

**LOCAL AGENCY FORMATION COMMISSION  
OF NEVADA COUNTY**

(Nevada LAFCo)

# **Application Packet**

## **Contents**

Instructions for Applicant (1)

LAFCo Application Review Procedure (2)

Annexation Application Form (3)

Agreement to Pay for Time and Materials (4)

LAFCo Fee Schedule (5)

SBOE Process and Fees (6)

LAFCo Sample Map and Recorder's Statement (7)

Sample Resolution and Petition (8)

Plan for Services (9)

## LOCAL AGENCY FORMATION COMMISSION OF NEVADA COUNTY

### Instructions for Applicant

#### *Introduction and General Information*

California established Local Agency Formation Commissions (LAFCo) in 1963 to oversee the boundary changes of local governmental agencies within each county. Each LAFCo operates under the authority of Title 5, Division 3, Part 2, of the California Government Code (Section 56000 et seq.), known as the *Cortese-Knox-Hertzberg Government Reorganization Act of 2000* ("CKH") or "LAFCo law." LAFCos have authority over city incorporations and disincorporations; special district formations and dissolutions; annexations; detachments; and consolidations. LAFCos also adopt a Sphere of Influence for each local agency in their counties.

Every LAFCo is composed of elected officials from the county and local cities and members of the general public. Many LAFCos (including Nevada LAFCo) include independent special district representatives. Included in the application packet is a list of the current Nevada County LAFCo Members and Staff.

LAFCo is subject to the *California Environmental Quality Act* ("CEQA"), as are most public agencies. This statute requires that each project be subjected to environmental review and that the public be afforded opportunity to participate in the decision-making process.

#### *Instructions*

Requirements for the processing and approval of applications to LAFCo are established by the CKH and CEQA. Additional procedures and standards are set forth in Nevada LAFCo's *Policies, CEQA Guidelines, and Application Processing Procedures*.

The information needed for processing a LAFCo application varies with the type of action requested. Proponents are encouraged to meet with LAFCo staff before submitting an application to assure clear understanding of the LAFCo process. LAFCo staff may request additional information after receiving an application in order to provide supporting documentation for the Commission's consideration.

Applications should be accompanied by the following materials:

- Application Form.**
- Resolution (or Petition)** The LAFCo process is typically initiated by a Resolution of Application (or a Petition) adopted by the affected agency's legislative body. **(samples of both are included in these instructions as *Attachments 8 and 10, respectively.*)**

Although CKH allows property owners or registered voters to initiate LAFCo action by submitting a petition meeting the requirements set forth in Sections 56650-56653 of

the Government Code, the ***support of the affected agency is required*** in any case. Consequently, prospective proponents are strongly encouraged to work with the affected agency to obtain its consent to the proposed action and secure adoption of a Resolution of Application. A petition template is included in these instructions as ***Attachment 10***.

- ❑ **Environmental Compliance Documents.** Generally the affected agency will act as Lead Agency for CEQA purposes. In such cases, the application should be accompanied by copies of the Lead Agency's *Notice of Exemption* or *Notice of Determination, Initial Study*, and all related reports, including the *Negative Declaration* and/or *Environmental Impact Report*.

If applicants want LAFCo to act as Lead Agency, a supplemental form (available from LAFCo staff) must be completed.

- ❑ **Deposit toward Fees and Agreement to Pay.** LAFCo will not process applications without required deposits and a signed copy of the *Agreement to Pay for Time and Materials: Attachment 4*. (See the LAFCo Fee Schedule, included as ***Attachment 5*** for applicable amounts.) If the initial deposit does not cover all processing costs, additional charges may apply as indicated in the fee schedule.

Applicants are also responsible for payment of applicable State Board of Equalization fees, as listed in the SBOE fee schedule and Boundary Change Process ***Attachment 6***.

- ❑ **Map(s).** Three large scale paper copies of the project map (18" x 26" maximum) and an 8½ x 11 reduction must be provided with the application. For final processing after Commission approval, three mylar copies, three paper copies and one 8½ x 11 reduction are required. (A fourth mylar copy may be submitted if the surveyor/engineer who prepared the map wishes to retain a copy.)

Maps must comply with LAFCo requirements, in addition to those of the State Board of Equalization and the Nevada County Recorder's Office, including **but not limited to** the following:

1. Be professionally drawn to engineering scale. Rough sketches cannot be accepted.
2. Display a small location or vicinity map showing the subject property's placement relative to city/town boundaries, major streets/roads, or significant features such as rivers.
3. Show all streets, highways, railroads, streams, drainage canals, or other important physical features adjacent to the subject property, with their current names.
4. Show the exterior lines of the subject property; this line must be the most prominent line on the map, but not more than 1.5 mm in width.
5. Show the net and the gross acreage.
6. Show site dimensions, north arrow, and visual scale.
7. Show the point of beginning of the legal description.

8. Show assessor's parcel numbers for all parcels that touch the new boundary.
9. Show all tax area codes.
10. Be signed by the surveyor/engineer.

- ❑ **Legal Description.** The description must be a metes and bounds description that complies with the State Board of Equalization requirements.
- ❑ **Attachment List.** List all supporting documents and attachments with reference to corresponding questions on the application form and attach the list to the completed application.
- ❑ **Tax Exchange Agreement.** LAFCo cannot process an application until the affected agencies have established a tax exchange agreement. An existing Master Tax Exchange Agreement usually fulfills this requirement, and public agencies submitting applications can include language in their initiating resolutions referring to the appropriate Master Tax Exchange Agreement.

Applicants using the petition process may wish to request that all affected agencies begin the tax negotiation process in principle and submit documentation to LAFCo when negotiations are complete.

- ❑ **Filing of applications.** Within 30 days after the application is filed, staff will notify the applicant as to the need for additional information or will certify the application's completeness by issuing a Certificate of Filing. The required staff review will then begin. The LAFCo process is outlined in the *Attachment 2*.

## LOCAL AGENCY FORMATION COMMISSION OF NEVADA COUNTY

### LAFCo's Application Review Process

It is the intent of LAFCo to process properly submitted applications in a timely manner. There are, however, statutory as well as self-imposed deadlines to be met. Following is an outline of the LAFCo procedures for processing applications. Where these deadlines are statutory, the numbers in brackets after the paragraph indicate the statutory source for the deadline. With the exception of one citation from the *Revenue and Taxation Code*, all statutory citations are from the *Cortese-Knox-Hertzberg Local Government Act of 2000* (Government Code Section 56000 and following).

- 1) Application. An application to LAFCo requires submission of an Application Form, supporting documentation, and fees in the amount established by the LAFCo Fee Schedule. In addition, the application must be accompanied by either (a) a Resolution of Application from an affected local agency or (b) a sufficient landowner or voter petition in accordance with the requirements of Cortese-Knox-Hertzberg. LAFCo prefers that the resolution procedure be utilized wherever feasible, to involve the affected public agency early and assure timely consideration of its needs. A resolution also establishes the affected public agency as Lead Agency under the California Environmental Quality Act, contributing to its better implementation. Applications initiated by petition (other than for sphere updates, district formations, and city incorporations) must also include evidence of efforts to obtain the sponsorship of the affected public agency.
- 2) Notification of Receipt of Application. When an application is received, the Executive Officer must give immediate written notification to any agency affected by the proposal [56658(b)] and to the County Assessor and Auditor so they may calculate assessed value and other information required to complete a tax exchange [Revenue and Taxation Code Section 99 (b)].
- 3) Review of the Application for Sufficiency. The Executive Officer must notify the proponent whether or not the application is complete within 30 days after its receipt [56658(d)]. If the application is not complete, the Executive Officer will inform the applicant what additional documentation is required.
- 4) Environmental Documentation. Where LAFCo is the Lead Agency under CEQA, the application cannot be deemed complete until adequate environmental documentation is prepared. (See *LAFCo CEQA Guidelines*.)
- 5) Sufficiency of the Petition. If the application is accompanied by a petition, the Executive Officer must review the petition for legal sufficiency within 30 days of its receipt and must issue a Certificate of Sufficiency if the petition has the required number of proper signatures and otherwise meets the requirements of Cortese-Knox-Hertzberg [56706].

- 6) Certificate of Filing. Upon determining that an application is sufficient and complete, the Executive Officer issues a Certificate of Filing to the applicant [56658(g)].
- 7) Conflicting Applications. In the event of conflicting applications, LAFCo may determine which application to consider first. Normally the application received first by LAFCo will be heard first [56655]. Special provisions apply for conflicting proposals for incorporation, district consolidation, dissolution, merger, or establishment of a subsidiary district, or a reorganization that includes any of these changes of organization [56657].
- 8) Setting the Matter for Hearing. Within 90 days after a Certificate of Filing has been issued, the Commission must consider the application at a public hearing or meeting [56658(i)].
- 9) Preparation of the Staff Report. The Executive Officer prepares a staff report with recommendations on each application. The report shall be available at least five (5) days prior to the hearing on the application [56665].
- 10) Completion of the Commission Hearing. The Commission may continue the hearing on an application one or more times, but it may not continue the hearing more than 70 days after the initial hearing date [56666]. The Commission must adopt its resolution making a final determination on the application within thirty-five (35) days after the close of the hearing [56880].
- 11) Reconsideration. Any interested person may request reconsideration of the LAFCo determination within 30 days after the resolution making the determination is adopted [56895]. An additional fee applies to reconsideration.
- 12) Reapplication after Denial. If an application is denied by LAFCo, another proposal involving the same or substantially the same territory cannot be submitted within one (1) year after the date of denial, unless the Commission finds this prohibition detrimental to the public interest [56884].
- 13) Certificate of Completion. The Executive Officer shall file a Certificate of Completion for each approved proposal in accordance with the provisions of 57200 and the following:
  - a) If the Commission has waived conducting authority proceedings in accordance with Section 56663, the Executive Officer shall file a Certificate of Completion immediately after the reconsideration period ends.
  - b) If the proposal requires a protest hearing, LAFCo will determine the value of written protests and either file a Certificate of Completion for the proposal, forward the proposal to the appropriate election official for submission to a vote, or terminate the proposal, as provided by 57075. Normally, the change of organization or reorganization will become effective on the date the certificate is recorded.

# LOCAL AGENCY FORMATION COMMISSION OF NEVADA COUNTY

## Application Form

-- LAFCo use only --

AGENCY-PROJECT	SHORT FORM DESIGNATION

TODAY'S DATE: \_\_\_\_\_ ~ ~ ~ ~ ~ ~ ~ ~

*APPLICANT: Before filling out this form, please refer to Attachment One (in this packet) for "Application Instructions." You are encouraged to call the LAFCo office (530-265-7180) with any questions. Also, please list all attachments on Page Six, with an item # and a brief description of the document.*

**1. Subject Property**

<b>PROJECT TITLE:</b>		<b>ADDRESS OR LOCATION:</b>
<b>ACREAGE:</b>	<b>PARCEL NO.:</b>	

**2. Proposal**

Applicant(s) request the following change of organization: \_\_\_\_\_  
\_\_\_\_\_

**3. Applicant(s)**

LAFCo is requested to send copies of the staff report on this matter to the following (maximum of 3):

<b>NAME/TITLE:</b>	Hardy Bullock, Chair of the Board of Supervisors	<b>PHONE:</b> 530.582.7826
<b>ADDRESS:</b>	950 Maidu Avenue, Suite 200	<b>EMAIL:</b> Hardy.Bullock@nevadacountyca.gov

<b>NAME/TITLE:</b>	Steven Whittlesey, Senior Civil Engineer	<b>PHONE:</b> 530.470.2580
<b>ADDRESS:</b>	950 Maidu Avenue, Suite 170	<b>EMAIL:</b> Steven.Whittlesey@nevadacountyca.gov

<b>NAME/TITLE:</b>		<b>PHONE:</b>
<b>ADDRESS:</b>		<b>EMAIL:</b>

**4. Authority to File Application**

*NOTE: A Resolution of Application is greatly preferred; see Application Instructions for explanation.*

- Resolution of Application of an affected agency       Petition of landowners or registered voters

Copies of the Resolution of Application or Petition signed by the applicant(s)/petitioner(s) are included as Attachment \_\_\_\_.

Resolutions of Application and Petitions must meet certain legal requirements. The Application Instructions include templates for applicant use; additional pages or attachments may be used.

**5. Statement of Justification**

Provide a Statement of Justification for and explain the purpose of each request for change of organization. Include reasons why the proposal is more effective than the present organization and/or what services to the area would be enhanced by the project. If any terms or conditions are proposed for this project, include them in the statement.

A Statement of Justification for this proposal is included as Attachment \_\_\_\_ . **N/A**

**6. Boundaries**

*NOTE: Refer to the Application Instructions and State Board of Equalization requirements for details of mapping and legal description specifications.*

- a. One large paper map of the subject territory—not exceeding 18” x 26”—must be provided with this application.
- b. An 8.5” x 11” map of the subject territory is included as Attachment \_\_\_\_.
- c. A legal description of the boundaries of the subject territory is included as Attachment \_\_\_\_.
- d. Explain how the boundaries of this proposal were determined.

---



---



---

- e. This proposal  is  is not (*check one*) consistent with the sphere of influence of all the affected agencies. (*If you are not sure of each agency's sphere boundaries, check with LAFCo staff.*)
- f. Describe access to the area.

