



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

A RESOLUTION GRANTING THE APPEAL FILED BY PETER LEMMON, ATTORNEY ON BEHALF OF SIMON CRE, CJS DEVELOPMENT II, LLC REGARDING THE PLANNING COMMISSION'S NOVEMBER 9, 2017 DENIAL OF DEVELOPMENT PERMIT (DP14-001) AND MANAGEMENT PLAN (MGT14-010) FOR A PROPOSED 9,100 SQUARE FOOT DOLLAR GENERAL STORE AND ASSOCIATED IMPROVEMENTS LOCATED AT 10166 ALTA SIERRA DRIVE (APN 25-430-08); SEPTIC LINE LOCATED AT 10120 ALTA SIERRA DRIVE (APN 25-430-10); AND SEPTIC LEACH FIELD LOCATED AT 15675 JOHNSON PLACE (APN 25-430-12) GRASS VALLEY, CALIFORNIA AND OVERTURNING THE PLANNING COMMISSION'S DENIAL OF THE DEVELOPMENT PERMIT (DP14-001) AND MANAGEMENT PLAN (MGT14-010) PROPOSING TO ALLOW DISTURBANCE OF 1.40-ACRES OF LANDMARK OAK GROVE AND FOUR INDIVIDUAL LANDMARK OAK TREES.

WHEREAS, on July 17, 2014 Simon CRE, CJS Development, 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) on an approximately 1.0-acre privately-owned and undeveloped parcel located at 10166 Alta Sierra Drive, Grass Valley (APN 25-430-08); to install a septic line through developed property located at 10120 Alta Sierra Drive (APN 25-430-10); and to install an offsite septic leach field on developed property located at 15675 Johnson Place (25-430-12). The project included the consideration of an Oak Tree Management Plan (14-010) to allow for disturbance of 1.40-acres of landmark oak grove (oak woodlands with a canopy closure greater than 33%) and four individual landmark oak trees (oak trees 36" or greater dbh); 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 on July 1, 2017 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 and or Board of Supervisors 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 Alta Sierra Project (DP14-001) 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, but not making a Statement of Overriding Considerations for the project's identified significant and unavoidable aesthetic and land use compatibility impacts; 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 made a motion of intent to deny the proposed Management Plan (MGT14-010) and Development Permit (DP14-001) continuing the project to November 9, 2017 to allow staff to prepare project denial findings based on the direction of the Planning Commission; and

WHEREAS, on November 9, 2017, the Nevada County Planning Commission in taking action to deny the project entitlements found that the projects size, scale and massing was incompatible with the adjacent rural residential neighborhood, was overbuilt for the site as the project required an offsite septic system, significant grading requiring the use of large retaining walls and a reduction in the minimum required number of parking spaces, that the project management plan did not adequately provide methods to avoid the resource and did not clearly minimize the project impacts on landmark oak trees and groves and that the project was inconsistent with central and supportive themes of the Nevada County General Plan that are intended to protect the rural character of existing neighborhoods making specific denial findings pursuant to Section 4.3 and 4.3.15 (Management Plan) and Section L-II 5.2.2.D (Development Permit) of the Nevada County Land Use and Development Code as documented in the Planning Commission Staff Memo dated November 2, 2017:

WHEREAS, pursuant to Section L-II 5.12.D of the Nevada County Land Use and Development Code, the Planning Commission's denial of Management Plan MGT14-010 and Development Permit DP14-001 is appealable to the Board of Supervisors within 10 days after the date of the decision; and

WHEREAS, on November 16, 2017, Mr. Peter Dunn Lemmon, Esq., Attorney (Representative) on behalf of the Appellant Simon CRE, CJS Development II, LLC (Applicant) filed a timely appeal of the Planning Commission's decision; and

WHEREAS, on December 12, 2017, the Board of Supervisors adopted Resolution 17-618 to accept the appeal as to the Planning Commission's decision 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 made a motion of intent to grant the appeal, overturning the Planning Commission's November 9, 2017 denial of Management Plan MGT14-010 and Development Permit DP14-001.

WHEREAS, on March 13, 2018, the Board of Supervisors took final action to grant the appeal, overturning the Planning Commission's November 9, 2017 denial of Management Plan MGT14-010 and Development Permit DP14-001.

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 project specific CEQA Findings of Fact and a Statement of Overriding Considerations for the project's significant and unavoidable aesthetic impacts attached hereto as Exhibit A.

3. That the issuance of the Oak Management Plan (MGT14-010) is consistent with the provisions of Section L-II 4.3. Resource Standards of the Nevada County Land Use and Development Code.
4. That potentially significant impacts to landmark oak groves and trees located on the project site have been minimized through the incorporation of mitigation measures, including those to protect on site trees to remain and for the implementation of the Black Oak Restoration project, as recommended by biologist Tina Costella in the Biological Management Plan, dated March 26, 2015, prepared for this project.
5. The amendment to Mitigation Measure 6.1.3.e. that was developed by applying the requirements of Appendix B of the Oak Tree Management Plan to mitigate the project's anticipated impacts to 4 landmark oak trees and 1.40-acres of landmark oak grove provides equal compensation and mitigation as was provided for in the original management plan.
6. That this project as conditioned and mitigated is consistent with the General Plan goals, objectives and policies, and with the Neighborhood Commercial General Plan land use map designation applicable to this project site.
7. The proposed use is allowed within and is consistent with the purpose of the C1 zoning district within which the project is located, which allows commercial uses with an approved development permit.
8. The proposed use and any facilities, as conditioned, will meet all applicable provisions of the Land Use and Development Code or a same practical effect of those provisions, including design and siting to meet the intent of the Site Development Standards mitigating the impact of development on environmentally sensitive resources.
9. 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.
10. That both Alta Sierra Drive (primary access) and Little Valley Road (for temporary soil export activities only), which serve the project are County-maintained roads adequate in size, width, and pavement type to carry the quantity and kinds of traffic generated by this project and improvements to the signal light at the intersection of Highway 49 and Alta Sierra Drive will ensure safety is maintained at this intersection following project construction.
11. 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.
12. Adequate provisions exist for water and sanitation for the proposed use.
13. Adequate provisions exist for emergency access to the site.
14. 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.
15. That based on the comments received and conditions applied from the Nevada County Departments of Public Works, Planning, Environmental Health, Nevada Irrigation District, Nevada County Consolidated 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.

