



RESOLUTION No. 18-091

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION DENYING THE APPEAL FILED BY DONALD MOONEY, ATTORNEY ON BEHALF OF CHARISSE LOLLI REGARDING THE PLANNING COMMISSION'S OCTOBER 26, 2017 DECISION TO CERTIFY ENVIRONMENTAL IMPACT REPORT (EIR15-001) FOR THE DOLLAR GENERAL STORE PROJECTS IN ALTA SIERRA, ROUGH AND READY HIGHWAY AND PENN VALLEY AND THE APPROVALS OF DEVELOPMENT PERMIT (DP15-004), WETLANDS AND WATERCOURSE MANAGEMENT PLAN (MGT15-013), CERTIFICATE OF COMPLIANCE (COC17-0001), AND LOT-LINE ADJUSTMENT (LLA16-006) FOR A PROPOSED 9,100 SQUARE FOOT DOLLAR GENERAL STORE AND ASSOCIATED IMPROVEMENTS LOCATED AT 17652 PENN VALLEY DRIVE (PROPOSED STORE PARCEL) (APN 51-120-06) AND 17630 PENN VALLEY DRIVE (LOT-LINE ADJUSTMENT AND CERTIFICATE OF COMPLIANCE) (APN 51-150-29) PENN VALLEY, CALIFORNIA AND SUSTAINING THE PLANNING COMMISSION'S CERTIFICATION OF THE PROJECT ENVIRONMENTAL IMPACT REPORT (EIR15-001) AND APPROVAL OF THE PROJECT ENTITLEMENTS (DP15-004; MGT15-013; COC17-0001; AND LLA16-006)

WHEREAS, on June 5, 2015 Simon CRE, Raylan V, LLC applied for a Development Permit proposing to construct a 9,100 square foot Dollar General Retail Store, including associated improvements (parking, lighting, retaining walls, landscaping and signage), a management plan for disturbance to an onsite wetland and encroachment in the setbacks to a watercourse, a certificate of compliance to legalize both parcels, and a lot line adjustment to create the approximately 1.20-acre store parcel on privately-owned and undeveloped land located at 17652 Penn Valley Drive, Penn Valley (APN 51-120-06) (store parcel) and 17630 Penn Valley Drive (lot-line and certificate of compliance); and

WHEREAS, at 9,100 square feet, this project fell just short of the threshold for being considered a Planning Commission project (typically 10,000 square feet), however, the Planning Director in his role as Zoning Administrator determined that this project along with the other two Dollar General proposals should be reviewed and considered by the Planning Commission instead of the Zoning Administrator consistent with the provisions of Nevada County Land Use and Development Code (LUDC) Section L-II 5.5.E.4; and

WHEREAS, the County and the applicant agreed to pursue an Environmental Impact Report (EIR15-001/ SCH2016012009) for all three of the Dollar General Stores as a way to ensure all potential cumulative impacts could be considered under one environmental document. While only one EIR was prepared, the EIR was structured to allow the Planning Commission to take individual actions on each separate project and each project is considered an independent entitlement.

WHEREAS, on October 26, 2017, the Nevada County Planning Commission held a public hearing to consider the certification of an Environmental Impact Report for all three projects, including the Penn Valley Project (DP15-004; MGT15-013; COC17-001; LLA16-006) and the Planning Commission on a 5-0 vote certified an Environmental Impact Report (EIR15-001/ SCH2016012009) as adequate environmental review for the project, making project specific CEQA Findings of Fact and adopting a Mitigation Monitoring and Reporting Program; and

WHEREAS, on October 26, 2017, the Nevada County Planning Commission conducted a public hearing, considered the entire public record before them and after deliberating on the project, the Planning Commission conditionally approved the proposed Management Plan (MGT15-013), Certificate of Compliance (COC17-0001), Lot-line Adjustment (LLA16-006) and Development Permit (DP15-004) making appropriate findings as documented in the October 26, 2017 Planning Commission Staff Report; and

WHEREAS, pursuant to Section L-II 5.12.D of the Nevada County Land Use and Development Code, the Planning Commission's approval of the Application is appealable to the Board of Supervisors within 10 days after the date of the decision; and

WHEREAS, on November 6, 2017, Mr. Donald Mooney., Attorney (Representative) on behalf of the Appellant Charisse Lolli filed a timely appeal of the Planning Commission's decision; and

WHEREAS, on December 12, 2017, the Board of Supervisors adopted Resolution 17-620 to accept the appeal as to the Planning Commission's actions on the Environmental Impact Report and Project and scheduled the appeal for hearing on February 27, 2018 at 1:30 p.m.; and

WHEREAS, on February 27, 2018, the Board of Supervisors held a duly noticed public hearing at which the Board considered all evidence both oral and written regarding the appeal and denied the appeal, upholding the Planning Commission's October 26, 2017 certification of the EIR (EIR5-001), approval of Management Plan MGT15-013, Certificate of Compliance COC17-0001, Lot-line Adjustment LLA16-006 and Development Permit DP15-004.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada that it hereby finds and determines that:

1. The facts set forth above are true and correct.
2. That the potential environmental impacts of the project have been adequately reviewed, disclosed and mitigated for pursuant to the project specific certified Environmental Impact Report (EIR15-001/ SCH2016012009) as required by the California Environmental Quality Act Guidelines, California Code of Regulations Title 14, Chapter 3, Section 15090 making CEQA Findings of Fact attached hereto as Exhibit A and adopting the Mitigation Monitoring and Reporting Program.
3. That the issuance of this Management Plan is consistent with the provisions of Section L-II 4.3. Resource Standards of the Nevada County Land Use and Development Code; and
4. That potentially significant impacts water courses and wetlands located on the project site have been minimized through the incorporation of mitigation measures, including payment of compensatory mitigation in the form of a onetime in-lieu fee for wetland impacts, implementing best management practices during construction and minimizing post project erosion;
5. The subject parcels were initially created when the Nevada County Tax Collector sold them in separate deeds in February 2013, after the 1972 approval of the Subdivision Map Act which requires a recorded map to create new property, and are therefore both in noncompliance with the Subdivision Map Act.

6. Section 66499.35(b) of the California Subdivision Map Act requires that a conditional certificate of compliance be issued whenever a local agency determines that real property does not comply with the provisions of the Subdivision Map Act and local ordinances. The local agency may require, as a condition of granting the conditional certificate of compliance, any conditions that would have been applicable at the time the applicant acquired interest in the property (February 5, 2013). One of the proposed parcels is not compliant with local ordinances in that the parcel (APN 51-150-29) does not meet road frontage requirements;
7. The parcels comply with the minimum parcel size requirement of the C2 zoning which is in effect for this area; and
8. The conditions attached to the Conditional Certificate of Compliance (COC17-0001) are the minimum necessary to protect the public health and safety and are necessary to the orderly development of surrounding area.
9. That this project, as approved, is consistent with Sec. L-II 4.1.3.E, Boundary Line Adjustment Standards for Approval, in that the adjustment does not result in conflicts with site development standards, that the adjustment will not result in additional parcels or additional density, that the subject parcels will meet the minimum Environmental Health standards contained in Chapters VI and X of the Land Use and Development Code, and that the adjusted parcels will conform to the minimum parcel sizes required by the zone district.
10. That this project as conditioned and mitigated is consistent with the General Plan goals, objectives and policies, and with the Community Commercial General Plan land use map designation applicable to this project site;
11. The proposed use is allowed within and is consistent with the purpose of the C2 zoning district within which the project is located, which allows commercial uses with an approved development permit;
12. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Land Use and Development Code, including design and siting to meet the intent of the Site Development Standards, as refined by the Penn Valley Area Plan, mitigating the impact of development on environmentally sensitive resources;
13. The site for the proposed use is adequate in size, shape and location to accommodate the proposed use and all facilities needed for that use and reasonable expansion thereof, if any, and to make appropriate transitions to nearby properties and permitted uses thereon, without compromising site development standards;
14. That Penn Valley Drive, which serve the project is a County-maintained Major Collector road that is adequate in size, width, and pavement type to carry the quantity and kinds of traffic generated by this project;
15. The proposed use and facilities are compatible with, and not detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area;
16. Adequate provisions exist for water and sanitation for the proposed use;
17. Adequate provisions exist for emergency access to the site;