**Access to the area is via State Highway 49, Oak Tree Rd, Flume Street and other local County roads.**

---

**7. Neighboring Properties**

Has the proposal been discussed with owners of neighboring properties? \_\_\_\_ Has anyone expressed interest in participating in the proposal? \_\_\_\_ Has anyone raised objections to the proposal? \_\_\_\_ Results of any survey of surrounding property owners are included as Attachment \_\_\_\_ . (*Provide names and addresses.*)

**8. Land Use**

- a. Describe existing land use within the subject property. \_\_\_\_\_

**Land use is consistent with the 2010 North San Juan Area Plan. No changes to current land uses are proposed.**

- b. Does this proposal conform to the General Plan designation for the territory? \_\_\_\_ The applicable GP designation is \_\_\_\_\_
- c. Have any zoning changes, General Plan amendments, subdivision maps, or conditional use permits been applied for on the subject property? \_\_\_\_\_  
Copies of any such maps and/or applications are included as Attachment \_\_\_\_.
- d. Will any such applications be made after approval of this proposal? \_\_\_\_ If yes, please explain.

---



---



- e. If this proposal is for an annexation to a city, a rezoning map and ordinance are included as Attachment \_\_\_\_.
- f. Does the project involve agricultural or open space lands? \_\_\_\_\_

**9. Public Services**

- a. Please indicate which agencies presently provide public services to the subject territory, and which are proposed to provide service. If you are uncertain, you may leave spaces blank.

<i>Service</i>	<i>Present Provider</i>	<i>Proposed Provider</i>
Fire Protection		
Police Protection		
Domestic Water Service		
Agricultural Water Service		
Sewer Service		
Solid Waste Collection		
Road/Street Maintenance		
Snow Removal		
Power		
Street Lighting		
Planning & Zoning Authority		
Schools		

- b. What effect will approval of this proposal have on the type or level of services *within* the subject property? \_\_\_\_\_

Approval of this proposal will allow improvement of fire suppression, fire water storage and fire water supply services provided by the North San Juan Fire Protection District.

- c. What effect will approval of this proposal have on public services *outside* the subject property? \_\_\_\_\_  
All properties outside the subject County Service Area will have the ability to annex and connect into the system in the future.

- d. Will approval of this proposal place additional burdens on any public service provider? If so, what revenue will the change in organization generate to compensate the provider for the additional cost? None

- e. Have the affected agencies been notified of this proposal (per G.C. 56654 (b))? \_\_\_\_ A list of agencies who have received notification is included as Attachment \_\_\_\_.

**10. Population**

Estimate whether the subject territory contains:

- 12 or more registered voters.
- Less than 12 registered voters.

## 11. Property Tax Exchange

An agreement for property tax exchange (if relevant) must be in place prior to LAFCo approval. The Tax and Revenue Code requires negotiation of such an agreement to be completed within 60 days of its initiation or the LAFCo application is considered null and void. To assure satisfaction of this requirement, LAFCo requires applications to be accompanied by documentation that property tax negotiations have been completed. *Please call the LAFCo office if you have questions about this matter.*

- a. If this application includes a Resolution of Application, does it include documentation that the agency is in agreement with the applicable Master Tax Exchange Agreement? \_\_\_\_\_
- b. If this application includes a petition, documentation of applicants' request that the affected agencies initiate tax exchange negotiations is included as Attachment \_\_\_\_\_.

## 12. Feasibility of Proposal

- a. What revenue will this proposal require for the accomplishment of its goals and what are the prospective sources of such revenues? Revenues will be collected via parcel charges (see rate study).

If the proposal involves a consolidation, incorporation, or formation, a three-year projected budget is included as Attachment \_\_\_\_\_. **H**

- b. Is a new tax or assessment being proposed as a part of this project? \_\_\_\_\_ **Yes**

If so, a thorough discussion of how the service will utilize the tax or assessment, as well as the legal authority for the agency to utilize the tax or assessment is included as Attachment \_\_\_\_\_. **D, E**

- c. Have agreements to mitigate the financial effects of this proposal been established with present service providers? \_\_\_\_\_ **Agreement in development, and its finalization will be a condition of approval.**

If so, signed copies of these agreements are included as Attachment \_\_\_\_\_. **I**

- d. A Plan for Services explaining how the affected area will be served by the applicant agency is included as Attachment \_\_\_\_\_. **D**

## 13. Environmental Compliance

- a. Is the applicant agency acting as  Lead Agency or  Responsible Agency (*check one*) for purposes of California Environmental Quality Act (CEQA) compliance?

- i. Indicate what the Lead Agency has done to comply with the requirements of CEQA.

Categorical Exemption from CEQA

Negative Declaration

Environmental Impact Report

Other (*please specify*): \_\_\_\_\_

- ii. Copies of the complete environmental documentation prepared by the Lead Agency (including the initial study, any technical reports, and any written comments or recorded public testimony relative to the environmental documents), and a copy of the Notice of Determination, showing the date filed with the County Clerk, are included as Attachment **G** . (*If you are not sure what constitutes the complete environmental documentation, consult with appropriate staff of the Lead Agency.*)
- iii. Was the environmental documentation circulated to the Local Agency Formation Commission of Nevada County prior to adoption by the Lead Agency?  Yes  No

If yes, copies of any comments made by LAFCo relative to the project and any Lead Agency responses are included as Attachment \_\_\_\_\_. **N/A**

- b. In limited circumstances, LAFCo will act as Lead Agency for CEQA purposes. These circumstances are listed in LAFCo's CEQA Guidelines and include situations where the applicant agency is unable or unwilling to act as Lead Agency.

To request LAFCo to assume Lead Agency status the applicant should submit a letter explaining what effort has been made to obtain the consent of the city, district, or County to act as Lead Agency and outlining any specific reasons that the city, district or County declined to act as Lead Agency.

A completed request for LAFCo to act as Lead Agency is included as Attachment \_\_\_\_\_. **N/A**

**14. Disclosure Requirements**

Pursuant to Government Code Sections 56700.1 and 81000 *et seq.*, any person or group of persons acting in concert who directly or indirectly contribute \$1,000 or more in support of or in opposition to a change of organization or reorganization that has been submitted to Nevada LAFCo must comply with the disclosure requirements of the Political Reform Act of 1974 applicable to local initiative measures to be submitted to the electorate. These requirements contain provisions for making disclosures of contributions and expenditures at specified intervals. Additional information about the requirements pertaining to local initiative measures to be presented to the electorate can be obtained by calling the fair Political Practices Commission at (916) 322-5660.

**15. Deposit against Fees; Indemnification and Agreement to Pay**

Applicants must provide payment of the applicable fee deposit (*see LAFCo's Fee Schedule*) as well as a signed and dated **Agreement to Pay**, which includes an indemnification provision. The Application will be considered incomplete until the deposit and Agreement to Pay are received. **Payment completed via Journal Transfer**

**16. Certification**

Applicants request that proceedings as described in this application be taken in accordance with the provisions of Government Code sections 56000 *et seq.* and hereto affix their signatures:

Date	Signature	Printed Name	Title

**NOTE:**

*Applications will not be accepted without the signature of one or more of the following: 1) the legal owner(s) or official agents with Power of Attorney or written authorization to sign (a copy of which must be attached); 2) Chief Petitioners; 3) Chair of the Legislative Body submitting a Resolution of Application.*

### ATTACHMENT LIST

<i>Attachment Number</i>	<i>Item</i>	<i>Corresponding Application Item</i>

## ***LAFCo’s Agreement to Pay for Time and Materials***

### **Charges and Deposits**

LAFCo charges are based upon actual staff time and other expenses incidental to processing applications, reviewing project proposals and researching matters as requested. Such charges may be incurred prior to or without the filing of an application with LAFCo. Individuals and agencies who request services, research, or review must provide a deposit toward project expenses, as listed on the attached current fee schedule, along with a signed copy of this agreement. All deposits are subject to increase, should the Executive Officer determine that the magnitude of the project justifies the increase.

The staff time necessary to process an application cannot be easily predicted in advance. Therefore, applicants should be aware that LAFCo charges may exceed the applicable deposit. (Unexpended deposits in excess of \$10 will be refunded.)

### **Staff Assignments**

The Executive Officer shall assign LAFCo staff members to projects as appropriate. Should the scope of a project require that outside consulting or other needed services be obtained, applicants will be responsible for the entire cost of recruitment, source selection, and payment for such outside services. Applicants are responsible for paying actual costs for any services obtained through contract, even if such costs exceed the charge-out rate of a regular staff member providing similar services.

### **Billing Procedure**

LAFCo invoices will detail tasks, hours, staff charge-out rates, staff members responsible for work, and/or costs of contracted services. Invoices will also reflect the remaining balance of the initial deposit. Should the deposit be depleted, all staff work will cease until the deposit on file has been replenished. Projects with delinquent balances will not be scheduled for hearing, and the Commission will consider applicants to have waived any and all statutory deadlines.

This form must be signed by the person responsible for payment and must be filed with LAFCo along with the applicable deposit when an application is filed or a request for staff services is submitted.

**Questions regarding specific billing procedures should be directed to the LAFCo Executive Officer at (530) 265-7180.**

-----  
**Agreement**

*I certify that I have reviewed the above information, the attached LAFCo fee schedule, and the attached State Board of Equalization fee schedule. I agree, as project applicant or authorized representative, to pay Nevada County LAFCo for all staff services, materials, and other charges attributable to my application or request for services. I understand that services may be required before LAFCo receives a formal application, and I agree to pay for such services whenever incurred and regardless of whether a formal application is submitted to LAFCo. I also understand and agree that LAFCo's charges are payable regardless of whether the application is withdrawn, denied, or otherwise terminated prior to completion.*

*I understand that if the cost of services exceeds the deposit on file, staff work on my project will cease, and my project will not be scheduled for hearing until additional funds are provided. I agree to remit the applicable State Board of Equalization filing fee when required. I agree to pay all charges within 30 days of receipt of invoice or in any case prior to the filing of the Certificate of Completion for the project.*

*Applicant may request modification of the terms of this agreement in writing, with supporting reasons. Such modification can be approved only by the full Commission.*

<b>Date</b>	<b>Signature of Property Owner/Applicant or Authorized Representative</b>	<b>Printed Name</b>	<b>Title</b>

**Voluntary Indemnification Agreement**  
(A component of all applications)

LAFCo may not condition acceptance of an application upon requiring the Applicant to indemnify LAFCo. However, LAFCo has complete discretion whether to defend any lawsuit that is filed to challenge its decisions. With its limited budget, LAFCo will usually be reluctant to allocate resources to defend challenged decisions. If the Applicant desires to assure that LAFCo will consult with Applicant before determining how to proceed on a legal challenge and increase the likelihood that LAFCo will defend its decision on Applicant's proposal, Applicant may enter into the following voluntary contractual agreement to indemnify LAFCo in the event of legal challenge:

1. For valuable consideration, receipt of which is hereby acknowledged, the Applicant shall defend, indemnify and hold harmless, LAFCo, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought by a third party, the purpose of which is to attack, set aside, void, or annul LAFCo's decision with respect to Applicant's proposal or any required findings or determinations under CEQA made as part of that decision. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity other than the applicant, arising out of or in connection with LAFCo's approval of the Applicant's proposal, whether or not there is concurrent, passive, or active negligence on the part of LAFCo, its agents, officers, attorneys, employees and contractors/consultants.
2. Applicant agrees that LAFCo shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest subject to the provisions of this agreement, and that such actions shall not relieve or limit Applicant's obligations to indemnify and reimburse defense costs.
3. In exchange for such indemnity, LAFCo agrees to the following:
  - a. To immediately notify the Applicant of any litigation or administrative proceeding with respect to the Applicant's application in which LAFCo is named as a party.
  - b. In the event that the Applicant is not joined in the action or proceeding, LAFCo agrees to support a motion by the Applicant to intervene in the action or proceeding.
  - c. To consult with Applicant before making any decision whether to defend the legal challenge. If Applicant desires to defend the case and confirms in writing its commitment to reimburse LAFCo for its defense costs and provides a deposit for such costs as LAFCo shall reasonably determine, LAFCo will proceed to defend unless it has reasonable cause not to do so. If a determination is made to defend the action, LAFCo counsel will consult and reasonably cooperate with Applicant's counsel in the defense of the action. LAFCo shall not enter into any settlement of all or a part of the action without consulting with Applicant.

