



Community Development Agency
Planning Department

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TO: Nevada County Planning Commission

FROM: David Nicholas, Associate Planner
Nevada County Planning Department

DATE: April 24, 2025

RE: CEQA Determination for a Development Agreement request by The Shad Skikos Trust: Pursuant to Section 15162 of the California Environmental Quality Act (CEQA) Guidelines, the County of Nevada has determined that no further environmental review is required for the approval of the Development Agreement (PLN24-0199; MIS24-0015) in order to extend The South Woodlands Vesting Tentative Final Map approval for a period not to exceed 3 years with the potential for two 3-year extensions, which would otherwise expire on September 10, 2026 because the project is exactly the same approved in 2016 and does not result in new impacts that were not adequately reviewed within the original project Mitigated Negative Declaration (EIS14-010).

Location: Phase I and II of the South Woodlands Final Map Subdivision project is located off the north side of Greenhorn Road and east of the Nevada County Airport, within unincorporated Western Nevada County. The project addresses are 13955 Toby Trail, Grass Valley, CA 95945; 14473 Lava Cap Mine Road, Nevada City, CA 95959; and 15648 Greenhorn Road, Grass Valley, CA 95945.

Assessor's Parcel No(s): 039-170-091, 039-160-014, and 039-170-010

Background:

At the regular meeting of March 10, 2016, the Nevada County Planning Commission approved the Mitigated Negative Declaration (EIS14-010) and the South Woodlands Vesting Tentative Final Map and Management Plans, to subdivide 152.52 acres into 30 residential lots to be recorded in two phases. The project entrance is located approximately three miles east of the Greenhorn Road/Brunswick Road intersection, while the project site itself is south of Idaho-Maryland Road and north of Greenhorn Road. Primary access into the project site, South Woodlands Lane, would originate from the existing driveway located at 15648 Greenhorn Road (APN 39-170-10); emergency access would be taken from Lee Lane to the northwest to Idaho-Maryland Road. The project site consists of three parcels totaling 154.62 acres, although only two of those parcels are proposed for subdivision (APNs 39-160-14 and 39-170-91, which total 152.52 acres). The third parcel, a 2.1-acre parcel already developed with a single-family residence, is the site of the primary entry to the subdivision and is not itself part of the overall subdivision.

As proposed, the applicant is not proposing any changes to the previously approved project or the Conditions of Approval with their submitted Development Agreement (MIS24-0015) and only seeks to extend the Vesting Tentative Final Map approval. The potential environmental impacts of the project were evaluated within the adopted Mitigated Negative Declaration (MND) and it was determined that no significant impacts would occur that were not adequately mitigated. Subsequently, the Planning

Commission, in their independent judgment, found that the MND was the appropriate document for this project.

Pursuant to CEQA Guidelines Section 15162, when an Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND) has been adopted for a project, no subsequent EIR or MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or MND due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the MND was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or MND;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR or MND;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(CEQA Guidelines Section 15162 Subd. (a); see also Pub. Resources Code Section 21166.)

Based on the proceeding legal standards, and as discussed in further detail below, the proposed approval of the Development Agreement for the South Woodlands Vesting Tentative Final Map project does not trigger the requirements for a subsequent Environmental Impact Report or Mitigated Negative Declaration. The approval of this project reveals neither previously undisclosed significant environmental impacts nor a substantial increase in the severity of previously disclosed impacts (CEQA Guidelines Section 15162).

Project Description:

The project is a proposed request by Shad Skikos, to enter into a Development Agreement with the County of Nevada in order to extend the South Woodlands (FM14-002) Vesting Tentative Final Map approval for a period of 10 years with the potential for three 3-year extensions for map recordation, which would otherwise expire on September 10, 2026. County staff recommend approval of the Development

Agreement to extend the expiration of the South Woodlands subdivision for the amount of time a new map would be approved for, which is 36 months with up to six years of extensions. The project as proposed does not include a proposal to amend the Tentative Final Map for South Woodlands and only seeks to extend its expiration date and timeline for Map recordation. These improvements are consistent with those improvements identified and analyzed in the adopted Mitigated Negative Declaration (EIS14-010).

Findings:

It is the finding of the Planning Department that the previous environmental document (EIS14-010) may be used to fulfill the environmental review requirements of the submission of the Development Agreement (MIS24-0015). No impacts previously found to be insignificant are now significant. Additionally, there have been no significant changes to the environmental setting of the project site. The original environmental document fulfills the environmental review requirements of the current project. Because the project meets the conditions for the application of State CEQA Guidelines Section 15162, preparation of a new EIR or MND is not necessary.

Processing of the South Woodlands Vesting Tentative Final Map Development Agreement to allow for extension of the approval for a period not to exceed 3 years which includes an option of apply for two 3-year extensions for a total possible lifespan of nine years, not considering automatic exemptions granted through state law, may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.