18. That this development permit, proposing a commercial building for commercial use, is consistent with the intent of the design goals, standards, and provisions of the Nevada County Zoning Ordinance and will be compatible with the design of existing and anticipated future uses on the nearby surrounding areas;
19. That based on the comments received and conditions applied from the Nevada County Departments of Public Works, Planning, Environmental Health, Nevada Irrigation District, Penn Valley Fire District, and CalFire, adequate public services exist in the immediate area to support the project including adequate sewage disposal, domestic water service, fire flow, and safe and adequate roads;
20. All feasible mitigation measures have been imposed upon the project to offset the impacts this project may have to the greatest extent possible on aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, land use, transportation and circulation, and utilities and service systems; and
21. That the conditions listed are the minimum necessary to protect the public's health, safety and general welfare.
22. These findings are supported by substantial evidence in the record, as detailed in this Resolution, in the staff report for the February 27, 2018 appeal hearing before the Board, and as discussed at the hearing. That evidence includes but is not limited to the professional expert advice of staff of the County's Planning Department, County Counsel, as well as the judgment of the Board of Supervisors.
23. The location and custodian of the documents, which constitute the record of these proceedings, is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby denies the appeal of the Appellant and upholds the decision of the Planning Commission to certify the Environmental Impact Report (EIR15-001); Management Plan (MGT15-013); Certificate of Compliance (COC17-0001); Lot-Line Adjustment (LLA16-006) and Development Permit (DP15-004) located at 17652 and 17630 Penn Valley Drive, Penn Valley California based on the findings as set forth herein.

The Planning Director is directed to re-file the Notice of Determination for this project action within 5 days after the adoption of this Resolution.

The Clerk of the Board shall mail the Appellant a copy of this Resolution, and any appeal of this decision shall be governed by California Code of Civil Procedure section 1094.6.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 27th day of February, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward Scofield, Chair

2/27/2018 cc: Planning*
Charisse Lolli
Simon CRE

EXHIBIT A.
PENN VALLEY DOLLAR GENERAL
ENVIRONMENTAL IMPACT REPORT
FINDINGS AND STATEMENTS REQUIRED UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, Section 21000 *et seq.*)

I. Introduction

On behalf of the County of Nevada (the “County”), and pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code Sections 21000, *et. seq.* Michael Baker International has prepared a Final Environmental Impact Report (the “FEIR”) for the Penn Valley Dollar General Project and other related approvals described below (collectively, the “Project”). The County is the lead agency for the FEIR.

To support its certification of the FEIR and approval of the Project, the Planning Commission of the County of Nevada (the “Commission”) makes the following findings of fact and statements of overriding considerations (collectively, the “Findings”). These Findings contain the Commissions written analysis and conclusions regarding the Project’s environmental effects, mitigation measures, and alternatives to the Project, which, in the Planning Commissions view, justify the approval of the Project despite its potential environmental effects. These Findings are based upon the entire record of proceedings for the FEIR, as described below.

The Project proposes development of a 9,100 square foot Dollar General retail store on a 1.2-acre site in the community of Penn Valley. The exterior design would be based on a western motif. The Project proposes to provide 46 parking spaces which meets County standards. Lighting for the Project would be designed in accordance with the Nevada County Code. The Project would provide 7,039 square feet of landscaping and would set aside an 11,823 square foot portion (22.6 percent) of the site as permanent open space in accordance with Nevada County Code. Potable water would be provided by the Nevada Irrigation District (NID) for domestic use and fire flow, which will be augmented by onsite water storage. An existing water line is located on the Project site and no off-site construction for connection to water infrastructure would be necessary. Wastewater treatment and disposal would be provided through connection to the Nevada County Sanitation District-Penn Valley sewer system through existing sewer lines within Penn Valley Drive adjacent to the site. Storm drainage would include on-site detention, which would ultimately flow into an off-site storm drainage wash. The Project would be designed to maintain post-Project surface drainage flows at pre-Project levels.

The approvals necessary for implementation of Penn Valley Dollar General project include: approval by the Commission of the Development Permit, Building Permit, and Grading Permit; and, various approvals, permits, and entitlements from other public agencies including the California Department of Fish and Wildlife, Region 2; Central Valley Regional Water Quality Control Board, Region 5; Northern Sierra Air Quality Management District, State Water Resources Control Board, and US Army Corps of Engineers.

II. General Findings and Overview

A. Record of Proceedings and Custodian of Record

The record of proceedings for the County’s findings and determinations is available for review by responsible agencies and interested members of the public during normal business hours at 950 Maidu Avenue, Nevada City, California. The custodian of these documents is the Nevada County Planning Department.

B. Preparation and Consideration of the FEIR and Independent Judgement Findings

The Planning Commission finds, with respect to the County's preparation, review and consideration of the FEIR, that:

- The County retained the independent firm of Michael Baker International to prepare the FEIR, and Michael Baker International prepared the FEIR under the supervision and at the direction of the County of Nevada Planning Department and Community Development Agency.
- The County circulated the DEIR for review by responsible agencies and the public and submitted it to the State Clearinghouse for review and comment by state agencies.
- The FEIR has been completed in compliance with CEQA.
- The Project will have significant, unavoidable impacts as described and discussed in the FEIR.
- The FEIR is adequate under CEQA to address the potential environmental impacts of the Project.
- The FEIR has been presented to the Planning Commission, and the Planning Commission has independently reviewed and considered information contained in the FEIR.
- The FEIR reflects the independent judgement of the County.

III. Findings Regarding Less-Than-Significant Impacts

By these Findings, the County Planning Commission ratifies and adopts the FEIR's conclusions for the following potential environmental impacts which, based on the analyses in the FEIR, the Planning Commission determines to be less than significant (Pub. Resources Code, §21002; CEQA Guidelines, §15126.4 subd. (a)(3), 15091).

1. Aesthetics

- **Impact 4.2.1(PV)** Development of the Penn Valley project site as proposed would convert vacant land to commercial development. Such a conversion would fundamentally alter the visual character of a portion of the site.
- **Impact 4.4.2(PV)** The Penn Valley Project site is located in an area developed with similar commercial uses along a major corridor. Cumulative development would contribute to the ongoing transition of the area to urban uses. Compliance with existing development standards and applicable design guidelines would reduce cumulative aesthetic and lighting impacts.

2. Air Quality

- **Impact 5.2.3(PV)** The Penn Valley project would not contribute to localized concentrations of mobile-source carbon monoxide that would exceed applicable ambient air quality standards.
- **Impact 5.2.4(PV)** The proposed Penn Valley project would not result in increased exposure of existing sensitive land uses to construction-source pollutant concentrations that would exceed applicable standards.

- **Impact 5.2.5(PV)** Operation of the Penn Valley project would not result in increased exposure of existing or planned sensitive land uses to operational-source toxic air contaminant emissions (i.e., diesel PM).
- **Impact 5.2.6(PV)** The proposed Penn Valley project would not include sources that could create objectionable odors affecting a substantial number of people or expose new residents to existing sources of odor.

3. **Biological Resources**

- **Impact 6.2.1(PV)** The project site does not provide suitable habitat for any special status plant species that may occur in the vicinity.
- **Impact 6.2.5(PV)** The proposed project would not interfere with the movement of native resident or migratory wildlife species.
- **Impact 6.2.6(PV)** Development of the project area would not result in the loss of protected trees or landscape grove or conflict with the Nevada County General Plan related to tree protection.

4. **Cultural Resources**

- **Impact 7.4.1(PV)** Implementation of the proposed projects, in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas of Nevada County, would not contribute to cumulative cultural resource impacts.

5. **Geology and Soils**

- **Impact 8.4.1** Implementation of the proposed projects, in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas of Nevada County, would not contribute to cumulative geologic and soils impacts.

6. **Greenhouse Gas Emissions**

- **Impact 9.2.1(PV)** The Penn Valley project would generate greenhouse gas emissions.

7. **Hazards and Hazardous Materials**

- **Impact 10.2.1(PV)** Construction and occupancy of the Penn Valley site would involve the use of hazardous materials.
- **Impact 10.2.2(PV)** Development of the Penn Valley site would not encounter known hazardous materials contamination.
- **Impact 10.2.3(PV)** Development of the Penn Valley site would not affect emergency response plans.

8. **Hydrology and Water Quality**

- **Impact 11.1.2(PV)** Saturated soil and groundwater seepage may be present seasonally at the Penn Valley site, but the project would have minimal effect on groundwater amount and quality.
- **Impact 11.4.1** Cumulative development, including the proposed projects, could affect water quality as a result of stormwater runoff containing pollutants.