**APPLICANT:**

Date: \_\_\_\_\_  
Authorized Signer

By: \_\_\_\_\_

**Nevada LAFCo:**

Date: \_\_\_\_\_  
LAFCo Executive Officer

By: \_\_\_\_\_

**ATTACHMENT A**  
**RESOLUTION OF APPLICATION FOR CSA #39 FORMATION**  
**NORTH SAN JUAN FIRE SUPPRESSION SYSTEM**



# RESOLUTION No. 23-615

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION OF APPLICATION TO THE NEVADA COUNTY LOCAL AREA FORMATION COMMISSION FOR FORMATION OF A COUNTY SERVICE AREA IN NORTH SAN JUAN FOR THE NORTH SAN JUAN FIRE SUPPRESSION SYSTEM

WHEREAS, since at least 2016, Nevada County has been exploring the possibility of constructing a fire flow system (Project) in the community of North San Juan in order to facilitate commercial development, which is currently not possible due to fire water storage requirements on new construction; and

WHEREAS, some landowners in the Project area (see Exhibit A and Exhibit B1, attached hereto and made a part hereof) have indicated an interest in supporting such a Project and recognize the economic development potential; and

WHEREAS, in the Fiscal Year 2022 Federal funding cycle, the County of Nevada was earmarked a Congressionally Directed Spending grant of \$1,050,000 for this project; and

WHEREAS, a County Service Area must be formed in order to create a funding and operational mechanism for a fire flow service in downtown North San Juan; and

WHEREAS, a plan for providing and financing these services has been prepared and is incorporated herein and is attached as Exhibit B; and

WHEREAS, the cost of these services will be funded by a parcel charge with a cost-of-living escalator, the approval of which will be a necessary condition for formation of the proposed County Service Area; and

WHEREAS, the proposed CSA formation is subject to the following terms and conditions:

1. All costs incurred to complete the formation, including, but not limited to, Nevada County Local Area Formation Committee (LAFCo) and the State Board of Equalization, will be borne by Nevada County; and
2. The property owners shall, within six months of the LAFCo approval of formation of the CSA, approve parcel charges in a Proposition 218 election for all parcels in the zone of benefit. Those charges will be sufficient to fund all required services proposed to be provided by the CSA, and will not be collected until necessary to provide the required services; and

WHEREAS, the County of Nevada prepared an engineering report identifying the location, costs, and preliminary design of a fire flow system in downtown North San Juan that will provide public safety, economic development, and climate resilience benefits to area residents; and

WHEREAS, establishing the new County Service Area will create a funding and operation mechanism to support the provision of the fire flow services required by the conditions of approval adopted for this project; and



WHEREAS, this Board has adopted a Mitigated Negative Declaration; Mitigated Monitoring and Reporting Program; and Management Plan for the wetlands portion of the Project.

NOW THEREFORE, IT IS HEREBY RESOLVED that the Nevada County Board of Supervisors hereby proposes that a County Service Area be established within the unincorporated area as outlined in Exhibit B for the provision of fire flow and infrastructure maintenance services for the benefit of said area. Such services shall be funded by the proceeds of a parcel charge approved and levied on an annual basis upon all non-governmental properties within the Zone of Benefit.

BE IT FURTHER RESOLVED that the Nevada County Board of Supervisors hereby directs that this Resolution be treated as an application to the Nevada County Local Agency Formation Commission pursuant to Government Code §56654 for their approval of the establishment of the proposed County Service Area. The Clerk of the Board of Supervisors is instructed to submit this Resolution to the Local Agency Formation Commission for this purpose.

The Board of Supervisors of the County of Nevada requests that the Nevada County Local Agency Formation Commission consider the formation of this new County Service Area to provide the above-described services described in Exhibit "A" to the areas shown on Exhibit "B1".

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 5th day of December, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: *GW*

*Julie W. Patterson*

*Edward C. Scofield*

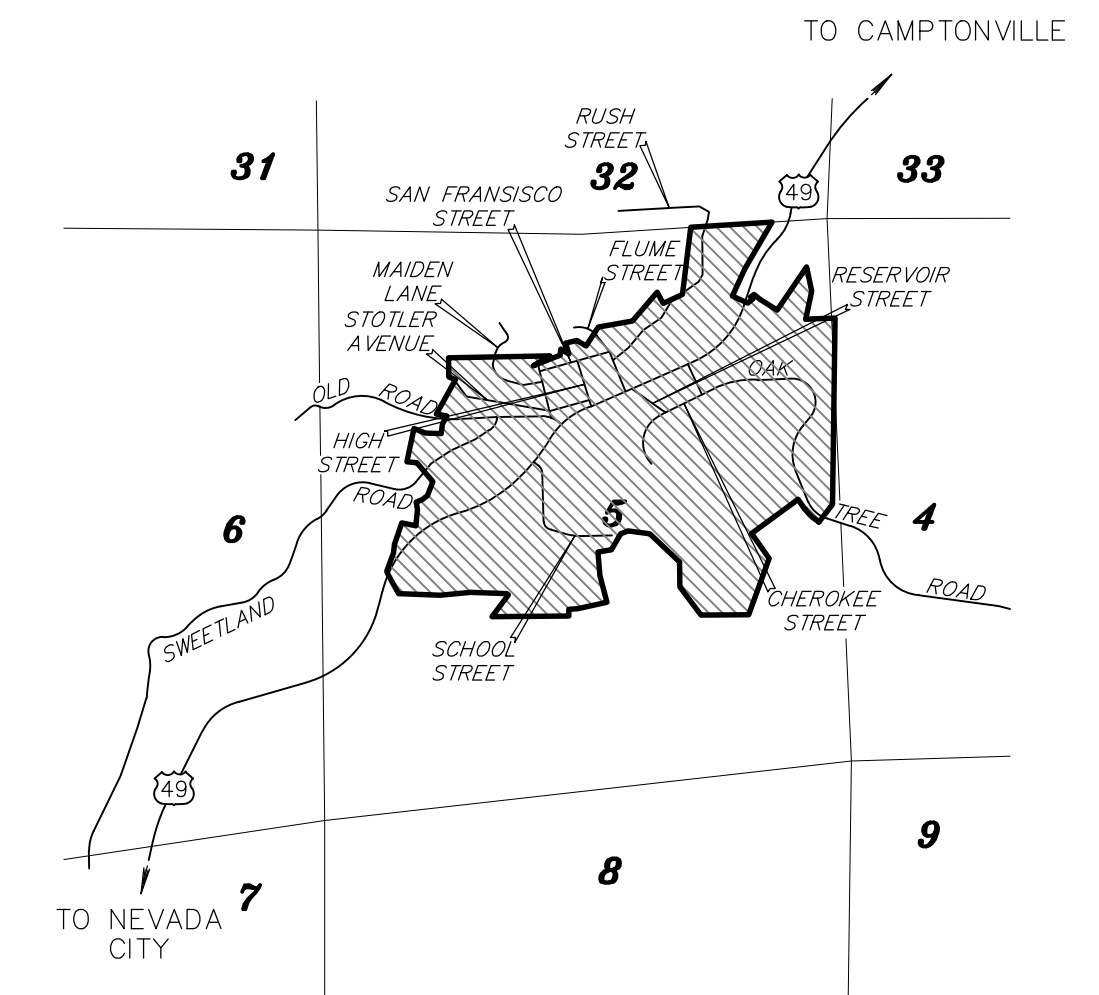
Edward C. Scofield, Chair

**ATTACHMENT B**  
BOUNDARY MAP FOR CSA #39 FORMATION  
NORTH SAN JUAN FIRE SUPPRESSION SYSTEM

COUNTY SERVICE AREA 39  
FOR  
**NORTH SAN JUAN  
FIRE SUPPRESSION SYSTEM**

BEING WITHIN A PORTION OF  
**TOWNSITE of NORTH SAN JUAN**  
SITUATE WITHIN THE  
**PORTION of SECTION 5, TOWNSHIP 17 NORTH, RANGE 8 EAST, M.D.M.**  
**NEVADA COUNTY CALIFORNIA**

PREPARED BY  
**NEVADA CITY ENGINEERING, INC.**  
505 COYOTE STREET \* P.O. BOX 1437 \* NEVADA CITY, CALIFORNIA



LOCATION MAP  
N.T.S.

Approved by the Nevada County Local Formation Commission.

Resolution Number: \_\_\_\_\_

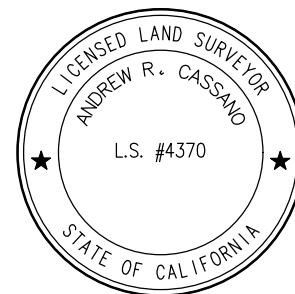
Date: \_\_\_\_\_

This map, when recorded, was accompanied by a certificate of completion, prepared pursuant to Sections 57200 – 57202 of Government Code, to which was attached a certified copy of the boundary description of the territory shown on said map, the Certificate of Completion is recorded as Document No. \_\_\_\_\_, Nevada County Records.

\_\_\_\_\_  
S.R. Jones  
Executive Officer, Nevada County LAFCO

**SURVEYOR'S STATEMENT**

This map was prepared by me or under my direction.



Andrew R. Cassano L.S. 7370  
Registration Expires 09-30-25

**COUNTY RECORDER'S STATEMENT**

Recorded at the request of S.R. Jones, Executive Officer of the Nevada County Local Agency Formation Commission, at \_\_\_\_\_M. this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_, in Book \_\_\_\_ of Surveys at Page \_\_\_\_, Nevada County Records.

Document No.: \_\_\_\_\_ by: Natalie Adona  
Fee Paid: \_\_\_\_\_ Deputy  
Nevada County Recorder

**LEGEND**

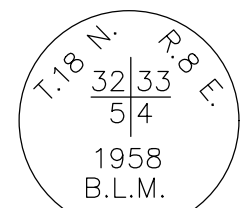
- PARCEL LINES
- ASSESSMENT DISTRICT BOUNDREY
- NOTHING FOUND, NOTHING SET
- L#/C# COURSE NUMBER (LINE OR CURVE)

**NOTES:**

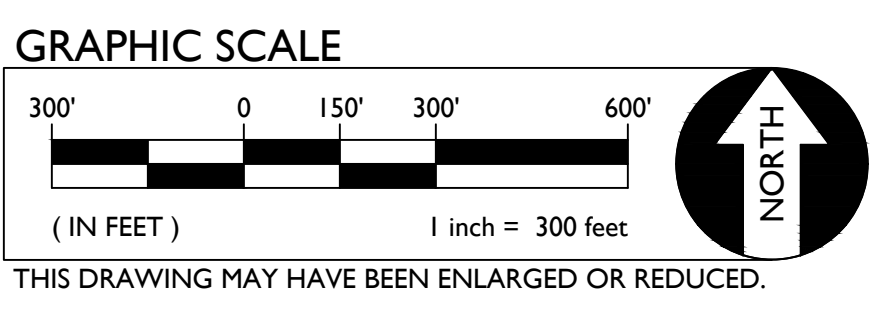
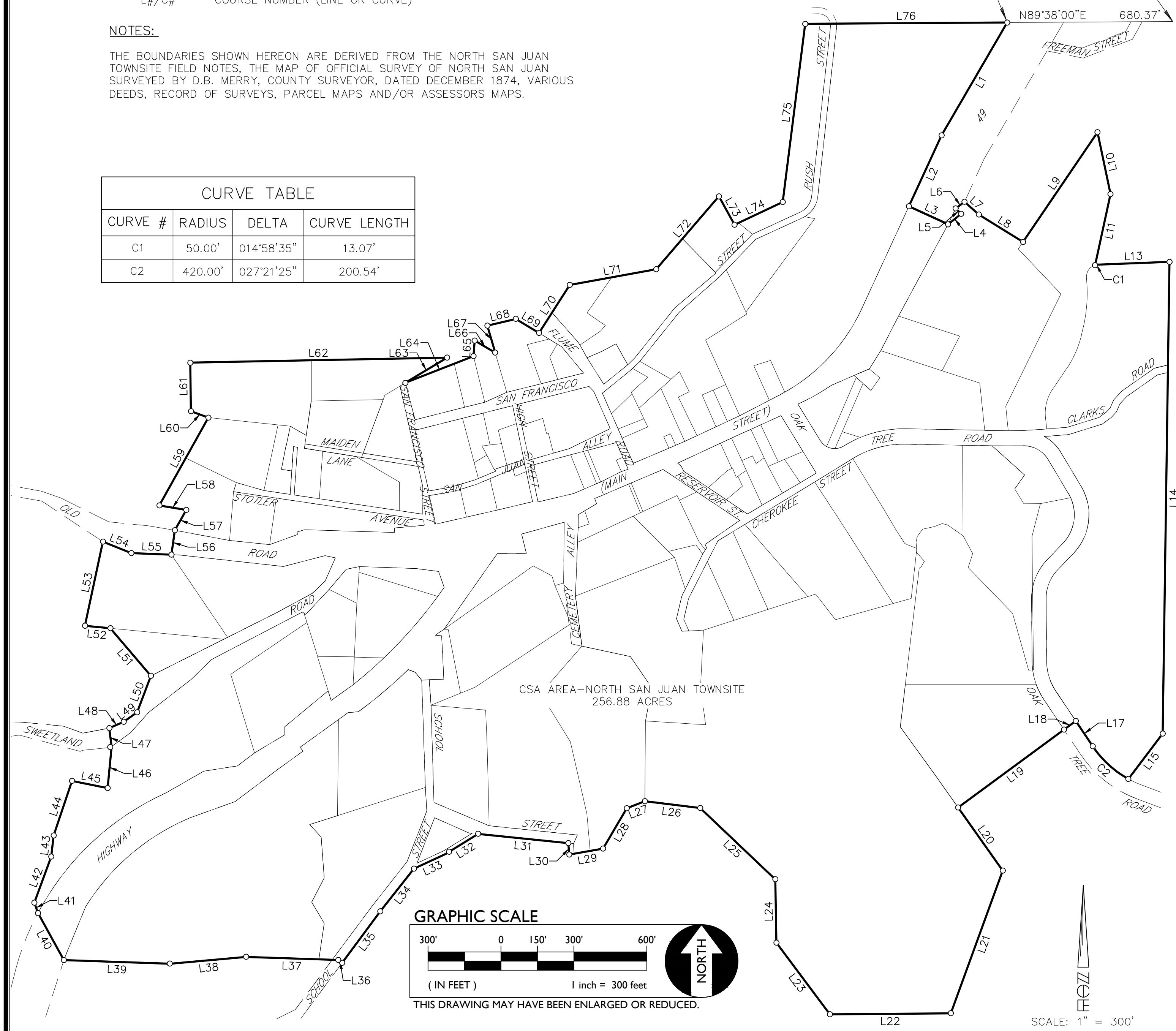
THE BOUNDARIES SHOWN HEREON ARE DERIVED FROM THE NORTH SAN JUAN TOWNSITE FIELD NOTES, THE MAP OF OFFICIAL SURVEY OF NORTH SAN JUAN SURVEYED BY D.B. MERRY, COUNTY SURVEYOR, DATED DECEMBER 1874, VARIOUS DEEDS, RECORD OF SURVEYS, PARCEL MAPS AND/OR ASSESSORS MAPS.

