

# **ALTA SIERRA DOLLAR GENERAL STORE PROJECT**

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## **OAK RESOURCES MANAGEMENT PLAN (AMENDED 3/26/15)**

### **INTRODUCTION**

This Management Plan contains recommendations for compensating for impacts to oak resources within three small parcels that will result from the proposed Dollar General Store commercial development. The project area can be reached from Highway 49 at the entrance to the Alta Sierra community in the southwestern region of Nevada County.

This analysis of impacts and recommendations for mitigation is based on the Tentative Parcel Map prepared by Andregg Geomatics dated June 2014. This report fulfills the requirements of the policies and ordinances for biological resource protection contained in the Nevada County ordinances (Nevada County 2000) and the Nevada County General Plan (Nevada County 2014).

This Management Plan is consistent with oak mitigation recommendations in the CEQA - Public Resources Code Section 21083.4: Oak Woodland Mitigation. Counties are required to determine if a project could result in significant conversion of oak woodlands. In brief, mitigation options for this project include, but are not limited to:

1. Conserving oaks through conservation easements,
2. Planting and maintaining an appropriate number of trees (either on-site or by restoring former oak woodlands), with tree planting limited to half the mitigation requirement, and/or
3. Contributing funds to the Bear Yuba Land Trust for the purpose of black oak woodlands habitat restoration.

This management plan describes the three small parcels that will be included in the proposed project's design. The store and parking will be constructed on the south parcel, as well as the septic tanks and effluent treatment system. The middle parcel, already developed, will require only that a trench be dug for the effluent pipeline along the eastern boundary, and this pipeline will not interfere with the existing MUSDA located on this parcel. The third, northern parcel will contain the leach field along its eastern portion. In sum, the effluent will be treated at the store site, then the treated effluent water will be pumped across the adjacent parcel to the north, and from there flow to the leach field on the north parcel.

Dan Biswas, Vice President of Development for the Dollar General Store, advises that the project has been redesigned at the request of Nevada County Planning so that the design will adhere to the requirements of Nevada County Land Use and Development Code Section L-II 4.2.10 Permanent Open Space/Maximum Impervious Surface. This section requires that development of parcels greater than one acre must include protection of 15% of the property, not including landscaped areas, as Open Space. This redesign will permit protection of the same

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percentage of Oak Grove/Landmarks Oaks on site. Mitigation for the lost functions and values of oak trees to be removed on the three parcels is discussed later in this report.

## **Project Description**

The project includes the site development and construction for a 9,100 square footage Dollar General retail store. There are three parcels associated with the proposed retail store construction and they adjoin each other in a north to south orientation. The northern most parcel, APN 25-430-12, is a ±1.75 acre site where the leach field and the repair site will be constructed, comprising an approximately 60 x 130 feet area located near the eastern portion of the parcel. The mid-parcel, APN 25-430-10, is a ±1.0 acre site that will contain the 2- inch pipeline for the transport of effluent treated on the southern store parcel and will run along the eastern boundary adjacent to Little Valley Road. The store parcel, APN 25-430-08, also a ±1.0 acre site, will hold the effluent treatment plant for the project, and the effluent water will be pumped across the adjacent mid-parcel, already commercially developed land, to the northern most site. Impacts to the protected oak resources will be discussed under mitigation.

## **Dollar Store Retail Information**

The project includes the site development and construction for a 9,100 sf Dollar General retail location for Dollar General Corporation, a discount retailer that engages in the provision of various merchandise products in the United States. The company offers various consumable products, including paper and cleaning products such as paper towels, bath tissue, paper dinnerware, trash and storage bags, laundry, and other home cleaning supplies; packaged food, comprising cereals, canned soups and vegetables, condiments, spices, sugar, and flour; perishables consisting of milk, eggs, bread, frozen meals, beer, and wine; snacks that include candies, cookies, crackers, salty snacks, and carbonated beverages; over-the-counter medicines and personal care products, such as soap, body wash, shampoo, dental hygiene and foot care products; and pet supplies and pet food products. It also provides seasonal products, including decorations, toys, batteries, small electronics, greeting cards, stationery, prepaid phones and accessories, gardening supplies, hardware, automotive, and home office supplies; and home products comprising kitchen supplies, cookware, small appliances, light bulbs, storage containers, frames, candles, craft supplies and kitchen, bed, and bath soft goods. In addition, the company offers casual everyday apparel for infants, toddlers, girls, boys, women, and men, as well as socks, underwear, disposable diapers, shoes, and accessories. As of May 2, 2013, it operated 10,662 stores in 40 states. The company was formerly known as J.L. Turner & Son, Inc. and changed its name to Dollar General Corporation in 1968. Dollar General Corporation was founded in 1939 and is based in Goodlettsville, Tennessee.