16. 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.
17. That the conditions listed are the minimum necessary to protect the public's health, safety and general welfare.
18. That the Board of Supervisors in making the Statement of Overriding Considerations provided as Exhibit A attached hereto this Resolution, recognizes that economic, legal, social, technological, or other benefits of the project exists, and after balancing against the unavoidable environment impacts (EIR15-001 Impact 4.1.1 and 4.4.1), determines that the unavoidable adverse environmental effects are acceptable because the project will result in economic benefits including 6 to 10 permanent jobs, in increase in property value, an increase in sales tax revenue, productive use of vacant commercial land and the project has the potential to result in revitalizing an aging business center. Further, the Board of Supervisors finds that the project has the potential to reduce vehicle miles travelled, which in turn has the potential to reduce potential greenhouse gas emissions and regional air quality impacts. Finally, the Board of Supervisors finds that the project is consistent with all relevant goals and policies of the Nevada County General Plan.
19. 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.
20. 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 grants the appeal of the Appellants and overturns the decision of the Planning Commission to deny Management Plan (MGT14-010) and Development Permit (DP14-001) located at 10166 Alta Sierra Drive, 10120 Alta Sierra Drive and 15675 Johnson Place in unincorporated Nevada County, based on the findings as set forth herein.

The Planning Director shall 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.

EXHIBIT A.
ALTA SIERRA 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, Public Resources Code Sections 21000, *et seq* (“CEQA”), Michael Baker International has prepared a Final Environmental Impact Report (the “FEIR”) for the Alta Sierra 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 Board of Supervisors of the County of Nevada (“Board”) makes the following findings of fact and statements of overriding considerations (collectively, the “Findings”). These Findings contain the Board of Supervisors’ written analysis and conclusions regarding the Project’s environmental effects, mitigation measures, alternatives to the Project, and the overriding considerations which, in the Board of Supervisors’ 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 one-acre site in the community of Alta Sierra. The exterior design would be based on a western motif. The Project proposes to provide 34 parking spaces. As allowed by Nevada County Land Use and Development Code Section L-II 4.2.9.F.12, the applicant has provided a parking study prepared by a registered traffic engineer which demonstrates that the proposed parking would meet demand for the proposed use as a Dollar General Store. Lighting for the Project would be designed in accordance with the Nevada County Code. The Project would provide 7,481 square feet of landscaping and would set aside a 6,622 square foot portion (15.2 percent) of the site as permanent open space in accordance with Nevada County Code. Both potable water and water for fire hydrants and suppression would be provided by the Nevada Irrigation District (NID). Off-site construction within the existing roadway would be necessary to connect the site to water infrastructure. Wastewater treatment and disposal would be provided through a septic system with off-site tight lines and leach fields on adjacent parcels directly to the north of the Project site. Storm drainage would include on-site detention that would ultimately flow into an off-site storm drainage ditch. The Project would be designed to maintain post-Project surface drainage flows at pre-Project levels.

The approvals necessary for implementation of the Alta Sierra Dollar General project include: approval of the Development Permit, Oak Management Plan, 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; and State Water Resources Control Board.

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 Board of Supervisors 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 Draft EIR 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 Board of Supervisors, and the Board of Supervisors 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 Board of Supervisors ratifies and adopts the FEIR's conclusions for the following potential environmental impacts which, based on the analyses in the FEIR, the Board of Supervisors determines to be less than significant. Under CEQA no mitigation measures are required for impacts that are less than significant (Pub. Resources Code, §21002; CEQA Guidelines, §15126.4 subd. (a)(3), 15091)

1. Air Quality

- **Impact 5.1.3(AS)** The Alta Sierra project would not contribute to localized concentrations of mobile-source carbon monoxide that would exceed

applicable ambient air quality standards.

- **Impact 5.1.4(AS)** The proposed Alta Sierra project would not result in increased exposure of existing sensitive land uses to construction-source pollutant concentrations that would exceed applicable standards.
- **Impact 5.1.5(AS)** Operation of the Alta Sierra 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 5.1.6(AS)** The proposed Alta Sierra 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.

2. **Biological Resources**

- **Impact 6.1.1(AS)** The Alta Sierra project site does not provide suitable habitat for any special status plant species that may occur in the vicinity.
- **Impact 6.1.4(AS)** The proposed Alta Sierra project would not interfere with the movement of native resident or migratory wildlife species.
- **Impact 6.1.5(AS)** Development of the project site could result in the loss of landmark oak trees and groves, which could conflict with the Nevada County General Plan.
- **Impact 6.1.6(AS)** The proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

3. **Cultural Resources**

- **Impact 7.1.1(AS)** No historic properties would be affected by development of the Alta Sierra project site or septic site.
- **Impact 7.4.1** Implementation of the proposed project, in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas of Nevada County, would not contribute to cumulative cultural resource impacts.

4. **Geology and Soils**

- **Impact 8.1.4(AS)** The Alta Sierra site may have soils incapable of supporting a septic system.
- **Impact 8.4.1** Implementation of the proposed project, 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.

5. **Greenhouse Gas Emissions**

- **Impact 9.1.1(AS)** The Alta Sierra project would generate greenhouse gas emissions.

6. Hazards and Hazardous Materials

- **Impact 10.1.1(AS)** Construction and occupancy of the Alta Sierra site would involve the use of hazardous materials.
- **Impact 10.1.2(AS)** Development of the Alta Sierra site would not encounter known hazardous materials contamination.
- **Impact 10.1.3(AS)** Development of the Alta Sierra site would not affect emergency response plans.
- **Impact 10.4.1** 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 hazards and hazardous materials impacts.

7. Hydrology and Water Quality

- **Impact 11.1.2(AS)** Saturated soil and groundwater seepage may be present seasonally at the Alta Sierra site and the site would be served by an existing septic system, but the project would have minimal effect on groundwater amount and quality.
- **Impact 11.4.1** Cumulative development, including the proposed project, 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 11.4.2** Cumulative development, including the proposed project, 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 project, could increase the rate and/or amount of stormwater discharged into local drainage systems and natural waterways, which could increase flood potential.

8. Land Use and Planning

- **Impact 12.1.1(AS)** Development of the Alta Sierra site would not physically divide the surrounding community.
- **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.

9. Noise

- **Impact 13.1.3(AS)** Groundborne vibration levels associated with short-term construction activities at the Alta Sierra project site could exceed the applicable groundborne vibration criterion at adjacent commercial uses.
- **Impact 13.1.4(AS)** 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.

10. Public Services and Utilities

- **Impact 14.1.1(AS)** Development of the Alta Sierra 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 14.1.2(AS)** The Alta Sierra project would increase demand for water supplies and water treatment capacity and would require construction of on- and off-site water conveyance improvements.
- **Impact 14.1.3(AS)** The proposed Alta Sierra project includes a septic system, the construction of which could result in environmental impacts.
- **Impact 14.1.4(AS)** The proposed Alta Sierra 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 project, 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 project, 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.