- **Impact 11.4.2** Cumulative development, including the proposed projects, in areas not served by a public wastewater system would result in an increase in the number of septic tanks, which can affect water quality.
- **Impact 11.4.3** Cumulative development, including the proposed projects, could increase the rate and/or amount of stormwater discharged into local drainage systems and natural waterways, which could increase flood potential.

9. Land Use and Planning

- **Impact 12.2.1(PV)** Development of the Penn Valley site as proposed would not physically divide the surrounding community.
- **Impact 12.2.2(PV)** Development of the Penn Valley site as proposed would be consistent with applicable land use plans, policies and regulations and would be compatible with the surrounding uses.
- **Impact 12.4.1** Implementation of the proposed projects, in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas of Nevada County, would not contribute to cumulative land use impacts.

10. Noise

- **Impact 13.2.3(PV)** Groundborne vibration levels associated with short-term construction activities at the Penn Valley project site would not exceed the applicable groundborne vibration criterion at adjacent land uses.
- **Impact 13.2.4(PV)** Implementation of the proposed project would not result in the exposure of sensitive receptors to excessive noise levels associated with airport operations.
- **Impact 13.4.1** Implementation of the proposed project, in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas of Nevada County would result in a cumulative increase in noise. However, compliance with the policies contained in the Noise Element would ensure that noise levels do not exceed applicable County noise standards.

11. Public Services and Utilities

- **Impact 14.2.1(PV)** Development of the Penn Valley project site as proposed would not substantially increase demand for public safety services and would not trigger the need for any new or expanded facilities.
- **Impact 14.2.2(PV)** The Penn Valley project would increase demand for water supplies and water treatment capacity and would require construction of on- and off-site water conveyance improvements.
- **Impact 14.2.3(PV)** The proposed Penn Valley project would connect to a public sewer system, but would include an onsite effluent holding tank and associated improvements, the construction of which could result in impacts to the physical environment.
- **Impact 14.2.4(PV)** The proposed Penn Valley project includes an on-site stormwater drainage system, construction of which could result in impacts to the physical environment.

- **Impact 14.4.1** Implementation of the proposed projects, in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas of Nevada County could result in the need to expand or construct new public safety facilities in order to maintain adequate service levels.
- **Impact 14.4.2** Sufficient water supplies and water treatment facility capacity would be available to serve projected cumulative growth in western Nevada County.
- **Impact 14.4.3** Implementation of the proposed projects, in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas of Nevada County, could result in the need to construct new water, wastewater, storm drainage, or solid waste facilities in order to maintain adequate service levels.
- **Impact 14.4.4** Existing solid waste transfer and disposal facilities have sufficient capacity to accommodate anticipated growth in western Nevada County.

12. Traffic and Transportation

- **Impact 15.2.1(PV)** Implementation of the proposed Penn Valley project would increase vehicular traffic on the local roadway system, potentially degrading intersection operations.
- **Impact 15.2.3(PV)** Development of the Penn Valley project site as proposed would not result in the need for private or public road maintenance or for new roads.
- **Impact 15.2.4(PV)** Development of the Penn Valley project site would have no substantial effects on pedestrian, bicycle, or transit circulation in the area and would not conflict with adopted plans regarding alternative transportation.
- **Impact 15.5.1(PV)** When considered with existing, proposed, planned, and approved development in the region, implementation of the proposed Penn Valley project would contribute to cumulative traffic volumes that result in impacts to level of service and operations.

IV. Findings and Recommendations Regarding Potentially Significant Environmental Impacts and Mitigation Measures

A detailed analysis of the potential environmental impacts and the proposed mitigation measures for the Penn Valley Dollar General Project is set forth in Chapters 4.0 through 15.0 of the DEIR, as incorporated into the FEIR. The Planning Commission concurs with the conclusions in the DEIR, as incorporated into the FEIR, that: (i) changes or alterations have been required, or incorporated into, the project which avoid or substantially lessen many of the significant environmental effects identified in the DEIR;

1. Aesthetics

- **Impact 4.2.2(PV)** Development of the Penn Valley project site as proposed would introduce new sources of light and glare.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-4.2.2a

Prior to building permit issuance, the developer shall submit a final Site Lighting

Plan/Photometric Detail that demonstrates that all light spill will be retained on the project site. Potential methods for reducing light trespass onto neighboring roads and properties include replacing the 400-watt parking lot light fixtures located on the south and east with light fixtures of lesser wattage and/or providing additional screening of those features, and/or moving light poles farther into the interior of the site. The developer shall be utilized to ensure all new lighting and glare is kept on site. The developer shall install and maintain all lighting consistent with the approved Final Site Lighting Plan. Prior to issuance of final occupancy, the Planning Department shall perform a site visit, during the dark hours, to verify that the installed lighting does not trespass onto neighboring roads or properties.

MM PV-4.2.2b

All lighting for advertising must meet the County Lighting and Signage Ordinance requirements. Internally illuminated signage shall be prohibited. All lighting for exterior signage or advertising shall be top mounted light fixtures which shine light downward directly onto the sign. Said lighting shall be fully shielded consistent with International Dark Sky standards. Prior to building permit issuance, the applicant shall submit a final signage plan that eliminates any reference to internally lighted signage and provides details for establishing top mounted lighting for both the monument and wall signs. Additionally, any proposed sign lighting shall be shown and taken into account in the photometric detail in the revised project site lighting plan as required by mitigation measure MM PV-4.2.2a. Prior to issuance of final occupancy, the Planning Department shall perform a site inspection to ensure that the sign lighting is installed consistent with this mitigation measure and the County Zoning Code standards.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures PV-4.2.2a and PV-4.2.2b which have been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the "Commission") hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: All Project lighting will be designed and installed consistent with the Nevada County Code which requires lighting to be shielded and directed downward to prevent light spillage to adjacent properties and the night sky. Implementation of Mitigation Measures PV-4.2.2a and PV-4.2.2b would further restrict Project lighting to ensure adjacent properties and roadways are not exposed to substantial light or glare (DEIR, p. 4.0-32 and -33).

2. Air Quality

- **Impact 5.2.1(PV)** Construction activities associated with the Penn Valley site such as clearing, excavation and grading operations, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would temporarily affect local air quality for adjacent land uses.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-5.2.1a

The construction contractor shall submit to the NSAQMD for approval an Off-Road Construction Equipment Emission Reduction Plan prior to ground breaking demonstrating the following:

- All off-road equipment (portable and mobile) meets or is cleaner than Tier 2 engine emission specifications unless prior written approval for any exceptions is obtained from the NSAQMD. Note that all off-road equipment must meet all applicable state and federal requirements.
- Emissions from on-site construction equipment shall comply with NSAQMD Regulation II, Rule 202, Visible Emissions.
- The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes when not in use (as required by California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Existing power sources (e.g., power poles) or clean fuel generators shall be utilized rather than temporary power generators (i.e. diesel generators), where feasible.
- Deliveries of construction materials shall be scheduled to direct traffic flow to avoid the peak hours of 7:00–9:00 AM and 4:00–6:00 PM.
- The primary contractor shall use architectural coatings for the proposed structure that have a volatile organic compound (VOC) content no greater than 50 grams per liter of VOC.

MM PV-5.2.1b

To reduce impacts of short-term construction, the applicant shall obtain NSAQMD approval of a Dust Control Plan (DCP) which shall include, but not be limited to, the standards provided below to the satisfaction of the NSAQMD. Prior to issuance of grading permits, the developer shall provide a copy of the approved DCP to the County Planning and Building Department and shall include the requirements of DCP as notes on all construction plans. The Building Department shall verify that the requirements of the DCP are being implemented during grading inspections.

Alternatives to open burning of vegetation material on the project site shall be used by the project applicant unless deemed infeasible to the Air Pollution Control Officer (APCO). Among suitable alternatives is chipping, mulching, or conversion to biomass fuel.

1. The applicant shall implement all dust control measures in a timely manner during all phases of project development and construction.
2. All material excavated, stockpiled or graded shall be sufficiently watered, treated or converted to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
3. All areas (including unpaved roads) with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
4. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 mph.

5. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
6. All inactive disturbed portions of the development site shall be covered, seeded or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying non-toxic soil stabilizers to all inactive construction areas.
7. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.
8. Paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to removed excessive accumulation of silt and/or mud which may have resulted from activities at the project site.
9. If serpentine or ultramafic rock is discovered during grading or construction the District must be notified no later than the next business day and the California Code of Regulations, Title 17, Section 9315 applies.

