



RESOLUTION No. 25-156

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PLAN IN CONNECTION WITH THE ADOPTION OF AN ORDINANCE AMENDING ZONING DISTRICT MAP NO. 077 TO REZONE ASSESSOR'S PARCEL NUMBERS 038-330-001, 038-330-002, 038-330-003, 038-330-004, 038-330-086, AND 038-330-087 FROM TIMBER PRODUCTION ZONE-40 (TPZ-40) TO RESIDENTIAL AGRICULTURAL-10 (RA-10) AND GENERAL AGRICULTURAL -30 (AG-30); AND A TENTATIVE FINAL MAP TO CREATE ELEVEN LOTS (FILE NOS. PLN24-0021; RZN23-0002; TFM23-0001; EIS24-0008).

WHEREAS, on March 3, 2023, the Nevada County Planning Department received an application for an Immediate Rezone and a Tentative Final Map submitted on behalf of John Paye; and,

WHEREAS, on June 26, 2018 the Nevada County Board of Supervisors approved a zoning district map amendment to allow for the TPZ zone ten-year roll-out to RA-10 and AG-30 on 306 acres currently bordered by RA and AG zoning, which John Paye, the property owner seeks the immediate enactment of; and,

WHEREAS, on February 4, 2025, the Planning Department staff prepared an Initial Study and Mitigated Negative Declaration ("IS/MND") for the Project (EIS24-0008) a copy of which is attached to this Resolution as Exhibit A; and,

WHEREAS, the IS/MND was submitted directly to affected local, regional, state, and federal agencies, and was released for a 30-day public review period, commencing on February 15, 2025 and ending March 17, 2025; and,

WHEREAS, the IS/MND analyzes all of the potential environmental impacts of the proposed Project and found that no significant impacts would result from the approval of the Project; and,

WHEREAS, on March 27, 2025, the Planning Commission held a public hearing on the proposed Project in which the Commission reviewed the proposed IS/MND together with all comments received during the public review period, and recommended on a 3-0 (2 absent) vote adoption of this same Mitigated Negative Declaration before making a recommendation to the Board on the Immediate Rezone and Tentative Final Map; and,

WHEREAS, on April 22, 2025, the Board of Supervisors held a duly noticed public hearing to consider the Initial Study and Mitigated Negative Declaration, the Immediate Rezone, and Tentative Final Map; and,

NOW, THEREFORE, BE IT RESOLVED, that the Nevada County Board of Supervisors has reviewed and considered the recommendation of the Planning Commission and has independently reviewed the Initial Study and proposed Mitigated Negative Declaration (EIS24-0008), together with all comments received during the public review period, and pursuant to the California Environmental Quality Act Guidelines Sections 15074, 15073.5, and 15097 hereby finds and determines as follows:

1. The above recitals are true and correct.
2. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment.
3. That the Mitigated Negative Declaration reflects the independent judgment of the Board of Supervisors; and that the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels.
4. That 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.
5. That the amendment to the IS/MND Mitigation Measures to clarify the requirement to add the Mitigation Measures to the supplemental data sheet as notes and to correct references to a "Final Map" rather than a "Parcel Map" in the Mitigation Measures does not necessitate recirculation of the draft Initial Study/Mitigated Negative Declaration because no new impacts have been identified and because this amendment is meant to further clarify the Mitigation Measures.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (EIS24-0008) for the ***Paye Rezone and Tentative Final Map*** Project, to allow for an Immediate Rezone from a Timberland Production Zoning District to the new zones (RA-10 (157 acres) & AG-30 (150 acres)) approved through Ordinance 2453 in 2018, and a proposed Tentative Final Map to subdivide 2 legal parcels with six APNs, totaling approximately 307-acres, into eleven (11) lots ranging in size from 4-acres to 127.4-acres.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 22nd day of April 2025, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Robb Tucker, Lisa Swarthout, Susan Hoek, and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

Recuse: None.

ATTEST:

TINE MATHIASSEN

Chief Deputy Clerk of the Board of Supervisors

for

By:

Susan, Deputy COB

Heidi Hall

Heidi Hall, Chair

Initial Study

Paye Tentative Final Map and Rezone

Nevada County, California

To:

Agricultural Commissioner	CALFIRE – Forest Practice
Building Department	CA Department of Fish and Wildlife
County Counsel	Central Valley WQCB
Environmental Health Department	Native American Heritage Commission
Public Works Department – Engineering	North Central Information Center
Public Works Department – Surveying	Nevada City Rancheria Nisenan Tribe
Recreation Division	Shingle Springs Band of Miwok Indians
Assessor's Office	Tsi Akim Maidu Tribe
Treasurer-Tax Collector	United Auburn Indian Community
CEO – Alison Lehman	Northern Sierra Air Quality Mgt. Dist.
Commissioner Milman – District I	Nevada County Board of Realtors
Supervisor Hall – District I	Bear Yuba Land Trust
Principal Planner – Tyler Barrington	CNPS – Red Bud Chapter
COB – J. Thorsby	Deer Creek Park HOA
Nevada County Consolidated Fire District	Federation of Neighborhoods
Fire Protection Planner	Friends of Banner Mountain
Nevada Irrigation District	General Plan Defense Fund
Resource Conservation District	Nevada County Economic Resource Council
US Fish and Wildlife Service	PG&E
US Forest Service	Red Dog-You Bet Association
Caltrans Highways	Sierra Nevada Group/Sierra Club
CALFIRE Forestry Division - Timber	Sierra Watch

Date: 2/4/2025

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File Number(s): PLN23-0021, TFM23-0001, RZN23-0002, EIS24-0008

Attachment 2.a

Assessor's Parcel Numbers: 038-330-001, 038-330-002, 038-330-003, 038-330-004, 038-330-086, 038-330-087

Applicant John Paye

Representative: Rob Wood
Millennium Planning and Engineering

Property Owner: John Paye

Zoning District: RA-10 (Residential Agricultural with a 10-acre minimum parcel size), AG-30 (General Agricultural with a 30-acre minimum parcel size)

General Plan Designation: RUR-10 (Rural, 10-acre minimum parcel size)

Project Location: 14344 Banner Quaker Hill Road at the intersection of Banner Lava Cap Road/Red Dog Cross Road.

Project Description:

A proposed Immediate Rezone from a Timberland Production Zoning District to the new zones (RA-10 (157 acres) & AG-30 (150 acres)) approved through Ordinance 2453 in 2018, and a proposed Tentative Final Map to subdivide 2 legal parcels with six APNs, totaling approximately 307-acres, into eleven (11) lots ranging in size from 4-acres to 127.4-acres. An existing residence and accessory structures located on proposed lot 3 are served by an existing driveway. Proposed Lot 7 would be dedicated to the Nevada County Consolidated Fire District as a public benefit for a future use such as a fire station or potential helipad to provide emergency services to the area. Building envelopes would contain existing improvements, sized to allow potential future additional improvements, and designed to avoid sensitive resources to the greatest extent possible. Existing public rights of way provide primary access to the subdivision. All 11 lots would be served by individual septic systems for sewage disposal. 7 of the 11 lots will have metered connection to the Nevada Irrigation District's treated water system and the remaining 4 lots will be served by private wells. The project site contains scattered landmark oaks, landmark oak groves, and watercourses which will be avoided through the implementation of building envelopes.

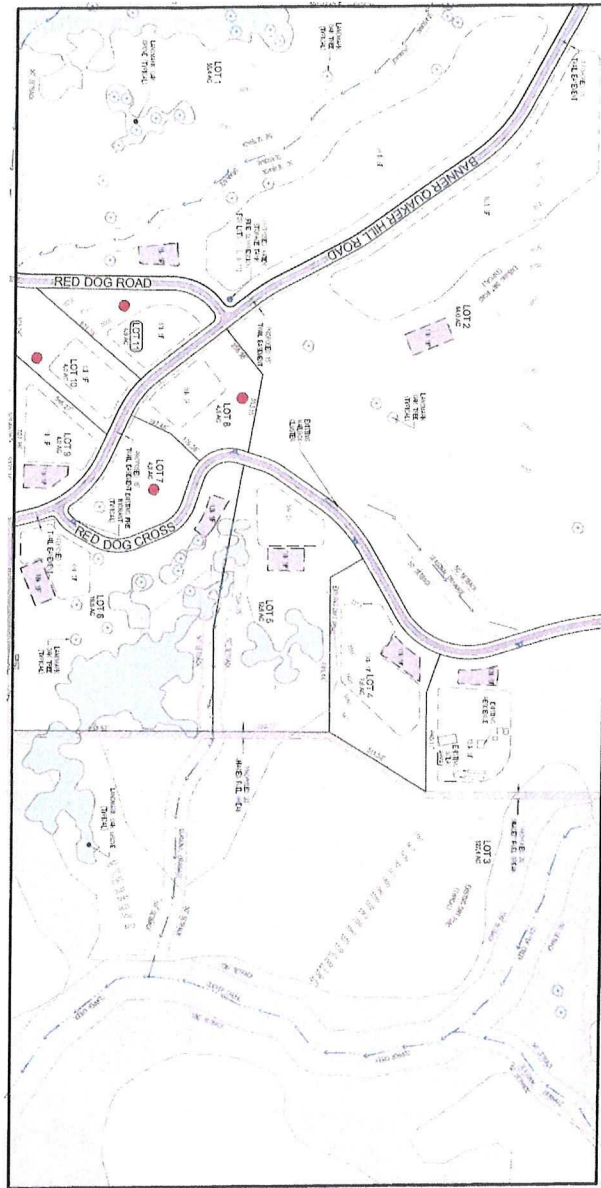


Figure 1: Tentative Final Map

Project Site and Surrounding Land Uses:

The project parcels are bordered by Residential Agricultural, Timber Production Zone, and Agricultural Zoning Districts with varying minimum parcel sizes as shown in the figure below. The project parcels are surrounded by Rural and Forest General Plan Land Use Designations. The project parcels are transected by the County maintained roads Banner Lava Cap Road, Red Dog Road, and Red Dog Cross Road. The northern portion of the project area is surrounded by 1.5 acre to 13 acre lots that are mostly developed with residential units and accessory structures.

The southern portion that is bordered by the AG and TPZ zoning is comprised of larger low-density parcels that are mostly undeveloped.

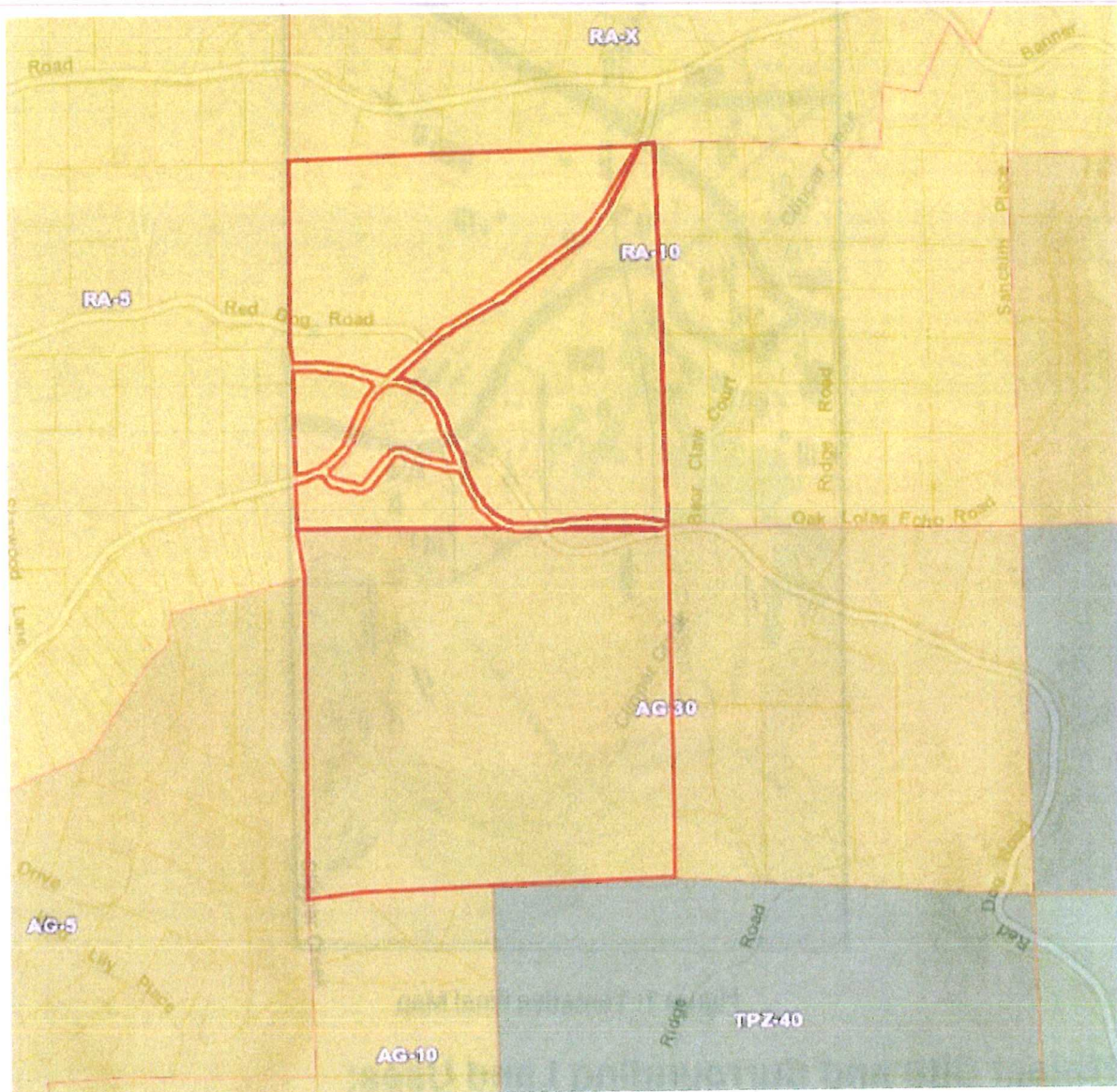


Figure 2: Vicinity Zoning Map

Other Permits Which May Be Necessary: Based on initial comments received, the following permits may be required from the designated agencies:

1. Building and Grading Permits – Nevada County Building Department

Relationship to Other Projects: The project is related to RZN17-0002 which approved the ten-year TPZ roll-out process. This project rezone is proposing an immediate rezone.

Tribal Consultation: California Native American Tribes with ancestral land within the Parcel were routed the project during distribution in March of 2023. Comments were not received from the Nevada City Rancheria Nisenan Tribe, Tsi Akim Maidu, or the United Auburn Indian Community of the Auburn Rancheria. A comment letter was received from the Shingle Springs Band of Miwok Indians which states that the tribe is not aware of any cultural resources on the site. The California Native American Tribes will be sent a Notice of Availability for Public Review and Notice of Intent to Adopt a Mitigated Negative Declaration for this project, which will allow the California Native American Tribes the opportunity to comment on the analysis of environmental impacts. Mitigation has been included in Sections 5 and 18 of this initial study to address a plan for further consultation, if needed.

SUMMARY OF IMPACTS and PROPOSED MITIGATION MEASURES

Environmental Factors Potentially Affected:

All of the following environmental factors have been considered. Those environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Less Than Significant with Mitigation" as indicated by the checklist on the following pages.