11. Traffic and Transportation

- **Impact 15.1.1(AS)** Implementation of the proposed Alta Sierra project would increase vehicular traffic on the local roadway system, potentially degrading intersection operations.
- **Impact 15.1.3(AS)** Development of the Alta Sierra project site as proposed would not result in the need for private or public road maintenance or for new roads.
- **Impact 15.1.4(AS)** Development of the Alta Sierra project site would have no effect on existing pedestrian, bicycle, or transit circulation in the area and would not conflict with adopted plans regarding alternative transportation.
- **Impact 15.4.1** When considered with existing, proposed, planned, and approved development in the region, implementation of the proposed Alta Sierra project would contribute to cumulative traffic volumes. However, this increase would not 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 Alta Sierra Dollar General Project is set forth in Chapters 4.0 through 15.0 of the DEIR, as incorporated into the FEIR. The Board of Supervisors 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; and (ii) specific economic, legal, social, technological, or other considerations make it infeasible to substantially lessen or avoid the remaining significant impacts, as further described in the Statement of Overriding Considerations below.

1. Aesthetics

- **Impact 4.1.2(AS)** Development of the Alta Sierra project site as proposed would introduce new sources of light and glare.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM AS-4.1.2a

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 two 400-watt light fixtures located on the southwest and southeast corners of the building with light fixtures of lesser wattage and/or providing additional screening

of those features. Additionally, for the northern parking lot lighting, similar or alternative methods, such as reducing the wattage of the lighting fixture or moving the pole farther into the interior of the site, 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 AS-4.1.2b

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 AS-4.1.2a. 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 AS-4.1.2a and AS-4.1.2b, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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 AS-4.1.2a and AS-4.1.2b would further restrict Project lighting to ensure adjacent properties and roadways are not exposed to substantial light or glare (DEIR, p. 4.0-10 and -11).

2. Air Quality

- **Impact 5.1.1(AS)** Construction activities associated with the Alta Sierra 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 AS-5.1.1a

The Alta Sierra 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 AS-5.1.1b

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 AS-5.1.1c

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 AS-5.1.1a, AS-5.1.1b and AS-5.1.1c, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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. 5.0-11) notes “short-term daily construction emissions associated with the Alta Sierra 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 5.1.2(AS)** The Alta Sierra 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 AS-5.1.2

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 AS-5.1.2 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board 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. 5.0-15) notes “daily operational emissions associated with the Alta Sierra site would not exceed Level A or Level B significance thresholds, and with implementation of mitigation measure MM AS-5.1.2, which would ensure compliance with NSAQMD permitting requirements, operational air quality impacts would be less than significant (DEIR, p. 5.0-15).

- **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):

Alta Sierra Project: Implement mitigation measure MM AS-5.1.1a

Resulting Level of Significance: Less than Cumulatively Considerable Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure AS-5.1.1a which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board 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(AS), 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 level.

3. **Biological Resources**

- **Impact 6.1.2(AS)** Project-related activities could result in loss of habitat for northern goshawk, other nesting raptors, and migratory birds.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM AS-6.1.2

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 AS-6.1.2 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board 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. 6.0-12) notes “construction activities could cause direct impacts to nesting raptors and migratory birds, if birds are actively nesting during construction. The loss or disturbance of active nests or direct mortality is prohibited by the MBTA and California Fish and Wildlife Code Section 3503.5.” To offset this potential impact, a focused pre-construction survey is required per MM AS-6.1.2. If active nests are found, construction activities will be prohibited within 500 feet of the nest until the young have fledged and trees containing nests will be removed outside of the nesting season, thus reducing the impact to a less than significant level (DEIR, p. 6.0-12 and-13).

- **Impact 6.1.3(AS)** Project-related activities could result in loss of landmark oak groves and landmark oak trees.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM AS-6.1.3a

Construction activities, such as grading, shall avoid impacts to existing mature trees and other native vegetation to the maximum extent possible. Mature trees and native vegetation shall be marked as Environmentally Sensitive Areas (ESA) and the project site should be designed to avoid these areas where feasible. All ESAs shall be fenced with orange fencing and maintained until project completion. In addition, any tree and native vegetation that is to be retained shall be shown on the final landscaping plans.

MM AS-6.1.3b

Seventeen trees (10 oaks and 7 pines) are to be retained. The developer shall flag the trees to ensure their protection. The Building Department shall verify the trees to be retained have been properly marked and

construction personnel should be made aware of these trees in order to minimize direct and indirect impacts. In addition, a note shall be included on all plans and specifications stating that “The existing ground surface within 6 feet of the drip line of any oak tree and within 10 feet of the dripline of any landmark oak tree to be preserved shall not be cut, filled, compacted or pared.” A qualified biologist, botanist, professional forester, or certified arborist shall be consulted prior to any excavation that will occur adjacent to any oak tree that is to be retained to ensure that there will be no damage to the root system. Exceptions may be approved by the Nevada County Planning Department based on consultation with a qualified professional resulting in reasonable assurance that they tree will not be damaged.

MM AS-6.1.3c

For oak trees that are to be retained on any of the three parcels, the following measures shall be taken to prevent impacts during and after construction activities.

1. Plans and specifications shall clearly state protection procedures for oaks on the project site. The specification shall also require contractors to stay within designated work areas and shall include provisions for penalties if the retained oak trees are damaged;
2. Protective fencing not less than 4 feet in height shall be placed at the limits of the protective root zone of any individual oak tree or stand to remain, whether it is a Landmark oak or a small cluster of oak trees within 50 feet of the grading limits and shall be inspected by the contractor prior to commencement of any grading activity on site, and shall remain in place until construction is completed;
3. Damage to oak trees during construction shall be immediately reported to the Nevada County Planning Department. The contractor shall be responsible for correcting any damage to oak trees that will be retained on the property in a manner specified by a qualified professional.
4. Equipment damage to limbs, trunks, and roots of all retained trees shall be avoided during project construction and development. Even slight trunk injuries can result in susceptibility to long-term pathogenic maladies.
5. Grading restrictions near protective root zones shall limit grade changes near the protected root zone of any oak tree to be retained. Grade changes can lead to plant stress from oxygen deprivation or oak root fungus at the root collar of oaks. Minor grade changes further from the trunk are not as critical but can negatively affect the health of the tree if not carefully monitored by a County approved professional.
6. The root protective zone grade shall not be lowered or raised around the trunks (i.e. within the protective zone) of any oak tree to be retained. A County approved professional shall supervise all excavation or grading proposed within the protective zone of a tree, and/or the excavation, or clearance of vegetation within the protective zone of an oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the greatest extent possible and treated as recommended by the professional.
7. Utility trenches shall not be routed within the protective zone of an oak tree unless no feasible alternative locations are available, and shall be approved by a County approved professional.