## **Project Location**

The proposed project site is located in the western Sierra Nevada foothills between Alta Sierra Drive and Little Valley Road, in the community of Alta Sierra. The planned store site and leach field sites are currently undeveloped parcels and are covered entirely with Montane Hardwood-Conifer forest. The store site is situated on a hillside that generally slopes to the

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south. Elevations range from approximately 1,994 feet in the north to 1,964 feet near the southeastern and southwestern property corners. Steep-cut slopes occur along the western, southern, and eastern property boundaries. The study area is surrounded by existing development. Adjacent land uses include commercial businesses to the north and south, an undeveloped parcel to the west, and residential homes situated in forested areas to the east.

## **METHODS**

The Nevada County Code states that diameter at “breast height” (DBH) is 54-inches (4.5 feet) above the ground. This standard is consistent with the International Society of Arboriculture (ISA) guidelines. The DBH data reported here was collected by Andregg Geometrics in June 2014 and did not include evaluation of the health of the trees on site. The additional surveys for the health of the trees were accomplished by Costella Environmental Consulting. Appendix A contains the data collected for the tree evaluation.

All trees within the survey areas were evaluated for the following:

- Measured to determine DBH
- Individually numbered with oblong or round aluminum tags
- Evaluated for health rating
- Measured to determine approximate canopy radius

Inventoried Landmark Oak trees were assigned a health rating of 1 to 5, with 1 being poor and 5 being excellent. The health ratings were based on the following standards:

- 1: These trees have a major defect and are considered a potential hazard. The defect is typically extensive decay located within the trunk.
- 2: These are generally sound trees but often have prominent leans, trunk elongation, or general branching defects. Other potential health detractors include excessive dead wood from competition with other trees and mistletoe/ivy overgrowth.
- 3: These are average trees, generally in good health and without prominent defects in branching pattern and/or overall structure. These trees also have adequate growing room and are not overgrown with mistletoe.
- 4: These trees are above average, with good branch form. They are not overcrowded or light-starved and have plenty of room to grow; they often look much like a “3” tree except they are better established in the tree stand.
- 5: These trees are considered excellent in all aspects: form, branching, and structure, although within the study area none of the trees were given this designation, usually due to canopy crowding.

## **EXISTING CONDITIONS**

The project site's oak tree population is dominated by black oaks (*Quercus kelloggii*). The other prominent tree species is Ponderosa pine, and mitigation is not required for this coniferous species. The understory on the store site, located in the south of the three parcels, has been brush-cleared at an earlier time and is comprised primarily of poison oak and annual

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grasses. The oak woodlands on this site is considered a Landmark Oak Grove with canopy coverage equal to or greater than 33 percent, and there are 3- Landmark Oaks found within its boundaries.

Only a small area, roughly 15 x 60 feet, will be utilized on the mid-parcel and as noted, this area has already been commercially developed. There are 9 black oaks on this site that will be impacted indirectly by the trench construction.

The northern most parcel has not been brush-cleared, with the understory composed mostly of Himalayan blackberry (*Rubus armenicus*), an invasive plant that for many years was misidentified as *Rubus discolor*. This species initially colonizes disturbed areas, and if not controlled, will dominate lands. It is a highly competitive plant, and its thickets produce such a dense canopy that the lack of light severely limits the growth of native plant species. For this reason, the understory species diversity on this parcel is lacking, but still, the dominant trees are black oak and Ponderosa pine.

## **RESULTS**

Canopy cover for the LMO Grove within the proposed store parcel accounts for approximately 74 oak trees; 71 are black oaks and 3 are small valley oaks; a total of 85 oak trees will be impacted on the three mentioned parcels. Total diameter at breast height (DBH) for the 85 trees is  $\pm 1,100$  inches; the trees to be protected within the open space account for 192 inches at DBH. There are 4 Landmark Oaks on the three parcels, all Black Oaks, including three on the store parcel and one on the leach field parcel. On the mid-parcel there are six black oak trees that potentially could be impacted by the trenching activity. The tree inventory, Appendix A, shows the size and health of the trees on site. All impacts to the oak trees, whether temporary or permanent, will be mitigated for; specific mitigation measures are discussed later in this report.

## **OAK MANAGEMENT PLAN**

### **ENCROACHMENT WITHIN LANDMARK OAK TREES AND OAK GROVES**

This impact assessment is based on the review of the Andregg Geomatics Land Survey Map dated June 2014, the original Costella Environmental Consulting site visit in October 2014, and subsequent site visits in November 2014. A comprehensive tree inventory is included as Appendix A.