—	1. Aesthetics	—	2. Agriculture / Forestry Resources	✓	3. Air Quality
✓	4. Biological Resources	✓	5. Cultural Resources	—	6. Energy
✓	7. Geology / Soils	—	8. Greenhouse Gas Emissions	—	9. Hazards / Hazardous Materials
—	10. Hydrology / Water Quality	—	11. Land Use / Planning	—	12. Mineral Resources
✓	13. Noise	—	14. Population / Housing	—	15. Public Services
—	16. Recreation	—	17. Transportation	✓	18. Tribal Cultural Resources
✓	19. Utilities / Service Systems	—	20. Wildfire	✓	21. Mandatory Findings of Significance

Summary of Impacts and Recommended Mitigation Measures:

3. **AIR QUALITY:** To offset potentially adverse air quality impacts associated with the project activities, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

Mitigation Measure 3A: Reduce emissions during construction. The following are the minimum recommended mitigation measures designed to help reduce project emissions related to construction, which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations (which may be accessed at www.arb.ca.gov/diesel/diesel.htm). This note shall be included on the Supplemental Map.

1. At least 50% of the mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 1 engines (or cleaner).
2. All architectural coatings shall comply with the California Air Resources Board's 2007 Suggested Control Measure for Architectural Coatings (available at www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf).
3. Construction equipment idling times shall be minimized either by shutting equipment off when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) and all construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications." Clear signage shall be provided for construction workers at all access points.
4. The applicant shall use reasonable precautions to minimize dust generation. Reasonable precautions may include watering exposed soils, as well as any stockpiled material, and limiting traffic speeds. Such methods shall be noted on improvement plans prior to approval.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of the Final Map recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3B: Comply with open burning prohibitions. Use alternatives to open burning of vegetative material on the project site, unless deemed infeasible by the Air Pollution Control Officer. Treat cleared vegetation by legal means other than open burning, such as chipping, shredding, grinding, use as firewood, and conversion to biomass fuel. Open burning of site-cleared vegetation shall be permitted only upon Northern Sierra Air Quality Management District (NSAQMD) approval of documentation showing alternatives are unobtainable or economically infeasible. Obtain an approval letter from NSAQMD prior to approval of improvement or grading plans for road, driveway or future residential construction indicating the approved method of cleared vegetation disposal. Note such methods on any project plans prior to approval. At no time shall open burning of materials generated by this project occur at another site unless approved in advance by the NSAQMD.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of the Final Map recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3C: Provide energy-efficient utilities. Residential improvement plans shall include documentation that they comply with the following measures prior to issuance of building permit. This mitigation shall be included as a note on the Supplemental Map prior to recordation.

1. The project shall use energy efficient lighting (includes controls) and process systems beyond Title 24 requirements where practicable (e.g. water heating, furnaces, boiler units, etc.)
2. The project shall utilize water heating featuring low-NOx water heating burners if electric water heating is not used.
3. The project shall use energy efficient, automated controls for air conditioning beyond Title 24 requirements where practicable.

Timing: Prior to map recordation and prior to issuance of the residential building permits

Reporting: Agency approval of the Final Map recordation and building permits

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3D: Limit wood stoves. The project shall include no more than one wood-fired heat source in any residential unit, which may be a pellet stove or an EPA-certified wood stove, and open fireplaces shall not be permitted within this project. Each residence shall be equipped with a non-woodburning source of heat. This mitigation shall be included as a note on the Supplemental Map prior to recordation and implemented prior to the issuance of residential building permits.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of the Final Map recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3E: Mitigate any asbestos discovered during construction. If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of the Final Map recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3F: Dust Control Plan. A Dust Control plan shall be required if more than one acre of soil is disturbed at any one time. This mitigation shall be included as a note on the Supplemental Map prior to recordation.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of the Final Map recordation and future permit issuance

Responsible Agency: *Planning Department / NSAQMD*

4. **BIOLOGICAL RESOURCES:** To reduce potential construction impacts to biological resources, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

Mitigation Measure 4A: Nesting raptors, migratory birds, and Birds of Conservation Concern. The following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the Final Map:

The following note shall be added to all improvement/grading/construction plans:

Construction or disturbance activities during the breeding season could disturb or remove occupied nests of raptors and/or protected bird species and would require the implementation of a pre-construction survey within and adjacent to any proposed disturbance area within the Project area for nesting raptors and other protected bird species within seven (7) days prior to disturbance. The nesting survey radius around the proposed disturbance would be identified prior to the implementation of the protected bird nesting surveys by a CDFW qualified biologist and would be based on the habitat type, habitat quality, and type of disturbance proposed within or adjacent to nesting habitat.

If any nesting raptors or protected birds are identified during such pre-construction surveys, trees or shrubs or grasslands with active nests should be not be removed or disturbed and a no-disturbance buffer should be established around the nesting site to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a CDFW qualified wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed by a qualified wildlife biologist to make an appropriate decision on buffer distances based on the species and level of disturbance proposed in the vicinity of an active nest.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

Reporting: *Approval of the Final Map for recordation and future permit issuance*

Responsible Agency: *Planning Department*

Mitigation Measure 4B: Establish Building Envelopes to Minimize Impacts to Oak Species, Resident and Migratory Deer Populations, and Aquatic Resources. Delineate building envelopes and show setbacks from watercourses, in accordance with the approved tentative map. The building envelopes shall be shown on the supplemental data sheets to be recorded concurrently with the Final Map and on all future grading/improvement/building permit plans, with a Note stating: "All structures shall be limited to the building envelopes identified on each of the parcels; this restriction does not apply to underground utility placement."

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Approval of the Final Map for recordation and future permit issuance

Responsible Agency: Planning Department

Mitigation Measure 4C: Protect and Facilitate the Free Movement of Wildlife. The Supplemental Data Sheet for the recorded map shall include the following note: To protect agricultural and domestic use of this property while still facilitating the free movement of wildlife, no solid fence shall be placed on any parcel except around the single-family dwelling, cultivated areas and animal enclosures. Perimeter fencing shall be limited to three or four-strand barbed-wire type, open material, with the lowest strand being barbless and a minimum of 18" from the ground.

Timing: Prior to map recordation

Reporting: Approval of the Final Map for recordation

Responsible Agency: Planning Department

Mitigation Measure 4D: Best Management Practices for Seasonal Drainages. The following measures shall be noted on the map and shall apply to the development of the shaded fuel break proposed on parcel 3 that follows along the southern property line of parcels 4, 5, and 6.

- a. No fill or dredge material will enter or be removed from the seasonal drainage;
- b. Use appropriate machinery and equipment to limit disturbance in this area;
- c. Placement of straw and/or other soil erosion control devices between the seasonal drainages and the areas where vegetation removal will occur to limit potential runoff and sedimentation into the seasonal drainage;
- d. No dewatering of the seasonal drainage will occur as part of the proposed construction; and
- e. Implement Best Management Practices during development of the shaded fuel break

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Approval of the Final Map for recordation and future permit issuance

Responsible Agency: Planning Department

Mitigation Measure 4E: Special Status Species Survey: The following note shall be included on the Supplemental Data Sheet of the Final Map:

Prior to the implementation of future ground disturbing activities within the naturally vegetated areas within the Project area, an additional special status plant survey would be required to identify the presence of the five (5) special-status plants (chaparral sedge, Red Hills soaproot, Cantelow's lewisia, Sierra blue grass, and showy golden madia) and

any others with the potential to occur between April to June in those areas of the Project area. If the Project will not include the removal of native vegetation, then no additional special-status plant surveys would be required.

However, if any special-status plant species is documented within or directly adjacent to areas proposed for disturbance within the Project area that contain native vegetation and that are CNPS list 1A, 1B, 2A, or 2B per CEQA Guidelines Section 15380, or are listed under the ESA and/or CESA, protection of such plants would include complete avoidance, transplantation, and/or on- or offsite restoration of the special status plant species that could be impacted by such site disturbance.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Approval of the Final Map for recordation and future permit issuance

Responsible Agency: Planning Department

5. **CULTURAL RESOURCES:** To offset potentially adverse cultural or historical resources impacts associated with the construction activities, the following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the Final Map:

Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Human Remains, Cultural Resources or Paleontological Resources are Discovered during Project Construction. The following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the Final Map: All grading and construction plans shall include a Note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following: All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during grading activities. If such resources are encountered or suspected, work within 100 feet shall be halted immediately 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 be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed. 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.

Timing: Prior to map recordation and issuance of grading/improvement/building permits and throughout construction

Reporting: *Planning Department Approval of Grading and Construction Permits*
Responsible Agency: *Planning Department*

7. **GEOLOGY:** To offset potentially adverse geological impacts associated with the construction activities, the following mitigation measure shall be required:

Mitigation: See Mitigation Measure 4B and 5A.

13. **NOISE:** To offset potential construction related noises, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the Final Map:

Mitigation Measure 13A. Limit construction work hours to 7:00 AM to 7:00 PM: The following note shall be included on the Supplemental Data Sheet of the Final Map: During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM, Monday - Saturday. Prior to issuance of grading and building permits, improvement plans shall reflect hours of construction.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

18. **TRIBAL CULTURAL RESOURCES:** To offset potentially adverse cultural or historical resources impacts associated with the construction activities, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the Final Map:

Mitigation Measure 18A: Unanticipated Tribal Cultural Resources. The following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the Final Map: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074).

The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Tribal Representatives act as a representative of their Tribal government and are qualified professionals that have the authority and expertise to identify sites or objects of cultural value to Native American Tribes and recommend appropriate treatment of such sites or objects. If human remains, or suspected human remains, are discovered the appropriate state and federal laws shall be followed.

Preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. When avoidance is infeasible, the preferred treatment by UAIC is to record the resource, minimize handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location nearby where they will not be subject to future impacts.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA have been satisfied.

Timing: Prior to map recordation and issuance of grading/improvement/building permits and throughout construction

Reporting: Planning Department Approval of Grading and Construction Permits

Responsible Agency: Planning Department

Mitigation: See Mitigation Measure 5A.

19. **UTILITIES/SERVICE SYSTEMS:** To offset potentially adverse impacts related to construction waste, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the Final Map:

Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste. The following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the Final Map: Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

MANDATORY FINDINGS OF SIGNIFIGANCE

See all Mitigation Measures listed above.

Mitigation Monitoring Matrix:

MEASURE #	MONITORING AUTHORITY	IMPLEMENTATION TIMING
3A	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3B	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3C	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
3D	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits

3E	Planning Department & Northern Sierra Air Quality Management District	Prior to map recordation and issuance of grading/improvement/building permits
4A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4B	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4C	Planning Department	Prior to map recordation
4D	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
4E	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
5A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits and throughout construction
13A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits
18A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits and throughout construction
19A	Planning Department	Prior to map recordation and issuance of grading/improvement/building permits

INITIAL STUDY AND CHECKLIST

Introduction:

This checklist is to be completed for all projects that are not exempt from environmental review under the California Environmental Quality Act (CEQA). The information, analysis and conclusions contained in the checklist are the basis for deciding whether an Environmental Impact Report (EIR) or Negative Declaration is to be prepared. If an EIR is determined to be necessary based on the conclusions of the Initial Study, the checklist is used to focus the EIR on the effects determined to be potentially significant.

This Initial Study uses the following terms to describe the level of significance of adverse impacts. These terms are defined as follows.

- **No Impact:** An impact that would result in no adverse changes to the environment.
- **Less than Significant Impact:** An impact that is potentially adverse but does not exceed the thresholds of significance as identified in the impact discussions. Less than significant impacts do not require mitigation.
- **Less than Significant with Mitigation:** An environmental effect that may cause a substantial adverse change in the environment without mitigation, but which is reduced to a level that is less than significant with mitigation identified in the Initial Study.
- **Potentially Significant Impact:** An environmental effect that may cause a substantial adverse change in the environment; either additional information is needed regarding the extent of the impact to make the significance determination, or the impact would or could cause a substantial adverse change in the environment. A finding of a potentially significant impact would result in the determination to prepare an EIR.

1. AESTHETICS

Existing Setting: The Paye property is two legal parcels with six APNs, totaling 306.86 acres, in rural Nevada County, 3.5 miles east of the City of Nevada City and 0.9 miles south of Scotts Flat Reservoir. The biological report identified plant communities of mixed conifer-hardwood forest, landmark black oak groves, and montane riparian woodland and scrub on the project parcel. The project parcels are in an area with mountainous topography. There are portions of the parcels that have been cleared for timber harvesting. There parcels are mostly undeveloped but there is an existing single-family residence and accessory structures at 14695 Red Dog Road. The parcels are intersected by County roads and there are no State Scenic Highways in the vicinity of the area.

Except as provide in Public Resources Code Section 21099, would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect on a scenic vista?			✓		A, L

Except as provide in Public Resources Code Section 21099, would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				✓	A, L,27
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓		A
d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓		A, 18

Impact Discussion:

1a,c,d The Project is not anticipated to result in an adverse effect on a scenic vista degrade the visual character of the site or its surroundings, or to create a new source of substantial light or glare. The project proposes to divide 306.86 acres into 11 parcels which would not exceed the maximum density allowed by the zoning district and General Plan. It is foreseeable that the resultant parcels would be eventually developed with residential and agricultural uses. The aesthetics of these developments would be similar to other rural residential type improvements located within other parcels in the area. The project proposes building envelopes within each parcel to contain both existing and future development of structures. These building envelopes will cluster development together to minimize any impact on scenic resources. Future development within the proposed building envelopes would be somewhat concealed by the topography and vegetation. The proposed land division is not anticipated to result in a significant new source of light or glare; only that lighting that would be anticipated with typical rural residential improvements and uses. As the land division is proposing large resultant parcels that would contain existing and potential future rural residential improvements within building envelopes that are screened due to location, vegetation and topography, the project would result in **less than significant** impacts to public views, scenic vistas and the general character of the area.

1b The proposed land division is anticipated to result in no damage to scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. There is currently only one officially designated State Scenic Highway in Nevada County; the six miles of Highway 20 between the Skillman Flat Campground to just east of Lowell Hill Road. This scenic section of Highway 20 is 9 miles northeasterly

of the project area and would not be impacted because it is not in the vicinity of the project. The portion of State Highway 20 which is closer (2.4 miles) to the project area is considered an eligible state scenic highway by the California Department of Transportation (2011), but there is no visibility of the property from the highway. Therefore, the proposed project would have **no impact** on scenic resources within a state scenic highway.

Mitigation: None required.

2. AGRICULTURAL/FORESTRY RESOURCES

Existing Setting: The Paye property is designated as "Other Land" by the Farmland Mapping and Monitoring Program of the California Department of Conservation. Although the zoning for the property is General Agricultural with a 30-acre minimum parcel size and Residential Agriculture with a 10-acre minimum parcel size, the project parcel is not being used for agriculture. The property includes existing primitive dirt roads from earlier fuel management activities. The site is heavily vegetated primarily with mixed conifer-hardwood forest, montane riparian woodland and scrub, and pockets of landmark black oak groves. Most of the project site is undeveloped, with the exception of an existing single-family residence (and supporting structures) located at 14695 Red Dog Road.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation's Division of Land Resource Protection, to non-agricultural use?				✓	A, L, 7, 42
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?				✓	A, 18, 35
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				✓	A, L, 18, 41
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	L, 18, 41

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
e. Involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				✓	A, L, 7

Impact Discussion:

2a,b The subject parcels are located in an area that is entirely designated “Other Land” and will not result in a conversion of Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. Other Land is a category of land not included in other mapping categories and is generally nonagricultural land. Due to the project parcels not having a designation of Farmland of any type, there will be **no impact** to the conversion of Prime, Unique, or Important Farmland to a non-agricultural use.