8. No storage of equipment, supplies, vehicles, or debris shall be permitted within the protective root zone of any retained tree.
9. No dumping of construction wastewater, paint, stucco, concrete, or any other cleanup waste shall occur within the protective zone of an oak tree.
10. No temporary structures shall be placed within the protective zone of any retained oak tree.
11. Necessary drains shall be installed according to County specifications so as to avoid harm to the oak trees due to excess watering.
12. Wires, signs, and other similar items shall not be attached to the oak trees.

MM AS-6.1.3d

Prior to the start of construction activities, a qualified biologist, botanist, registered forester or certified arborist (qualified professional) shall schedule a field meeting to inform the construction personnel where all protective zones are and the importance of avoiding encroachment into the protective zones. A signed affidavit documenting the meeting shall be provided prior to the issuance of project permits. Additionally, a qualified professional shall periodically monitor on-site construction activities to ensure that damage to retained oak trees does not occur. Prior to scheduling final inspection for the grading, pipe trenching, septic placement, retaining walls, and building foundation, the developer shall provide a brief report from the qualified professional documenting the findings in the monitoring.

MM AS-6.1.3e Prior to the issuance of any grading or improvement permits for the project, the applicant shall pay ~~\$42,900~~ an amount agreed to by the Bear Yuba Land Trust in mitigation costs to the Bear Yuba Land Trust (BYLT) for replanting, management, and restoration of black oak habitat on the Clover Valley Preserve Property located on the eastern side of the Alta Sierra subdivision 2 air miles from the project site. The BYLT shall implement the restoration plan consistent with the approach outlined in the Appendix B of the Oak Resources Management Plan (Appendix 6.0-AS), which includes but is not limited to planting approximately 220-250 black oak seedlings with a goal of a 60% survival rate; monitoring for the first 5 years following replanting; and restoration of the existing oak woodlands. Any change in the restoration plan shall be reviewed and approved by the project biologist and must be equal to or greater in effectiveness than the original restoration plan. The final restoration plan shall be submitted to the County Planning Department for review, approval and to be kept on file prior to issuance of grading or improvement permits. Prior to issuance of grading or improvement permits, the developer and the BYLT shall also enter into a contractual agreement that must be reviewed and approved by the Nevada County Planning Department prior to finalization. Once finalized, the agreement shall be submitted to the Nevada County Planning Department and will be kept on file. The contractual agreement shall outline the specific steps of the Restoration Project that will occur, consistent with Appendix B of the Oak Tree Management Plan, including a clause to trigger the attachment of a conservation easement on the property if the BYLT should ever transfer the property to non-land trust ownership. In addition, the contractual agreement shall provide specific steps for annual monitoring of the success of the project and reporting to the County Planning

Department by a qualified professional.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures AS-6.1.3a through AS-6.1.3e, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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.

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15088.5 the amendment to Mitigation Measure 6.1.3.e. which is required to mitigate the project's anticipated impacts to 4 landmark oak trees and 1.40-acres of landmark oak grove, is not considered significant or new information that would require recirculation of the Environmental Impact Report (EIR). The amended mitigation measure does not change the project or the environmental setting or the severity of the environmental impact. The amended mitigation does not change the identified project impacts or impact analysis of the EIR and provides the same or a greater level of mitigation as the original mitigation measure. The amendment merely makes insignificant modifications in an otherwise adequate EIR and does not relieve the applicant from mitigating the impacts of the proposed project on oak trees and habitat. The amended mitigation measure does not deprive the public from a meaningful opportunity to comment upon a substantial adverse environmental effect of the project. Subsequently, based on the substantial evidence on the administrative record, recirculation of the EIR is not required as a result of this amendment.

Explanation: The DEIR (p. 6.0-13) notes "the project would result in direct and indirect impacts on 1.40 acres of landmark oak groves as well as four landmark oak trees" which have been established by County Code Section L-II 4.3.15 as environmentally sensitive areas. In accordance with County requirements, a Biological Management Plan was prepared which determined that on-site replacement of the landmark trees is not feasible.

To offset this potential impact, protective measures for those trees that are to be retained onsite have been made part of the Project and are required per MM AS- 6.1.3a through AS-6.1.3d. In addition, the Project will be required to pay mitigation costs for off-site replanting, management, and restoration of black oak habitat at the nearby Clover Valley Preserve Property per MM AS-6.1.3e., thus

reducing this impact to a less than significant level.

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

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

Mitigation Measure(s):

Alta Sierra Project: Implement mitigation measures **MM AS-6.1.3a** through **MM AS-6.1.3e**.

Resulting Level of Significance: Less than Cumulatively Considerable Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures AS-6.1.3a through AS-6.1.3e, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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 6.1.5(AS), the Alta Sierra project site would “contribute to this cumulative impact by resulting in the loss of 1.40 acres of landmark groves as well as four landmark oak trees.” Protective measures for trees to be retained and payment of off-site mitigation costs for those to be removed have been made a part of the Project per MM AS-6.1.3a through AS- 6.1.3e, thus reducing the Project’s contribution to this cumulative impact to a less than cumulatively considerable level.

4. Cultural Resources

- **Impact 7.1.2(AS)** Ground-disturbing construction activities associated with development of the Alta Sierra project site or the associated septic site could inadvertently damage previously undiscovered archaeological or tribal cultural resources.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM AS-7.1.2

In the event cultural materials or human remains are discovered during project construction, the construction contractor shall halt work and contact the appropriate agencies. All equipment operators and persons involved in any form of ground disturbance at any phase of project improvements shall

be advised of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately within 200 feet of the suspected resource and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. A note to this effect shall be included on the grading and construction plans for the project.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures AS-7.1.2 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board 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. 7.0-11) notes pedestrian surveys conducted on the Project site found “no evidence of prehistoric occupation or utilization of the site or associated sewer improvement site. However, there is always the possibility that previously unidentified cultural materials could be encountered on or below the surface during construction activities.”

To offset this potential impact, protocol to ensure proper treatment of any archaeological or tribal resources discovered during Project construction has been made a part of the Project per MM AS-7.1.2, thus reducing this impact to a less than significant level.

- **Impact 7.1.3(AS)** Ground disturbing construction activities associated with the proposed project could inadvertently disturb human remains, including Native American 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 AS-7.1.2.**

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure AS-7.1.2 which has been required or incorporated into the Project will reduce this

impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board 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. 7.0-11 and -12) 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 AS-7.1.2, thus reducing this impact to a less than significant level.