#### Definition of Indirect Impacts

Indirect impacts are those impacts to native oaks and associated resources through the on-going disturbance that results from human occupancy and use of oak woodlands. Examples

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include landscaping, fire clearing around structures, hiking trails, bike paths and disturbance to wildlife from people, pets and automobiles.

## Definition of Direct Impacts

Direct impacts are those impacts to oak trees and woodland resulting from tree and land clearing associated with land development projects. Examples include grading, clearing, or otherwise modifying land for roads, driveways, building pads, landscaping, utility easements, fire-safe clearance and other development activities. Any project that creates a significant direct impact is deemed to also create a significant indirect impact.

## Open Space Land

Any parcel or area of land or water which is essentially unimproved and devoted to an open space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health safety.

## **Direct and Indirect Impacts to Landmark Oaks, Landmark Oak Groves, and Individual Oaks**

### Parcel #1 APN 25-430-08

The construction of the Dollar General Store and associated infrastructures will result in removal of a Landmark Oak Grove and three individual Landmark Oak trees. **Total impact area: ± 1.0 acre;** most of the black oaks on the site will be removed.

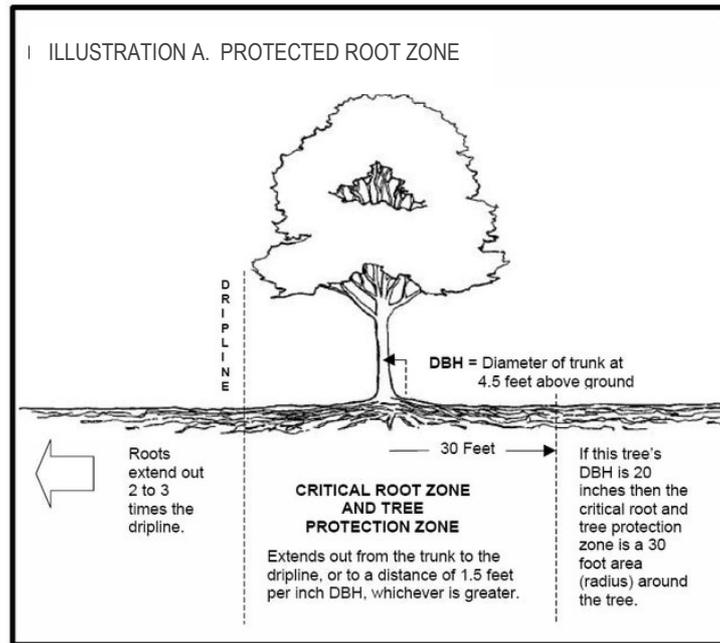
### Parcel #2 APN 25-430-10

The trenching for a 2 inch pipeline will result in indirect impacts to the "protected root zone" (refer to Illustration A, below) of nine individual oaks along the eastern boundary of this parcel. It should be noted that three of these oaks show substantial basal decay and could be considered a safety hazard since these trees grow along the edge of Little Valley Road. **Total impact area:** 154 ft x 15 ft = 2,310 sq. ft. = **0.05 acres;** the critical root zone of 9- black oak trees may be impacted by trenching.

### Parcel #3 APN 25-430-12

The leach field will be constructed along the eastern portion of the property and within the dripline or protected root zone of three black oaks, one of which is a LMO. The impacts to these oaks are considered direct, since the moisture level of soils will increase during the dry season, typically May through October. It can be anticipated that over time, the oaks will decline and probably will require removal at some later date. **Total impact area:** 170 ft. x 70 = 21,900 = 0.27 acres + an additional 0.13 for 8- black oak trees adjoining the leach field and/or pipeline site = **0.35 acres.**

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## MITIGATION FOR INDIRECT IMPACTS TO OAKS AND OPEN SPACE LAND

As a general rule, the existing ground surface within 6 feet of the drip line of any oak tree and within 10 feet of the drip line of any Landmark Oak tree to be preserved shall not be cut, filled, compacted or parged. Excavation adjacent to any oak tree shall not be permitted where, in the judgment of a qualified biologist or arborist, damage to the root system will result. Exceptions may be approved by Nevada County Planning based on consultation with a qualified professional resulting in reasonable assurance that the tree will not be destroyed. Anticipated exceptions include making allowances to construct planned public improvements such as roads and sidewalks when it is not feasible to design the public improvements in a manner that will avoid encroachment into the drip line.