2be. California Land Conservation Act of 1965 (Williamson Act) enables counties and cities to designate agricultural preserves and offer preferential taxation based on a property’s agricultural-use value rather than on its market value. Neither the Paye property nor adjacent properties are under a Williamson Act contract. With no Williamson Act contracts on or near the property, the proposed project is anticipated to have **no impact** on a Williamson Act contract(s).

The parcels are currently under a ten-year rollout process to rezone from TPZ-40 to RA-10 and AG-30. This project is proposing an immediate rezone to RA and AG zoning. Due to the project changing zoning from TPZ to AG, no conflict with existing agricultural zoning is anticipated. Additionally, the project proposes building envelopes to cluster development together. Due to development being clustered together and resultant parcel sizes that are large enough to support agricultural uses, the proposed project is anticipated to have **no impact** on conversion of farmlands to a non-agricultural use.

2cde. On June 26, 2018, the Nevada County Board of Supervisors approved Ordinance 2453 which rezoned the two project parcels from Timber Production Zone-40 to Residential Agriculture-10 and General Agriculture-30. The rezone initiated a ten-year roll-out process in compliance with California Government Code Section 51100 et seq. Due to the project requesting an immediate rezone out of TPZ, it is included in this analysis. However, the rezone has already been approved and the immediate rezone will not have any additional impacts on timber production than has already been approved. Therefore, the project will have **no impact** on existing timber production zoning.

Mitigation: None required.

3. AIR QUALITY

Nevada County is located in the Mountain Counties Air Basin (MCAB). The MCAB includes the central and northern Sierra Nevada mountain range with elevations ranging from several hundred feet in the foothills to over 6,000 feet above mean sea level along the Sierra Crest. The MCAB generally experiences warm, dry summers and wet winters. Ambient air quality in the air basin is generally determined by climatological conditions, the topography of the air basin, and the type and amount of pollutants emitted. The Northern Sierra Air Quality Management District has responsibility for controlling air pollution emissions including "criteria air pollutants" and "toxic air pollutants" from direct sources (such as factories) and indirect sources (such as land-use projects) to improve air quality within Nevada County. To do so, the District adopts rules, regulations, policies, and programs to manage the air pollutant emissions from various sources, and also must enforce certain statewide and federal rules, regulations and laws. The Federal Clean Air Act of 1971 established national ambient air quality standards (NAAQS). These standards are divided into primary and secondary standards. Primary standards are designed to protect public health and secondary standards are designed to protect plants, forests, crops, and materials. Because of the health-based criteria identified in setting the NAAQS, the air pollutants are termed "criteria" pollutants. California has adopted its own ambient air quality standards (CAAQS). Criteria air pollutants include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter. CAAQS include the NAAQS pollutants, in addition to visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. A nonattainment area is an area where a criteria air pollutant's concentration is above either the federal and/or state ambient air quality standards. Depending on the level of severity, a classification will be designated to a nonattainment area. Failure of a state to reach attainment of the NAAQS by the target date can trigger penalties, including withholding of federal highway funds. Table 1 shows the current attainment/nonattainment status for the federal and state air quality standards in Nevada County.

Nevada County has two federally recognized air monitoring sites: The Litton Building in Grass Valley (fine particulate matter, also called PM_{2.5}, and ozone) and the fire station in downtown Truckee (PM_{2.5} only). For eight-hour average ozone concentrations, Nevada County is serious nonattainment for both the 2008 and 2015 state and federal ozone standards of 75 and 70 parts per billion, respectively (Table 1). Unlike other pollutants, ozone is not typically released directly into the atmosphere from any sources. Ozone is created by the interaction of Nitrogen Oxides and Reactive Organic Gases (also known as Volatile Organic Compounds) in the presence of sunlight, especially when the temperature is high. The major sources of Nitrogen Oxides and Reactive Organic Gases, known as ozone precursors, are combustion sources such as factories, automobiles and evaporation of solvents and fuels. Ozone is mainly a summertime problem, with the highest concentrations generally observed in July and August, when the days are longest, especially in the late afternoon and evening hours. Ozone is considered by the California Air Resources Board to be overwhelmingly transported to Nevada County from the Sacramento Metropolitan area and, to a lesser extent, the San Francisco Bay Area. This recognition of overwhelming transport relieves Nevada County of CAAQS-related requirements, including the development of CAAQS attainment plan with a "no-net-increase" permitting program or an "all feasible measures" demonstration. For particulate matter, ambient air quality standards have

been established for both PM10 and PM2.5. California has standards for average PM10 concentrations over 24-hour periods and over the course of an entire year, which are 50 and 20 $\mu\text{g}/\text{m}^3$, respectively. (The notation " $\mu\text{g}/\text{m}^3$ " means micrograms of pollutant per cubic meter of ambient air.) For PM2.5, California only has a standard for average PM2.5 concentrations over a year, set at 9 $\mu\text{g}/\text{m}^3$, with no 24-hour-average standard. Nevada County is in compliance with all of the federal particulate matter standards, but like most California counties it is out of compliance with the state PM10 standards. Particulate-matter is identified by the maximum particle size in microns as either PM2.5 or PM10. PM2.5, is mostly smoke and aerosol particles resulting from woodstoves and fireplaces, vehicle engines, wildfires, and open burning. PM-10 is a mixture of dust, combustion particles (smoke) and aerosols from sources such as surface disturbances, road sand, vehicle tires, and leaf blowers.

Table 1: Attainment Status by Northern Sierra Air Quality Management District of State and Federal Air Quality Standards. In addition, the entire district is either Attainment or Unclassified for all State and federal NO ₂ , SO ₂ , Pb, H ₂ S, visibility reducing particles, sulfates, and vinyl chloride standards.		
Pollutant	State Designation	Federal Designation
Ozone (O ₃)	Nevada County: Non-attainment (due to overwhelming transport)	<u>2008 O₃ Standard (75 ppb)</u> Western Nevada County: Serious Non-attainment; Eastern Nevada County: Unclassifiable.
		<u>2015 O₃ Standard (70 ppb)</u> Western Nevada County: Serious Non-attainment; Eastern Nevada County: Unclassifiable.
PM ₁₀	Nevada County: Non-attainment	Unclassified
PM _{2.5}	Nevada County: Unclassified	<u>2024 Annual Standard (9 $\mu\text{g}/\text{m}^3$)</u> Nevada County: Unclassifiable/Attainment
		<u>2012 24-hour Standard (35$\mu\text{g}/\text{m}^3$)</u> Unclassifiable/Attainment
CO	Nevada: Unclassified	Unclassifiable/Attainment

Ultramafic rock and its altered form, serpentine rock (or serpentinite), both typically contain asbestos, a cancer-causing agent. Ultramafic rock and serpentine are likely to exist in several

areas of western Nevada County; however, the area of the project site is not mapped as an area that is likely to contain natural occurrences of asbestos (California Department of Conservation, 2000).

An evaluation of project impacts related to greenhouse gas emissions is provided in Section 8 of this Initial Study.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with or obstruct implementation of the applicable air quality plan.				✓	A,G, 34
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard?		✓			A,G, 34
c. Expose sensitive receptors to substantial pollutant concentrations?			✓		A,G,L, 34
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✓		A,G
e. Generate substantial smoke ash or dust?		✓			A,G

Impact Discussion:

- 3a The proposed 11 lot subdivision would not conflict with or obstruct implementation of an applicable air quality plan due to the project not exceeding the thresholds of significance adopted by the Northern Sierra Air Quality Management District; therefore, **no impact** is anticipated on the potential adoption or implementation of an air quality plan.
- 3b The California Emissions Estimation Model (CalEEMod) provides a means to estimate potential emissions associated for both construction and operation of land use projects such as the Paye subdivision. Estimated construction impacts were determined using the parameters specific to this proposed land division and conservative CalEEMod defaults (CalEEMod Version 2022.1.1.29). The length of the construction phase makes a substantial impact for the annual emissions. Construction spread across more years will result in lower average annual emissions even though the cumulative emissions of the entire project are the same. For this project, it is unclear when each lot will be sold and when the housing will be built because each lot will be developed by the buyer of the lot. Planning staff made a good faith effort to represent the time it will take to develop the 11 lots, which was assumed to be 7 years. Houses may be built on some lots very soon, but other lots may sit undeveloped for years. The Northern Sierra Air Quality Management

District (NSAQMD) established thresholds of significance for assessing and mitigating air quality impacts of land use projects, as shown in the tables provided below. Level A requires the most basic mitigations, projects falling within the Level B range require more extensive mitigation and Level C requires the most extensive mitigations. Table 1, below, shows that estimated project construction and operation related pollution levels would fall within NSAQMD Level A thresholds.

Table 1. Project Construction Air Quality Impacts (Unmitigated)		
Pollutant	NSAQMD Threshold*	Project Impact
NOx	< 24 lbs/day	20.88 lbs/day
ROG	< 24 lbs/day	2.30 lbs/day
PM10	< 79 lbs/day	15.02 lbs/day
CO	N/A	21.13 lbs/day
*These thresholds are "Level A" in NSAQMD's <i>Guidelines</i> . CalEEMod Version 2022.1.1.29 – Average Daily (Max – Unmitigated)		

Mitigation Measures 3A is proposed to reduce emissions during any future project construction (increased particulate matter from diesel and dust and increased hydrocarbon release for the synthesis of ozone) from heavy equipment used for grading, brush chipping, and other construction activities. Mitigation Measure 3B is proposed to reduce particulate emissions from the burning of vegetation on the project site. Table 2, below, shows resultant operational impacts are within NSAQMD Level A. These emissions are associated with energy use, landscape equipment (stationary sources) and mobile sources associated with vehicle use.

Table 2. Project Operational Air Quality Impacts (Unmitigated)		
Pollutant	NSAQMD Threshold*	Project Impact
NOx	< 24 lbs/day	0.82 lbs/day
ROG	< 24 lbs/day	3.61 lbs/day
PM10	< 79 lbs/day	1.04 lbs/day
CO	N/A	7.55 lbs/day
*These thresholds are "Level A" in NSAQMD's <i>Guidelines</i> . CalEEMod Version 2022.1.1.29 – Average Daily (Max – Unmitigated)		

The project is not anticipated to result in a cumulatively considerable net increase of criteria pollutants. Regulation 226 of the Northern Sierra Air Quality Management District (NSAQMD) requires a dust control plan if more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed. All roads that will service the parcels, which are Red Dog Road, Banner Quaker Hill Road, and Red Dog Cross Road, are County maintained roads, so no road improvements are required. The project will

include a 30 foot by 2,698 foot shaded fuel break which is 1.85 acres of disturbance. Additionally, it is assumed that each lot will be developed with a single-family residence. In the California Emissions Estimator, the default square footage for a single-family residence is 1,950 square feet with 11,713 square feet of landscaped area. If all the lots are developed to the default values, there will be 5.3 acres of disturbance. Therefore, the project has the potential to result in more than one acre of natural surface being disturbed at a time which would trigger the dust control plan requirement as required by mitigation measure 3E.

In order to ensure the project remains within the operational levels identified above, and to ensure that it does not contribute cumulatively considerable net increases in criteria pollutants that would substantially deteriorate ambient air quality or violate air quality standards, Mitigation Measures 3C and 3D are proposed to reduce operational emissions by minimizing impacts through energy-efficient appliance requirements and a wood stove limitation. Further, while mapping does not indicate that the site is likely to contain serpentine, ultramafic rock or naturally occurring asbestos, Mitigation Measure 3E requires notification to the NSAQMD in the event of their discovery. Therefore, with implementation of these mitigation measures, the potential for this project to violate any air quality standards during either the construction or the operational phases would be ***less than significant with mitigation***.

- 3c,d,e The Paye land division proposes to divide 306.86 acres into 11 parcels ranging in size from 4 acres to 127.4 acres. Based on the CalEEmod analysis, the potential rural-residential uses such as grading a pad, development of the single-family residences, and typical residential uses, are not anticipated to generate substantial pollutant concentrations that exceed the Northern Sierra Air Quality Management District construction or operational thresholds. Additionally, any future development would be required to be consistent with the allowable uses in the Agriculture and Residential Agriculture zoning districts. Due to this zoning, incompatible land uses would not be brought together so sensitive receptors would not be exposed to substantial pollutant concentrations. Any emissions generated would be from typical agricultural and residential uses which are the existing character of the area and are not anticipated to be result in adverse odors that will impact a substantial number of people. However, it is common for vegetation to be disposed of through burning which generates smoke. It is likely that the future landowners will eventually clear vegetation to meet defensible space requirements and burn it for disposal. Anyone burning vegetation is required to comply with the Northern Sierra AQMD burning regulations. Therefore, Mitigation Measure 3B is proposed to communicate the requirement that open burning must follow local air quality regulations. Therefore, ***less than significant impacts*** related to exposing sensitive receptors to substantial pollutant concentrations are anticipated as a result of this land division and ***less than significant impacts*** related to the generation of emissions that could affect a substantial amount of people are anticipated. Potential to generate smoke and ash will ***be less than significant with mitigation***.

Mitigation Measures: To offset potentially adverse air quality impacts associated with the project activities, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

Mitigation Measure 3A: Reduce emissions during construction. The following are the minimum recommended mitigation measures designed to help reduce project emissions related to construction, which shall be included as a note on all plans prior to issuance of all grading, improvement, and building permits. In addition to these measures, all statewide air pollution control regulations shall be followed, including diesel regulations (which may be accessed at www.arb.ca.gov/diesel/diesel.htm). This note shall be included on the Supplemental Map.

1. At least 50% of the mobile off-road construction equipment in use at any time on the project shall be equipped with Tier 1 engines (or cleaner).
2. All architectural coatings shall comply with the California Air Resources Board's 2007 Suggested Control Measure for Architectural Coatings (available at www.arb.ca.gov/coatings/arch/Approved_2007_SCM.pdf).
3. Construction equipment idling times shall be minimized either by shutting equipment off when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]) and all construction equipment shall also be maintained and properly tuned in accordance with manufacturer's specifications." Clear signage shall be provided for construction workers at all access points.
4. The applicant shall use reasonable precautions to minimize dust generation. Reasonable precautions may include watering exposed soils, as well as any stockpiled material, and limiting traffic speeds. Such methods shall be noted on improvement plans prior to approval.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of the Final Map recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3B: Comply with open burning prohibitions. Use alternatives to open burning of vegetative material on the project site, unless deemed infeasible by the Air Pollution Control Officer. Treat cleared vegetation by legal means other than open burning, such as chipping, shredding, grinding, use as firewood, and conversion to biomass fuel. Open burning of site-cleared vegetation shall be permitted only upon Northern Sierra Air Quality Management District (NSAQMD) approval of documentation showing alternatives are unobtainable or economically infeasible. Obtain an approval letter from NSAQMD prior to approval of improvement or grading plans for road, driveway or future residential construction indicating the approved method of cleared vegetation disposal. Note such methods on any project plans prior to approval. At no time shall open burning of materials generated by this project occur at another site unless approved in advance by the NSAQMD.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of the Final Map recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3C: Provide energy-efficient utilities. Residential improvement plans shall include documentation that they comply with the following measures prior to

issuance of building permit. This mitigation shall be included as a note on the Supplemental Map prior to recordation.

4. The project shall use energy efficient lighting (includes controls) and process systems beyond Title 24 requirements where practicable (e.g. water heating, furnaces, boiler units, etc.)
5. The project shall utilize water heating featuring low-NOx water heating burners if electric water heating is not used.
6. The project shall use energy efficient, automated controls for air conditioning beyond Title 24 requirements where practicable.