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS MAP IS THE BLM DEPENDENT RESURVEY AND SUBDIVISION PLAT OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 8 EAST, M.D.M., DATED JUNE 22, 1960.



CURVE TABLE			
CURVE #	RADIUS	DELTA	CURVE LENGTH
C1	50.00'	014°58'35"	13.07'
C2	420.00'	027°21'25"	200.54'



THIS DRAWING MAY HAVE BEEN ENLARGED OR REDUCED.

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S30° 12' 15"W	536.66'
L2	S24° 44' 27"W	321.30'
L3	S65° 14' 28"E	177.46'
L4	N51° 18' 03"E	69.00'
L5	N45° 51' 34"W	31.99'
L6	N53° 24' 25"E	45.65'
L7	S48° 22' 29"E	78.62'
L8	S58° 08' 51"E	213.99'
L9	N34° 10' 15"E	545.34'
L10	S11° 55' 31"E	259.79'
L11	S12° 16' 38"W	299.50'
L13	N87° 45' 07"E	293.72'
L14	S00° 49' 47"W	1940.66'
L15	S37° 11' 48"W	233.60'
L17	N33° 49' 24"W	125.41'
L18	S53° 38' 50"W	60.06'
L19	S53° 38' 48"W	540.71'
L20	S35° 15' 15"E	317.53'
L21	S19° 58' 44"W	624.48'
L22	S89° 32' 13"W	497.68'

LINE TABLE		
LINE #	BEARING	DISTANCE
L23	N36° 45' 42"W	367.12'
L24	N01° 00' 00"W	261.00'
L25	N46° 30' 00"W	426.00'
L26	N83° 00' 00"W	229.00'
L27	S68° 56' 00"W	80.12'
L28	S30° 22' 15"W	192.60'
L29	S80° 00' 00"W	141.35'
L30	N04° 47' 00"W	47.27'
L31	N84° 06' 56"W	372.79'
L32	S58° 18' 00"W	157.95'
L33	S65° 08' 00"W	142.87'
L34	S38° 14' 00"W	223.66'
L35	S36° 34' 20"W	263.83'
L36	N53° 25' 40"W	20.00'
L37	N88° 04' 30"W	379.34'
L38	S84° 51' 00"W	312.39'
L39	N88° 03' 49"W	438.19'
L40	N28° 50' 49"W	221.28'
L41	N19° 38' 14"W	44.57'
L42	N20° 13' 05"E	201.97'

LINE TABLE		
LINE #	BEARING	DISTANCE
L43	N06° 28' 16"E	87.85'
L44	N18° 37' 27"E	236.78'
L45	S78° 35' 00"E	149.14'
L46	N05° 33' 00"E	171.68'
L47	N07° 18' 40"W	76.05'
L48	N66° 13' 00"E	64.90'
L49	N54° 33' 00"E	67.70'
L50	N20° 42' 00"E	160.20'
L51	N40° 23' 31"W	257.19'
L52	N84° 25' 45"W	105.00'
L53	N12° 05' 00"E	353.40'
L54	S68° 13' 00"E	125.90'
L55	S87° 44' 00"E	165.10'
L56	N07° 48' 00"E	101.19'
L57	N29° 20' 00"E	96.00'
L58	N80° 27' 00"W	112.41'
L59	N29° 13' 04"E	413.82'
L60	N70° 00' 00"W	76.42'
L61	N00° 45' 00"W	199.75'
L62	N88° 52' 00"E	1056.40'

LINE TABLE		
LINE #	BEARING	DISTANCE
L63	S58° 51' 00"W	200.84'
L64	N68° 36' 32"E	301.11'
L65	N04° 25' 47"E	64.07'
L66	S59° 35' 31"E	98.01'
L67	N16° 18' 23"W	115.74'
L68	N76° 42' 22"E	120.77'
L69	S58° 42' 17"E	111.34'
L70	N32° 36' 01"E	234.63'
L71	N79° 43' 00"E	361.44'
L72	N40° 43' 00"E	395.30'
L73	S28° 47' 00"E	133.30'
L74	N64° 43' 00"E	219.10'
L75	N07° 13' 00"E	738.79'
L76	N89° 38' 00"E	830.97'

SCALE: 1" = 300'

**ATTACHMENT C**  
**LEGAL BOUNDARY DESCRIPTION FOR CSA #39**  
**FORMATION NORTH SAN JUAN FIRE SUPPRESSION**  
**SYSTEM**

**EXHIBIT B****BOUNDARY DESCRIPTION  
COUNTY SERVICE AREA 39**

All that certain real property situate in the County of Nevada, State of California, being a portion of Section 5, Township 17 North, Range 8 East, Mount Diablo Meridian, **BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT** on the northerly line of said Section 5, from which the Northeast corner of said Section 5 bears North 89°38'00" East a distance of 680.37 feet; **THENCE FROM SAID POINT OF BEGINNING** leaving said section line:

1. South 30° 12' 15' West a distance of 536.66 feet;
2. South 24° 44' 27" West a distance of 321.30 feet;
3. South 65° 14' 28" East a distance of 177.46 feet;
4. North 51° 18' 03" East a distance of 69.00 feet;
5. North 45° 51' 34" West a distance of 31.99 feet;
6. North 53° 24' 25" East a distance of 45.65 feet;
7. South 38° 22' 29" East a distance of 78.62 feet;
8. South 58° 08' 51" East a distance of 213.99 feet;
9. North 34° 10' 15" East a distance of 545.34 feet;
10. South 11° 55' 31" East a distance of 259.79 feet;
11. South 12° 16' 38" West a distance of 299.50 feet to the beginning of a non-tangent curve, concave southeast, having a radius of 50.00 feet;
12. Through a central angle of 15°00'00" and an arc length of 13.07 feet, the cord of which bears North 80° 15' 49" East and a distance of 13.03 feet;
13. North 87° 45' 07" East a distance of 293.72 feet;
14. South 00° 49' 47" West a distance of 1940.66 feet;
15. South 37° 11' 48" West a distance of 233.60 feet to the beginning of a non-tangent curve, concave northeast, having a radius of 420.00 feet;
16. Through a central angle of 27°20'00" and an arc length of 200.54 feet, the cord of which bears North 47°30'07" West and a distance of 198.64 feet;
17. North 33° 49' 24" West a distance of 125.41 feet;
18. South 53° 38' 50" West a distance of 60.06 feet;
19. South 53° 38' 48" West a distance of 540.71 feet;

20. South 35° 15' 15" East a distance of 317.53 feet;
21. South 19° 58' 44" West a distance of 624.48 feet;
22. South 89° 32' 13" West a distance of 497.68 feet;
23. North 36° 45' 42" West a distance of 367.12 feet;
24. North 01° 00' 00" West a distance of 261.00 feet;
25. North 46° 30' 00" West a distance of 426.00 feet;
26. North 83° 00' 00" West a distance of 229.00 feet;
27. South 68° 56' 00" West a distance of 80.12 feet;
28. South 30° 22' 15" West a distance of 192.60 feet;
29. South 80° 00' 00" West a distance of 141.35 feet;
30. North 04° 47' 00" West a distance of 47.27 feet;
31. North 84° 06' 56" West a distance of 372.79 feet;
32. South 58° 18' 00" West a distance of 157.95 feet;
33. South 65° 08' 00" West a distance of 142.87 feet;
34. South 38° 14' 00" West a distance of 223.66 feet;
35. South 36° 34' 20" West a distance of 263.83 feet;
36. North 53° 25' 40" West a distance of 20.00 feet;
37. North 88° 04' 30" West a distance of 379.34 feet;
38. South 84° 51' 00" West a distance of 312.39 feet;
39. North 88° 03' 49" West a distance of 438.19 feet;
40. North 28° 50' 49" West a distance of 221.28 feet;
41. North 19° 38' 14" West a distance of 44.57 feet;
42. North 20° 13' 05" East a distance of 201.97 feet;
43. North 06° 28' 16" East a distance of 87.85 feet;
44. North 18° 37' 27" East a distance of 236.78 feet;
45. South 78° 35' 00" East a distance of 149.14 feet;
46. North 05° 33' 00" East a distance of 171.68 feet;
47. North 07° 18' 40" West a distance of 76.05 feet;
48. North 66° 13' 00" East a distance of 64.90 feet;
49. North 54° 33' 00" East a distance of 67.70 feet;
50. North 20° 42' 00" East a distance of 160.20 feet;
51. North 40° 23' 31" West a distance of 257.19 feet;
52. North 84° 25' 45" West a distance of 105.00 feet;
53. North 12° 05' 00" East a distance of 353.40 feet;
54. South 68° 13' 00" East a distance of 125.90 feet;
55. South 87° 44' 00" East a distance of 165.10 feet;
56. North 07° 48' 00" East a distance of 101.19 feet;
57. North 29° 20' 00" East a distance of 96.00 feet;
58. North 80° 27' 00" West a distance of 112.41 feet;
59. North 29° 13' 04" East a distance of 413.82 feet;

60. North 70° 00' 00" West a distance of 76.42 feet;
61. North 00° 45' 00" West a distance of 199.75 feet;
62. North 88° 52' 00" East a distance of 1056.40 feet;
63. South 58° 51' 00" West a distance of 200.84 feet;
64. North 68° 36' 32" East a distance of 301.11 feet;
65. North 04° 25' 47" East a distance of 64.07 feet;
66. South 59° 35' 31" East a distance of 98.01 feet;
67. North 16° 18' 23" West a distance of 115.74 feet;
68. North 76° 42' 22" East a distance of 120.77 feet;
69. South 58° 42' 17" East a distance of 111.34 feet;
70. North 32° 36' 01" East a distance of 234.63 feet;
71. North 79° 43' 00" East a distance of 361.44 feet;
72. North 40° 43' 00" East a distance of 395.30 feet;
73. South 28° 47' 00" East a distance of 133.30 feet;
74. North 64° 43' 00" East a distance of 219.10 feet;
75. North 07° 13' 00" East a distance of 738.79 feet;
76. North 89° 38' 00" East a distance of 830.97 feet **TO THE POINT OF BEGINNING.**

**THE AREA DESCRIBED HEREIN** contains an area of 257.88 Acres, more or less.

**THE ABOVE DESCRIBED** area being shown on Exhibit 'B' attached hereto and made a part hereof.

**SUBJECT TO** Easements, rights-of-way, and rights of record.

**THIS LEGAL DESCRIPTION** was prepared by me or under my direction.



Andrew R. Cassano, PLS 4370      11/02/23  
Professional Land Surveyor





**ATTACHMENT D**  
**PLAN TO PROVIDE SERVICE FOR CSA #39 FORMATION**  
**NORTH SAN JUAN FIRE SUPPRESSION SYSTEM**

**PLAN TO PROVIDE SERVICES****TO****COUNTY SERVICE AREA 39 – NORTH SAN JUAN FIRE SUPPRESSION SYSTEM**

Per Government Code 56653, whenever a local agency submits a resolution of application to LAFCO for a change of organization, the local agency shall submit with the resolution of application a plan for providing services within the affected territory.

The plan for providing services shall include all of the following information:

1. An enumeration and description of the services to be extended to the affected territory.
2. The level and range of those services.
3. An indication of when those services can feasibly be extended to the affected territory.
4. An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
5. Information with respect to how those services will be financed.

**Enumeration and description services**

The services to be provided are as follows:

- Maintenance of the system’s water well upon APN 060-120-023, the water storage tank upon APN 060-110-001, as well as newly installed water mains, valves, and fire hydrants.
- Operation of the distribution system to regularly refill fire engines and complete use when major fire suppression event occurs.
- Administration of the parcel charges by the County’s fiscal department and reimbursement for operations and maintenance costs from the County to the North San Juan Fire Protection District.

**Level and range of services**

For system maintenance, it is anticipated that the fire water production, storage, and distribution facilities will be maintained at a similar or less frequent level to other water systems due to the nature of its less frequent use. The proposed level of service assumes that once on a five-year basis of operation and maintenance there will be need for one repair of leaks or damaged hydrants, and one emergency refill of the tank.

This fire suppression system is expected to provide a pressurized distribution system able to achieve 2,750 gallons per minute of flow for a duration of 2 hours, allowing commercial buildings of up to 11,300 square feet of Type V-B construction in accordance with California Fire Code Tables B105.1 & B105.2. The system will serve 135 parcels, encompassing approximately 257.88 Acres.

**When services can feasibly be extended**

The fire water production, storage and distribution facilities for the project have not yet been constructed. Service would be extended to the CSA once the facilities are constructed and in place. The 135 parcels within the zone of benefit will bear the CSA's costs. Service will be provided after completion of the improvements and filing of the final boundary map.

### **Improvements the County would require if the CSA is completed**

As noted above, the project's construction would need to be completed prior to maintenance by the CSA.