## MITIGATION MEASURES FOR DIRECT IMPACTS

**Any one or a combination of the following mitigation measures may be used on the project site or off-site to mitigate the direct impacts on oak resources. Options include, but are not limited to:**

### 1. **CONSERVING OAKS THROUGH CONSERVATION EASEMENTS**

*Protect existing native oak trees on or off the project site from future development through a conservation easement or fee title dedication to a land conservation group approved by the County and the Department of Fish and Wildlife. If the conservation easement or land dedication does not reduce the oak woodland impact to less than significant, additional mitigation measures are required. Oak woodland offered as mitigation must be configured in*

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*such a manner as to best preserve the integrity of the oak ecosystem and minimize the ratio of edge to area. Priority should be given to conserving oak habitat adjacent to existing woodlands under conservation easements, public lands or open space lands. Land proposed as mitigation, when viewed with adjacent existing conservation land, should not result in conserved parcels of less than one acre.*

## **2. CONTRIBUTE FUNDS TO BEAR YUBA LAND TRUST FOR HABITAT RESTORATION**

*Contribute a fee to the Bear Yuba Land Trust or other established mitigation fund for preserving oak woodlands by using the following Formula: Fee = 1.0 x acres of impacted oak woodland x current land value. All contributions to the state Oak Woodlands Conservation Fund or other mitigation fund shall specify that these moneys will be used to purchase mitigation oak woodlands in the County. An administration fee equal to five percent of the mitigation fee shall also be required to cover the County's costs associated with this option. For land division projects, the in-lieu fee may be prorated among the parcels created and collected at the time of issuance of the first building permit on each parcel. This alternative is subject to approval by the County and Department of Fish and Wildlife.*

## **3. PLANTING AND MAINTAINING AN APPROPRIATE NUMBER OF TREES (EITHER ON-SITE OR BY RESTORING FORMER OAK WOODLANDS); TREE PLANTING LIMITED TO HALF THE MITIGATION REQUIREMENT**

*Planting Replacement Trees: the planting of oaks shall not fulfill more than 50 percent of the mitigation requirement for the project. Plant and maintain on or off the project site replacement trees on land conserved through a conservation easement or fee title dedication to a land conservation group approved by the County and Department of Fish and Wildlife. All planted replacement trees must be grown in deep five-gallon containers and the trees shall not have been in the containers for more than two years. Planted trees must be spaced such that they do not compete with one another and they do not compete with established vegetation. This option will require a Tree Planting and Maintenance Plan showing species, size, spacing and location of plantings and the location and species of established vegetation. The plan will be subject to approval by the County and Department of Fish and Wildlife.*

*Tree planting may be used to restore former oak woodland at a ratio of one acre of oak woodland for every one acre of impacted woodland on the project site. Restoration only applies to lands that should naturally support oak habitat but due to human intervention currently do not support oak woodlands. Restoration should result in species composition and density similar to the project site and appropriate to the restoration site.*

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## SAFEGUARDING TREES DURING CONSTRUCTION

For oak trees to be preserved on any of the three parcels, some indirect impacts are unavoidable, but measures will be taken to prevent impacts to retained trees and trees to remain as an Open Space, during and after the construction activities, including, but not limited to, the following activities: **changes in grade, mechanical damage, and root undercutting.**

- ✓ **Plans and specifications** should clearly state protection procedures for oaks on the project site. The specifications should also require contractors to stay within designated work areas and should include a provision for penalties if oaks trees are damaged.
- ✓ **Protective Fencing** not less than four feet in height shall be placed at the limits of the root protective zone of any individual oak tree or stand, 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 the site, and shall remain in place until construction is completed.
- ✓ **Damage to Oak Trees** during construction shall be immediately reported to the Nevada County Planning. The contractor shall be responsible for correcting any damage to oak trees on the property in a manner specified by a qualified professional.
- ✓ **Equipment Damage** to limbs, trunks, and roots of all remaining trees shall be avoided during project construction and development. Even slight trunk injuries can result in susceptibility to long-term pathogenic maladies.
- ✓ **Grading Restrictions near Protected Root Zones** Care must be taken to limit grade changes near the protected root zone of an oak tree. 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.
- ✓ **The Root Protective Zones** Grade shall not be lowered or raised around the trunks (i.e., within the protective zone) of any oak tree. 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.
- ✓ **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.
- ✓ **Equipment Storage** No storage of equipment, supplies, vehicles, or debris shall be permitted within the protective zone of an oak tree.