5. Geology and Soils

- **Impact 8.1.1(AS)** The Alta Sierra 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 AS-8.1.1a

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-8.1.1b

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 AS-8.1.1a and AS-8.1.1b, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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. 8.0-7) 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 AS-8.1.1a and AS-8.1.1b, thus reducing this impact to a less than significant level.

- **Impact 8.1.2(AS)** Development of the Alta Sierra site could result in temporary erosion.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM AS-8.1.2a

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 AS-8.1.2b

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 AS-8.1.2a and AS-8.1.2b, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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. 8.0-7) 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 AS- 8.1.2a and AS-8.1.2b, 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 8.1.3(AS)** The Alta Sierra 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 AS-8.1.1a and MM AS-8.1.1b.**

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures AS-1.1.1a and AS-8.1.1b, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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. 8.0-9) notes that the soils underlying the Project site (Secca Rock outcrop complex soils) “are generally considered expansive, which could pose a hazard.” To offset this potential impact, requirements to ensure that all recommendations of the final Geotechnical Engineering Report are included in the Project’s improvement plans have been made a part of the Project per MM AS-8.1.1b, thus reducing this impact to a less than

significant level.

6. Hazards and Hazardous Materials

- **Impact 10.1.4(AS)** Development of the Alta Sierra site would result in a new building in a high fire hazard severity zone.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM AS-10.1.4

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

1. The applicant shall provide written verification to the Nevada County Consolidated Fire District of 1,500-gallons- per-minute (gpm) fire flow. A fire hydrant shall be installed on-site to supplement the existing hydrant on Alta Sierra Drive. The location of the hydrant shall be shown on project plans and shall be subject to Nevada County Consolidated Fire District approval.
2. An approved fire sprinkler system shall be installed throughout the entire building to achieve the 1,500 gpm fire flow and shall be monitored by an approved fire alarm system.

If alternative means of providing necessary fire flow are necessary, the applicant shall submit a plan to the Nevada County Consolidated Fire District for review and approval, and the County shall ensure project design incorporates the approved features.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measure AS-10.1.4 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board 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. 10.0-9) 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 AS-10.1.4, thus reducing this impact to a less than significant level.

7. Hydrology and Water Quality

- **Impact 11.1.1(AS)** Development of the Alta Sierra 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 AS-11.1.1a

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 Rattlesnake 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 AS-11.1.1b

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 AS-8.1.1b.

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 AS-11.1.1c

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 May 2016, and Sheet C2 date stamped March 30, 2015, 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 Measures AS-11.1.1a through AS-11.1.1c, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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. 11.0-7) notes “development of the Alta Sierra 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 AS-11.1.1a through AS-11.1.1c, thus reducing this impact to a less than significant level.

- **Impact 12.1.2(AS)** Development of the Alta Sierra site as proposed would be consistent with applicable land use plans, policies and regulations and would be compatible with the surrounding uses.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

Implement mitigation measures **MM AS- 4.4.1c** and **MM AS-13.1.1**.

MM AS-12.1.2

To minimize potential conflicts with existing traffic flow and the general peace and welfare of surrounding residents and commercial businesses, soil export activities are limited to non-peak traffic hours (9 a.m. to 4 p.m.), Monday through Friday only. Additionally, soil export activities must be completed within 21- day of issuance of the grading permits, unless justifiable unforeseen circumstances occur (e.g., long periods of inclement weather or equipment failure) where an extension to this time frame may be allowed by the Building Department. Following soil export activities, the temporary access on Little Valley Road shall be permanently closed off. Future grading plans shall include a Note that reflects the restricted duration, hours and days for soil export activities as well as the requirement to discontinue the use of the temporary access to Little Valley Road at the completion of soil export activities. Following the completion of the soil export activities, the developer shall notify the Planning Department to conduct a field visit to verify that the access to Little Valley Road has been permanently closed off.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures AS-4.4.1c, AS-13.1.1, and AS-12.1.2, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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. 12.0-7 and -8) notes the Project “would be consistent with applicable land use plans, policies, and regulations and would be compatible with the surrounding uses” with the exception of the temporary inconvenience to nearby residents from the encroachment onto Little Valley Road during grading activities. To offset this impact measures to restrict trips associated with the export of soils to non- peak traffic hours and limit the total number of days of soil exports were made part of the Project per MM AS-12.1.2, thus reducing this impact to a less than significant level.

- **Impact 13.1.1(AS)** Development of the Alta Sierra project site as proposed could expose sensitive receptors to stationary source noise levels in excess of established standards.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM AS-13.1.1

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 Alta Sierra 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 AS-13.1.1 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board 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. 13.0-7 through -9) notes evening and nighttime truck delivery noise levels at the Alta Sierra 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 AS13.1.1, thus reducing this impact to a less than significant level.

- **Impact 13.1.2(AS)** Project construction would result in a temporary increase in ambient noise levels in the vicinity of the Alta Sierra project site.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM AS-13.1.2

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 AS-13.1.2 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board 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. 13.0-9 through -11) 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 AS-13.1.2. 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.

10. Public Services and Utilities

- **Impact 14.1.5(AS)** Construction and operation of the Alta Sierra project would generate solid waste requiring collection and disposal.

Level of Significance Before Mitigation: Potentially Significant Impact

Mitigation Measure(s):

MM AS-14.1.5

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 not 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 AS-14.1.5 which has been required or incorporated into the Project will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board 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. 14.0-23 and -24) 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 per MM AS- 14.1.5, thus reducing this impact to a less than significant level.

11. Traffic and Transportation

- **Impact 15.1.2(AS)** Development of the Alta Sierra 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 AS-15.1.2a

No objects or vegetation along the project site’s frontage area along the north and south sides of Alta Sierra Drive shall exceed the maximum height of 18 inches to ensure a clear line of sight from the property driveway onto Alta Sierra Drive. The project’s landscape plan shall be reviewed by Nevada County Planning Department staff prior to approval of a building

permit to ensure the plan conforms to this restriction.

In addition, the project applicant shall perform brush clearing and trimming up or down of trees and shrubs and maintenance within this area to ensure a clear line of sight prior to project operation. The project applicant shall coordinate with the Nevada County Public Works Department regarding the extent of clearing and trimming necessary and shall obtain a standard encroachment permit from the County prior to initiating work within the public right-of-way.

MM AS-15.1.2b

STAA trucks shall be prohibited from accessing the project site and will be strictly enforced, unless Alta Sierra Drive is designated a STAA route.