### **How services will be financed**

Services described above will be financed through a parcel charge on parcels within the zone of benefit as shown in the North San Juan Fire Protection District County Service Area ## Map. Parcel charges are estimated to begin at \$128 per parcel for 142 parcels, and will be adjusted annually or as-needed according to changes in the Engineering News Record Construction Cost Index.

**ATTACHMENT E**  
FINAL FEE STUDY (DATED 11-15-2023) FOR CSA #39  
FORMATION NORTH SAN JUAN FIRE SUPPRESSION  
SYSTEM

**COUNTY OF NEVADA**

**NORTH SAN JUAN FIRE SUPPRESSION SYSTEM**

**FINAL FEE STUDY REPORT**

**November 15, 2023**



**Prepared by:**

**Sauers Engineering, Inc.**

Civil & Environmental Engineers

105 Providence Mine Road, Suite 202

Nevada City, CA 95959

Tel. 530-265-8021

---

**NORTH SAN JUAN FIRE SUPPRESSION SYSTEM  
PRELIMINARY FEE STUDY REPORT**

**TABLE OF CONTENTS**

I. EXECUTIVE SUMMARY.....	1
II. PROPOSITION 218 REQUIREMENTS.....	2
III. INTRODUCTION.....	2
IV. OPERATION AND MAINTENANCE COST.....	3
V. NEW COUNTY SERVICE AREA.....	6
VI. NSJ FIRE SUPPRESSION ZONE OF BENEFIT FEE CALCULATION.....	6
VII. RECOMMENDATIONS.....	6
Figure V-1 – Zone of Benefit.....	End of Report
Table V-1 – Zone of Benefit Parcels.....	End of Report

## **I. EXECUTIVE SUMMARY**

Sauers Engineering, Inc. was retained by the County of Nevada (County) to conduct a Cost of Service and Fee Study (Study) for the proposed North San Juan Fire Suppression System. The purpose of the Study was to look at all operational expenses and provide recommendations for a fee that will insure operational, maintenance, and administrative needs are met. The Study includes a review of revenue requirements and a cost of service allocation in support of a new zone of benefit based annual assessment.

The specific objectives of the Study included the following tasks:

Inventory all of the proposed new water infrastructure including pipelines, valves, wells, water storage tanks, and pumping equipment.

Based on time of installation, types of materials, and/or proposed purchase date, determine the estimated service life and time of replacement for the proposed facilities and equipment.

Determine the current replacement costs for all of the facilities and equipment to be included in the fee analysis.

Review historic data for the County's ongoing administration and operation and maintenance costs.

Look at the number of benefiting parcels and evaluate the impacts of any potential improvements to the system.

Determine annual service charges that fully support operations and maintenance, replacement, and capital improvements.

Prepare a report which presents the current revenue information and recommended fee, including methodology and supporting analysis.

### **Review of Findings and Recommendations**

This report recommends that the County create an annual assessment of \$127.97 per parcel per year for parcels within 1,000 feet of a new fire hydrant. This assessment will cover the anticipated operation and maintenance costs and allow the County to collect funds for projected replacement projects, reserves, and emergency replacement and repair projects by a maintenance entity.

## II. PROPOSITION 218 REQUIREMENTS

Implementation of a new Fire Suppression System Fee must comply with the provision of Article XIII D of the California Constitution (Proposition 218). Section 6(b) of Proposition 218 requires the local agency to meet all of the following requirements for all “existing, new or increased fees and charges.” A fee or charge shall not be extended, imposed or increased by any agency unless it meets all of the following requirements:

- (1) Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.
- (2) Revenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.
- (3) The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel.
- (4) No fee or charge may be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4 [of Proposition 218].
- (5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners.

To impose a new water service charge or fee, the County is required to:

- Mail information regarding the proposed fee to every property owner,
- Conduct a public hearing at least 45 days after the mailing,
- Reject the proposed fee if written protests are presented by a majority of the affected property owners.

## III. INTRODUCTION

As part of the North San Juan Fire Suppression System project, the County retained Sauers Engineering, Inc. to conduct a rate study to ensure a fair and equitable system of user charges for the North San Juan Fire Suppression System's benefiting parcels. The goal is to establish an assessment that recovers operations, maintenance and replacement costs from parcels based on their proximity to the fire system. This report documents the findings, analyses, results, and suggestions of the study.



The County is currently in the process of acquiring financing from USDA Rural Development or other sources for the North San Juan Fire Suppression System. Financing will be in the form of a grant which will cover the costs associated with the construction of the fire system. Funding for ongoing operations and maintenance will also be necessary and will be the responsibility of the property owners benefiting from the project.

### **Fire Suppression System**

The County is proposing to construct water system facilities for fire suppression in the North San Juan community. The system will include a 330,000 gallon steel water storage tank, a well with pump, controls, and a well building, approximately 3,850 feet of 12-inch pipeline, 500 feet of 6-inch fire hydrant lateral pipeline, eleven 12-inch butterfly valves, ten 6-inch gate valves, and ten fire hydrants.

The North San Juan Fire Suppression System will provide benefit to approximately 142 parcels that are within 1,000 feet of one or more new fire hydrants. Parcels include the commercially zoned areas along the Highway 49 corridor, along with single family residences, the NSJ Community Center, Gold Country Mobile Home Park, the NSJFPD fire station, and the post office building.

## **IV. OPERATION AND MAINTENANCE COSTS**

Operation and maintenance costs are those day to day expenses that occur while providing fire suppression water service to the benefiting parcels including personnel, materials, services, and administration. These expenses are expected to increase over time due to inflation rate, cost-of-living increases, increased energy costs, and increased maintenance costs as facilities age.

The facilities necessary to serve the fire suppression water needs of the North San Juan community are expensive and have a limited service life. Pipes, valves, hydrants, and tanks can last 60 years or more, while electric controls and pumps may last only 5 to 20 years. In order to obtain the maximum useful life, it is necessary to properly maintain the facilities.

Operation and maintenance costs have been projected for the fire suppression water system. The budget includes estimates for electrical utility costs for operation of the well pump, anticipated routine and emergency service calls, and reserves for future replacement of short-lived and long-lived assets.

### **Electrical Utility Cost**

The operation of the well require electrical service from PG&E. For commercial services, PG&E charges a base monthly rate plus usage based on meter readings. Once the tank is filled, the well is expected to operate on a limited basis to keep up with tank evaporation and periodic usage from the fire department such as filling water tenders.

Base Rate for Shed. B-1, 3 Phase	=	\$25/month
Estimated Usage Charge	=	<u>\$20/month</u>
<b>Annual Electrical Utility Cost</b>	=	<b>\$45/month = \$540/year</b>

**Short and Long-Lived Asset Reserves**

Short-lived assets are those facilities that have a service life expectancy of 15 years or less. As a requirement of the USDA Rural Development finance agreement which is being used to fund the fire system project, fees must include adequate revenue to fund the replacement of short-lived assets including those to be included in the improvement project. Table IV-1 shows the short-lived asset reserve annual revenue requirement.

**Table IV-1  
Short-Lived Asset Reserve**

<b>Short-Lived Asset</b>	<b>Replacement Cost</b>	<b>Service Life Expectancy</b>	<b>Reserve</b>
Well Pump and Motor	\$3,000	15 years	\$200/year
Well Telemetry and Controls	\$15,000	15 years	\$1,000/year
<b>Total Short-Lived Asset Reserve</b>			<b>\$1,200/year</b>

Long-lived assets are facilities with service life expectancy longer than 15 years, including pipelines and water storage tanks. Table IV-2 shows the long-lived assets along with their age and remaining service life, cost to replace, and annual reserve necessary to replace at the end of their service life.

**Table IV-2  
Long-Lived Asset Reserve**

<b>Long-Lived Asset and Unit Cost</b>	<b>Replacement Cost</b>	<b>Service Life Expectancy</b>	<b>Reserve</b>
Distribution Pipeline, 12" PVC 3,850 ft @ \$180/ft	\$693,000	75 years	\$9,240/year
Fire Hydrant Assembly 10 @ \$9,000/each	\$90,000	50 years	\$1,800/year
Distribution Valves 11 @ \$5,000/each	\$55,000	40 years	\$1,375/year
Bolted Steel Storage Tank 330,000 gal @ \$0.85/gal	\$280,500	40 years	\$7,012/year
<b>Total Long-Lived Asset Reserve</b>			<b>\$17,340/year</b>

It is not typical that long-lived asset reserves are fully funded through fees or taxes. Most likely, replacement of these facilities will require financing, either grant, loan, or a combination, in the future. The County should consider funding a portion of the reserve to be available as a matching contribution to future funding efforts. For purposes of this study, it is assumed that the County will fund 25% of the long-lived assets.

**Funded Long-Lived Asset Reserve = \$17,340 x 25% = \$4,335/year**

**Emergency Reserves**

The County needs to maintain adequate financial reserves in order to address emergency expenditures such as damaged fire hydrants, major leaks, or loss of water from the tank. For purposes of this study, the emergency reserve will be based on responding to an emergency once every five years.

Hydrant Replacement/Leak Repair = \$15,000  
 Tank Refill = \$40,000  
 Total Emergency Reserve = \$55,000  
**Annual Emergency Reserve/5 Years = \$11,000/year**

**Administration Costs**

Both the County and NSJFPD will have administrative expenses associated with the operation of the fire suppression system. While the County's Community Development Agency anticipates only a few hours a year, the NSJFPD anticipates more regular ongoing expenses.

County CDA, 4 hours/year x \$93/hour = \$372/year  
 NSJFPD Fire Fighter, 10 hours/year x \$35/hour = \$350/year  
 NSJFPD Admin, 15 hours/year x \$25/hour = \$375/year  
**Annual Administrative Cost = \$1,097/year**

**Total Annual Fire Suppression Water System Costs**

Table IV-3 shows all of the annual water system costs for the North San Juan Fire Suppression System.

**Table IV-3**

<b>Total Annual Fire Water System Costs</b>	
Electric Utility Cost	\$540/year
Total Short-Lived Asset Reserve	\$1,200/year
Funded Long-Lived Asset Reserve	\$4,335/year
Emergency Reserve	\$11,000/year
Administration Cost	\$1,097/year
<b>Total Annual Fire Water System Costs</b>	<b>\$18,172/year</b>

## V. NEW COUNTY SERVICE AREA

The County, through LAFCO, is proposing to create a new County Service Area for parcels benefiting from the fire suppression system. A zone of benefit approach has been developed to determine which parcels in the North San Juan community will receive a direct benefit from the new system and therefore be included in the new County Service Area. Those parcels within the zone of benefit will be assessed for a portion of the annual cost for operation and maintenance of the fire suppression system.

According to the NSJFPD, fire engines generally carry 1,200 feet of supply hose. Assuming approximately 200 ft of hose is required to navigate to a given parcel, a fire engine can supply water for fire suppression on properties up to 1,000 feet from any of the fire hydrant locations. Also, the Insurance Services Office (ISO) rates areas for purposes of determining fire insurance rates. The ISO assigns a better rating to structures located within 1,000 feet of a water source (fire hydrant), which may result in lower insurance premiums. For purposes of this study, the zone of benefit will include parcels that are within 1,000 feet of a proposed fire hydrant. Figure V-1 shows the parcels included in the zone of benefit based on the 1,000 foot criteria.

According to the County's Geographical Information System, there are 142 parcels in the zone of benefit shown in Figure V-1. Table V-1 lists the parcels along with the Assessors Parcel Number and address.

## VI. NSJ FIRE SUPPRESSION SYSTEM ZONE OF BENEFIT FEE CALCULATION

Each of the parcels within the zone of benefit will be responsible for an equal share of the annual cost of operation and maintenance of the fire suppression system. Based on the Total Annual Fire Water System Costs and on the number of parcels in the zone of benefit, the cost per parcel is calculated as follows:

$$\text{Total Annual Fire Water System Costs/Parcels in Zone of Benefit} = \text{Annual Cost per Parcel} \\ \mathbf{\$18,172/\text{year} / 142 \text{ parcels} = \$127.97/\text{year/parcel}}$$

Mobile home parks and other uses with fee parcels within the zone of benefit will be charged for each space or fee parcel associated with the legal parent parcel. These charges shall be placed on and collected through the County property tax bill for the legal parcel. The proposed parcels with more than one parcel charge per legal parcel is presented below:

<u>APN</u>	<u>Charges</u>	<u>Cost per Charge</u>	<u>Total Charge</u>
060-130-021	26	\$127.97	\$3,327.22

## VII. RECOMMENDATIONS

Once constructed, the North San Juan Fire Suppression System will require ongoing operation and maintenance as well as future replacement of facilities. In order to have the funding

available as it is needed, parcels that directly benefit from the fire system should be assessed annually with the funds to be placed in a restricted account to only be used for the fire system. Sauers Engineering, Inc. recommends the County create an annual parcel based fee to ensure adequate revenues are accrued to cover O&M costs, necessary capital improvements and emergency repairs. The following steps are recommended:

1. The County, through LAFCO, create a new County Service Area which includes parcels that are within 1,000 feet of a new fire hydrant. LAFCO will need to be asked to authorize creation of a new County Service Area to provide fire suppression services to the new zone of benefit.
2. Comply with the provision of Article XIID of the California Constitution (Proposition 218) including conducting a public hearing and rejecting the proposed fee if written protests are presented by a majority of the affected property owners.
3. Assess annually each parcel in the new County Service Area an equal portion of the total annual fire water system cost.
4. Periodically revisit the calculation of the annual fee and make adjustments as may be appropriate. It is recommended rates be reviewed annually and if needed, the rate be increased at a minimum by the Engineering News Record Construction Cost Index for California Cities.