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- ✓ **No dumping** of construction wastewater, paint, stucco, concrete, or any other clean-up waste shall occur within the protective zone of an oak tree.
- ✓ **No temporary structures** shall be placed within the protective zone of any remaining oak tree.
- ✓ **Necessary drains** shall be installed according to county specifications so as to avoid harm to the oak trees due to excess watering.
- ✓ **Wires, signs, and other similar items** shall not be attached to the oak trees.

### **Pipe Line and Leach Field Construction Monitoring**

- ✓ Prior to initiation of construction activities, a qualified professional shall schedule a field meeting to inform the personnel involved in construction where all protective zones are located and the importance of avoiding encroachment within the protective zones.
- ✓ A qualified professional shall periodically monitor on-site construction and grading activities occurring near all identified oak tree protection zones to ensure that damage to oak trees does not occur.

### **MITIGATION FOR THE LANDMARK OAK GROVE, FOUR LANDMARK OAKS, AND INDIVIDUAL OAKS**

As noted, the proposed project will require removal of a Landmark Oak Grove and three individual Landmark Oak trees on the north parcel, as well as construction within the dripline or protected root zone of three black oaks, one of which is an LMO, for the leach field on this parcel. All these trees are black oaks that will be directly impacted by the proposed construction.

The project has been re-designed to protect an "Open Space" area comprising greater than 15% of the parcel where the store is located. This will entail protecting 22 black oak trees and 3 conifer trees. These trees are located along the boundaries of the east, west, and south portions of the site for a total of greater than 15% in undisturbed area. A table including details on these saved trees is included with Appendix A.

The following summarizes a black oak habitat restoration project from Bear Yuba Land Trust (BYLT) to mitigate for the lost functions and values of the 1.4 acres of oak woodlands, including 62 black oak trees, that will be impacted by the development of the store, parking area, and associated facilities. The detailed BYLT project plan with site and vicinity maps is attached to this Management Plan as **Appendix B**.

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The proposed mitigation site is a ±35 acre black oak and Ponderosa pine woodlands with intact riparian corridor (South Wolf Creek), known as the Clover Valley Parcels (Bach CV). This is a newly acquired preserve that was transferred to BYLT in fee title but without endowment, so without funding for site restoration, planting, monitoring and management to restore and protect its black oak resources. The site is located approximately 2-3 miles from the Alta Sierra proposed store site. The project proponent and BYLT believe this property is well suited for the requisite mitigation because of the existing oak trees and habitat, its proximity to the project site, its size, and the fact that it is developable and surrounded by development, as is the project site.

The proposal to use the Bach CV site for mitigation is based on a site visit and initial survey of the oaks currently on the site to determine its potential as suitable habitat for this project. The survey results demonstrated definitively that this BYLT habitat restoration project is appropriate to serve as a mitigation site for this project. Additionally, BYLT's field biologists have prepared a restoration project plan that will provide a firm budget for these mitigation efforts; see **Appendix B. number.**

As stated in the project plan, "the purpose of this restoration project is to create a healthy ecosystem along South Wolf Creek that includes planting black oak trees, reducing the fuel load and opening the understory to allow sunlight on the seedlings, and to remove invasive noxious plants that pose competition for the seedlings." The project will incorporate mitigation efforts to off-set the lost functions and values of the 62 oak trees impacted at the Alta Sierra store site by determining, restoring, planting and monitoring appropriate planting areas on the 35 acre Clover (Bach) Valley Preserve. Many factors will affect the location of the planting areas of black oak seedlings. The BLYT plan provides that "It is very likely that the project areas will be spread out throughout the 35 acres. The hope is not to create a black oak plantation, but to create a naturally functioning ecosystem that supports native plants and wildlife. At this time an exact determination of the number of oaks needed to plant for a successful restoration project is not known. It is estimated we will plant approximately 220-250 seedlings" (Black Oak Restoration Project Clover Valley Preserve, March 2015).

BYLT is as yet unable to quantify the exact number of trees to result from the mitigation effort because they will count trees as well as acres, then ask their biologists to weigh in on recommended mitigation and planting requirements. BYLT has based its budget on restoration, planting and management needs, not property value. The projected project budget is \$42,900, as detailed in the Project Plan, which will be paid in full by SimonCre.

BYLT was founded over 25 years ago as a land conservation organization that saves land, builds trails, and provides nature programming. BYLT's charter as a land conservation organization requires them to manage the land consistent with a conservation easement. They are not proposing to have an additional conservation easement on the fee title ownership, rather, they would have a clause inserted in their contractual agreement with the project proponent and permitting agency(s) to trigger attachment of a conservation easement on the property if BYLT should ever transfer the property to non-land trust ownership.