Timing: Prior to map recordation and prior to issuance of the residential building permits

Reporting: Agency approval of the Final Map recordation and building permits

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3D: Limit wood stoves. The project shall include no more than one wood-fired heat source in any residential unit, which may be a pellet stove or an EPA-certified wood stove, and open fireplaces shall not be permitted within this project. Each residence shall be equipped with a non-woodburning source of heat. This mitigation shall be included as a note on the Supplemental Map prior to recordation and implemented prior to the issuance of residential building permits.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of the Final Map recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3E: Mitigate any asbestos discovered during construction. If serpentine, ultramafic rock or naturally occurring asbestos are discovered during construction or grading, the District shall be notified within 24 hours, and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations must be strictly complied with.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of the Parcel Final Map recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

Mitigation Measure 3F: Dust Control Plan. A Dust Control plan shall be required if more than one acre of soil is disturbed at any one time. This mitigation shall be included as a note on the Supplemental Map prior to recordation.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of the Final Map recordation and future permit issuance

Responsible Agency: Planning Department / NSAQMD

4. BIOLOGICAL RESOURCES

Existing Setting: The Project area is located within a semi-rural area of Nevada County and is adjacent to/nested within contiguous and partially fragmented forested areas along Red Dog

Road, Red Dog Cross Road, Banner Quaker Hill Road, and the greater Banner Mountain area where the Project area is located. The Project area is largely undeveloped with an existing single-family residence located within proposed Lot 3, and an existing NID and PG&E easement exist within the Project area. The Project area is located between an approximate range of 3,250 feet and 3,675 feet above mean sea level (MSL) and the topography ranges from flat to gentle slopes to moderately steep slopes in some areas. The Project area is located within an area best characterized as western ponderosa pine habitat with additional complimentary species that make it a mixed conifer-hardwood forest (per the 2017 Biologist Inventory). The forest understory and open areas within the Project area are dominated by bare ground and shrubby chaparral associated species. Some dense stands of native oak species were also documented within the Project area. Clipper Creek and Little Deer Creek are the only named streams within the Project area. However, several small unnamed seasonal drainages have been documented and mapped within the Project area.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓			K,19
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?		✓			A,K,L,19, 40
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓	A,K,L,19, 40
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		✓			19, 36, L
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓		A,19, 40

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓	A,19,37
g. Introduce any factors (light, fencing, noise, human presence and/or domesticated animals) which could hinder the normal activities of wildlife?			✓		A,19

Impact Discussion:

4a Based on the 2023 Greg Matuzak biological inventory, several CNPS ranked plants and special-status plant species were identified as having at least some potential to occur within the Project area. Two (2) special-status plant species that have been previously documented within 3 miles of the Project area, including the brownish beaked-rush (*Rhynchospora capitellata*) and the Scadden Flat chekerbloom (*Sidalcea stipularis*). None of these species were identified within the Project area during biological resources surveys conducted in August and October 2023 and none of these or any other special status plants species were identified as part of the development of the 2017 Biological Inventory. In addition, no USFWS Designated Critical Habitat (DCH) has been mapped by USFWS for any federally listed species within the vicinity of the Project area. The biologist reviewed the CNPS ranked plants and special status plant species and determined the special-status plant species with at least a low potential to occur within the Project area that are also ranked as a CNPS List 1 or List 2 species include chaparral sedge, Red Hills soaproot, Cantelow's lewisia, and Sierra blue grass. Additionally, the 2017 Biological Inventory concludes that showy golden madia, a CNPS List 1B.1 species has the potential to occur within the Project area. Therefore Mitigation Measure 4E is proposed to require a special-status plant survey prior to implementation of ground disturbance if native vegetation is being removed from between April to June. If plants are present, protection of plants as specified in 4E is required.

The CNDDDB database 3-mile buffer search revealed four (4) special-status wildlife species that have previously been identified and mapped within 3 miles of the Project area. These species include Cooper's hawk, Great blue heron, Foothill yellow-legged frog, and the Western bumble bee. Given the presence of several seasonal drainages, Clipper Creek, and Little Deer Creek within the Project area, the project biologist also assessed the site specifically for western pond turtle, California black rail, and California red-legged frog. Three species of bat, the hoary bat (*Lasiurus cinereus*), pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Corynorhinus townsendii*) are included in the assessment as well.

The Cooper's hawk, Townsend's big-eared bat, and hoary bat, were not observed during the August and October 2023 site visits, but there is still a low but possible chance these species could occur on the parcel. No other candidate, sensitive, or special status specie

was observed or is predicted to occur on the parcel. Due to a moderate potential for nesting raptors and other protected nesting bird species Mitigation Measure 4A is proposed to require pre-construction surveys prior to any disturbance to minimize impacts to potential nesting raptors, Birds of Conservation Concern, and migratory birds by only allowing the removal of vegetation after it has been determined that there are no active nests. With implementation of these mitigation measures, the impact of proposed project is anticipated to be ***less than significant with mitigation*** on the loss of any special-status plant or animal species in this area.

- 4b,c The parcel is bisected at the northwestern corner by Little Deer Creek, which is identified by the United States Geological Survey as an intermittent stream. Clipper Creek on the southern part of the project area is a perennial stream as identified by the United States Geological Survey and has been determined to have riparian vegetation along the banks by the project biologist, Greg Matuzak. Matuzak reviewed the project site and identified all watercourses, which are shown on the Tentative Final Map. Nevada County staff conducted a site visit and reviewed the watercourses identified on United States Geological Survey Maps and determined the Tentative Final Map accurately represents the watercourses.

All proposed building envelopes and access to the building envelopes have been designed to avoid the 50-foot setback of the intermittent streams and seasonal drainages; and the 100-foot setback of Clipper Creek. This buffer is in alignment with the Nevada County Code and should be adequate for the protection of riparian areas. Therefore, Mitigation Measure 4B is proposed to require all structures be built within the building envelopes.

The project also proposes a shaded fuel break on parcel 3 that follows along the southern property line of parcels 4, 5, and 6. The shaded fuel break will not remove the riparian vegetation within the non-disturbance setback of Clipper Creek, but there is a 100-foot section where the shaded fuel break will cross a seasonal drainage. Project biologist Greg Matuzak determined this seasonal drainage is not considered a regulated stream by any state or federal agency because it does not contain a defined bed and bank or any associated riparian vegetation or an ordinary high water mark. Although the drainage is not identified as protected water courses, development of the shaded fuel break can create sedimentation which could impact Clipper Creek which is downstream. Therefore, Mitigation Measure 4D is proposed to require erosion control and best management practices. Therefore, project impacts to riparian habitat, wetlands or other sensitive natural communities are anticipated to be ***less than significant with mitigation***. There is no proposed work within the buffers of the wetlands, therefore the project will have ***no impact*** through direct removal, filling, or hydrological interruption of these resources.

- 4d According to the Nevada County Geographic Information System, the property is located within the winter range of deer. Pursuant to Nevada County Code Section 12.04.207, the major deer habitat type that is to be retained as non-disturbance open space only includes major deer migration corridors, critical winter and summer ranges, and critical fawning area. The field survey conducted by Greg Matuzak concluded that the project area is not located in any known major deer migration corridors, known deer holding areas, or critical deer fawning area. The field surveys did not record any observations of deer.

The California Fish and Wildlife BIOS tool categorizes the area of the subdivision as Conservation Planning Linkages, but the project is not within a California Essential Habitat Connectivity Area. Therefore, Measure 4B would require clustered development and preservation of oak groves which are used as habitat for resident deer herds and other species, through the prescribed building envelopes. Mitigation Measure 4C would prohibit solid fencing except around a dwelling, cultivated areas, and animal enclosures to continue to allow free movement of deer and wildlife through the area. With implementation of these mitigation measures, the impacts related to wildlife movement and disturbance of local wildlife would be ***less than significant with mitigation***.

- 4e The proposed land division is not anticipated to conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Nevada County has a number of local policies and ordinances that protect sensitive resources, including deer habitat; rare, threatened, and endangered species and their habitats; timber resources; and watercourses, wetlands, and riparian areas and steep slopes. Several of these protected resources are present in the project area: migratory birds would be protected through proposed Mitigation Measure 4A and special status species would be protected through proposed Mitigation Measure 4E as discussed above (4a); Mitigation Measures 4B and 4C as discussed above (4d) are proposed to protect the resident deer herd and the movement of other wildlife; and, watercourses, wetlands, and watercourses would be protected through proposed Mitigation Measure 4D, as discussed above (4b,c).

The subject parcel contains landmark blue oak woodlands and landmark oak trees as shown on sheet C1.1 of the parcel map. Section 12.04.215 of the Nevada County Code requires that sensitive resources be protected to the greatest extent possible while allowing reasonable development of the land. Avoidance of a resource is the preferred method of protection with impact minimization and impact compensation following in successive order. The building envelopes were designed around existing development and avoided protected oak groves as much as possible. However, a shaded fuel break was required by the Nevada County Consolidated Fire District along the eastern side of parcels 15-19. Section 12.04.215 states that trees that must be removed to provide adequate fuel reduction as determined by the local fire district are exempt from the protection of 4.3.15. Additionally, due to the fuel break being shaded, it is assumed that large canopy oak trees will not be removed because they provide the shading of the shading fuel break. The project biologist, Greg Matuzak also reviewed the proposed fuel break and did not express any concerns. Therefore, conflicts with local policies and ordinances are expected to be ***less than significant***.

- 4f There is no known local, regional, or state habitat conservation plan adopted on or adjacent to the project site. The United States Fish and Wildlife Service's Information for Planning and Consultation did not identify any critical habitat on the project site and thus impacts, if any, are anticipated to be ***less than significant***.
- 4g The project proposes to divide 307-acres into 11 parcels that could potentially contain single-family residences and accessory structures. Noise and light disturbances are anticipated to be those typically associated with single-family residential uses. The resultant parcels would be between 4 and 127.4-acres in size, with clustered development

through the use of building envelopes such that large portions of the properties would remain in a natural state. The highly vegetated state of the property is such that there is space within each parcel that is undisturbed by any noises and light associated with the residential uses thereon. With large portions of land outside of the building envelopes, impacts to normal wildlife activities would be *less than significant*.

Mitigation: To reduce potential construction impacts to biological resources, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

Mitigation Measure 4A: Nesting raptors, migratory birds, and Birds of Conservation Concern. The following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the Final Map:

The following note shall be added to all improvement/grading/construction plans:

Construction or disturbance activities during the breeding season could disturb or remove occupied nests of raptors and/or protected bird species and would require the implementation of a pre-construction survey within and adjacent to any proposed disturbance area within the Project area for nesting raptors and other protected bird species within seven (7) days prior to disturbance. The nesting survey radius around the proposed disturbance would be identified prior to the implementation of the protected bird nesting surveys by a CDFW qualified biologist and would be based on the habitat type, habitat quality, and type of disturbance proposed within or adjacent to nesting habitat.

If any nesting raptors or protected birds are identified during such pre-construction surveys, trees or shrubs or grasslands with active nests should not be removed or disturbed and a no-disturbance buffer should be established around the nesting site to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a CDFW qualified wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed by a qualified wildlife biologist to make an appropriate decision on buffer distances based on the species and level of disturbance proposed in the vicinity of an active nest.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

Reporting: *Approval of the Final Map for recordation and future permit issuance*

Responsible Agency: *Planning Department*

Mitigation Measure 4B: Establish Building Envelopes to Minimize Impacts to Oak Species, Resident and Migratory Deer Populations, and Aquatic Resources. Delineate building envelopes and show setbacks from watercourses, in accordance with the approved tentative map. The building envelopes shall be shown on the supplemental data sheets to be recorded concurrently with the Final Map and on all future

grading/improvement/building permit plans with a Note stating: "All structures shall be limited to the building envelopes identified on each of the parcels; this restriction does not apply to underground utility placement."

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Approval of the Final Map for recordation and future permit issuance

Responsible Agency: Planning Department

Mitigation Measure 4C: Protect and Facilitate the Free Movement of Wildlife. The Supplemental Data Sheet for the recorded map shall include the following note: To protect agricultural and domestic use of this property while still facilitating the free movement of wildlife, no solid fence shall be placed on any parcel except around the single-family dwelling, cultivated areas and animal enclosures. Perimeter fencing shall be limited to three or four-strand barbed-wire type, open material, with the lowest strand being barbed and a minimum of 18" from the ground.

Timing: Prior to map recordation

Reporting: Approval of the Final Map for recordation

Responsible Agency: Planning Department

Mitigation Measure 4D: Best Management Practices for Seasonal Drainages. The following measures shall be noted on the map and shall apply to the development of the shaded fuel break proposed on parcel 3 that follows along the southern property line of parcels 4, 5, and 6.

- f. No fill or dredge material will enter or be removed from the seasonal drainage;
- g. Use appropriate machinery and equipment to limit disturbance in this area;
- h. Placement of straw and/or other soil erosion control devices between the seasonal drainages and the areas where vegetation removal will occur to limit potential runoff and sedimentation into the seasonal drainage;
- i. No dewatering of the seasonal drainage will occur as part of the proposed construction; and
- j. Implement Best Management Practices during development of the shaded fuel break

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Approval of the Final Map for recordation and future permit issuance

Responsible Agency: Planning Department

Mitigation Measure 4E: Special Status Species Survey: The following note shall be included on the Supplemental Data Sheet of the Final Map:

Prior to the implementation of future ground disturbing activities within the naturally vegetated areas within the Project area, an additional special status plant survey would be required to identify the presence of the five (5) special-status plants (chaparral sedge, Red Hills soaproot, Cantelow's lewisia, Sierra blue grass, and showy golden madia) and any others with the potential to occur between April to June in those areas of the Project area. If the Project will not include the removal of native vegetation, then no additional special-status plant surveys would be required.

However, if any special-status plant species is documented within or directly adjacent to areas proposed for disturbance within the Project area that contain native vegetation and that are CNPS list 1A, 1B, 2A, or 2B per CEQA Guidelines Section 15380, or are listed under the ESA and/or CESA, protection of such plants would include complete avoidance, transplantation, and/or on- or offsite restoration of the special status plant species that could be impacted by such site disturbance.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Approval of the Parcel Map for recordation and future permit issuance

Responsible Agency: Planning Department

5. CULTURAL RESOURCES

Existing Setting:

The land is generally bisected by Banner Quaker Hill Road, Banner Lava Cap Road, Red Dog Road, and Red Dog Cross Road, approximately 1-mile southwest of Scotts Flat Reservoir, approximately 1.5-miles south of State Route 20, and approximately 2-miles east of Nevada City, within the western portion of Nevada County, California.

Portions of the area of potential effects (APE) are situated within flat to gently sloping lands, with moderate sloping lands located within the southern portion of the APE within the vicinity of Clipper Creek, which trends generally northeast-southwest within the southeastern portion of the APE. Disturbance to the ground surface is generally substantial throughout the APE. Virtually all of the APE has been affected by past logging activities over the past 150 years. Haul roads, skid roads, landings and cut tree stumps were noted throughout the subject property, all of which have resulted from these contemporary activities

Near the present project APE, gold and silver mining were undertaken at both the Banner and Lava Cap Mines. The Banner Mine is about 1.3 miles north of the Lava Cap Mine and is connected to the latter by a tunnel. Logging and ranching represent additional historic themes for this area within the southwestern portion of Nevada County. As with the earlier mining emphasis, activities associated with logging and ranching have also adversely affected the local cultural resource base, although typically with somewhat less severe impacts than actions associated with the early days of gold mining. In order to service the growing agricultural needs of the region, numerous water delivery canals were developed throughout the first half of the 20th century.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?		✓			J,22
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓			J,22
c. Disturb any human remains, including those interred outside of formal cemeteries?		✓			J,22

Impact Discussion:

5a-c A cultural resources inventory survey prepared Sean Michael Jenson of the Genesis Society determined that no significant historical resources, or unique archaeological resources are located within the APE.