MM PV-5.2.1c

To ensure that the project will not result in the significant generation of VOCs, all architectural coatings shall utilize low-VOC paint (no greater than 50g/L VOC). Prior to building permit issuance, the developer shall submit their list of low-VOC coatings to the NSAQMD for review and approval. The developer shall then provide written verification from NSAQMD that all architectural coatings meet NSAQMD thresholds to be considered “low- VOC.” Finally, all building plans shall include a note documenting which low-VOC architectural coatings will be used in construction.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures PV-5.2.1a, PV-5.2.1b and PV-5.2.1c which have been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 5.0-19 through 24) notes “short-term daily construction emissions associated with the Penn Valley site would not exceed the Level B significance thresholds; however, the Level A significance threshold would be surpassed for NO_x emissions.” To offset this impact the DEIR provides mitigation measures consistent with North State Air Quality Management District (NSAQMD) guidance to address generated NO_x emissions, reduce particulate emissions by suppressing dust, and reduce VOC emissions by requiring the use of low-VOC architectural coatings, thus reducing the impact to a level of insignificance.

- **Impact 5.2.2(PV)** The Penn Valley project would not result in long-term operational emissions that could violate or substantially contribute to a violation of federal and state standards.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-5.2.2

The project applicant shall obtain an Authority to Construct Permit from NSAQMD for any source of air contaminants that exist after construction that is not exempt

from District permit requirements. All requirements of this permit shall be incorporated into standard operating procedure manuals or materials for the project. Prior to issuance of final occupancy, the developer shall submit written proof (i.e. a letter from NSAQMD and a copy of the permit) to the County Planning and Building Department documenting that they have obtained said permit from NSAQMD.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-5.2.2 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 5.0-24 and -25) notes “daily operational emissions associated with the Penn Valley site would not exceed Level A or Level B significance thresholds, and with implementation of mitigation measure MM PV-5.2.2, which would ensure compliance with NSAQMD permitting requirements, operational air quality impacts would be less than significant.

- **Impact 5.4.1** The proposed projects, in combination with existing, approved, proposed, and reasonably foreseeable development in the Mountain Counties Air Basin, would contribute to cumulative increases in emissions of ozone-precursor pollutants (ROG and NO_x) and PM₁₀ that could contribute to future concentrations of ozone and PM₁₀, for which the region is currently designated nonattainment.

Level of Significance Before Mitigation: Cumulatively Considerable Impact/ Significant Impact

Mitigation Measure(s):

Penn Valley Project: Implement mitigation measure MM PV-5.2.1a

Resulting Level of Significance: Less than Cumulatively Considerable Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-5.2.1a which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 5.0-38 and -39) notes that “due to the county’s nonattainment status for ozone and PM₁₀, if project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and NO_x) or PM₁₀ would exceed NSAQMD- recommended significance thresholds, a proposed project’s cumulative impacts would be considered significant, and the project would be inconsistent with the SIP.” As discussed under Impact

5.1.1(PV), the Project would result in construction-generated emissions that would surpass the NSAQMD Level A significance threshold for NO_x. To offset this impact, the DEIR provides mitigation measures consistent with North State Air Quality Management District (NSAQMD) guidance to address generated NO_x emissions, reduce particulate emissions by suppressing dust, and reduce VOC emissions by requiring the use of low-VOC architectural coatings, thus reducing the impact to a less than significant and less than cumulatively considerable level.

3. **Biological Resources**

- **Impact 6.2.2(PV)** Project-related activities could result in loss of nesting habitat for raptors and other birds protected by the MTBA.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-6.2.2

If construction is proposed during the breeding season (February–August), a focused survey for raptors and other migratory bird nests shall be conducted within 14 days prior to the beginning of construction activities by a qualified biologist in order to identify active nests on-site. If active nests are found, no construction activities shall take place within 500 feet of the nest until the young have fledged. This 500-foot construction prohibition zone may be reduced based on consultation with and approval by the California Department of Fish and Wildlife. Trees containing nests or cavities that must be removed as a result of project implementation shall be removed during the non-breeding season (late September to January). If no active nests are found during the focused survey, no further mitigation will be required. To the extent feasible, necessary tree removal should occur outside of the typical nesting season to minimize or avoid adverse effects to all nesting birds.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-6.2.2 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 6.0-20) notes “construction activities could cause direct” and indirect impacts to nesting raptors and migratory birds, if birds are actively nesting during construction. To offset this potential impact, a focused pre-construction survey for raptors and other migratory birds nests shall be conducted if construction is proposed during the breeding season. If active nests are found, construction activities and tree removal shall be restricted, thus reducing the impact to a less than significant level.

- **Impact 6.2.3(PV)** Project-related activities could impact western pond turtle.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-6.2.3

Within 48 hours prior to any disturbance within suitable habitat for western pond turtle, proposed disturbance areas shall be surveyed for this presence of this species by a qualified biologist. Surveys of the area shall be repeated if a lapse in construction activity of two weeks or greater occurs. If the species is detected, individuals shall be relocated to a suitable site within the same drainage by a qualified biologist. If the species is detected during the pre-construction survey, a monitoring biologist will be onsite during initiation of construction activities to ensure that no turtles are present during the onset of disturbance activities. If a western pond turtle is encountered during construction, activities shall cease until appropriate corrective measures have been implemented or it has been determined that the turtle will not be harmed. Any trapped, injured, or killed western pond turtles shall be reported immediately to the CDFW.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-6.2.3 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 6.0-20) notes Project “construction activities could impact western pond turtles if one were to be present during construction. To offset this impact, pre-construction surveys shall be conducted. If the species is detected, individuals will be relocated to a suitable site and biological monitoring shall be required at the onset of disturbance activities per MM PV-6.2.3, thus reducing this impact to a less than significant level.

- **Impact 6.2.4(PV)** One stream and associated wetlands that are considered Waters of the U.S. are present onsite. A portion of these features will be impacted by the project

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-6.2.4

The following measures shall be implemented prior to or during construction, as appropriate.

- The project applicant shall either obtain a qualified biologist to conduct a preliminary delineation or shall resubmit the expired jurisdictional determination for reverification from the USACE.
- Prior to initiation of construction activities within jurisdictional features, construction best management practices (BMPs) shall be employed on-site to prevent degradation to on-site and off-site waters of the United States. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering jurisdictional features, as well as erosion control measures along the perimeter of all work areas to prevent the

displacement of fill material. All BMPs shall be in place prior to initiation of any construction activities and shall remain until construction activities are completed. All erosion control methods shall be maintained until all on-site soils are stabilized. BMPs include, but are not limited to:

- a. Minimize the number and size of work areas for equipment and spoil storage sites in the vicinity of the stream. Place staging areas and other work areas outside of the 50-foot and 100-foot non-disturbance buffers.
 - b. The contractor shall exercise reasonable precaution to protect this stream, wetlands, and adjacent non-disturbance buffers from pollution with fuels, oils and other harmful materials. Construction byproducts and pollutant such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected for removal off the site. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.
 - c. No equipment for vehicle maintenance or refueling shall occur within the 50-foot and 100-foot non-disturbance buffers. The contractor shall immediately contain and clean up any petroleum or other chemical spills with absorbent materials such as sawdust or kitty litter. For other hazardous materials, follow the cleanup instruction on the label.
 - d. Exposed bare soil along the stream embankment and including non-disturbance buffer should be protected against loss from erosion by the seeding of an erosion control mixture and restored with native grasses and mulching. Non-native species that are known to invade with lands, such as orchard grass, velvet grass, rose clover, winter and spring vetch, and wild oats should not be used as they displace native species. The contractor shall follow the permit requirements obtained from the USACE and Central Valley Regional Water Quality Control Board before, during, and after construction.
- Standard staging area practices for sediment-tracking reduction shall be implemented where necessary and may include vehicle washing and street sweeping.
 - All exposed/disturbed areas and access points left barren of vegetation as a result of construction activities shall be restored at the end of construction using locally native grass seeds, locally native grass plugs, and/or a mix of quick-growing sterile non-native grass with locally native grass seeds. Seeded areas shall be covered with broadcast straw and/or jute netted (monofilament erosion blankets are not permitted).
 - Protective silt fencing shall be installed between the adjacent wetland habitats and the construction area limits to prevent accidental disturbance during construction and to protect water quality within the aquatic habitats during construction.
 - The County shall ensure there is no net loss of wetlands or other waters of the United States through impact avoidance, impact minimization, and/or compensatory mitigation, as determined in CWA Section 404 and 401 permits and/or 1602 Streambed Alteration Agreement. Evidence of compliance with this mitigation measure shall be provided prior to construction.
 - The applicant shall ensure no net loss of wetlands. Impacts on any wetland permanently or temporarily affected by the proposed project shall be offset through the dedication of mitigation credit(s) within a USACE-approved mitigation bank or through the payment of in-lieu fees to an approved conservation bank.
 - Construction periods shall be limited to periods of extended dry weather and dry summer seasons.
 - No fill or dredge material will enter or be removed from the stream channel during construction or thereafter.
 - Use appropriate machinery and equipment to limit disturbance in the area.
 - No dewatering of the stream will occur during construction or thereafter.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-6.2.4 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 6.0-21) notes “1.02 acres of waters of the United States are present on the Project site” and would “result in permanent impacts to the palustrine emergent wetlands, totaling 0.16 acre. To offset this impact, the Project must submit a wetland delineation for verification by the USACE and implement construction best management practices (BMPs) to prevent degradation to on-site and off-site waters of the United States. are required per MM PV-6.2.4, thus reducing this impact to a less than significant level.

