aguilar: Okay. Unless there's anything else we've already gone through the other housekeeping items, so do I hear a motion to adjourn?

Motion by Commissioner Heck; second by Commissioner James to adjourn. Motion carried on voice vote 5/0.

There being no further business to come before the Commission, the meeting was adjourned at 7:25 p.m. to the next meeting scheduled for November 9, 2017, in the Board of Supervisors Chambers, 950 Maidu Avenue, Nevada City.

Passed and accepted this day of , 2018.

Brian Foss, Ex-Officio Secretary