Existing records at the NCIC document that none of the present APE had been subjected to previous archaeological investigation, and that no prehistoric had been documented within the APE. Four (4) historic-era resources had been documented within the APE (P-29-846, P-29-1077, P-29-1151, and P-29-5056). As well, Sean Michael Jenson conducted an intensive-level pedestrian survey. The pedestrian survey failed to identify any prehistoric resources within the APE. Both P-29-846 and P-29-1077 were found to have been destroyed sometime between 1995 and the present survey effort, and therefore no longer exist. P-29-1151 was found to have never been documented within the APE, but rather was erroneously mapped within the APE. This resource was confirmed to be located approximately 0.25-miles west of the APE. Finally, P-29-5056, a resource already determined not eligible for either the NRHP or the CRHR, was determined to be located immediately adjacent to the present APE's western boundary, and thus not within the APE.

Consultation was undertaken with the Native American Heritage Commission (NAHC) regarding sacred land listings for the property. An information request letter was delivered to the NAHC on August 1, 2023. The NAHC response is pending.

Based on the absence of significant historical resources/unique archaeological resources within the APE, the Sean Michal Jenson recommends archaeological clearance for the project with mitigation.

Therefore, Mitigation Measure 5A has been included, which requires that work shall be halted and proper notification and consultation shall be required if any artifacts or cultural resources are discovered during construction. With the implementation of Mitigation Measure 5A, impacts to cultural resources are expected to be ***less than significant with mitigation***.

Mitigation Measures: To offset potentially adverse cultural or historical resources impacts associated with the construction activities, the following mitigation measure shall be required and shall be included as notes on all grading and construction plans:

Mitigation Measure 5A: Halt Work and Contact the Appropriate Agencies if Human Remains, Cultural Resources or Paleontological Resources are Discovered during Project Construction. The following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the Final Map: All grading and construction plans shall include a Note outlining the requirements provided below to ensure that any cultural resources discovered during project construction are properly managed. These requirements including the following: All equipment operators and employees involved in any form of ground disturbance shall be trained to recognize potential archeological resources and advised of the remote possibility of encountering subsurface cultural resources during grading activities. If such resources are encountered or suspected, work within 100 feet shall be halted immediately 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 be contacted. Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, Public Resources Code 5097.98 and California Code of Regulations Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Environmental Quality Act Sections 15064.5(d) and (e) shall be followed. 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.

Timing: Prior to map recordation and issuance of grading/improvement/building permits and throughout construction

Reporting: Planning Department Approval of Grading and Construction Permits

Responsible Agency: Planning Department

6. ENERGY

Existing Setting: The Paye map proposes to divide two legal parcels with six APNs, that have a combined acreage of 306.86, into 11 lots ranging in size from 4 acres to 127.4 acres. The parcels are mostly undeveloped, other than a residence and accessory structures at 14695 Red Dog Road. The property currently has electrical service from PG&E, which would also provide service for future development.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in potentially significant environmental impact due to wasteful,			✓		A

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
inefficient, or unnecessary consumption of energy resources, during construction or operation?					
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				✓	A,D

Impact Discussion:

- 6a The proposed 11 lot subdivision is not anticipated to result in significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during either the construction or the operational phase of the project. Electricity is currently available to the property and operational energy needs for future development of residences would be required to meet energy standards in place at the time of their construction. The scale of the project along with requirements to meet energy standards for both construction equipment and materials will ensure that the use of energy resources would not be excessive and therefore, the project would have a ***less than significant impact***.
- 6b The 11 lot subdivision division would not conflict with any state or local plans for renewable energy or energy efficiency. Permits would be required in order to construct any improvements. As part of the building permit review, all equipment and structures would be required to meet energy standards identified in the California Building Code. Likewise, the project would not obstruct or prevent plans for renewable energy or efficiency. Therefore, the project would have ***no impact*** to state or local plans for renewable energy or energy efficiency.

Mitigation: None Required.

7. GEOLOGY / SOILS

Existing Setting: The subject project includes 306.86 acres aggregated from 2 legal parcels with six APNs located in an unincorporated rural area of Nevada County. Nevada County is part of the Sierra Nevada Range, a geologic block approximately 400 miles long and 80 miles wide which extends in a north-south band along the eastern portion of California. Two features of the Sierra Nevada distinctly characterize the terrain of Nevada County. The western third of the county is comprised of rolling foothills which form a transition between the low-lying Sacramento Valley and the mountains to the east. The area extending from the Yuba County line to just northeast of the Grass Valley/Nevada City area is generally comprised of metavolcanic and granitic formations.

Biologically, the study area is located in a transition zone between the lower foothill elevations and the higher Sierra Nevada mountains. This transition zone is considered the Yellow Pine Belt. Because it is a transition zone, or ecotone, a variety of flora and fauna species occur in the area that typically occur at zones of either higher or lower elevations.

The Nevada County area is in the Sierra Nevada geomorphic province of Northern California and lies on the western portion of the North American Plate. This property is located towards the western side of the Sierra Nevada Mountains. Elevation of the property ranges from approximately 3,200 to 3,600-feet above mean sea level, with the topography of the property ranging from flat to moderately steep slopes. The property is underlain with predominantly with Aiken loam. The Aiken series consists of very deep, well drained soils formed in material weathered from basic volcanic rocks.

The Alquist-Priolo Earthquake Fault Zoning Act was adopted in 1972 to prevent the construction of buildings in areas where active faults have surface expression. Ground or fault rupture is generally defined as the displacement that occurs along the surface of a fault during an earthquake. The project site is not within an Alquist-Priolo Earthquake Fault Zone and it is located near a Pre-Quaternary fault, which is a fault that is older than 1.6 million years or a fault without recognized Quaternary Displacement. (California Department of Conservation).

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Directly or indirectly cause potential substantial adverse effects, including risk of loss, injury or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ii. Strong seismic ground shaking? iii. Seismic-related ground failure including liquefaction? iv. Landslides?			✓		A,L,12,29, 30, 32, 43, 44
b. Result in substantial soil erosion or the loss of topsoil?		✓			D,33, 43, 44
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓		D,12,30, 32,33, 43, 44
d. Be located on expansive soil creating substantial direct or indirect risks to life or property?			✓		D,30,32, 33, 43, 44

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓	A,C
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A
g. Result in substantial grading on slopes over 30 percent?		✓			A,L,9

Impact Discussion:

7a-d,g The proposed 11 lot subdivision is not anticipated to result in adverse effects due to unstable soils, or cause significant erosion. The only fault identified near the project is a Pre-Quaternary fault, which is a fault that is older than 1.6 million years or a fault without recognized Quaternary Displacement. The United States Department of Agriculture Natural Resources Conservation Service Soil Mapper shows that the soil of the parcel is Aiken loam and Sites Silt loam. The K-factor (erosion rating) for the soils of the parcel indicate that the soil has a low to moderate potential for erosion by water. The Alquist-Priolo Earthquake Fault Zoning Act (1972) and the Seismic Hazards Mapping Act (1990) direct the State Geologist to delineate regulatory "Zones of Required Investigation" to reduce the threat to public health and safety and to minimize the loss of life and property posed by earthquake-triggered ground failures. The project site is not within an Alquist-Priolo Earthquake Fault Zone. This is an area not evaluated for liquefaction or landslides and is not an earthquake zone of required investigation. The UC Davis Soil Data Explorer does not indicate the Aiken Series is expansive.

The USDA Web Soil Survey shows that Aiken loam (2% to 9% slope) is not limited for the development of dwellings; Aiken loam (9% to 15% slope) is somewhat limited, and Aiken loam (15% to 30% slope) is very limited. The building envelopes are designed to avoid slopes over 30% and are mostly within the Aiken loam areas with not limited and somewhat limited ratings. Building permits will be required for all earthwork, which would require compliance with the Nevada County grading standards outlined in Land Use and Development Code Section V, Article 13. Building permits would also require compliance with the California Building Code (CBC) and the Nevada County Land Use and Development Code requirements to ensure protection during seismic events. Therefore, due to the project soils, standard permit requirements, impacts associated with unstable earth conditions are expected to be **less than significant**.

7b,g The work associated with potential future development is not anticipated to result in substantial soils erosion, or in grading on steep slopes. All work would be required to be in compliance with Nevada County grading standards and/or the California Building Code, requiring erosion control measures as needed to ensure that activities do not result in substantial erosion. Additionally, proposed building envelopes and work areas are located

outside of steep slopes. Further, any future structures will require building permits and will not be able to be constructed on slopes steeper than 30% due to the building envelopes avoiding slopes steeper than 30% as required by Mitigation Measure 4B. Therefore, impacts relative to soils erosion, or to disturbance within steep slopes resulting from the proposed two-way land division to separate existing improvements are anticipated to be ***less than significant with mitigation.***

- 7e Per Nevada County On-Site Sewage Disposal Regulations, all proposed parcels must have satisfactory site approval for a Minimum Useable Sewage Disposal Area (M.U.S.D.A.) prior to recordation of the map. Based on Conditions of Approval from the Nevada County Health Department, the project would have ***no impact*** relative to a lack of soils for sewage disposal.
- 7f There are no known paleontological resources or unique geological features in or around the project parcel. However, because there may be future ground disturbance within project building envelopes, Mitigation Measure 5A would require work to halt in the event that there is an unanticipated discovery of paleontological resources. Direct or indirect damage to paleontological resources is anticipated to be ***less than significant with mitigation.***

Mitigation: See Mitigation Measures 4B and 5A.

8. GREENHOUSE GAS EMISSIONS

Existing Setting: : Global climate change refers to changes in average climatic conditions on the earth as a whole, including temperature, wind patterns, precipitation and storms. Global warming, a related concept, is the observed increase in the average temperature of the earth's surface and atmosphere. One identified cause of global warming is an increase of greenhouse gases (GHGs) in the atmosphere. Greenhouse gases (GHGs) are those gases that trap heat in the atmosphere. GHGs are emitted by natural and industrial processes, and the accumulation of GHGs in the atmosphere regulates the earth's temperature. Events and activities, such as the industrial revolution and the increased combustion of fossil fuels (e.g. gasoline, diesel, coal, etc.), are believed to have contributed to the increase in atmospheric levels of GHGs. GHGs that are regulated by the State and/or EPA are carbon dioxide (CO₂), methane (CH₄), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆) and nitrous oxide (NO₂). Emission inventories typically focus on GHG emissions due to human activities only, and compile data to estimate emissions from industrial, commercial, transportation, domestic, forestry, and agriculture activities. CO₂ emissions are largely from fossil fuel combustion and electricity generation. Agriculture is a major source of both methane and NO₂, with additional methane coming primarily from landfills. Most HFC emissions come from refrigerants, solvents, propellant agents, and industrial processes, and persist in the atmosphere for longer periods of time and have greater effects at lower concentrations compared to CO₂. Global warming adversely impacts air quality, water supply, ecosystem balance, sea level rise (flooding), fire hazards, and causes an increase in health-related problems.

To reduce emissions of greenhouse gases, the California Legislature enacted AB 32 (Núñez and Pavley), which is referred to as the California Global Warming Solutions Act of 2006 (September 27, 2006). AB 32 provided initial direction on creating a comprehensive, multiyear program to limit

California's GHG emissions at 1990 levels by 2020, and initiate the transformations required to achieve the state's long-range climate objectives. In April 2015, the California Air Resources Board issued Executive Order B-30-15 to set an interim target goal of reducing GHG emissions to 40 percent below 1990 levels by 2030 to keep California on its trajectory toward meeting or exceeding the long-term goal of reducing GHG emissions to 80 percent below 1990 levels by 2050 as set forth in EO S-3-05. SB 32, enacted in 2016, codified the 2030 the emissions reduction goal of CARB Executive Order B-30-15.

In addition, the Governor signed Senate Bill 97 in 2007 directing the California Office of Planning and Research to develop guidelines for the analysis and mitigation of the effects of greenhouse gas emissions and mandating that GHG impacts be evaluated in CEQA documents. CEQA Guidelines Amendments for GHG Emissions were adopted by OPR on December 30, 2009. The Northern Sierra Air Quality Management District (NSAQMD) has prepared a guidance document, *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, which includes mitigations for general air quality impacts that can be used to mitigate GHG emissions when necessary. Continuing to reduce greenhouse gas emissions is critical for the protection of all areas of the state, but especially for the state's most disadvantaged communities, as those communities are affected first, and, most frequently, by the adverse impacts of climate change, including an increased frequency of extreme weather events, such as drought, heat, and flooding.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓		A,G, 20
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			✓		A,G,20

Impact Discussion:

8a-b The project is not expected to generate greenhouse gases that would result in significant environmental impacts or that would be in conflict with plans for greenhouse gas reductions. Due to the project being an 11 lot subdivision of land within residential agricultural and agricultural zoning districts, high levels of greenhouse gas emissions are not anticipated.

California is divided geographically into air basins for the purpose of managing the air resources of the State on a regional basis. An air basin generally has similar meteorological and geographic conditions throughout. Nevada County and Placer County are both within the Mountain Counties Air Basin. Nevada County is within the jurisdiction of the Northern Sierra Air Quality Management District, but the NSAQMD has not adopted thresholds of significance for greenhouse gases. However, Placer County Air Pollution Control District has adopted thresholds of significance for greenhouse gases. Due to greenhouse gas emissions being not only a regional but also a global

concern, and the similarities between the neighboring air districts, it was determined that the Placer APCD thresholds are relevant standard for the determination of significance.

The thresholds adopted by Placer County APCD include a bright-line threshold of 10,000 metric tons of Carbon dioxide equivalent per year and a De Minimis level of 1,100 metric tons of carbon dioxide per year. A bright-line threshold is a numerical value used to determine the significance of a project's annual GHG emissions. GHG emissions from projects that exceed 10,000 MT CO₂e/year would be deemed to have a cumulatively considerable contribution to global climate change. The De Minimis Level for the operational phases of 1,100 MT CO₂e/yr represents an emissions level which can be considered as less than cumulatively considerable and be excluded from the further GHG impact analysis.

The De Minimis level of emissions is equivalent to a project size of approximately 71 single-family units, or a 35,635 square feet commercial building. The Paye project is not proposing any development at this time, but it is likely the lots will eventually be developed with primary residences and accessory structures. Due to the subdivision including the potential for 11 single family units and not 71 or greater, the intensity would be below the De Minimis level and is considered as less than cumulatively considerable. The CalEEMod analysis determined that the operational emissions of the subdivision will be 325 MT/yr, which is below the De Minimis Level of 1,100 MT CO₂e/yr.

Due to the greenhouse gas emissions from the project being below the De Minimis greenhouse gas significance thresholds, the overall GHG impact is expected to remain at a level that is ***less than significant***.

Mitigation: None required.

9. HAZARDS/HAZARDOUS MATERIALS

Existing Setting: The project parcels are not near or adjacent to any hazardous materials sites compiled pursuant to Government Code Section 65962.5 (California Department of Toxic Substances Control, 2019).