- **Impact 6.4.1** Cumulative development of the proposed projects could affect biological resources.

Level of Significance Before Mitigation: Cumulatively Considerable Impact/
Significant Impact

Mitigation Measure(s):

Implement mitigation as follows:

Penn Valley project: Implement mitigation **MM PV-6.2.4**.

Resulting Level of Significance: Less than Cumulatively Considerable Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-6.2.4 which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 6.0-29) notes “anticipated development and urban expansion in the county is expected to contribute to disturbance to special-status species, their habitat, and other sensitive biological habitats. As discussed in Impact 6.2.3(PV), the Penn Valley project site would contribute to this cumulative impact by resulting “in the fill of 0.16 acre of palustrine emergent wetlands. The County will ensure there is no net loss to wetlands or other waters of the United States as a result of the project with the implementation of” MM PV-6.2.4”, thus reducing this impacts to less than cumulatively considerable.

4. **Cultural Resources**

- **Impact 7.2.3(PV)** Ground-disturbing construction activities associated with

development of the Penn Valley project site could inadvertently disturb human remains. Compliance with existing regulations would ensure proper management of any discovered human remains.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

Implement mitigation measure **MM PV-7.2.2**

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-7.2.2 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Commission hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 7.0-14) notes that “the proposed project would include ground-disturbing construction activities that could result in the inadvertent disturbance of undiscovered human remains.”

To offset this potential impact, protocol to ensure proper management of any human remains discovered during Project construction has been made a part of the Project per MM PV-7.2.2, thus reducing this impact to a less than significant level.

- **Impact 7.2.3 (PV)** Ground disturbing construction activities associated with development of the Penn Valley project site could inadvertently disturb human remains. Compliance with existing regulations would ensure proper treatment of any discovered human remains.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

Implement mitigation measure **MM PV-7.2.2**.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-7.2.2 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 7.0-14) notes that “the proposed project would include ground-disturbing construction activities that could result in the inadvertent disturbance of undiscovered human remains.”

To offset this potential impact, protocol to ensure proper management of

any human remains discovered during Project construction has been made a part of the Project per MM PV-7.2.2, thus reducing this impact to a less than significant level.

5. **Geology and Soils**

- **Impact 8.2.1(PV)** The Penn Valley project site is located in an area that would be subject to seismic hazards.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-8.2.1a

Prior to grading permit issuance, the project applicant shall provide a final Geotechnical Engineering Report to the Nevada County Building and Planning Departments that reflects the final site plan. The Building Department shall be responsible for reviewing the final site plan and final Geotechnical Engineering Report to ensure that they are consistent with both local and building code requirements.

MM AS-8.2.1b

Prior to grading or building permit issuance, the developer shall include the grading and structural improvement design criteria recommendations of the Final Geotechnical Engineering Report as noted on improvement plans and incorporate those recommended actions into the final project design. The Nevada County Building Department shall verify that the recommendations are being implemented during the plan review and inspection stages of the permit process.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures PV-8.2.1a and PV-8.2.1b which have been required or incorporated into the Project will reduce this impact to a less than significant level. The Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 8.0-10) notes “if not properly designed and constructed in accordance with local and state standards and the recommendations of a site-specific geotechnical study, the site could be affected by seismic ground shaking and seismic-induced ground failure.” To offset this potential impact, the final site plan and final Geotechnical Engineering Report shall be consistent with both local and building code requirements and all recommendations of the final Geotechnical Engineering Report shall be included in the Project’s improvement plans per MM PV-8.2.1a and P V -8.2.1b, thus reducing this impact to a less than significant level.

- **Impact 8.2.2(PV)** Development of the Penn Valley site could result in temporary erosion.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-8.2.2a

Prior to issuance of grading permits, all grading and improvement plans shall include a note documenting the approved time of year for grading activities. Specifically, no grading shall occur after October 15 or before May 1 unless standard Building Department requirements are met for grading during the wet season.

MM PV-8.2.2b

Prior to issuance of grading permits or improvement plans for all project-related grading including road construction and drainage improvements, all plans shall incorporate, at a minimum, the following erosion and sediment control measures, which shall be implemented throughout the construction phase:

1. During construction, Best Management Practices (BMPs) for temporary erosion control shall be implemented to control any pollutants that could potentially affect the quality of storm water discharges from the site. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in accordance with California State Water Resources Control Board (SWRCB) requirements. The SWPPP shall include the implementation of BMPs for Erosion Control, Sediment Control, Tracking Control, Wind Erosion Control, Waste Management and Materials Pollution Control and shall be provided to the Nevada County Planning, Building and Public Works Departments prior to issuance of grading permits or approval of improvement plans.
2. Topsoil that will be used as fill material shall be removed and stockpiled for later reuse prior to excavation activities. Topsoil shall be identified by the soil-revegetation specialist who will identify both extent and depth of the topsoil to be removed.
3. Upon completion of grading, stockpiled topsoil shall be combined with wood chips, compost and other soil amendments for placement on all graded areas. Revegetation shall consist of native seed mixes only. The primary objectives of the soil amendments and revegetation is to create site conditions that keep sediment on site, produce a stable soil surface, resist erosion and are similar to the surrounding native ecosystem.
4. Geo-fabrics, jutes or other mats may be used in conjunction with revegetation and soil stabilization.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures PV-8.2.2a and PV-8.2.2b, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Commission hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 8.0-11 and -12) notes “grading, excavation, removal of vegetation cover, and loading activities associated with construction at the Alta Sierra site could temporarily increase soil erosion by water or wind.” To offset this potential impact, measures to prevent erosion have been made a part of the Project per MM PV- 8.2.2a and PV-8.2.2b, thus reducing this impact to a less than significant level. These measures include restricting grading activities to the non-rainy season and

incorporating numerous erosion and sediment control measures into all Project plans.

- **Impact 8.2.3(PV)** The Penn Valley site may include soils that may be subject to expansion potential.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

Implement mitigation measures **MM PV-8.2.1a** and **MM PV-8.2.1b**.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures PV-8.2.1a and PV-8.2.1b which have been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 8.0-13) notes “the alluvial land, loamy soils have variable expansion potential, which could pose a hazard. To offset this impact, requirements to ensure all recommendations of the geotechnical report are adhered too.

6. **Hazards and Hazardous Materials**

- **Impact 10.2.4(PV)** Development of the Penn Valley site would result in a new building in a moderate fire hazard severity zone.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-10.2.4

Prior to issuance of grading and building permits for the project, the County shall ensure the following is completed:

1. The applicant shall provide 180,000 gallons of water to provide the minimum fire flow of 1,500 gallons per minute. Prior to installation, the applicant shall provide a plan to the Penn Valley Fire Protection District for review and approval that demonstrates that minimum fire flow is being met and how any onsite water supply tanks integrate with the Nevada Irrigation District (NID) system to ensure adequate fire flow. Minimum fire flow may be met through a combination of existing NID water, underground water storage tanks with a rated fire pump, hydrant, and post indicator valve for the fire sprinkler system.
2. An approved fire sprinkler system shall be installed throughout the entire building and shall be monitored by an approved fire alarm system.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-10.2.4 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”)

hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 10.0-13) notes “the proposed Project would not increase wildland fire hazard risk, but there is the potential for a fire” and adequate water volume and flow must be provided. To offset this potential impact, requirements to ensure that the Project meets the Nevada County Consolidated Fire District’s fire flow requirements were made a part of the Project per MM PV-10.2.4, thus reducing this impact to a less than significant level.