MM AS-15.1.2c

To improve the operational safety of truck delivery and customer access to the site, the developer shall modify their north side curb by either shifting (flaring) it to the north or increasing the curb radius to improve truck turning so that an outbound truck can successfully turn onto Alta Sierra Drive without encroaching into the opposing lane. The developer shall submit final improvement plans to the Department of Public Works that reflect the revised design, subject to approval of the Department of Public Works, as a part of their encroachment permit review.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures AS-15.1.2a through AS-15.1.2c, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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. 15.0-11 and -12) notes “adequate stopping sight distance could be provided” at the Project driveway on Alta Sierra Drive; “however, it is necessary to restrict the height of objects in the area to ensure a clear line of sight.” The DEIR further notes “Alta Sierra Drive has not been determined to safely accommodate trucks depicted in the proposed plan for the Project” (STAA trucks). To offset these potential impacts, restrictions on the height of objects and vegetation along the Project site’s frontage area, requirements for regular brush clearing and trimming of trees along the frontage area, a prohibition of the use of STAA delivery trucks at the site, and modifications to the north side curb to improve operational safety of truck delivery were made part of the Project per MM AS-15.1.2a, AS-15.1.2b, and AS-15.1.2c, thus reducing this impact to a less than significant level.

- **Impact 15.1.5(AS)** Construction at the Alta Sierra 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 AS-15.1.5

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.

Implement mitigation measure **MM AS- 12.1.1**.

Resulting Level of Significance: Less than Significant Impact

Findings of Fact:

Finding: Implementation of Mitigation Measures AS-15.1.5 and AS-12.1.1, which have been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board 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. 15.0-37 and -38) notes that while construction traffic associated with the Project “would be short-term and the anticipated trips would not be of such a volume that they could affect intersection operations on local roadways, it could create a temporary inconvenience to the residents on Little Valley Road.” 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 AS- 15.1.5, thus reducing this impact to a less than significant level.

V. Findings and Recommendations Regarding Significant and Unavoidable Environmental Impacts and Mitigation Measures

A detailed analysis of the potential environmental impacts and the proposed mitigation measures for the Alta Sierra Dollar General Project is set forth in Chapters 4.0 through 15.0 of the DEIR, as incorporated into the FEIR. The Board 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; and (ii) specific economic, legal, social, technological, or other considerations make it infeasible to substantially lessen or avoid the remaining significant impacts, as further described in the Statement of Overriding Considerations below.

1. Aesthetics

- **Impact 4.1.1(AS)** Development of the Alta Sierra project site as proposed would convert commercially zoned vacant land to commercial development. Such a conversion would fundamentally alter the visual character of the site.

Level of Significance Before Mitigation: Significant Impact

Mitigation Measure(s):

MM AS-4.1.1a

The proposed building design shall be modified to better comply with the Western Nevada County Design Guidelines to create greater visual interest and to break up the mass of building and the roofline. Design modifications could include the incorporation of structural bays, roof overhangs, awnings, and other details along the buildings eastern and southern exterior walls as well as varying the roofline so that it transitions from the height of adjacent buildings to the maximum height of the proposed building and articulating the flat roofline with cornices. No windows shall be added to the buildings eastern or southern exterior walls.

MM AS-4.1.1b

The 17 existing mature trees on the project site and off-site improvement area that will be retained after construction shall be identified on all grading and improvement plans as “trees to be retained.” Prior to grading permit issuance, the Planning Department shall verify that this requirement has been met. Additionally, the developer shall flag the trees in the field that will be retained following construction and shall provide and maintain adequate protection measures for the trees for the duration of all site construction activities. These measures shall include providing highly visible protective barriers around the trees such plastic construction fencing and prohibiting vehicle access and storage of materials, equipment or waste within the protective barriers. The Building Department shall verify that the trees to be retained have been properly marked in the field and protected during the first grading inspection. Construction personnel shall be made aware of these protected trees and the significance of the field markings and protection measures by the general contractor prior to commencing construction activities to minimize potential direct and indirect impacts.

MM AS-4.1.1c

To minimize potential conflicts between the commercial use of this site and existing residential uses east of Little Valley Road, the developer shall revise project plans to either (1) add a third six foot tall split block face wall designed consistently with other existing walls in the area that will fill the gap shown on the preliminary plans or (2) connect the two proposed screen walls to completely screen the parking lot area. Prior to issuance of final occupancy, the Planning Department shall verify in the field that the wall has been constructed consistent with the approved plans.

MM AS-4.1.1d

The developer shall revise project plans and elevations to include the use of channel letter signage. Cabinet-style signage shall be prohibited. Prior to issuance of final occupancy, the Planning Department shall verify in the field that project signage is consistent with the approved plans.

Resulting Level of Significance: Significant and Unavoidable

Findings of Fact:

Finding: Implementation of Mitigation Measures AS-4.1.1a and AS-4.1.1b, which have been required or incorporated into the Project, will help to offset the aesthetic impacts at the Project site. However, even with these mitigation measures the proposed development will fundamentally alter the visual character of the site and views of the site from surrounding properties and is considered a significant and unavoidable impact. The Board of Supervisors hereby directs that Mitigation Measures AS-4.1.1a and AS-4.1.1b be adopted. The Board of Supervisors concludes that the Project's benefits outweigh the significant unavoidable impacts of the Project as set forth in the Statement of Overriding Considerations.

Explanation: The DEIR (p. 4.0-8 and -9) notes "development of the Alta Sierra site as proposed would substantially change the existing visual character of the site particularly when viewed from the residential area to the east. As shown in the visual simulations in Figures 4.0-2 through 4.0-5, the combined retaining wall and rear façade of the building would still result in a substantial degradation of public views from Little Valley Road." The DEIR further notes that the site is visually sensitive and that numerous public comments were received expressing concern for the potential effects of the project on views in the area. Further landscaping would not reduce impacts and no other mitigation measures are available.

- **Impact 4.4.1(AS)** The Alta Sierra project site is located in a largely developed rural commercial center surrounding by rural residential development and a highway. Cumulative development in the area would substantially alter the existing visual character of the area and generate substantial new light or glare.

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

Mitigation Measure(s):
None Available

Resulting Level of Significance: Cumulatively Considerable Impact/Significant Impact

Findings of Fact:

Finding: There are no feasible mitigation measures available to reduce this impact to a less than significant level and is considered a significant and unavoidable impact.

The Board of Supervisors conclude that the Project's benefits outweigh the significant unavoidable impacts of the Project as set forth in the Statement of Overriding Considerations.

Explanation: The DEIR (p. 4.0-51) notes that "development of the Alta Sierra project site would have a significant and unavoidable impact on the visual character and quality of the site and surrounding area. There are no mitigation measures available that could reduce this impact to a level of insignificance." Thus, the cumulative impact would also be considered cumulatively considerable and significance and unavoidable.