The California Department of Toxic Substance Control EnviroStor database does not show any does not identify any hazardous substance release sites within the project parcels. However, there are two sites within two miles of the project parcels. The Deer Creek Park 2 property is about two aerial miles west and contained hazardous substances associated with mine waste rock material, including arsenic and lead. The cleanup status was certified as of 1/17/2006. The Buckeye Road property is about 1.75 miles southeast and had potential contamination of arsenic and mercury. The DTSC determined that no further action is required as of 7/11/2007. The project area is in a very high fire hazard severity zone as designated by CalFire. The closest sensitive receptors would be houses adjacent to the project parcels. There are no public or private airports near the project site, with the closest public airport being approximately 2.5 air-miles

southwest of the project site and the airport compatibility zone being 1.3 miles to the southwest of the project site.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓		C
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓		C
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓	A,L
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?				✓	C,24
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✓	L
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓	H
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓		H

Impact Discussion:

9a-b The Paye project proposes to divide 306.86 acres into 11 parcels within residential agricultural and agricultural zoning districts. The parcels would be developed with residential/agricultural uses and would not include routine transport, use or disposal of hazardous materials other than typical household use and storage of hazardous substances such as cleaning agents, paints and solvents. State and federal government regulate the uses of these materials; future residents would be required to comply with usage parameters mandated by these laws. Small quantities of hazardous materials could

be stored, used, and handled if any future construction occurs. The hazardous materials anticipated for use are small volumes of petroleum hydrocarbons and their derivatives (e.g., gasoline, oils, lubricants, and solvents) required to operate the construction equipment. These relatively small quantities would be below reporting requirements for hazardous materials and would not pose substantial public health and safety hazards through release of emissions or risk of upset. Safety risks to construction workers for the proposed project would be reduced by compliance with Occupational Safety and Health Administration standards. Therefore, project related hazard impacts relative to routine transport, use, disposal or emission of hazardous substances to the public or environment would be ***less than significant***.

- 9c The adjacent residences, particularly the higher density RA-5 parcels to the west of the project are the closest sensitive receptors. The subdivision of RA and AG parcels into 11 lots would result in a land use similar to the surrounding area. Therefore, it is not anticipated that the RA and AG zoned lots would be developed with any uses that would potentially release hazardous materials into the environment. As noted above, hazardous materials are anticipated to be those associated with typical household uses and those small quantities that could be utilized during construction. Due to the type and amount of materials associated with this land division, ***no impact*** relative to transport, use, or emissions of hazardous materials within proximity of neighboring residences is anticipated.
- 9d The project parcels are not on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; therefore, there would be ***no impact***.
- 9e There are no public or private airports near the project site, with the closest public airport (Nevada County Airport) being approximately 2.5 air-miles southwest of the project site. The edge of the airport compatibility plan is 1.3 miles southwest of the closest point of the subdivision. Therefore, the project is not anticipated to result in a safety hazard for people residing or working in the project area and there would be ***no impact***.
- 9f The proposed land division is not anticipated to interfere with an adopted emergency response plan or emergency evacuation plan, nor would it expose people or structures to a significant risk of loss, injury or death involving wildland fires. The subject property is served by the Nevada County Consolidated Fire Protection District, in an area designated by CalFire as a Very High Fire Danger area. The Nevada County Office of the Fire Marshal and the Nevada County Consolidated Fire Protection District reviewed the project proposal and did not comment on any adverse impacts to emergency response or evacuation plans. The County Office of Emergency Services does not publish emergency evacuation plans; however, the Nevada County Sheriff's Department states that they do not maintain evacuation plans for residences but sometimes have them for schools or camps. There are no school or camps near the proposed project so there are no evacuation plans for the area. The County code specifies the maximum density of parcels that can be beyond dead-end road limits. The denser an area is, the shorter a single route for evacuation can be. The Department of Public Works engineers verified that these parcels are not beyond dead end road standards and did not require additional road improvements due to the access being county-maintained roads with multiple routes for

evacuation. The proposed project would not impair or physically interfere with emergency response and evacuation plans, resulting in **no impact**.

- 9g Any improvements would require Building Permits and conformance with Chapter 5 of the Nevada County Land Use and Development Code for building and grading standards. Standard conditions of approval would be applied to the project that would improve fire safety including vegetation clearance for defensible space around residences. The Nevada County Consolidated Fire District reviewed the project, applied conditions of approval, and did not communicate any concerns. The applicant proposed the dedication of lot 7 within the subdivision to the Nevada County Consolidated Fire District to be used for a fire station at an undetermined time in the future or another use deemed suitable by the fire district. Lot 1 will have water storage for emergency fire suppression purposes to serve lots 1, 2, and 11. Lots 3 – 10 will be served by existing fire hydrants on Red Dog Cross Road. The project also proposes a shaded fuel break on parcel 3 that follows along the southern property line of parcels 4, 5, and 6 that will be required to be maintained. This is meant to reduce the hazard of wildfire moving up the walls of the Clipper Creek Canyon. The project does not propose the construction of any new residential units at this time, but it is likely that the resultant lots will be developed with residences in the future. All future residences will be required to meet setbacks to create defensible space for wildfire and be served by fire safe driveways that allow a fire truck to quickly access the parcel during an emergency. The parcels are served by County maintained roads and are not beyond dead-end road limits. Therefore, the project potential to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires is **less than significant**.

Mitigation: None required.

10. HYDROLOGY / WATER QUALITY

Existing Setting: Within the project area, a mapped unnamed seasonal drainage and Little Deer Creek cross Lot #1. Clipper Creek and a seasonal drainage that is a tributary crosses Lot 3. As part of the site surveys conducted within the Project area, a small unnamed seasonal drainage was found that crosses Lots 5 and 6, which connects to the seasonal drainage on lot 3. Additionally, there is a seasonal drainage crossing Lot 2 that does not contain a defined bed and bank or any associated riparian vegetation or an ordinary highwater mark. Another seasonal drainage is mapped on the southeast cover of lot 3. No additional wetlands/watercourses within or adjacent to the subject parcel were documented.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓		A,D

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✓		A,C
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would: i. result in substantial erosion or siltation on- or off-site; ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run off; or iv. impeded or redirect flood flows?			✓		A,D,9,19
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓	L,9,13
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			✓		A,D
f. Place housing within a 100-year flood hazard area as mapped on a federal Flood hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓	L,9,13
g. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				✓	L,13

Impact Discussion:

10a,c The proposed 11 lot subdivision division is not anticipated to negatively affect water quality standards or waste discharge requirements, nor is it anticipated to contribute amounts that could exceed drainage system capacity or alter existing drainage patterns.

Little Deer Creek, Clipper Creek, and the seasonal drainages traverse the parcel, but the biologist has determined that the project will not have an effect on watercourses, wetlands, or riparian areas. Building envelopes on the proposed parcel map are designed

to keep the construction of structures outside of the non-disturbance buffers of waterways and waterbodies. Non-disturbance setbacks reduce the chance that development will impact nearby waterbodies by requiring physical separation. Building envelopes on all parcels align with the required non-disturbance setbacks for watercourses and water bodies required by the Nevada County Code. Resultant parcels will be used for residential or agricultural uses so significant discharges or pollution are not expected. All work would be required to be in compliance with Nevada County grading standards and/or the California Building Code, requiring erosion control measures as needed to ensure that activities do not result in substantial erosion. Standard erosion control measures ensure that future improvements within proposed building envelopes do not result in offsite erosion or deposition of sediment into water features.

There are no proposed plans modify any waterway or waterbody. Additionally, further protection is afforded by proposed Mitigation Measure 4B which requires the water courses and wetlands to be shown with buffers required by the Nevada County Code on the supplemental data sheets that will record with the parcel map. The limited amount of work with the protective measures would not alter drainage patterns, degrade water quality, or violate water quality standards. Additionally, development of the relatively small building envelopes on the large parcels would not result in a substantial increase in surface runoff that could result in flooding.

Based on the above discussion, project related impacts to water quality standards or waste discharge requirements, including contributing amounts that could exceed drainage system capacity or alter existing drainage patterns would be ***less than significant***.

10b,e The proposed 11 lot subdivision of 306.86-acres would not result in a substantial decrease in groundwater supplies, interfere with groundwater recharge or conflict with water quality/groundwater management plans. 7 of the 11 lots would be connected to public water from the Nevada Irrigation District. The remaining lots would be served by wells. The Department of Environmental Health requires that potable water availability be proven for each parcel prior to recordation of the map. The wells must be permitted through environmental health and have adequate yield pursuant to the County Code. The proposed subdivision is anticipated to have ***less than significant impact*** on the existing wells on this, or on adjacent properties.

10d,f,g There is no flood hazard or designated flood zone on the project parcel; nor is the property within a tsunami or seiche zone. Therefore, there would be ***no impact*** associated with flooding, tsunamis or seiches.

Mitigation: None required.

11. LAND USE / PLANNING

Existing Setting: The project parcels are crossed by Banner Quaker Hill Road, Red Dog Road, and Red Dog Cross Road within the unincorporated part of Nevada County. The parcels are not within the sphere of influence of any incorporated cities such as Grass Valley or Nevada City. The

projects are not in a location with an adopted area plan. The northern portion of the project has a General Plan designation of RUR-10 and is zoned Residential Agriculture – 10. The southern portion of the project has a General Plan designation of RUR-30 and is zoned General Agriculture – 30. The “-10” prescribes density at one unit per 10-acres (AG-10, RUR-10) and the “-30” prescribes density at one unit per 30 acres (AG-30, RUR-30). Both the RA and AG zoning district allows for single-family residential improvements and uses, along with a variety of other uses. The project parcels are mostly undeveloped, with the exception of a single-family residence and accessory structures located at 14695 Red Dog Road.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Physically divide an established community?				✓	A,L
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✓	A,18,19

Impact Discussion:

- 11a The proposed 11 lot subdivision would not physically divide an established community. The project parcel is in a rural area rather than an established community and does not propose any development that could cause community divisions. Therefore, the project would not physically divide an established community, and thus **no impact** is anticipated.
- 11b The RA-10 portion of the project area is 157 acres and the AG-30 portion of the project area is 150 acres. There is available density for 15 parcels in the RA portion and 5 parcels in the AG portion. The proposed land division would result in 11 parcels so the maximum density for the area is not exceeded. The 8 out of the 11 parcels are smaller than the minimum parcel size, however, the Nevada County Code allows parcels smaller than the minimum allowed by zoning by averaging the density allowed for the entire subdivision. Due to the project including large parcels of 64, 55.4, and 127.4 acres, the average of the density does not exceed what is allowed by zoning and leaves density for 9 parcels that is not being used with this project. The parcels meet the minimum road frontage required by the County Code due to all parcels having at least 200 feet of road frontage. The project includes an immediate rollout out of Timber Production Zone. Previously the rezone from Timber Production Zone to RA and AG was approved in June of 2018. However, the rollout process typically takes ten years. To approve an immediate rezoning out of TPZ, it must be demonstrated that it is in the public interest. Therefore, Lot 7 is proposed to be dedicated to the Nevada County Consolidated Fire District for the future development of a new fire station or another use deemed suitable by the fire district. Potential conflicts with applicable land use plans, policies, or regulations that could result in physical impacts are identified within this Initial Study and are found to be less than significant. Therefore, there will be **no impacts** related to land use policy incompatibility.

Mitigation: None required.

12. MINERAL RESOURCES

Existing Setting: The project area is not mapped within a Mineral Resource Zone (MRZ), or area of known valuable mineral deposits.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓	A,1
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				✓	A,1

Impact Discussion:

12a-b The proposed project is not mapped within a known mineral resource area or MRZ and would not result in the loss of availability of a known mineral resource. Therefore, the project would have **no impact** on mineral resources.

Mitigation: None Required.

13. NOISE

Existing Setting: The parcels involved with the subdivision are undeveloped other than an existing residence at 14695 Red Dog Road. The parcels are within a Timber Production Zone and have an approved Timber Harvest Plan. Areas of clearing and piled logs can be seen on satellite imagery.

Would the proposed project result in:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?		✓			A,17,18, 38
b. Generation of excessive ground borne vibration or ground borne noise levels?			✓		A, 38
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been				✓	A,L

Would the proposed project result in:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?					

Impact Discussion:

13a-b The proposed subdivision would divide 306.86 acres into 11 lots and allow for uses consistent with those allowed within the General Agricultural (AG) and Residential Agricultural zoning districts. Generally, these land uses are compatible with other residential land uses and are not expected to generate significant noise impacts thereto. Additionally, the project parcels have previously been used for logging which includes the use of heavy equipment such as tractors and skidders, saws to cut trees, and 4-8 loads per day of timber trucks. The noise associated with the development of the Residential Agricultural (RA) uses and General Agricultural (AG) uses would be more consistent with the noises of the surrounding RA and AG zoning districts than the existing conditions.

The exception to this would be noises and potential vibration generated during any future construction of additional improvements on the new individual parcels. Vibration is typically sensed at nearby properties when it causes objects within the structures to vibrate such as rattling windows. Construction noises and construction related vibration are not an ongoing land use and as they are short term in nature, they are exempt from the County noise standards. While the County's Zoning Code does not apply its noise standards to temporary construction (Nevada County 2012), nonetheless there could be a temporary exposure of nearby uses to noise in excess of County thresholds. Therefore, Mitigation Measure 13A is recommended to limit construction work to the hours of 7 AM to 7 PM Monday through Saturday. Anticipated noise generated by the future residential use within the proposed land division are anticipated to be consistent with the noises generated by existing residential activities and thus result in **less than significant** noise impacts; and **less than significant** construction related noise impacts **with mitigation**.

13c The project parcels are not located within an airport land use plan and there are no public or private airports near the project site, with the closest public airport being 2.5 air-miles southwest of the project site. Given the distance to these airports, the project would result in **no impacts** related to airport noise.

Mitigation Measures: To offset potential construction related noises, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the Final Map:

Mitigation Measure 13A. Limit construction work hours to 7:00 AM to 7:00 PM: The following note shall be included on the Supplemental Data Sheet of the Final Map: During grading and construction, work hours shall be limited from 7:00 AM to 7:00 PM, Monday - Saturday. Prior to issuance of grading and building permits, improvement plans shall reflect hours of construction.

Timing: Prior to map recordation and prior to issuance of grading/improvement/building permits

Reporting: Agency approval of permits or plans

Responsible Agency: Planning Department

14. POPULATION / HOUSING

Existing Setting: The project parcels are crossed by Banner Quaker Hill Road, Red Dog Road, and Red Dog Cross Road within the unincorporated part of Nevada County. The parcels are not within the sphere of influence of any incorporated cities such as Grass Valley or Nevada City. The projects are not in a location with an adopted area plan. The northern portion of the project has a General Plan designation of RUR-10 and is zoned Residential Agriculture – 10. The southern portion of the project has a General Plan designation of RUR-30 and is zoned General Agriculture – 30. The “-10” prescribes density at one unit per 10-acres (AG-10, RUR-10) and the “-30” prescribes density at one unit per 30 acres (AG-30, RUR-30). Both the RA and AG zoning district allows for single-family residential improvements and uses, along with a variety of other uses. The project parcels are mostly undeveloped, with the exception of a single-family residence and accessory structures located at 14695 Red Dog Road.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓	A
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓	A

Impact Discussion:

14a-b Typically, the growth-inducing potential of a project would be considered significant if it stimulates population growth or a population concentration above what is assumed in local and regional land use plans. In the most recent Housing Element Chapter of the Nevada County General Plan, a 2% annual growth is predicted. The County zoning reflects the population growth anticipated in the local land use plan. The RA-10 portion of the project area is 157 acres and the AG-30 portion of the project area is 150 acres. There is available density for 15 parcels in the RA portion and 5 parcels in the AG portion. The proposed land division would result in 11 parcels so the maximum density for the area is not exceeded. 8 out of the 11 parcels are smaller than the minimum parcel size, however, the Nevada County Code allows parcels smaller than the minimum allowed by zoning by averaging the density allowed for the entire subdivision. Due to the project including large parcels of 64, 55.4, and 127.4 acres, the average of the density does not exceed what is allowed by zoning. Therefore, the proposed 11 lot land division would not result in an

inducement of unplanned population growth or a displacement of existing people or housing. The land division would not require the demolition of any housing so no replacement housing would need to be constructed. Therefore, the proposed project would have **no impact** related to these issues.