7. **Hydrology and Water Quality**

- **Impact 11.2.1(PV)** Development of the Penn Valley site would result in an increase in the rate and amount of stormwater runoff and would contribute urban pollutants to stormwater runoff.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-11.2.1a

The construction and grading permits shall comply with the applicable NPDES regulations. Prior to grading permit issuance, obtain a General Permit for Storm Water Discharges Associated with the construction activity and provide a copy of the permit to the County Planning, Building and Public Works Departments. Grading plans shall include verification that an NPDES permit, issued by the State Water Resources Board, has been issued for this project. To protect water quality, the contractor shall implement standard Best Management Practices during and after construction. These measures include, but are not limited to, the following:

1. At no time shall heavy equipment operate in flowing water.
2. Disturbed areas shall be graded to minimize surface erosion and siltation; bare areas will be covered with mulch; cleared areas will be revegetated with locally native erosion control seed mix.
3. The contractor shall exercise every reasonable precaution from adding pollution to offsite waterways with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and washwater shall be prevented from discharging into the offsite drainages and shall be collected and removed from the site.
4. Erosion control measures shall be applied to all disturbed slopes. No invasive non- native grasses shall be used for erosion control, such as velvet grass or orchard grass. A combination of rice straw wattles, a mulch of native straw or certified weed- free straw, and a planting of native plant species is recommended.
5. Silt fencing (or filter fabric) shall be used to catch any short-term erosion or sedimentation that may inadvertently occur. Silt-fencing should be installed well above the offsite drainages and extend beyond the construction zone if necessary. The use of standard straw is prohibited to avoid introduction of noxious weeds, such as star thistle.
6. To minimize water quality impacts to Squirrel Creek or other offsite drainages after the project is complete, no direct discharge of runoff from newly constructed impervious surface will be allowed to flow directly to the drainage. Runoff from surfaces should be directed through storm water interceptors constructed at discharge points. These interceptors will remove oil, sediment, and other pollutants that might otherwise flow to downstream waterways.

MM PV-11.2.1b

The following measures shall be required to reduce surface water drainage patterns, unless alternatives are approved that are recommended by the project's geotechnical engineers, the California Regional Water Quality Control Board or the Department of Public Works that will provide substantially the same or better management of surface drainage:

1. Slope final grade adjacent to structural areas so that surface water drains away from building pad finish subgrades at a minimum 2 percent slope for a minimum distance of 10 feet. Where interior slabs- on-grade are proposed, the exterior subgrade must have a minimum slope of 4 percent away from the structure for a minimum distance of 10 feet. Additional drainage and slab-on-grade construction recommendations are provided in a geotechnical engineering report outlined in mitigation measure MM PV-8.2.1b.
2. Compact and slope all soil placed adjacent to building foundations such that water is not retained to pond or infiltrate. Backfill should be free of deleterious material.
3. Direct rain-gutter downspouts to a solid collector pipe which discharges flow to positive drainage and away from building foundations.

MM PV-11.2.1c

Drainage facilities for this project shall utilize County Standard Plans and Specifications and be designed by a registered civil engineer. Onsite storm drainage facilities shall be constructed in compliance with the design and analysis provided in the project specific Drainage Report prepared by TTG Engineers dated March 2016, and Sheet C2 date stamped February 2, 2016, which is to be kept on file with the Planning Department. Additionally, measures shall be incorporated into the improvement plans that reduce the offsite drainage flows to pre-project conditions as any additional net increase in stormwater runoff from the project site is prohibited. Features shall also be incorporated into the plans that minimize the discharge of pollutants in conformance with General Plan Policy 11.6A, which include, but is not limited to, the use of curbs and gutters, and the use of oil, grease and silt traps. County engineering staff shall review future construction plans to verify that the final design meet the requirements of this mitigation measure.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-11.2.1a, PV-11.2.1b and PV-11.2.1c which have been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the "Commission") hereby directs that these mitigation measures be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 11.0-12 through -15) notes "development of the Penn Valley site would result in an increase in the rate and amount of stormwater runoff and would contribute urban pollutants to stormwater runoff." To offset this potential impact measures to ensure compliance with the applicable NPDES regulations as well as additional requirements to reduce alterations to surface water drainage patterns and ensure proposed drainage facilities meet County standards were made a part of the Project per MM PV-11.2.1a through PV-11.1.1c, thus reducing this impact to a less than significant level.

8. Noise

- **Impact 13.2.1(PV)** The proposed project could expose sensitive receptors to stationary sources of noise in excess of established standards.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-13.2.1

To ensure project operational noise levels do not exceed the County's Noise Standards, the project shall be conditioned to limit all truck deliveries to the Penn Valley project site to between the daytime hours of 7:00 a.m. and 7:00 p.m. Store management shall be educated regarding these restricted delivery hours and a small non-illuminated sign not to exceed 4 square feet shall be posted in the delivery loading and unloading area outlining these restrictions. Prior to issuance of final occupancy, the Planning Department shall perform a site visit to ensure this mitigation measure has been implemented.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-13.2.1 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the "Commission") hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 13.0-13 through -15) notes evening and nighttime truck delivery noise levels at the Penn Valley site are predicted to exceed the County's evening and nighttime noise level standards. To offset this impact, the Project will be conditioned to limit all truck deliveries to the site to between the daytime hours of 7:00 a.m. and 7:00 p.m. per MM PV-13.2.1, thus reducing this impact to a less than significant level.

- **Impact 13.2.2(PV)** Project construction would result in a temporary increase in ambient noise levels in the vicinity of the Penn Valley project site.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-13.2.2

The project applicant shall ensure through contract specifications that construction best management practices (BMPs) are implemented by contractors to reduce construction noise levels. Contract specifications shall be included in the construction document, which shall be reviewed by the County prior to issuance of a grading or building permit (whichever is issued first). The construction BMPs shall include the following:

- Construction shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction is permitted on Saturdays, Sundays, or legal holidays.
- Ensure that construction equipment is properly muffled according to industry

- standards and is in good working condition.
- Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible.
 - Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
 - Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
 - Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
 - Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow for surrounding owners and residents to contact the job superintendent. If the County or the job superintendent receives a complaint, the superintendent shall investigate, take appropriate corrective action, and report the action taken to the reporting party.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-13.2.2 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 13.0-15) notes “construction activities could result in a temporary increase in ambient noise levels in the vicinity.” To offset this potential impact, construction best management practices (BMPs) were made part of the Project per MM PV-13.2.2. These BMPs include limiting hours of construction activities, muffling equipment, locating equipment far from sensitive receptors, and turning equipment off when not in use. Implementation of these measures would reduce this impact to a less than significant impact.

9. Public Services and Utilities

- **Impact 14.2.5(PV)** Construction and operation of the Penn Valley project would generate solid waste requiring collection and disposal.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-14.2.5

Prior to issuance of grading or building permits the following shall be included as a Note on those plans: Toxic waste materials (ammunition, asbestos, biohazards, compressed gas cylinders, explosives, radioactive materials, treated wood waste, and medications) are accepted at the McCourtney Road Transfer Station and if encountered during construction, shall be properly disposed of in compliance with existing regulations and at appropriate facilities. The County Department of Public Works-Solid Waste Division (organic waste) and Environmental Health Department (industrial toxic waste) are the local agencies with oversight over the disposal of these materials. Should the developer encounter these materials during

grading or construction activities, the developer shall consult with these agencies to determine the appropriate methods for disposal and the appropriate facilities where these materials can be disposed.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-14.2.5 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 14.0-29 and -30) notes “construction and operation of the Project would generate solid waste requiring collection and disposal” potentially including hazardous waste materials which are not accepted at the McCourtney Road Transfer Station. To offset this potential impact a note on Project grading or building plans will be added stating that hazardous waste materials are not accepted at the transfer station and must be disposed of at an appropriate alternative facility consistent with existing regulations, thus reducing this impact to a less than significant level.

10. Traffic and Transportation

- **Impact 15.2.2(PV)** Development of the Penn Valley project site could introduce incompatible uses that could affect safety on roadways and could negatively affect emergency access in the project vicinity.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-15.2.2a

No objects or vegetation within the site’s frontage along the north side of the Post Office Driveway/project access at Penn Valley Drive shall exceed the maximum height of 18 inches to ensure a clear line of sight. The project applicant shall perform brush clearing and tree trimming within this area in consultation with the Nevada County Public Works and Planning Departments prior to operation. No topping of oak trees shall be permitted. The applicant shall obtain a standard encroachment permit from the County prior to initiating work within the public right-of-way.