# Figure V-1 Zone of Benefit

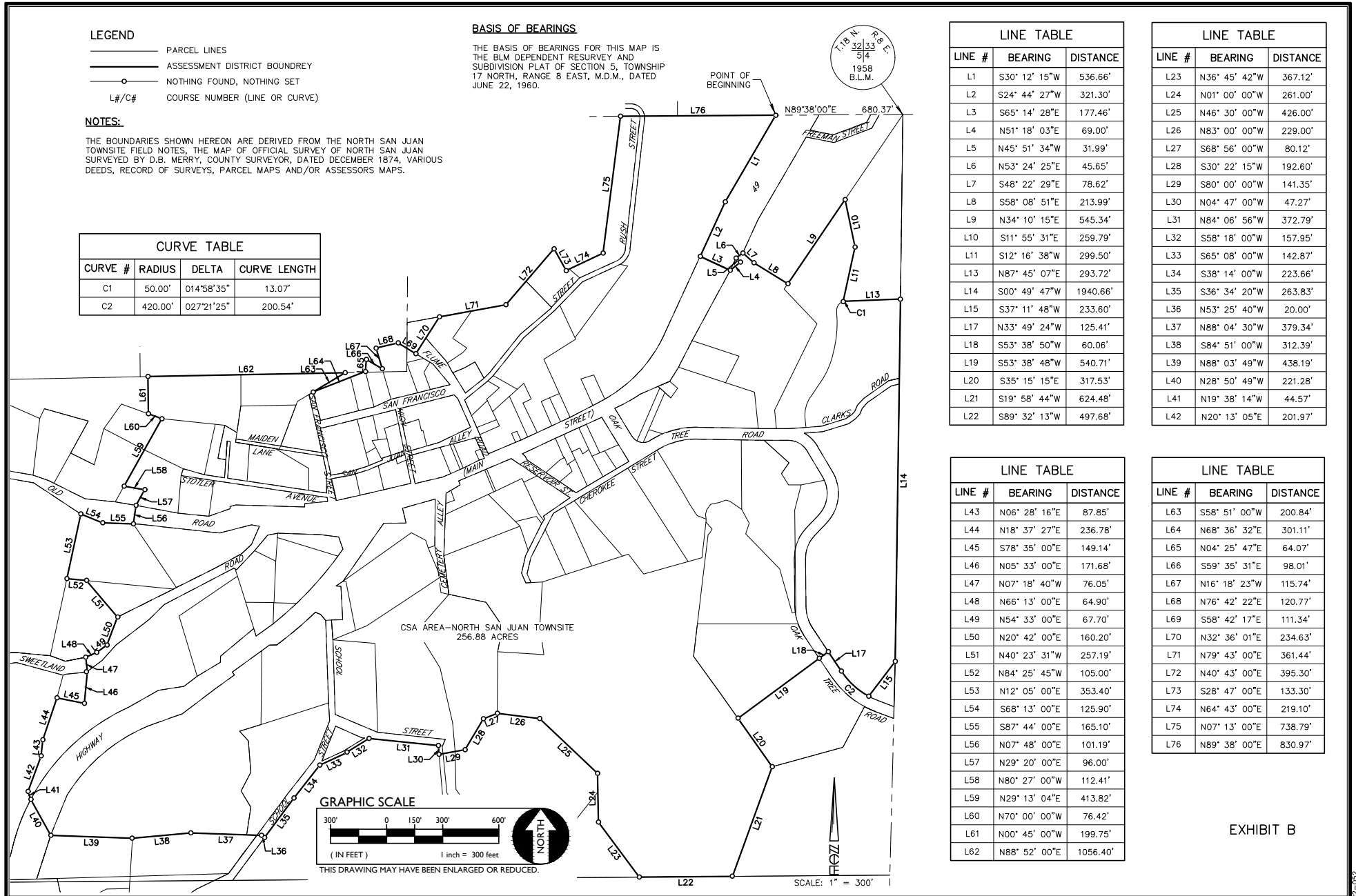


EXHIBIT B

**Table V-1  
Zone of Benefit Parcels**

<b>APN</b>	<b>Site Address</b>	<b>Site Address PO and Zip</b>	<b>Mailing Address</b>	<b>Mailing PO and Zip</b>
060-090-053	10200 STOTLER AVENUE	North San Juan, CA 95960	POB 1001	NEVADA CITY, CA 95959
060-090-053	10202 STOTLER AVENUE	ADU North San Juan, CA 95960	POB 1001	NEVADA CITY, CA 95959
060-090-028	10184 MAIDEN LANE	North San Juan, CA 95960	POB 543	NORTH SAN JUAN, CA 95960
060-090-042	10100 MAIDEN LANE	North San Juan, CA 95960	101 COMMERCIAL ST	PRINCETON, CA 95970
060-090-015	10048 MAIDEN LANE	North San Juan, CA 95960	101 COMMERCIAL ST	PRINCETON, CA 95970
060-090-055	10198 STOTLER AVENUE	North San Juan, CA 95960	196 CINEMA ST	SACRAMENTO, CA 95823
060-090-007	10164 STOTLER AVENUE	North San Juan, CA 95960	POB 571	NORTH SAN JUAN, CA 95960
060-090-058	10150 STOTLER AVENUE	North San Juan, CA 95960	101 COMMERCIAL ST	PRINCETON, CA 95970
060-090-059	10080 STOTLER AVENUE	North San Juan, CA 95960	POB 646	NORTH SAN JUAN, CA 95960
060-090-061	10060 SAN FRANCISCO STREET	North San Juan, CA 95960	POB 646	NORTH SAN JUAN, CA 95960
060-090-005	10244 OLD ROAD	North San Juan, CA 95960	P O BOX 78	NORTH SAN JUAN, CA 95960
060-090-009	10204 OLD ROAD	North San Juan, CA 95960	POB 554	NORTH SAN JUAN, CA 95960
060-090-010	28348 SWEETLAND ROAD	North San Juan, CA 95960	POB 524	NORTH SAN JUAN, CA 95960
060-090-016	10116 SAN FRANCISCO STREET	North San Juan, CA 95960	14249 GAGELY DR	LA MIRADA, CA 90638
060-090-017	10148 SAN FRANCISCO STREET	North San Juan, CA 95960	16291 MIRAMAR PL	SAN LEANDRO, CA 94578
060-120-001	10162 SAN FRANCISCO STREET	North San Juan, CA 95960	113 MARTIN ST	NEVADA CITY, CA 95959
060-120-002	10182 SAN FRANCISCO STREET	North San Juan, CA 95960	POB 486	NO SAN JUAN, CA 95960
060-120-003	10110 FLUME STREET	North San Juan, CA 95960	326-F DAVIS ST	GREENFIELD, MA 01301
060-120-004	10090 FLUME STREET	North San Juan, CA 95960	POB 62	NORTH SAN JUAN, CA 95960
060-090-047	10095 SAN FRANCISCO STREET	North San Juan, CA 95960	10095 SAN FRANCISCO ST	NORTH SAN JUAN, CA 95960
060-090-048	10149 SAN FRANCISCO STREET	North San Juan, CA 95960	POB 2845	GRASS VALLEY, CA 95945
060-090-045	N/A	North San Juan, CA 95960	POB 2845	GRASS VALLEY, CA 95945
060-090-021	10050 HIGH STREET	North San Juan, CA 95960	POB 3521	GRASS VALLEY, CA 95945
060-090-032	10163 SAN FRANCISCO STREET	North San Juan, CA 95960	POB 135	NORTH SAN JUAN, CA 95960
060-090-049	10060 HIGH STREET	North San Juan, CA 95960	POB 667	NORTH SAN JUAN, CA 95960
060-120-074	10057 HIGH STREET	North San Juan, CA 95960	POB 138	NORTH SAN JUAN, CA 95960
060-120-057	10036 FLUME STREET	North San Juan, CA 95960	8714 DEVERON WAY	ORANGEVALE, CA 95662
060-120-057	10044 FLUME STREET	North San Juan, CA 95960	8714 DEVERON WAY	ORANGEVALE, CA 95662
060-120-057	10060 FLUME STREET	North San Juan, CA 95960	8714 DEVERON WAY	ORANGEVALE, CA 95662
060-090-034	10041 SAN FRANCISCO STREET	North San Juan, CA 95960	10587 WALKER DR	GRASS VALLEY, CA 95945
060-090-036	29250 STATE HIGHWAY 49	North San Juan, CA 95960	POB 504	NORTH SAN JUAN, CA 95960
060-090-050	10030 HIGH STREET	North San Juan, CA 95960	29306 HWY 49	NORTH SAN JUAN, CA 95960
060-090-050	29306 STATE HIGHWAY 49	North San Juan, CA 95960	29306 HWY 49	NORTH SAN JUAN, CA 95960
060-090-052	10020 HIGH STREET	North San Juan, CA 95960	20206 PET HILL DR	PENN VALLEY, CA 95946
060-120-012	29298 STATE HIGHWAY 49	North San Juan, CA 95960	145 BOULDER ST	NEVADA CITY, CA 95959
060-120-013	29318 STATE HIGHWAY 49	North San Juan, CA 95960	POB 2140	NEVADA CITY, CA 95959
060-120-017	29322 STATE HIGHWAY 49	North San Juan, CA 95960	POB 1272	PENN VALLEY, CA 95946
060-120-014	29336 STATE HIGHWAY 49	North San Juan, CA 95960	POB 1272	PENN VALLEY, CA 95946
060-120-015	29344 STATE HIGHWAY 49	North San Juan, CA 95960	POB 1272	PENN VALLEY, CA 95946
060-110-001	10121 FLUME STREET	North San Juan, CA 95960	POB 841	NO SAN JUAN, CA 95960

Table V-1  
Zone of Benefit Parcels

060-110-006	10085 FLUME STREET	North San Juan, CA 95960	POB 674	NEVADA CITY, CA 95959
060-110-007	10099 FLUME STREET	North San Juan, CA 95960	11473 VAN RUITEN ST	NORWALK, CA 90650
060-110-011	10380 SAN FRANCISCO STREET	North San Juan, CA 95960	41310 VARGAS RD	FREMONT, CA 94539
060-110-009	10460 RUSH STREET	North San Juan, CA 95960	41310 VARGAS RD	FREMONT, CA 94539
060-110-015	10061 FLUME STREET	North San Juan, CA 95960	POB 853	NORTH SAN JUAN, CA 95960
060-110-016	10045 FLUME STREET	North San Juan, CA 95960	POB 42	NORTH SAN JUAN, CA 95960
060-110-017	10035 FLUME STREET	North San Juan, CA 95960	POB 42	NORTH SAN JUAN, CA 95960
060-110-014	10275 SAN FRANCISCO STREET	North San Juan, CA 95960	POB 853	NORTH SAN JUAN, CA 95960
060-110-018	29360 STATE HIGHWAY 49	North San Juan, CA 95960	POB 38	NORTH SAN JUAN, CA 95960
060-110-019	29386 STATE HIGHWAY 49	North San Juan, CA 95960	12882 BANNER LAVA CAP	NEVADA CITY, CA 95959
060-110-020	29408 MAIN STREET	North San Juan, CA 95960	13991 MOONSHINE RD	CAMPTONVILLE, CA 95922
060-110-013	29418 MAIN STREET	North San Juan, CA 95960	13991 MOONSHINE RD	CAMPTONVILLE, CA 95922
060-110-021	29424 STATE HIGHWAY 49	North San Juan, CA 95960	POB 543	NORTH SAN JUAN, CA 95960
060-110-022	29430 STATE HIGHWAY 49	North San Juan, CA 95960	29430 STATE HWY 49	NORTH SAN JUAN, CA 95960
060-110-012	10391 RUSH STREET	Nevada City, CA 95959	POB 696	NORTH SAN JUAN, CA 95960
060-110-012	29683 STATE HIGHWAY 49	Nevada City, CA 95959	POB 696	NORTH SAN JUAN, CA 95960
060-110-024	29658 STATE HIGHWAY 49	Nevada City, CA 95959	118 NURSERY ST	NEVADA CITY, CA 95959
060-110-023	29468 STATE HIGHWAY 49	Nevada City, CA 95959	909 CHESTNUT	SAINT LOUIS, MO 63101
060-091-049	28226 SWEETLAND ROAD	North San Juan, CA 95960	POB 543	NORTH SAN JUAN, CA 95960
060-091-004	28188 SWEETLAND ROAD	North San Juan, CA 95960	POB 166	NORTH SAN JUAN, CA 95960
060-091-051	28268 SWEETLAND ROAD	North San Juan, CA 95960	12160 ELM CT	AUBURN, CA 95602
060-100-013	28225 SWEETLAND ROAD	North San Juan, CA 95960	POB 929	NORTH SAN JUAN, CA 95960
060-100-004	29026 STATE HIGHWAY 49	North San Juan, CA 95960	POB 929	NORTH SAN JUAN, CA 95960
060-091-007	28325 SWEETLAND ROAD	North San Juan, CA 95960	148 ALEXANDRA AVE	CROCKETT, CA 94525
060-100-014	28299 SWEETLAND ROAD	North San Juan, CA 95960	28299 SWEETLAND RD	NORTH SAN JUAN, CA 95960
060-100-015	29086 STATE HIGHWAY 49	North San Juan, CA 95960	POB 929	NORTH SAN JUAN, CA 95960
060-091-008	28395 SWEETLAND ROAD	North San Juan, CA 95960	148 ALEXANDRA AVE	CROCKETT, CA 94525
060-091-008	29230 STATE HIGHWAY 49	North San Juan, CA 95960	148 ALEXANDRA AVE	CROCKETT, CA 94525
060-091-009	29190 STATE HIGHWAY 49	North San Juan, CA 95960	POB 324	NORTH SAN JUAN, CA 95960
060-091-010	29132 STATE HIGHWAY 49	North San Juan, CA 95960	POB 929	NORTH SAN JUAN, CA 95960
060-100-011	28953 STATE HIGHWAY 49	Nevada City, CA 95959	POB 2	NORTH SAN JUAN, CA 95960
060-100-018	10076 SCHOOL STREET	Nevada City, CA 95959	POB 2	NORTH SAN JUAN, CA 95960
060-100-018	10080 SCHOOL STREET	Nevada City, CA 95959	POB 2	NORTH SAN JUAN, CA 95960
060-100-018	10088 SCHOOL STREET	Nevada City, CA 95959	POB 2	NORTH SAN JUAN, CA 95960
060-100-018	10090 SCHOOL STREET	Nevada City, CA 95959	POB 2	NORTH SAN JUAN, CA 95960
060-100-018	29085 STATE HIGHWAY 49	Nevada City, CA 95959	POB 2	NORTH SAN JUAN, CA 95960
060-100-018	29099 STATE HIGHWAY 49	Nevada City, CA 95959	POB 2	NORTH SAN JUAN, CA 95960
060-100-010	10128 SCHOOL STREET	Nevada City, CA 95959	248 MERANO WAY	NAPA, CA 94558
060-100-009	10140 SCHOOL STREET	Nevada City, CA 95959	248 MERANO WAY	NAPA, CA 94558
060-100-008	10208 SCHOOL STREET	Nevada City, CA 95959	248 MERANO WAY	NAPA, CA 94558
060-120-056	27994 CEMETERY ALLEY	Nevada City, CA 95959	8714 DEVERON WAY	ORANGEVALE, CA 95662
060-092-002	27994 CEMETERY ALLEY	Nevada City, CA 95959	10523 WILLOW VALLEY RD	NEVADA CITY, CA 95959
060-092-006	29185 STATE HIGHWAY 49	Nevada City, CA 95959	11318 WILD CHERRY LN	NEVADA CITY, CA 95959