Mitigation: None required.

15. PUBLIC SERVICES

Existing Setting: The following public services are provided to this site:

Fire: The Nevada County Consolidated Fire District provides fire protection services to this area.

Police: The Nevada County Sheriff provides law enforcement services.

Schools: The Nevada City School District and Nevada Joint Union School Districts provides education for the area.

Parks: The project is within the Grass Valley/Nevada City Park and Recreation district.

Water & Sewer: The single existing residence Water is served by a well and septic system.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following the public services:					
1. Fire protection?			✓		H, M
2. Police protection?			✓		A
3. Schools?			✓		A, P
4. Parks?			✓		A
5. Other public services or facilities?			✓		A

Impact Discussion:

15a

(1-2)

The proposed 11 lot subdivision is not anticipated to have significant impacts on fire protection or law enforcement services because of the conditions applied during the Nevada County Fire Marshal and the Nevada County Consolidated Fire Marshal. A new fire station is not proposed at this time but could be developed in the future on the dedicated lot. The impacts associated with the fire station would be evaluated when/if the fire station is formally proposed. Impacts to police and fire are anticipated with the zoning and General Plan designations and this project is in alignment with the densities specified

by the zoning district and General Plan designation, therefore, this impact is considered ***less than significant***.

15a

- (3-5) The proposed land division would not impact schools, parks, or public recreational facilities because school, fire mitigation, and recreation impact fees are in place and applicable at the time of building permit issuance to offset the incremental impact on these services. School impact fees would also be applied to accessory dwelling units over 500 square feet if future owners choose to build them. Fire impact fees would be applied to all ADUs. Public Works Traffic Impact Fees would be applied to ADUs over 750 square feet. Recreation impact fees would apply to new homes proposed on resultant parcels. Recreation impact fees would also be applicable to additions to existing residences, based on square footage of the addition. Therefore, there would be ***a less than significant impact*** as a result of the project approval of this 11 lot land division.

Mitigation Measures: None required.

16. RECREATION

Existing Setting: The project parcels are located within the Grass Valley/Nevada City recreation benefit zone. New development within the Grass Valley/Nevada City recreation benefit zone is charged a recreation mitigation fee and the money is distributed to develop recreation facilities within the recreation benefit zone. Projects within the Grass Valley/ Nevada City recreation benefit zone that benefited from the recreation mitigation fees include Memorial Park, Condon Park, Tobiassen Park, Hirschman's Trail, and others. Scotts Flat Reservoir, a Nevada Irrigation District facility, is 1.4 miles to the northeast and provides recreational options for boating, fishing, hiking, mountain biking, and kayaking. The Empire Mine State Park is 5.6 miles southwest. There are various hiking and biking trails within the vicinity of the project including Scotts Flat Trail, Pioneer Trail, Cascade Canal Trail, and Miners trails. No other recreational facilities occur on the Paye parcels, but they are intersected by the Banner Mountain Corridor which is currently undeveloped but identified in the Western Nevada County non-motorized trails master plan.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓	A
b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				✓	A

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
c. Conflict with established recreation uses of the area, including biking, equestrian and/or hiking trails?				✓	A,L

Impact Discussion:

16a-c The proposed 11 lot subdivision is not anticipated to result in negative impacts to recreational facilities, trigger the need for new facilities, or conflict with established facilities because of the small potential increase in population. The residential density established by the General Plan for the area would allow 20 lots, which is more than what is proposed by the project. Based upon the objectives established in the General Plan, recreation impacts associated with residential growth are offset by a funding program via development fees; see impact fee discussion in 15a (3-5 above). There are no existing recreational facilities on the Project parcels, but there are existing recreational facilities nearby discussed in the existing conditions. The Nevada County Non-Motorized Transportation Master Plan identifies the Banner Mountain Corridor within the project area. Therefore, the proposed project includes a 15-foot wide trail easement along Banner Quaker Hill Road. Although no trail is proposed currently, the attainment of the easement will make the development of a trail in the future easier and will not conflict with existing uses. Due to recreation mitigation fees that would be applied to new development, the attainment of a trail easement, abundant existing recreational opportunities nearby, and the lack of existing facilities onsite, the proposed project would have **no impact** related to recreational facilities.

Mitigation: None required.

17. TRANSPORTATION

Existing Setting: The project parcels are located approximately 3.5 east of the city limits of Nevada City. The parcels are bisected by county-maintained roads including Red Dog Road, Red Dog Cross Road, and Banner Quaker Hill Road. There are no Nevada County Transit Service bus routes in the vicinity of the project. The existing roads that cross the parcels do not have sidewalks or bicycle lanes.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle or pedestrian facilities?				✓	A,B
b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			✓		A,B, 38

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
c. Substantially increase hazards due to a geometric design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment)?			✓		A,H,M
d. Result in inadequate emergency access:			✓		H,M
e. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?			✓		A,H,M

Impact Discussion:

17a The proposed subdivision would not conflict with any policies regarding transit, roadway, bicycle or pedestrian facilities. There are no existing pedestrian or bicycle facilities in the area to be impacted by the subdivision. However, the Nevada County Non-Motorized Transportation Master Plan identifies the Banner Mountain Corridor within the project area. This Plan is intended to be a tool for the Planning Department and decision-makers to work with developers to provide recreational trails consistent with a regional system. Therefore, a 15-foot wide trail easement is proposed along Banner Quaker Hill Road. A 15-foot wide easement is adequate in width to fit either a Type 1 or Type 2 trail specified in Nevada County Public Works Standard Drawing A-11. The attainment of the easement increases the potential for pedestrian facilities compared to the existing conditions. The required easement through the project parcels nearly connects to Snow Mountain Ditch to Scotts Flat and contributes to the overall connectivity of the Nevada County trail system. Although this project would not connect the easements, the development of the trail system is incremental. No existing trails pass through the parcel so bicycle and pedestrian movement will not be affected. Transit services are not currently available within a reasonable walking distance from the parcel and would not be affected by the project. The project would not conflict with any policies regarding transit, roadway, bicycle or pedestrian facilities so therefore there would be **no impact**.

17b The CEQA Section 15064.3 - Determining the Significance of Transportation Impacts describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project.

According to the Senate Bill 743 Vehicle Miles Traveled Implementation, adopted by the Nevada County Transportation Commission, a project's or plan's VMT impact may be considered less than significant if "the project or plan total weekday VMT per service population is equal to or less than "X" percent below the subarea mean under baseline conditions" and "the project or plan is consistent with the jurisdiction's general plan and the Nevada County Regional Transportation Plan."

A specific reduction "X" below subarea baseline VMT may be selected by each jurisdiction based on key factors such as the setting (as noted in CEQA Guidelines Section 15064(b)(1)), evidence related to VMT performance, and policies related to VMT reduction.)

However, analysis of smaller, less complex projects can be simplified by using screening criteria. The Office of Planning and Research suggest that screening thresholds may be used to identify when land use projects should be expected to cause a less than-significant impact without conducting a detailed study. Screening thresholds identified by the Nevada County Transportation Commission (NCTC) Senate Bill 743 Vehicle Miles Traveled Implementation document include:

- Projects consistent with an RTP or General Plan that attract fewer than 110 trips per day.

Pursuant to the Institute of Transportation Engineers (ITE) 11th Edition Trip Generation Manual, the weekday trip generation rate per Single Family Detached Unit is 9.43 daily trips. This is consistent with the rates used in Nevada County Transportation Commission's Regional Transportation Mitigation Fee Program and the Nevada County Traffic Impact Fee schedule. The 11-lot subdivision would result in 104 trips per day which is below the screening threshold determined by the Nevada County Transportation Commission. The potential increase in traffic resulting from the proposed land division would be **less than significant** relative to conflicts with traffic review.

- 17c,e The project would not result in an increase in hazards due to incompatible uses, due to a geometric design feature, or due to hazards created during either construction or occupation of the properties. The future uses would be evaluated for consistency with the Nevada County Land Use and Development Code prior to issuance of permits. The proposed parcels would be accessed by County maintained roads which are already existing. New roads will not need to be constructed and existing roads will be verified by an engineer to ensure they are consistent with County standard drawing A-2. Any encroachment upon the existing County maintained roads will require an encroachment permit which requires signage and flaggers, thus reducing hazards during construction. Any future residences and accessory dwelling units will be required to be served by driveways that meet fire safe driveway standards. The use of the parcels will be consistent with the other surrounding rural/residential uses. Therefore, impacts due to geometric design or related to incompatible uses would be **less than significant**.
- 17d The proposed 11 lot subdivision would not result in inadequate emergency access. The proposed parcels will continue to be accessed from County maintained mileage including Banner Quaker Hill Road, Red Dog Road, and Red Dog Cross Road. The Nevada County Fire Marshal and the Department of Public Works reviewed the project and did not require improvements to the roads. Therefore, the project would have **a less than significant** impact relative to resulting in inadequate emergency access.

Mitigation: None required.

18. TRIBAL CULTURAL RESOURCES

Existing Setting: The land is generally bisected by Banner Quaker Hill Road, Banner Lava Cap Road, Red Dog Road, and Red Dog Cross Road, approximately 1-mile southwest of Scotts Flat Reservoir, approximately 1.5-miles south of State Route 20, and approximately 2-miles east of Nevada City, within the western portion of Nevada County, California.

The project area is located within territory occupied by the Nisenan at the time of initial contact with European Americans. The Nisenan are Native American peoples also referred to as "Southern Maidu" who occupied the drainages of the southern Feather River and Honcut Creek in the north, through Bear River and the Yuba and American River drainages in the south. Villages were frequently located on flats adjoining streams, and were inhabited mainly in the winter as it was usually necessary to go out into the hills and higher elevation zones to establish temporary camps during food gathering seasons (i.e., spring, summer and fall).

Assembly Bill 52 (Chapter 532, Statutes 2014) required an update to Appendix G (Initial Study Checklist) of the CEQA Guidelines to include questions related to impacts to tribal cultural resources. Changes to Appendix G were approved by the Office of Administrative Law on September 27, 2016. Tribal Cultural Resources include sites, features, and places with cultural or sacred value to California Native American Tribes. The United Auburn Indian Community of the Auburn Rancheria (UAIC), the Shingle Springs Band of Miwok Indians, the T'si Akim Tribal Council, and the Nevada City Rancheria California Native American have contacted the County to request consultation on projects falling within their delineated ancestral lands.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
<p>a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p> <p>i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</p> <p>ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>		✓			J,22

Impact Discussion:

- 18a The proposed 11 lot subdivision is anticipated to result in less than significant impacts to tribal cultural resources. The project and the Cultural Resources Survey was distributed to the Native American Heritage Commission on April 26, 2023. An initial distribution of the project application and the Cultural Resources Study were included in an AB52 consultation request that was sent to the Shingle Springs Band of Miwok Indians, United Auburn Indian Community of the Auburn Rancheria, and the Nevada City Rancheria Nisenan Tribe on March 15, 2023. A letter was received from the Shingle Springs Band of Miwok Indians that said they are not aware of any known cultural resources on site. No responses from the other Tribes regarding the AB52 letters have been received. However, the UAIC has previously provided standard mitigation measures that will be applied as mitigation measures. A project specific archaeological survey, performed by Sean Michael Jensen which included both an intensive pedestrian survey and records review, confirmed that there were no tribal cultural resources located at the project site. While no resources are documented onsite and none were found during the site survey, as discussed in

Section 5, there is a chance that future construction could uncover cultural resources of importance. As recommended by the UAIC, Mitigation Measure 18A has been included, which requires work to halt if cultural resources are discovered and requires local tribes to be notified. With this protection in place, impacts to Tribal Cultural Resources would be ***less than significant with mitigation.***

Mitigation: To offset potentially adverse cultural or historical resources impacts associated with the construction activities, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the Final Map:

Mitigation Measure 18A: Unanticipated Tribal Cultural Resources. The following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the Final Map: If any suspected TCRs are discovered during ground disturbing construction activities, all work shall cease within 100 feet of the find, or an agreed upon distance based on the project area and nature of the find. A Tribal Representative from a California Native American tribe that is traditionally and culturally affiliated with a geographic area shall be immediately notified and shall determine if the find is a TCR (PRC §21074).

The Tribal Representative will make recommendations for further evaluation and treatment as necessary. Tribal Representatives act as a representative of their Tribal government and are qualified professionals that have the authority and expertise to identify sites or objects of cultural value to Native American Tribes and recommend appropriate treatment of such sites or objects. If human remains, or suspected human remains, are discovered the appropriate state and federal laws shall be followed.

Preservation in place is the preferred option for mitigation of TCRs under CEQA and UAIC protocols, and every effort shall be made to preserve the resources in place, including through project redesign, if feasible. When avoidance is infeasible, the preferred treatment by UAIC is to record the resource, minimize handling of cultural objects, leaving objects in place within the landscape, or returning objects to a location nearby where they will not be subject to future impacts.

Work at the discovery location cannot resume until all necessary investigation and evaluation of the discovery under the requirements of CEQA have been satisfied.

Timing: Prior to map recordation and issuance of grading/improvement/building permits and throughout construction

Reporting: Planning Department Approval of Grading and Construction Permits

Responsible Agency: Planning Department

See also Mitigation Measure 5A.

19. UTILITIES / SERVICE SYSTEMS

Existing Setting: The project parcels are intersected by easements and infrastructure of Pacific Gas and Electric and Nevada Irrigation District. The existing residence at 14695 Red Dog Road is served by private well, septic, and PG&E electricity. Telecommunication service is available from AT&T and Verizon. The rest of the proposed parcels are undeveloped.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Require or result in the relocation or the construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?			✓		A,D
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			✓		A
c. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste goals?		✓			C
d. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?		✓			C

Impact Discussion:

19a The proposed project is anticipated to have a less than significant impact relative to the extension of utilities to serve the project. Currently all but one of the parcels is undeveloped and up to 7 lots will be connected to existing NID infrastructure while the rest of the parcels will rely on private wells. Connections from existing PG&E lines to future residences will also be required but the connection to existing utilities is anticipated to have a minor environmental impact. All parcels will be served by private septic systems. The Department of Public Works will review drainage plans to ensure conformance with County standards. Wireless telecommunication service is available in the area from major wireless providers. Therefore, the proposed land division is anticipated to have a **less than significant** impact related to utility/service extension.

19b Potable water availability is required to be proven for each proposed parcel. Wells will be required to be permitted by the Department of Environmental Health and will have to achieve adequate yields. Lot proposed to be served by NID will be required to provide updated "will serve" letters to Environmental Health. NID reviewed the project and did not express any concerns with serving the additional parcels. Therefore, the proposed land division is anticipated to have a **less than significant** impact on water supplies.