VI. Findings Regarding Project Alternatives

A. Basis for Alternatives Feasibility Analysis

The project would result in two significant and unavoidable impacts, both of which can be substantially lessened, though not avoided, through implementation of feasible mitigation measures adopted in connection with the Project. Those impacts are:

- 1. Impact 4.1.1(AS):** Development of the Alta Sierra project site as proposed would convert vacant land to commercial development. Such a conversion would fundamentally alter the visual character of the site.
- 2. Impact 4.4.1:** The Alta Sierra project site is located in a largely developed rural commercial center surrounded by rural residential development and a highway. Cumulative development in the area would substantially alter the existing visual character of the area and generate substantial new light or glare.

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 but the two impacts identified above for the Alta Sierra Dollar General have been mitigated to a level of less than significant. These two impacts, although substantially lessened through implementation of mitigation measures, remain significant and unavoidable.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the

specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects" (CEQA Guidelines Sections 15093, 15043, subd. (b); see also Public Resources Code Section 21081, subd. (b)). The California Supreme Court has stated, "[t]he wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576) Therefore, the Board of Supervisors, in considering the four alternatives identified in the DEIR and these findings, must consider whether any alternatives are environmentally superior with respect to those impacts, and then determine whether the alternatives are feasible. If the Board of Supervisors determines that no alternative is both feasible and environmentally superior with respect to the unavoidable significant impacts identified above, then the Board of Supervisors 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 the 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 store. 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 (36 vs. 46), which would reduce the amount of paved parking area required.

- **Alternative 3 – Off-Site Alternative.** CEQA Guidelines Section 15126.6(f)(2) addresses the evaluation of alternative locations for proposed project 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 (Guidelines Section 15162.6). The key question concerning the consideration of an alternative location to the proposed project 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

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>.

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 Board of Supervisors 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 Board of Supervisors recognizes that the project area is designated for commercial development and the project is an infill project located between two similarly sized developments in both acreage and built

environment. Any future commercial development that would occur on the project site would result in the removal of vegetation and would take a natural undeveloped parcel and add commercial structures, lighting, signage and associated improvement, resulting in a significant and unavoidable aesthetic impact that would alter the visual character of the site and surrounding area.

The Board of Supervisors 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, there are two impacts that cannot be mitigated to less than significant under the proposed Project. The Board of Supervisors finds that each of these two significant and unavoidable impacts may be reduced through mitigation but may still occur under each of the development alternatives evaluated.

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 Alta Sierra 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 Board of Supervisors 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 C1 zoning at the Alta Sierra site, the parcel size 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, bar, building supply sales and storage, car wash, 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.

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. Aesthetics impacts would depend on the type of use and building. It should be noted that C1 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 site's visual character.

Different land uses have different trip generation rates. Some uses could result in more trips than the proposed Alta Sierra 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 a septic system and connection to public water 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 significant and unavoidable aesthetic impacts, including the cumulatively considerable aesthetics impact, may or may not be reduced; however, any development of the site consistent with the existing zoning and site development standards will significantly alter its visual character and cumulatively impact the visual character of the neighborhood and is therefore unlikely to reduce significant and unavoidable impacts to a less than significant level. 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 Board of Supervisors 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.

Aesthetics impacts would depend on the height of the building. However, with a smaller footprint for the building itself, there would be more options for site planning that could allow the building to be situated closer to Alta Sierra Drive, which could require less grading and a smaller retaining wall along Little Valley Road. A smaller retaining wall, more room for landscaping, and a greater setback from the roadway could substantially reduce the visibility of the project from Little Valley Road. Even with a reduction in building size, there would be a permanent change in the visual character of the site and

vicinity, but it may be substantially reduced under this alternative. However, any development of this site consistent with the existing zoning and site development standards will significantly alter the visual character of the site and the surrounding neighborhood. The impacts of a reduced project may reduce the impacts on visual resources, but individually and cumulatively, but not to a less than significant level.

Construction-related impacts, such as construction vehicle and equipment emissions and construction noise, would be less than with the proposed project because the area of construction would be smaller and the timeline for construction could likely be reduced.

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>.

With a smaller retaining wall and a greater setback, there would be less cut and fill, and potential construction-related erosion impacts could be reduced.

Impacts on biological resources and cultural resources would be less than with the proposed project because it is assumed there would be less ground disturbance needed to accommodate the building and associated improvements, such as parking. However, tree removal would still be required.

Hydrology and water quality (drainage) impacts would be reduced compared to the proposed project because there would be less impervious surface generating stormwater runoff. Potable water demand and demand for fire suppression water may be less for the Reduced Project Alternative.

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.

Septic system improvements, and associated environmental impacts, would be similar to the proposed project. The traffic hazards and emergency access impact identified for the proposed project (Impact 15.1.2[AS]) 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 Alta Sierra Drive. The Reduced Project Alternative would also result in the need for a construction traffic control plan.

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 cumulatively considerable impacts to less than significant and does not satisfy the Project

Objectives to the same degree as the proposed Project, the Board of Supervisors rejects Alternative 2 as undesirable, infeasible, and inconsistent with the overall Project Objectives.

Alternative 3 (Off Site Alternatives)

The EIR evaluated five off-site locations for the Project (see DEIR **Figure 16.0-1**). The key environmental conditions and impact considerations for the off-site locations are summarized in DEIR Table 16.0-1. DEIR Figure 16.0-1 shows the location of the five alternative sites considered for the Project. Because the only significant and unavoidable impacts identified for the Project are related to aesthetics, the DEIR discussed the extent to which the alternative sites would reduce visual impacts as well as where other effects may differ substantially from the Project.

Alta Sierra Site 1, located at 15156 State Route 49, is an approximately 1-acre parcel west of the intersection of SR 49 and Little Valley Road. Development of the building as proposed for Alta Sierra may be visible from residences located east of SR 49, but given the site's flat topography, the scale of the building from these residences would be substantially less than at the proposed site. However, as discussed in Section 4.0, Aesthetics, SR 49 is identified in the Nevada County General Plan as a scenic route and is eligible for designation by Caltrans as a State Scenic Highway through the entire county. A large-scale commercial building with illuminated signage and other operational lighting could result in a substantial change on this portion of the scenic route. Consequently, the impacts on visual resources, though different from those of the proposed project, would also be significant.

Given the site's location on SR 49, access to Alta Sierra Site 1 would require changes to the local circulation to accommodate ingress and egress from northbound vehicles. Changes to the circulation on SR 49 would require approval from the California Department of Transportation (Caltrans). Other impacts associated with development of this site would be similar to the proposed project, though fewer trees would be removed, so potential biological effects would be reduced. However, for the reasons noted above, development of the project on this site would result in similar impacts than the proposed project.