Table V-1  
Zone of Benefit Parcels

060-100-006	10097 SCHOOL STREET		Nevada City, CA 95959	145 BOULDER ST	NEVADA CITY, CA 95959
060-130-021	10247 SCHOOL STREET		Nevada City, CA 95959	3511 DEL PASO RD STE 160 RM 240	SACRAMENTO, CA 95835
060-130-021	28018 CEMETERY ALLEY		Nevada City, CA 95959	3511 DEL PASO RD STE 160 RM 240	SACRAMENTO, CA 95835
910-000-467	10211 SCHOOL STREET	UNIT 1	Nevada City, CA 95959	10211 SCHOOL ST SP 1	NORTH SAN JUAN, CA 95960
910-000-468	10211 SCHOOL STREET	UNIT 2	Nevada City, CA 95959	POB 12	NORTH SAN JUAN, CA 95960
910-000-470	10211 SCHOOL STREET	UNIT 4	Nevada City, CA 95959	POB 171	NORTH SAN JUAN, CA 95960
910-000-471	10211 SCHOOL STREET	UNIT 5	Nevada City, CA 95959	15552 SUNNYVALE LN	GRASS VALLEY, CA 95949
910-000-472	10211 SCHOOL STREET	UNIT 6	Nevada City, CA 95959	POB 86	NORTH SAN JUAN, CA 95960
910-000-473	10211 SCHOOL STREET	UNIT 7	Nevada City, CA 95959	3511 DEL PASO RD STE 160 RM 240	SACRAMENTO, CA 95835
910-000-476	10211 SCHOOL STREET	UNIT 10	Nevada City, CA 95959	10211 SCHOOL ST SP 10	NORTH SAN JUAN, CA 95960
910-000-477	10211 SCHOOL STREET	UNIT 11	Nevada City, CA 95959	POB 780	NORTH SAN JUAN, CA 95960
910-000-479	10211 SCHOOL STREET	UNIT 13	Nevada City, CA 95959	POB 546	NORTH SAN JUAN, CA 95960
910-000-482	10211 SCHOOL STREET	UNIT 16	Nevada City, CA 95959	PO BOX 634	NORTH SAN JUAN, CA 95960
910-000-483	10211 SCHOOL STREET	UNIT 17	Nevada City, CA 95959	26968 SWEETLAND RD	NORTH SAN JUAN, CA 95960
910-000-484	10211 SCHOOL STREET	UNIT 18	Nevada City, CA 95959	POB 174	NORTH SAN JUAN, CA 95960
910-000-485	10211 SCHOOL STREET	UNIT 19	Nevada City, CA 95959	POB 406	NORTH SAN JUAN, CA 95960
910-000-489	10211 SCHOOL STREET	UNIT 23	Nevada City, CA 95959	700-525 SIERRA RD	SUSANVILLE, CA 96130
910-000-490	10211 SCHOOL STREET	UNIT 24	Nevada City, CA 95959	POB 856	NORTH SAN JUAN, CA 95960
910-000-492	10211 SCHOOL STREET	UNIT 26	Nevada City, CA 95959	PO BOX 684	NORTH SAN JUAN, CA 95960
060-130-019	10249 SCHOOL STREET		Nevada City, CA 95959	POB 290	NORTH SAN JUAN, CA 95960
060-120-021	27971 STATE HIGHWAY 49		Nevada City, CA 95959	27971 STATE HWY 49	NEVADA CITY, CA 95959
060-120-067	29337 STATE HIGHWAY 49		Nevada City, CA 95959	POB 571	NORTH SAN JUAN, CA 95960
060-120-062	27999 CEMETERY ALLEY		Nevada City, CA 95959	27999 CEMETERY ALLEY	NORTH SAN JUAN, CA 95960
060-120-071	27880 CHEROKEE STREET		Nevada City, CA 95959	POB 528	NORTH SAN JUAN, CA 95960
060-120-016	29347 STATE HIGHWAY 49		Nevada City, CA 95959	POB 525	NORTH SAN JUAN, CA 95960
060-120-055	29375 STATE HIGHWAY 49		Nevada City, CA 95959	POB 525	NORTH SAN JUAN, CA 95960
060-120-023	27922 CHEROKEE STREET		Nevada City, CA 95959	POB 299	NO SAN JUAN, CA 95960
060-120-054	10057 RESERVOIR STREET		Nevada City, CA 95959	POB 299	NORTH SAN JUAN, CA 95960
060-120-063	27896 CHEROKEE STREET		Nevada City, CA 95959	POB 341	NORTH SAN JUAN, CA 95960
060-120-077	29405 STATE HIGHWAY 49		Nevada City, CA 95959	140 DIAMOND CREEK PL STE 150	ROSEVILLE, CA 95747
060-120-076	10026 RESERVOIR STREET		Nevada City, CA 95959	POB 660	NORTH SAN JUAN, CA 95960
060-120-029	10060 RESERVOIR STREET		Nevada City, CA 95959	POB 467	NORTH SAN JUAN, CA 95960
060-120-029	27974 CHEROKEE STREET		Nevada City, CA 95959	POB 467	NORTH SAN JUAN, CA 95960
060-120-031	29423 STATE HIGHWAY 49		Nevada City, CA 95959	POB 610	NORTH SAN JUAN, CA 95960
060-120-032	29435 STATE HIGHWAY 49		Nevada City, CA 95959	29435 STATE HWY 49	NORTH SAN JUAN, CA 95960
060-120-037	27988 CHEROKEE STREET		Nevada City, CA 95959	29435 STATE HWY 49	NORTH SAN JUAN, CA 95960
060-120-033	29447 STATE HIGHWAY 49		Nevada City, CA 95959	9425 MARIA WAY	SACRAMENTO, CA 95827
060-120-034	20092 OAK TREE ROAD		Nevada City, CA 95959	POB 381	NORTH SAN JUAN, CA 95960
060-120-036	28002 CHEROKEE STREET		Nevada City, CA 95959	POB 1124	NEVADA CITY, CA 95959
060-120-035	20072 OAK TREE ROAD		Nevada City, CA 95959	29865 HWY 49	NORTH SAN JUAN, CA 95960
060-120-035	28020 CHEROKEE STREET		Nevada City, CA 95959	29865 HWY 49	NORTH SAN JUAN, CA 95960
060-110-026	20091 OAK TREE ROAD		Nevada City, CA 95959	POB 296	NORTH SAN JUAN, CA 95960
060-110-027	20061 OAK TREE ROAD		Nevada City, CA 95959	POB 381	NORTH SAN JUAN, CA 95960

Table V-1  
Zone of Benefit Parcels

060-110-028	20043 OAK TREE ROAD	Nevada City, CA 95959	POB 381	NORTH SAN JUAN, CA 95960
060-110-025	29535 STATE HIGHWAY 49	Nevada City, CA 95959	POB 928	NORTH SAN JUAN, CA 95960
060-110-029	19987 OAK TREE ROAD	Nevada City, CA 95959	4354 MCROBERTS DR	MATHER, CA 95655
060-110-030	29575 STATE HIGHWAY 49	Nevada City, CA 95959	10523 WILLOW VALLEY RD	NEVADA CITY, CA 95959
060-110-031	19925 OAK TREE ROAD	Nevada City, CA 95959	POB 922	NORTH SAN JUAN, CA 95960
060-110-031	29637 OAK TREE ROAD	Nevada City, CA 95959	POB 922	NORTH SAN JUAN, CA 95960
060-110-031	29657 STATE HIGHWAY 49	Nevada City, CA 95959	POB 922	NORTH SAN JUAN, CA 95960
060-110-036	19903 OAK TREE ROAD	Nevada City, CA 95959	POB 497	NORTH SAN JUAN, CA 95960
060-110-037	10366 CLARKS ROAD	Nevada City, CA 95959	POB 679	NORTH SAN JUAN, CA 95960-0679
060-120-038	27885 CHEROKEE STREET	Nevada City, CA 95959	POB 670	NORTH SAN JUAN, CA 95960
060-120-049	27923 CHEROKEE STREET	Nevada City, CA 95959	POB 670	NORTH SAN JUAN, CA 95960
060-120-049	27925 CHEROKEE STREET	Nevada City, CA 95959	POB 670	NORTH SAN JUAN, CA 95960
060-120-049	27927 CHEROKEE STREET	Nevada City, CA 95959	POB 670	NORTH SAN JUAN, CA 95960
060-120-049	27929 CHEROKEE STREET	Nevada City, CA 95959	POB 670	NORTH SAN JUAN, CA 95960
060-120-049	27931 CHEROKEE STREET	Nevada City, CA 95959	POB 670	NORTH SAN JUAN, CA 95960
060-120-049	27933 CHEROKEE STREET	Nevada City, CA 95959	POB 670	NORTH SAN JUAN, CA 95960
060-120-041	27949 CHEROKEE STREET	Nevada City, CA 95959	27949 CHEROKEE ST	NORTH SAN JUAN, CA 95960
060-120-042	27965 CHEROKEE STREET	Nevada City, CA 95959	POB 884	NORTH SAN JUAN, CA 95960
060-120-042	27981 CHEROKEE STREET	Nevada City, CA 95959	POB 884	NORTH SAN JUAN, CA 95960
060-120-042	28003 CHEROKEE STREET	Nevada City, CA 95959	POB 884	NORTH SAN JUAN, CA 95960
060-120-043	28033 CHEROKEE STREET	Nevada City, CA 95959	PO BOX 103	NORTH SAN JUAN, CA 95960
060-130-015	27869 CHEROKEE STREET	Nevada City, CA 95959	POB 525	NORTH SAN JUAN, CA 95960
060-120-068	19986 OAK TREE ROAD	Nevada City, CA 95959	POB 44	NORTH SAN JUAN, CA 95960
060-120-068	20024 OAK TREE ROAD	Nevada City, CA 95959	POB 44	NORTH SAN JUAN, CA 95960
060-120-073	19696 OAK TREE ROAD	Nevada City, CA 95959	165 GROVE ST	NEVADA CITY, CA 95959
060-130-010	19672 OAK TREE ROAD	Nevada City, CA 95959	POB 88	NORTH SAN JUAN, CA 95960
060-120-069	19950 OAK TREE ROAD	Nevada City, CA 95959	POB 823	NORTH SAN JUAN, CA 95960
060-120-069	19962 OAK TREE ROAD	Nevada City, CA 95959	POB 823	NORTH SAN JUAN, CA 95960
060-120-045	19884 OAK TREE ROAD	Nevada City, CA 95959	14492 ROLLINGS PARK DR	GRASS VALLEY, CA 95945
060-120-046	19774 OAK TREE ROAD	Nevada City, CA 95959	14492 ROLLINS PARK DR	GRASS VALLEY, CA 95945
060-120-072	19847 OAK TREE ROAD	Nevada City, CA 95959	POB 679	NORTH SAN JUAN, CA 95960