MM PV-15.2.2b

Unless and until Penn Valley Drive is designated a STAA Route, STAA delivery trucks shall be prohibited from accessing the project site.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Mitigation Measures PV-15.2.2a and PV-15.2.2b which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that this mitigation measure be adopted. The Commission

therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 15.0-23 and -24) notes “adequate stopping sight distance could be provided” at the Project driveway on Penn Valley Drive; “however, it is necessary to restrict the height of objects in the area to ensure a clear line of sight.” To offset this potential impact, restrictions on the height of objects and vegetation along the Project site’s frontage area and requirements for regular brush clearing and trimming of trees along the frontage area were made part of the Project per MM PV-15.2.2a and PV-15.2.2b, thus reducing this impact to a less than significant level.

- **Impact 15.2.5(PV)** Construction at the Penn Valley project site would not have substantial effects on pedestrian, bicycle, or transit circulation in the area.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM PV-15.2.5

Prior to the issuance of a grading permit for the Alta Sierra project site, a Construction Traffic Control Plan (CTCP) shall be submitted for review and approval by the Nevada County Public Works Department. The CTCP shall include a schedule of construction, the types of trucks accessing the site, and anticipated methods of handling traffic during construction activities to ensure the safe flow of traffic, pedestrian/bicycle crossing, and adequate emergency access, including maintaining an open lane for motorized and non-motorized travel at all times. All traffic control measures shall conform to County and Caltrans standards, as applicable.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure PV-15.2.5 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Planning Commission (the “Commission”) hereby directs that this mitigation measure be adopted. The Commission therefore finds that changes or alterations have been required in or incorporated into the Project that avoid the potentially significant environmental effect as identified in the DEIR.

Explanation: The DEIR (p. 15.0-25 and -26) notes that construction activities “may require lane closures, periodically slow traffic as equipment is moved, or block access to adjacent sites. To offset this impact, a requirement to submit a Construction Traffic Control Plan (CTCP) for County review and approval was made part of the Project per MM PV-15.2.5, thus reducing this impact to a less than significant level.

V. Findings Regarding Project Alternatives

A. Basis for Alternatives Feasibility Analysis

Under CEQA, where a significant impact can be substantially lessened (i.e. mitigated to an acceptable level) by adoption of mitigation measures, the agency has no obligation to consider the

feasibility of project alternatives with respect to those impacts, even if an alternative would mitigate the impact to a greater degree than the proposed project. Basically, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are considered infeasible or where the responsibility for modifying the project lies with some other agency (CEQA Guidelines 15091).

As is evident from the text of the EIR, all impacts identified above for the Penn Valley Dollar General Project have been mitigated to a level of less than significant. Thus, the DEIR and these findings consider the four alternatives identified in the DEIR and determine whether any alternatives are environmentally superior with respect to each of its potential impacts. The Commission is required to determine whether the alternatives are feasible. If the Commission determines that no alternative is both feasible and environmentally superior, then the Commission may approve the project as mitigated after adopting a Statement of Overriding Considerations.

Under CEQA, “feasible” means *capable of being accomplished in a successful manner within the reasonable period of time, taking into account economic, environmental, legal, social, and technological factors* (CEQA Guidelines 15364). The concept of feasibility permits an agency’s decision-makers to consider whether an alternative is able to meet some or all of the projects objectives. In addition, the definition of “feasibility” encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by evidence.

B. Alternatives Considered

The Final EIR identified and compared the significant environmental impacts of the project alternatives listed below in accordance with the provisions of the CEQA Guidelines Section 15126.6. The following project alternatives were evaluated:

- **Alternative 1a – No Project/No Build Alternative.** CEQA Guidelines Section 15126.6(e)(1) requires that a No Project Alternative be analyzed. If the No Project Alternative were implemented, the proposed project would not be constructed and the site would remain in its current condition.
- **Alternative 1b – No Project/Other Commercial Development Alternative.** Under Alternative 1b, the analysis assumes each project site could be developed with another use consistent with each site’s existing General Plan land use designation and zoning. The County has not received an application for any other type of development, and if an application for a different project were submitted for a project site, environmental review pursuant to CEQA would be required. The impacts of any other type of project would be speculative. The purpose of considering this alternative is to illustrate the general types of potential environmental impacts that might be associated with a different type of development for disclosure and informational purposes only. This analysis is also included to be responsive to comments on the Notice of Preparation (NOP) suggesting that uses other than the proposed projects should be considered for the sites.
- **Alternative 2 – Reduced Project Alternative.** Under Alternative 2, the size of each store would be reduced from 9,100 square feet to approximately 7,200 square feet¹ and the height of the building would be less than the proposed stores. It is also assumed that the reduction in building size, and thus store inventory, would result in a corresponding reduction in daily patrons at the stores. Under this scenario, fewer parking spaces would be required, which would reduce the amount of paved parking area required.

¹ 7,200 square feet is the size of a conventional or standard store: <http://supermarketnews.com/retail-amp-financial/dollar-general-boosts-store-size>.

- **Alternative 3 – Off-Site Alternative.** CEQA Guidelines Section 15126.6(f)(2) addresses the evaluation of alternative locations for proposed projects as part of an EIR alternatives analysis. This discussion falls under the guidelines’ explanation of the “rule of reason” governing the selection of an adequate range of alternatives for evaluation in the EIR. The key question concerning the consideration of an alternative location to the proposed projects is whether any of the significant effects identified for a given project would be avoided or substantially lessened by putting the project in another location. It should be noted that the County is not proposing development at any of the alternative sites but the alternative is included to demonstrate how development on a different site could potentially reduce identified project impacts.

These four alternatives were determined to be an adequate range of reasonable alternatives as required under CEQA Guidelines Section 15126.6 (DEIR, p. 16.0-2). The environmental impacts of each of these alternatives are identified and compared with the “significant” and “potentially significant” impacts resulting from the Project. That comparison is shown on **Table 16.0-1** starting on DEIR page 16.0-4. Also, in that same section the “environmentally superior” alternative is identified (DEIR, page 16.0-3).

In addition, the Project identified the following Project Objectives (DEIR, page 2.0-11):

- Expand and provide new retail options in close proximity to local consumers by providing shopping opportunities in a safe and secure environment.
- Enhance the commercial retail offerings in Nevada County.
- Develop each commercial development in a way that is compatible in design with the surrounding neighborhood.
- Provide commercial developments that serve the local market area for each development in Nevada County.

C. Alternatives Analysis

The Commission finds that the range of alternatives studied in the EIR along with recognition of the Project Objectives reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project environmental impacts, while accomplishing most of the Project Objectives.

The Commission is required to determine whether any alternative identified in the EIR is environmentally superior with respect to the project impacts that cannot be reduced to less than significant through mitigation measures. As described above, the Penn Valley Dollar General Project would not result in any significant and unavoidable impacts. However, the Commission finds that each of the alternatives evaluated would further lessen project impacts and would not result in any new or more severe environmental impacts.

The following summarizes each of the project alternatives and Project Objectives that were evaluated to determine feasibility:

Alternative 1a (No Project)

CEQA Guidelines Section 15126.6(e)(1) requires that a No Project Alternative be analyzed. If the No Project were implemented, the Project would not be constructed and the site would remain in its current condition. This alternative assumes that the Project area would generally remain in its existing state and would not be subject to any new development. Existing uses on the project site would continue and no new structures would be constructed.

This alternative would not meet any of the Project Objectives and provides no economic benefits to the County. The Project Objectives are based on development of a commercial retail

development on this site to expand and enhance retail shopping opportunities and serve the local Penn Valley market. Given the existing commercial zoning and surrounding commercial center in the area, it's unreasonable to assume that no new development would ever occur on this property. If any level of development did occur on this property, the same impacts identified above would also occur because the baseline condition in the region will not change with or without the project. The Planning Commission thus considers this alternative undesirable, unreasonable, infeasible and inconsistent with the Project Objectives.

Alternative 1b (No Project/Other Commercial Development Alternative)

Under Alternative 1b, the current C2-SP zoning at the Penn Valley site, the parcel size (assuming the project lot line adjustment is not approved) and County site development standards (which would limit building size), would reasonably allow the following uses to be developed on the property with County approval of a use permit or development permit: auto repair in an enclosed structure, auto and truck sales and leasing, bar, building supply sales and storage, car wash, convalescent home, equipment rental and leasing, fitness center, kennel (commercial), medical support services (e.g., ambulance, laboratory), retail plant nursery, offices and services, restaurants (including fast food), retail sales (this category applies to the proposed project), service station, or veterinary hospital/clinic. Any of these uses would also be subject to Site Performance Combining District development standards and the Penn Valley Village Area Plan design guidelines for commercial development.

