



**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

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November 2, 2017

**TO:** Planning Commission

**FROM:** Tyler Barrington, Principal Planner TB 11-2-17

**HEARING DATE:** November 9, 2017

**SUBJECT: Project Denial Findings for DP14-001 and MGT14-010: Alta Sierra Dollar General**

Dear Commissioners,

Below are the recommended actions and findings for the denial of the Oak Tree Management Plan (MGT14-010) and Development Permit (DP14-001) based on your October 26, 2017 Motion of Intent to deny the proposed Dollar General Retail Store on the Alta Sierra location; 10166 Alta Sierra Drive, APN 25-430-08.

**Actions Based on October 26, 2017 Motion of Intent:**

- II. Deny Management Plan (MGT14-010) proposed to allow for the disturbance of a 1.40-acre landmark oak grove and 4 landmark oak trees to support the development of a 9,100 square foot retail facility making findings A and B:
  - A. That the issuance of this Management Plan is inconsistent with the provisions of Section L-II 4.3. Resource Standards and L-II 4.3.15 Trees of the Nevada County Land Use and Development Code because the Management Plan does not provide adequate methods to avoid the resource and does not clearly minimize the project impacts to the sites landmark oak trees and grove; and
  - B. That the Management Plan is unnecessary due to the denial of the project Development Permit (DP14-001).
- III. Deny Development Permit (DP14-001) proposing the construction of a 9,100 square foot building and associated parking and infrastructure improvements as the project's size, scale and massing is incompatible Little Valley Road rural residential neighborhood and the project is found to be inconsistent with central themes, goals and policies of the

Nevada County General Plan that are intended to protect the rural character of existing neighborhoods based on the following findings A through I:

- A. That the proposed Development Permit (DP14-001) requesting entitlements to construct a 9,100 square foot retail store with a maximum height of 26-feet, 34 parking spaces, two large retaining walls up to 12-feet tall, parking lot and wall mounted lighting, grading, landscaping, and drainage improvements is inconsistent with Nevada County General Plan Central Theme of fostering a rural quality of life, by introducing a significant amount of light and glare and an urban development within an area designated as a "Rural Center" by the General Plan;
- B. The proposed Development Permit, as described above, is inconsistent with the Supportive Themes of the General Plan, which provide for minimizing conflicts due to incompatible uses. This finding is supported by the impact analysis 4.1.3 of the Project EIR (EIR15-001) which found that this project will have a significant and unavoidable visual impact and would substantially degrade the visual character of the site and surrounding area even after the application of mitigation measures intended to reduce the aesthetic impact of the proposed project;
- C. That the site is not physically suitable for the size, mass and scale of the proposed retail commercial development because the development would cause land use compatibility issues related specifically to visual resources which cannot be avoided through appropriate site planning or without a significant reduction in the height and square footage of the proposed development for which the applicant is not amenable. Existing residential units are within close proximity to the project site that could experience interruption to enjoyment of their residential property by the induction of a commercial use of a significant size;
- D. That the proposed use and facilities are not compatible with, and could be detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area due to its overall size, scale and mass;
- E. That this development permit, proposing a 9,100 square foot commercial building with associated improvements does not fit on project site due to the overall size and mass of the development because the building will require significant grading estimated at 4,776 cubic yards of soil needed to be exported from the site creating the need for large retaining walls, particularly in the southeastern corner, where the predominate building wall will be 18-feet-tall and sit on top of a 12-foot-tall retaining wall. In designing the site, the applicant failed to utilize the sites topography to accommodate necessary grades, such as providing a step foundation or stepped retaining walls.
- F. That the proposed development will result in significant and unavoidable aesthetic impacts as a result of the overall size, mass and scale of the building partly because the proposed structure is orientated to the north, which exposes the developed site to residences to the northeast. On March 11, 2015, the Nevada

County Zoning Administrator requested that the applicant redesign the project site plan to remove the secondary access to Little Valley Road and re-orientate the building to the west. The applicant removed the secondary access, but did not re-orientate the front of the building to the west citing that they could not do so because the project would not be able to meet truck turning radii and parking lot circulation standards if the building were re-orientated;

- G. That the proposed project requires an approximately 26% reduction in parking from 46 stalls required to 34 stalls provided as a result of the limited size of the site and the overall size of the proposed building at 9,100 square feet. The applicant has been unwilling to provide a smaller building with a smaller footprint stating that the 9,100 square foot model is the only prototype for a rural area;
- H. That the proposed project is over developed on the project site and therefore the project cannot accommodate its own onsite infrastructure requiring an offsite septic system two parcels removed to the north because the overall building footprint, storm drainage facilities and parking areas dominate the 1.02-acre site making an onsite septic system infeasible as designed; and
- I. That the Planning Commission recognizes that although some economic, legal, social, technological, or other benefits of the project exists, after balancing against the unavoidable environment impacts, determines that the unavoidable adverse environmental effects outweigh those benefits because the overall size, mass and scale of the proposed development is not designed to fit on the site and would be incompatible with, and could be detrimental to, existing and anticipated future uses on-site, on abutting property and in the nearby surrounding neighborhood or area.