19c,d The Paye land division would not result in an increase in solid waste that would be in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste goals. When construction of improvements occurs in the future, these construction activities could result in solid waste in the form of construction materials or vegetative debris. Nevada County provides solid waste collection through a franchise for collection and disposal of waste and recyclables for both residential and non-residential areas. Waste Management is the current holder of this contract; refuse and recyclables in this area of the County are typically hauled to the McCourtney Road Transfer Station located at 14741 Wolf Mountain Road. All solid waste refuse is later hauled to out-of-County landfills, most of which are in the State of Nevada under contract with Waste Management Systems, Inc. There are no known capacity issues with any Waste Management facilities and construction waste or regular residential waste from the residential uses on the 11 lots is not anticipated to create any capacity issues. Any waste generated would be required to comply with federal, state and local statutes and regulations related to solid waste. Mitigation Measure 19A requires solid waste debris generated during construction activities including vegetation and industrial waste such as glues, paint and petroleum products to be appropriately disposed of to avoid potentially adverse landfill and solid waste disposal impacts. Therefore, impacts related to disposal of construction debris would be ***less than significant with mitigation***.

Mitigation Measures: To offset potentially adverse impacts related to construction waste, the following mitigation measures shall be required and shall be included as notes on the supplemental data sheets that record concurrently with the parcel map:

Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste. The following mitigation measure shall be required and shall be included as a note on the supplemental data sheets that record concurrently with the Final Map: Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the McCourtney Road transfer station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities.

Timing: *Prior to map recordation and prior to issuance of grading/improvement/building permits*

Reporting: *Agency approval of permits or plans*

Responsible Agency: *Planning Department*

20. WILDFIRE

Existing Setting: The project parcel is within the Nevada County Consolidated Fire District and is in a Very High fire severity zone as designated by CalFire. Nearby properties are also in a Very High fire severity zone. The project parcels would be accessed from Banner Quaker Hill Road, Red Dog Cross Road, and Red Dog Road, which are County maintained roads. There are four existing fire hydrants on Red Dog Road and Red Dog Cross Road. Portions of the area have dense oak and pine woodlands, while other areas are more thinned from timber harvesting activities. The general topography is characterized by moderately steep slopes.

If located in or near state responsibility areas or lands classified as very high fire severity hazard zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?			✓		A,H,M,23
b. Due to slope, prevailing winds, or other factor, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of wildfire?			✓		A,B,H,M, 18,9
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			✓		A,H,M
d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			✓		A,H,M, 9,32

Impact Discussion

20a-d Wildfire risk is inherent in many rural areas of the California. When a proposed project risks exacerbating environmental hazards or conditions that already exist, an agency must analyze the potential impacts of the hazards on future residents or users. Development may exacerbate wildfire risk and an exacerbated risk is an indirect change, which means a lead agency may limit its analysis to reasonably foreseeable impacts. Although fire risk in an area can be high, the fire risk in the area is not always increased due to the existence of the new project. There are multiple factors to consider when determining if a specific project exacerbates the fire risk.

Project density is important because it influences how people, often the source of ignition, in structures are spread out. In a low-density development, it takes longer and can be more difficult to reach structures relative to more dense development. Although this is a low-density project, this specific project is served by County maintained mileage which is anticipated to allow for easy access to the project parcels for emergency service providers. The access roads the parcels are already existing and maintained by Nevada County and no additional roads are needed or proposed with this project. Additionally, future residences would be served by fire safe driveways. The development of the driveways would allow fire fighters to access residences and provides greater access to the parcels than exists currently. The low-density nature of the project also reduces the chances that evacuation efforts would be impaired.

However, there is currently no adopted emergency response plan for this area so an emergency plan will not be conflicted with.

A project's location in the landscape should also be considered in the determination of whether exasperated fire risk is created over existing conditions. Currently the parcel is overgrown with vegetation which creates a fire hazard in the dry mountainous topography at the top of a chimney. To mitigate this risk, the applicant and the Nevada County Consolidated fire district propose a shaded fuel break on parcel 3 that follows along the southern property line of parcels 4, 5, and 6 that will be required to be maintained. This is meant to reduce the hazard of wildfire moving up the walls of the Clipper Creek Canyon. The project biologist evaluated the shaded fuel break and did not identify a significant impact to the environment, as discussed in the biological section of this study.

All future and existing structures are required to be consistent with Public Resources Code Section 4291 which requires that structures maintain Defensible Space/Fuel Reduction Zone by removing, limbing, and/or thinning trees, brush, flammable vegetation or combustible growth no less than 100 feet from structures or to the property line, whichever is closer to prevent the transmission of fire. This is not a requirement to clear all vegetation from the property. The defensible space clearing removes excess fuels that normally would have been reduced during normal fire intervals but have instead accumulated as a result of decades of fire suppression. The removal of excess fuel load is not anticipated to create a significant environmental impact. The defensible space would be verified by the Nevada County fire marshal prior to final of residential building permits. After the initial inspection, defensible space would be verified by CalFire inspectors on a random basis and by County defensible space inspectors on a complaint driven basis.

The conversion of vegetation into developed land does not remove the need for lead agencies to carefully consider how the addition of development into wildfire prone areas contributes to the risk of wildfire. However, the fuel reduction above is anticipated to reduce fuel loading to less than it is currently.

Another factor in location is limiting development along steep slopes and amidst rugged terrain, so as to decrease exposure to rapid fire spread and increase accessibility for fire fighting. The proposed subdivision would not result in altered slopes that would increase wildfire risks or expose people or structures to significant risks such as landslides or flooding. Proposed building envelopes, which would contain existing and any future structures, avoid areas mapped as steep slopes. Additionally, all future improvements would require building permits and conformance with requirements with such things as maximum impervious surface coverage on each of the parcels, the prohibition of increasing stormflow onto offsite parcels, and adequate erosion control measures.

Project design should also focus on water supply and infrastructure, specifically will there be adequate fire flow to fight a fire and is there a backup power source for water for fire suppression in the event of a power outage. The Nevada County Consolidated fire marshal is requiring Lot 1 to have water storage for emergency fire suppression purposes which will serve lots 1, 2, and 11. The maintenance of these systems will be required by the required CC&Rs. Additionally, there are four existing Nevada Irrigation District fire hydrants along Red Dog Cross Road which would help provide water in case of an emergency to lots 3-10.

The California Building Code was updated in 2008 to require more advanced fire hardening and homes built to the revised standards were shown to be 40 percent less likely to be destroyed by a wildfire than similarly situated homes built prior to the update. 10 of the 11 lots are undeveloped and the construction of all future residences will be required to align with the California Building Code standards.

Due to the combination of factors above intended to mitigate the uncontrollable spread of wildfire risk, there is also mitigated smoke risk to project occupants. Therefore, project impacts relative to compliance with emergency plans, impacts relative to increased fire and smoke risk, impacts to the environment through the construction of fire safety infrastructure, and impacts to exposure of people of post-fire landslides would be *less than significant*.

Mitigation: None required.

21. MANDATORY FINDINGS OF SIGNIFICANT ENVIRONMENTAL EFFECT

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California's history or prehistory?		✓			
b. Does the project have environmental effects that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of the project are considered when viewed in connection with the effects of past, current, and probable future projects.)			✓		
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		✓			

Impact Discussion:

21a,c As discussed in Sections 1 through 20 above, the proposed land division would comply with all local, state, and federal laws governing general welfare and environmental protection. Project implementation during construction and operation could result in potentially adverse impacts to air quality, biological resources, cultural resources, noise, tribal cultural resources, and utilities/service systems. Due to the possible impacts to nesting birds, mitigation has been added to reduce potential impacts if construction occurs during nesting season. Mitigation has also been included to prevent impacts to protected sensitive resources including special status species, aquatic features, Landmark Oak Groves and Landmark Oak Trees, and the movement of wildlife. Although cultural, tribal cultural, and paleontological resources are not known in the project area, mitigation has been added to halt work if resources are discovered. To minimize the disruption to surrounding parcels during the construction, mitigation has been included to limit any future construction to daytime hours on Monday through Saturday and mitigation has been added to reduce potentially adverse impacts related to construction waste. Each of the potential adverse impacts are mitigated to levels that are ***less than significant levels with mitigation***, as outlined in each section.

21b A project's cumulative impacts are considered significant when the incremental effects of the project are "cumulatively considerable," meaning that the project's incremental effects are considerable when viewed in connection with the effects of past, current, and probable future projects. Reasonably foreseeable projects that could have similar impacts to the proposed project include other anticipated projects within the project vicinity that could be constructed or operated within the same timeframe as the project. All of the proposed project's impacts, including operational impacts, can be reduced to a less-than-significant level with implementation of the mitigation measures identified in this Initial Study and compliance with existing federal, state, and local regulations. Therefore, the proposed project would have ***less than significant*** environmental effects that are individually limited but cumulatively considerable.

Mitigation Measures: To offset potentially adverse impacts to air quality, biological and cultural resources, geology, noise, tribal cultural resources, and possible impacts utilities/services systems, see Mitigation Measures 3A-3E, 4A-4E, 5A, 13A, 18A and 19A.

RECOMMENDATION OF THE PROJECT PLANNER:

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or a "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

David Nicholas, Associate Planner

Date

APPENDIX A – REFERENCE SOURCES

- A. Planning Department
 - B. Department of Public Works
 - C. Environmental Health Department
 - D. Building Department
 - E. Nevada Irrigation District
 - F. Natural Resource Conservation Service/Resource Conservation District
 - G. Northern Sierra Air Quality Management District
 - H. Nevada County Consolidated Fire Protection District
 - I. Regional Water Quality Control Board (*Central Valley Region*)
 - J. North Central Information Service, Anthropology Department, CSU Sacramento
 - K. California Department of Fish & Wildlife
 - L. Nevada County Geographic Information Systems
 - M. California Department of Forestry and Fire Protection (Cal Fire)
 - N. Nevada County Transportation Commission
 - O. Nevada County Agricultural Advisor Commission
 - P. Nevada City School District/ Nevada Joint Union School District
 - Q. Gold Country Stagecoach
-
- 1. State Division of Mines and Geology. *Mineral Classification Map*, 1990.
 - 2. State Department of Fish and Game. *Migratory Deer Ranges*, 1988.
 - 3. State Department of Fish and Game. *Natural Diversity Data Base Maps*, as updated.
 - 4. Cal Fire. *Fire Hazard Severity Zone Map for Nevada County*, 2007. Adopted by CalFire on November 7, 2007. Available at: <http://www.fire.ca.gov/wildland_zones_maps.php>.
 - 5. State Division of Mines and Geology. *Geologic Map of the Chico, California Quadrangle*, 1992.
 - 6. State Division of Mines and Geology. *Fault Map of California*, 1990.
 - 7. California Department of Conservation, California Important Farmland Finder, <https://maps.conservation.ca.gov/dlrp/ciff/>
 - 8. State Dept. of Forestry & Fire Protection. *Nevada County Hardwood Rangelands*, 1993.
 - 9. U.S.G.S, *7.5 Quadrangle Topographic Maps*, as updated.
 - 10. U.S. Fish and Wildlife Service. *National Wetlands Inventory*, December 1995.
 - 11. Natural Resources Conservation Service, 2007. *Official Soil Series Descriptions (OSD) with series extent mapping capabilities*. <https://sdmdataaccess.nrcs.usda.gov/>
 - 12. U.S. Geological Service. *Nevada County Landslide Activity Map*, 1970, as found in the Draft Nevada County General Plan, Master Environmental Inventory, December 1991, Figure 8-3.
 - 13. Federal Emergency Management Agency. *Flood Insurance Rate Maps*, as updated.
 - 14. Northern Sierra Air Quality Management District. *Guidelines for Assessing Air Quality Impacts of Land Use Projects*, 2000.
 - 15. County of Nevada. *Nevada County General Plan Noise Contour Maps*, 1993.
 - 16. Nevada County. 1991. *Nevada County Master Environmental Inventory*. Prepared by Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 - 17. Nevada County. 1995. *Nevada County General Plan: Volume 1: Goals, Objectives, Policies, and Implementation Measures*. Prepared with the assistance of Harland Bartholomew & Associates, Inc. (Sacramento, CA). Nevada County, CA.
 - 18. Nevada County. *Nevada County Zoning Regulations*, adopted July 2000, and as amended.

19. Tentative Map for the Paye Subdivision Project, Biological Resources Assessment, Greg Matuzak, October, 2023.
20. Placer County Air Pollution Control District, California Environmental Quality Act Thresholds of Significance, October 2016, <https://www.placer.ca.gov/DocumentCenter/View/2061/Threshold-Justification-Report-PDF>
21. US Environmental Protection Agency. *Current Nonattainment Counties for All Criteria Pollutants*. January 31, 2015. www.epa.gov/oaqps001/greenbk/ancl.html.
22. Cultural Resources Inventory Survey, Sean Michael Jensen, August 28, 2023
23. Nevada County. *Local Hazard Mitigation Plan Update*. August 2017. <https://www.mynevadacounty.com/DocumentCenter/View/19365/Nevada-County-LHMP-Update-Complete-PDF?bidId=>
24. California Department of Toxic Substances Control. Accessed July, 2024: <http://www.envirostor.dtsc.ca.gov/public/>
25. USDA Soil Conservation Service. "Soil Survey of Nevada County Area, California." Soil Survey, Reissued 1993.
26. California Department of Conservation, Division of Mines & Geology. "Report 2000-19: A General Location Guide for Ultramafic Rocks in California -- Areas More Likely to Contain Naturally Occurring Asbestos." 2000.
27. California Department of Transportation. *California Scenic Highway Mapping System*. July, 2019. [Scenic High](https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highwaysways) <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highwaysways> | Caltrans
28. Nevada County. *Land Use and Development Code Section 5, Article 13, Grading*. Amended December 2016.
29. California Department of Conservation, California Geological Survey. 2010. Accessed June 2024 <https://maps.conservation.ca.gov/cgs/fam/>
30. California Office of Planning and Research, SiteCheck, Accessed June 2024, [Site Check](https://sitecheck.ca.gov/) ✓ (ca.gov)
31. "Master Plan 2003-2018." *Bear River Recreation & Park District*, <https://brrpd.org/content/5985/Our-Master-Plan>.
32. Department of Conservation Maps , Data Viewer, Accessed June 2024, <https://maps.conservation.ca.gov/geologichazards/DataViewer/index.html>
33. United States Department of Agriculture, Web Soil Survey, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
34. California Emissions Estimator Model, <https://caleemod.com/model>
35. Williamson Act Parcels, Nevada County 2017, <https://nevadacountyca.gov/DocumentCenter/View/30242/2017-Parcels-Affected-By-Williamson-Act-PDF>
36. California Department of Fish and Wildlife, Biogeographic Information and Observation System <https://apps.wildlife.ca.gov/bios6/?bookmark=648>
37. U.S. Fish & Wildlife Service Information for Planning and Consultation <https://ipac.ecosphere.fws.gov/location/index>
38. Senate Bill 743 Vehicle Miles Traveled Implementation, Nevada County Transportation Commission, July 6, 2020
39. Mark H Paye Timber Harvesting Plan 2-18-016 NEV, March 28, 2018
40. Greg Matuzak Clarification Memo, April 24, 2014

41. Nevada County Board of Supervisors Ordinance Number 2453, June 26, 2018, <https://nevco.legistar.com/LegislationDetail.aspx?ID=3535961&GUID=9BDA796E-43FF-4DB5-B4C3-2D2AD1077219&Options=Text|Attachments|Other|&Search=2453>
42. California Department of Conservation, Important Farmland Categories, accessed July 2024, <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>
43. Institute of Water Research, Michigan State University, K Factor, accessed June 2024, <http://www.iwr.msu.edu/rusle/kfactor.htm>
44. California Soil Resource Lab, UC Davis, Soil Data Explorer, accessed July 2024, <https://casoilresource.lawr.ucdavis.edu/sde/?series=aiken#osd>