Alta Sierra Sites 2 and 3 are not within line of sight of residential areas due to existing vegetation; thus, these alternative sites could avoid the significant and unavoidable aesthetics impact of the proposed project. Alta Sierra Site 2 is closer to SR 49, but there is adequate room on the site to position the building so it is not as close to SR 49 as Site 1, and it would not substantially affect views on State Route 49. Sites 2 and 3 would require tree removal, but less than required for the proposed project, and would also require less grading. Operational impacts would be the same as with the project, though to the extent that trips to the site are not pass-by trips, the traffic could increase along the residential roads and result in a corresponding increase in traffic noise in those areas. However, it is not anticipated that the traffic noise would exceed standards. Given the width of Little Valley Road, access to these sites would require improvements along Little Valley Road to ensure safe customer and delivery access.

Alta Sierra Site 4 is located between Johnson Place and Little Valley Road. It is assumed that access would be via Little Valley Road. Like the project site, extensive tree removal would be required on Site 4 and mitigation would be similar to the project. Because of the site's size, it is assumed the building could be set back farther from Little Valley Road and

the reduced slope of the site at Little Valley Road could reduce the amount of grading required, compared to the proposed project. Therefore, the impact of views of the building (and retaining wall) from Little Valley Road would be reduced compared to the project and would likely be eliminated. Like Sites 2 and 3, operational impacts would be the same as those of the project, though traffic and associated noise could increase along Little Valley Road. Similarly, it is not anticipated that the traffic noise would exceed standards. Access at Site 4 would also require improvements along Little Valley Road to ensure safe customer and delivery access.

Alta Sierra Site 5 is located on Alta Sierra Drive west of the project site. Development on this site would require less tree removal and less grading than the proposed project site. This site is not within the viewshed of residential areas and would therefore not result in the significant visual impact identified for the project. Although it is closer to SR 49, the site is in a developed commercial area so it would not result in a substantial change in the visual character of a highway. Access to the site would be along Alta Sierra Drive, which would provide good visibility from the west, but there would be limited visibility from the east, which could affect westbound ingress and egress. Operational impacts would be similar to the project, though development on this site would not require construction of a sound wall as the proposed project would.

In summary, Alta Sierra Site 1 and Site 4 would not reduce the significant and unavoidable aesthetics impact identified for the project. Development on Alta Sierra Sites 2, 3, and 5 would reduce, and may avoid, the significant and unavoidable aesthetics impact identified for the Project but would still substantially alter the existing visual character of the area and generate substantial new light or glare. 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 Board of Supervisors therefore rejects Alternative 3 as undesirable and infeasible.

VII. Statement of Overriding Considerations

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this Board of Supervisors adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the Project, as discussed above, and the anticipated economic, legal, social and other benefits of the Project.

The approval by the Nevada County Board of Supervisors of the Alta Sierra Dollar General Project (“Project”), will result in significant adverse environmental effects which cannot be mitigated or avoided notwithstanding the Board has adopted all feasible mitigation measures. Indeed, most of the environmental impacts resulting from the Project taken alone have been mitigated to a level of less than significant. Despite the ultimate occurrence of these expected effects, the Board, in accordance with *Public Resources Code* Section 21081(b) and *CEQA Guidelines* Section 15093, has balanced the benefits of the proposed Project against the unavoidable adverse impacts associated with the proposed Project and has adopted all

feasible mitigation measures. The Board has also (i) independently reviewed the information in the DEIR and the record of proceedings; (ii) made a reasonable and good faith effort to eliminate or substantially lessen the impacts resulting from the Project to the extent feasible by adopting the mitigation measures as identified in the EIR; and (iii) balanced the Project's benefits against the Project's significant unavoidable impacts. The Board has also examined alternatives to the proposed Project, and has determined that adoption and implementation of the proposed Project is the most desirable, feasible, and appropriate action. The Board has chosen to approve the Project EIR because in its judgement, it finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the Project's significant effects on the environment. Substantial evidence supports the various benefits and can be found at a minimum in the preceding CEQA findings, which are incorporated by reference into this Statement, the FEIR, and the documents which make up the record of proceedings.

A. Significant and Unavoidable Impacts

Based on the information and analysis set forth in the DEIR and the record of proceedings, construction of the proposed Project would result in the following significant unavoidable impacts even with the implementation of all feasible mitigation measures:

1. **Impact 4.1.1(AS):** Development of the Alta Sierra project site as proposed would convert vacant land to commercial development. Such a conversion would fundamentally alter the visual character of the site.
2. **Impact 4.4.1(AS):** The Alta Sierra project site is located in a largely developed rural commercial center surrounded by rural residential development and a highway. Cumulative development in the area would substantially alter the existing visual character of the area and generate substantial new light or glare.

B. Overriding Considerations

C.

The following statement of considerations identifies why, in the Board of Supervisors' judgement, the Project and its benefits to Nevada County outweigh its unavoidable significant project specific and cumulative environmental impacts. The Board of Supervisors has determined that any one of these considerations override, on balance, the significant negative environmental impacts of the Project. The substantial evidence supporting these various considerations is found in the following findings based on the EIR and/or the contents of the record of proceedings for the Project:

1. The Project will create economic benefits to Nevada County.
 - a. The Project will create between 6 and 10 new permanent jobs in the County (DEIR, p. 17.0-2).
 - b. The sale of the property will increase its value thus increasing property tax revenue collected by the County.
 - c. As a retail use, the Project will generate sales tax revenue collected by the County and could capture sales revenue dollars that are currently spent out of the County.
 - d. The Project will result in the productive use of currently vacant land thereby contributing to the economic vitality of the County.

- e. By improving the site with a quality retail building, the Project will revitalize an aging business center and attract additional businesses to the area thus having a multiplying effect on the local economy.
2. The project has the potential to reduce Vehicle Miles Traveled (VMT) by providing a variety of retail goods that are not otherwise available in the Alta Sierra project area, which without the Project would require travel to regional commercial centers such as Grass Valley or Auburn for those items.
 - a. The project has the potential to reduce greenhouse gas emissions and regional air quality impacts as a result of the potential for a reduction in VMT to accommodate basic household shopping needs of the residential of the Alta Sierra project area.
 3. The Project is consistent with and promotes the Land Use Policies defined in Nevada County's General Plan.
 - a. The Project is consistent with all relevant goals and policies of the General Plan (DEIR, Impact 12.1.2(AS), p. 12.0-7 through- 9).