If any of these other types of commercial uses were developed, they would require site preparation, including tree removal and grading. Construction activities would generate air and GHG emissions and would temporarily increase noise levels. Impacts on biological resources and cultural resources would be the same as with the proposed project because there would be ground disturbance. Hydrology and water quality (drainage) impacts would be similar to the proposed Alta Sierra project because new impervious surfaces would generate stormwater runoff that would drain to the on-site wash that discharges to Squirrel Creek. Aesthetics impacts would depend on the type of use and building. It should be noted that C2 zoning allows building heights of 45 feet or three stories. The proposed project building is proposed at approximately 27 feet high at its maximum point (roof parapet). Regardless of the type of use, there would be a permanent change in the visual character of the site.

Different land uses have different trip generation rates. Some uses could result in more trips than the proposed Penn Valley project, while some could result in fewer trips. Trucks could also make deliveries to the site, depending on the use, and the type of trucks and frequency of delivery would also depend on the use. Any occupied use on the site would require connection to public water and sewer service. Noise levels during operation may be more or less than with the proposed project. For example, a car wash or auto repair shop could generate periodic noise from equipment, but an office-type use likely would not.

The No Project/Other Commercial Development Alternative is not expected to result in environmental impacts or mitigation measures that differ substantially from those of the proposed project. Depending on the use and scale of the proposed alternative project, the environmental impacts, may or may not be reduced; however, any development of the site consistent with the existing zoning and site development standards will significantly alter the site. Depending on the use, Alternative 1b could meet some of the Project's Objectives related to developing commercial sites in a way that is compatible in design with the surrounding neighborhood and providing developments that serve the local market area for the development, but may not meet Project Objectives related to enhancing commercial retail opportunities and expanding new retail options in close proximity to local consumers.

In summary, since this alternative does not reduce the cumulatively considerable impacts to less than significant and does not meet some of the Project Objectives the Planning Commission rejects Alternative 1b as undesirable, infeasible, and inconsistent with the Project Objectives.

Alternative 2 (Reduced Project Alternative)

Under Alternative 2, the size of each store would be reduced from 9,100 square feet to approximately 7,200 square feet² and the height of the building would be less than the proposed stores. It is also assumed that the reduction in building size, and thus store inventory, would result in a corresponding reduction in daily patrons at the stores. Under this scenario, fewer parking spaces would be required, which would reduce the amount of paved parking area required.

Environmental Impacts That Would Be Reduced Compared to the Proposed Project

A smaller project footprint could reduce the amount of ground disturbance, which could result in fewer construction-related impacts such as grading, air quality and GHG emissions, and noise.

Impacts on biological resources and cultural resources would be less than with the proposed Project because there would be less impervious surface generating stormwater runoff. However potential impacts to the onsite biological resources, including the wetland area and seasonal stream would remain. Potable water demand and demand for fire suppression water may be less for the Reduced Project Alternative. Wastewater disposal requirements may be less for the Reduced Project Alternative as well.

As noted above, it is assumed that a smaller store would carry less inventory and result in reduced patronage. Using the same trip generation rate as for the proposed Project (64.03 trips per 1,000 square feet), this alternative would generate 448 daily trips compared to 583 daily trips for the proposed Project. The reduction in trips would result in corresponding decreases in air quality and GHG emissions, project traffic-generated noise, and parking lot noise.

Environmental Impacts That Would Be Similar to the Proposed Project

The traffic hazards and emergency access impact identified for the proposed Project (Impact 15.2.2[PV]) would be the same for the Reduced Project Alternative. Although there would be fewer trips, customers and delivery trucks would still make the same turning movements onto Penn Valley Drive. The Reduced Project Alternative would also result in the need for a construction traffic control plan.

Environmental Impacts That Would Be More Severe than the Proposed Project

There would be no environmental impacts of a Reduced Project Alternative that would be greater than those of the proposed Project.

Alternative 2 could meet most of the Project's Objectives related to developing commercial sites in a way that is compatible in design with the surrounding neighborhood, providing developments that serve the local market area for the development, enhancing commercial retail opportunities in Nevada County and expanding new retail options in close proximity to local consumers, but at a lesser scale than the proposed Project would provide.

In summary, this alternative could lessen project impacts but only those that are already less than significant with or without mitigation. Since this alternative does not reduce the impacts to less than significant and does not satisfy the Project Objectives to the same degree as the proposed Project, the Planning Commission rejects Alternative 2 as undesirable, infeasible, and inconsistent with the overall Project Objectives.

² 7,200 square feet is the size of a conventional or standard store: <http://supermarketnews.com/retail-amp-financial/dollar-general-boosts-store-size>.

Alternative 3 (Off Site Alternatives)

As noted above, all of the environmental impacts at the Penn Valley site would be less than significant or could be mitigated to less than significant levels. As such, most of the environmental impacts at the five alternative sites would be similar to those of the proposed Project, with some exceptions, which are described below. The off-site alternative locations evaluated for the Penn Valley project are shown in DEIR **Figure 16.0-2**).

Penn Valley Site 1 is in a commercial area surrounded by nonresidential development. Aesthetics impacts would be reduced compared to the proposed project. The site is sloped and would require cut and fill, which would not occur with the proposed project. This could result in more construction air quality and GHG emissions impacts than with the proposed project. There are no apparent wetland features. The site has more trees than the project site, and tree removal would result in the need for mitigation (as with the proposed project) for nesting birds and raptors. There would be no sensitive receptors that could be exposed to construction air emissions or noise, or noise from customer traffic and delivery trucks. The site is accessible from SR 20 via Pleasant Valley Road, which provides access to the immediate area where truck traffic serving the mix of commercial and industrial uses already occurs. No intersection operational impacts were identified for the proposed project at that intersection (**Table 15.0-5**), but additional study would likely be required to address truck turning movements into and out of the site.

Penn Valley Site 2 is a highly disturbed site with a combination of gravel parking areas and grass with a few shrubs. It is in the same commercial area as Site 1. Aesthetics impacts would be reduced compared to the proposed project. Biological resources and cultural resources impacts would be reduced compared to the proposed project because of existing site disturbance. There would be no sensitive receptors that could be exposed to construction air emissions or noise, or noise from customer traffic and delivery trucks. As with Site 1, no intersection operational impacts were identified for the proposed project (**Table 15.0-5**), but additional study would be required to address truck turning movements into and out of the site.

Penn Valley Site 3 is a flat, mostly grass-covered site with direct access from Penn Valley Drive, similar to the proposed project site. Surrounding uses are a combination of residential and nonresidential uses, similar to the proposed project site. Environmental impacts at this site would generally be similar to the proposed project. Additional study would be required to evaluate site access and turning movements.

Penn Valley Site 4 is a flat, partially vegetated site that adjoins the proposed project site to the northeast behind the post office. It is closer to the mobile home park than the project site, and therefore construction-related air emissions and noise could have a greater (but still temporary) impact. Aesthetics impacts may also be greater, but could be mitigated through design review and appropriate lighting. Depending on the site layout, delivery trucks would likely be closer to the residential use, which could result in a greater noise impact than the proposed project. All other environmental impacts would generally be similar to those of the proposed project.

Penn Valley Site 5 is a flat, predominantly grass-covered site surrounded by a sparse mix of residential and nonresidential development and vacant land along Spenceville Road. Environmental impacts at this site would generally be similar to those of the proposed project. Additional study would be required to evaluate delivery truck travel on Spenceville Road.

In summary, Penn Valley Sites 1-5 may reduce, and may avoid, the significant impacts identified for the Project but would still result in similar impacts and would move those impacts to other areas in the same region. Therefore, the cumulative aesthetic impacts of the Project would not be avoided for any of the alternative sites. Development of the proposed Project on the alternative

sites would likely meet most of the Project Objectives. However, in addition to the ability to reduce significant effects compared to the Project, the assessment of the feasibility of alternatives may also take into consideration economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and the ability of the proponent to attain site control (Section 15126.6(f)(1)). In the case of the proposed Project, the Project applicant does not control any of the alternative sites, but has entered into a contract to purchase the project site; therefore, the ability to develop the project on any of the alternate sites is not economically feasible. The Planning Commission therefore rejects Alternative 3 as undesirable and infeasible.