Additional RV Park Lots on Assessors Maps 910

910-000-469	10211 SCHOOL STREET	UNIT 3	Nevada City, CA 95959	
910-000-474	10211 SCHOOL STREET	UNIT 8	Nevada City, CA 95959	NORTH SAN JUAN, CA 95960
910-000-475	10211 SCHOOL STREET	UNIT 9	Nevada City, CA 95959	NORTH SAN JUAN, CA 95960
910-000-478	10211 SCHOOL STREET	UNIT 12	Nevada City, CA 95959	NORTH SAN JUAN, CA 95960
910-000-480	10211 SCHOOL STREET	UNIT 14	Nevada City, CA 95959	NORTH SAN JUAN, CA 95960
910-000-481	10211 SCHOOL STREET	UNIT 15	Nevada City, CA 95959	
910-000-486	10211 SCHOOL STREET	UNIT 20	Nevada City, CA 95959	NORTH SAN JUAN, CA 95960
910-000-487	10211 SCHOOL STREET	UNIT 21	Nevada City, CA 95959	NORTH SAN JUAN, CA 95960
910-000-488	10211 SCHOOL STREET	UNIT 22	Nevada City, CA 95959	
910-000-491	10211 SCHOOL STREET	UNIT 25	Nevada City, CA 95959	NORTH SAN JUAN, CA 95960

**ATTACHMENT F**  
**FINAL PRELIMINARY ENGINEERING REPORT (DATED**  
**11-21-23) FOR CSA #39 FORMATION NORTH SAN JUAN**  
**FIRE SUPPRESSION SYSTEM**

---

**County of Nevada**  
950 Maidu Drive  
Nevada City, CA 95959

North San Juan Fire Suppression System

**FINAL  
PRELIMINARY ENGINEERING AND  
DRAFT PROJECT REPORT**

November 26, 2023



Prepared by:

**Sauers Engineering, Inc.**

105 Providence Mine Road, Suite 202  
Nevada City, CA 95959  
Tel. 530-265-8021

---

# North San Juan Fire Suppression System

## Preliminary Engineering and Draft Project Report

### Table of Contents

Introduction.....	1
Fire System Requirements.....	1
Required Fire Flow.....	1
Required Fire Storage.....	1
Minimum System Pressure.....	1
Tank Base Elevation.....	3
Pipeline Distribution System.....	3
Water Source of Supply.....	3
Fire Suppression System Design.....	4
Design and Construction Standards.....	4
Water Storage Tank.....	4
Pipeline and Hydrants.....	5
Water Supply Well.....	9
Estimated Project Costs.....	11

### List of Figures

Figure 1 – Project Location Map.....	2
Figure 2 – Preferred Tank Site Alternative NSJ Methodist Church Site.....	6
Figure 3– Proposed Pipeline Layout 10 Fire Hydrants.....	7
Figure 4 – Fire Hydrant Spacing 10 Fire Hydrants.....	9

### List of Tables

Table 1 – Estimated Construction Costs.....	10
Table 2 – Estimated Non-Construction Costs.....	11
Table 3 – Estimated Total Project Costs.....	11

## **Introduction**

The community of North San Juan is an approximately 480-acre historic townsite located in western Nevada County on State Highway 49, 15 miles northwest of Nevada City and is the largest rural center on the San Juan Ridge. Fire protection services are provided by the North San Juan Fire Protection District (NSJFPD), an all volunteer fire department that includes three fire stations with one located in North San Juan. Because there is no public water supply, there is also no centralized fire suppression system. The NSJFPD relies on on-board tanks on their engines as well as small individual tanks and ponds in various locations for fire suppression water supplies.

The County of Nevada is interested in providing a more robust fire suppression system in the commercial core and surrounding areas of North San Juan in order to help stimulate economic development in the area. Not having the ability to meet California Fire Code requirements is one of the major hurdles to developing the commercially zoned parcels in North San Juan Rural Center area. The County is looking at constructing a new fire suppression system including a water storage tank, pipeline distribution system, fire hydrants, and a source of water supply.

Figure 1 shows the North San Juan Rural Center area and the commercial core.

## **Fire System Requirements**

### Required Fire Flow

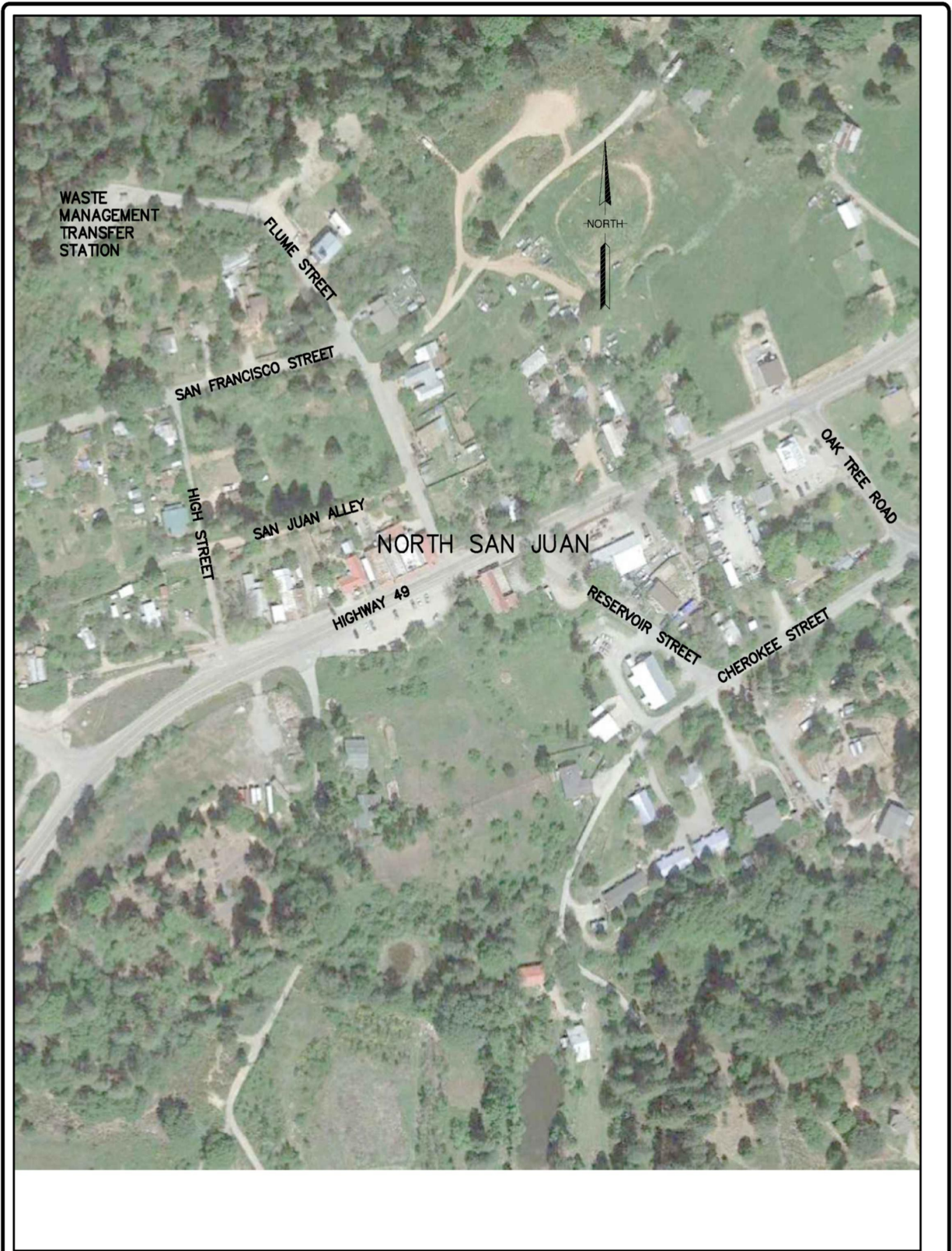
The required design fire flow rate and duration are based on the single largest fire flow demand. Fire flow demands for structures are determined by California Fire Code and National Fire Protection Association standards and are based on building type, construction materials, occupancy, size, exposure, and other factors. According to Tom Browning, NSJFPD Battalion Chief, in working with the Insurance Services Office (ISO), the structure used in determining the fire flow requirements is the combination of historic buildings at the northwest corner of Highway 49 and Flume Street. These are considered Non-Rated Buildings under California Fire Code fire flow calculations, with no fire rated walls between the separate structures. The total area of the combined buildings is 11,200 square feet, and the calculated fire flow demand is 2,750 gallons per minute for a duration of 2 hours.

### Required Fire Storage

The amount of fire storage required is based on the required fire flow and duration. In order to provide 2,750 gpm for 2 hours, the minimum required storage would be 330,000 gallons.

### Minimum System Pressure

In order to provide an acceptable level of fire protection in a pressurized water system, a minimum pressure is necessary to allow firefighting equipment to maintain continuous operation and avoid delays while on-board tanks refill. In addition, the system will be used to supply building fire sprinkler systems for developments adjacent




**Sauers Engineering, Inc.**  
 Civil & Environmental Engineers  
 105 Providence Mine Road, Suite 202, Nevada City, CA 95959  
 tel (530) 265-8021 www.sauerseng.com

NORTH SAN JUAN  
 FIRE SUPPRESSION SYSTEM  
 DRAFT PROJECT REPORT

PROJECT LOCATION  
 MAP

Figure  
 1

to the pipeline distribution system. The minimum desirable system pressure for fire sprinkler systems is 20 pounds per square inch during maximum flow conditions.

#### Tank Base Elevation

Based on the results of the hydraulic modeling conducted for the *NSJ Fire Flow Feasibility Study* (Sauers, 2016), the minimum tank base elevation needed to provide the design fire flow and system pressure is approximately 2,175 feet.

#### Pipeline Distribution System

Pipelines for water distribution systems should be sized to maintain a velocity of less than 10 feet per second (fps) during maximum flow conditions. Maximum flow for the fire suppression system is expected to be 2,750 gpm. For this application, C900 PVC, DR 25 (Pressure Class 165 psi) is recommended as the pipeline material based on the expected system pressures. 12-inch diameter DR 25 has an inside diameter of 12.14 inches which results in a velocity of 7.6 fps which meets the velocity requirement.

Since the emphasis of the project is a fire suppression system for the commercial core area, fire hydrants should be placed along Highway 49 through the North San Juan Rural Center area. However, because of the numerous hurdles associated with pipeline construction along the edge of the Highway, both within the Caltrans right-of-way and on the adjacent privately owned parcels, an alignment along the highway is not considered a preferred alternative. In order to minimize Caltrans encroachment permit requirements as well as the number of easements to be acquired, pipelines should be constructed within County roads as much as possible. Fire hydrants should be placed near the edge of the Highway within County road rights-of-way or County obtained easements. Additional fire hydrants should be installed along the pipeline alignment.

#### Water Source of Supply

The NSJ Fire Flow Feasibility Study recommended a new well be constructed to provide the water source for filling and maintaining water in the new tank. Concerns have been raised that, based on other wells in the area, it may be impractical rely on a well to provide the needed 330,000 gallons to initially fill the new tank, and to refill the tank following a fire event. Once the tank is full, a typical well should be able to adequately maintain tank levels to account for evaporation, minor pipeline leakage, and periodic fire district uses such as filling water tenders. Depending on the production of the new well, the County may want to consider hiring commercial water trucks to help initially fill the tank and be prepared to hire water trucks to refill the tank in a timely manner following major fire suppression events.

A new well should be constructed near the pipeline distribution system such that it can be constructed and connected to the system with minimal need for additional easements. A review of State Well Completion Reports reveals that some of the best producing wells are in the vicinity of the NSJFPD Fire Station which is located on Reservoir Street. This would be an ideal location as the fire district should be amenable to having a well and pipeline on their property and the distribution system as proposed will include a pipeline in Reservoir Street.



## Fire Suppression System Design

The North San Juan Fire Suppression System will be designed to provide a pressurized, gravity fed water supply system, including water supply source, water storage tank, pipeline distribution system, and fire hydrants, serving the North San Juan commercial area. The system will be capable of supplying 2,750 gpm for two hours via multiple fire hydrants located along State Highway 49 and along the distribution pipeline alignment.

### Design and Construction Standards

All aspects of the the fire suppression system will be designed and constructed to appropriate standards for the type of construction and location of each system component. These include:

- Nevada County Department of Public Works Standard Drawings for pipeline construction within County right-of-way including trenching, backfill, and surface restoration
- Caltrans Standard Specifications, Standard Drawings, and Encroachment Permit Manual for pipeline construction under State Highway 49
- American Water Works Association - AWWA D103 for design and construction of the steel water storage tank
- Nevada County Environmental Health Department Requirements for New Public Water Wells for the construction of the new well
- California Fire Code for recommended fire hydrant spacing

Although there is no plan to utilize the new system as a public drinking water supply, the County may be well-advised to construct certain aspects of the system, such as the tank and pipelines, to drinking water standards. There may be an increase in cost, but it would allow the system to be converted to a public drinking water system in the future without having to replace those components. Design of the tank and pipelines will also comply with State Waterworks Standards for drinking water.

### Water Storage Tank

System design will include a 330,000 gallon steel water storage tank. Typical dimensions would include a tank diameter of  $\pm 50$  feet and a wall height of  $\pm 27$  feet, however this can be altered to meet specific site conditions.

Steel tanks in this size range are either welded or bolted. Both are covered by AWWA standards, meet fire suppression and drinking water standards, otherwise meet the requirements of this project, and until recently were competitively priced. However, recently the cost of welded steel tanks has become significantly more expensive than bolted. Since there is no perceived added benefit to a welded steel tank in this situation, the design will be based on a bolted tank. If the pricing conditions change significantly by the time the project is put out to bid, the welded option can be added as an alternate.

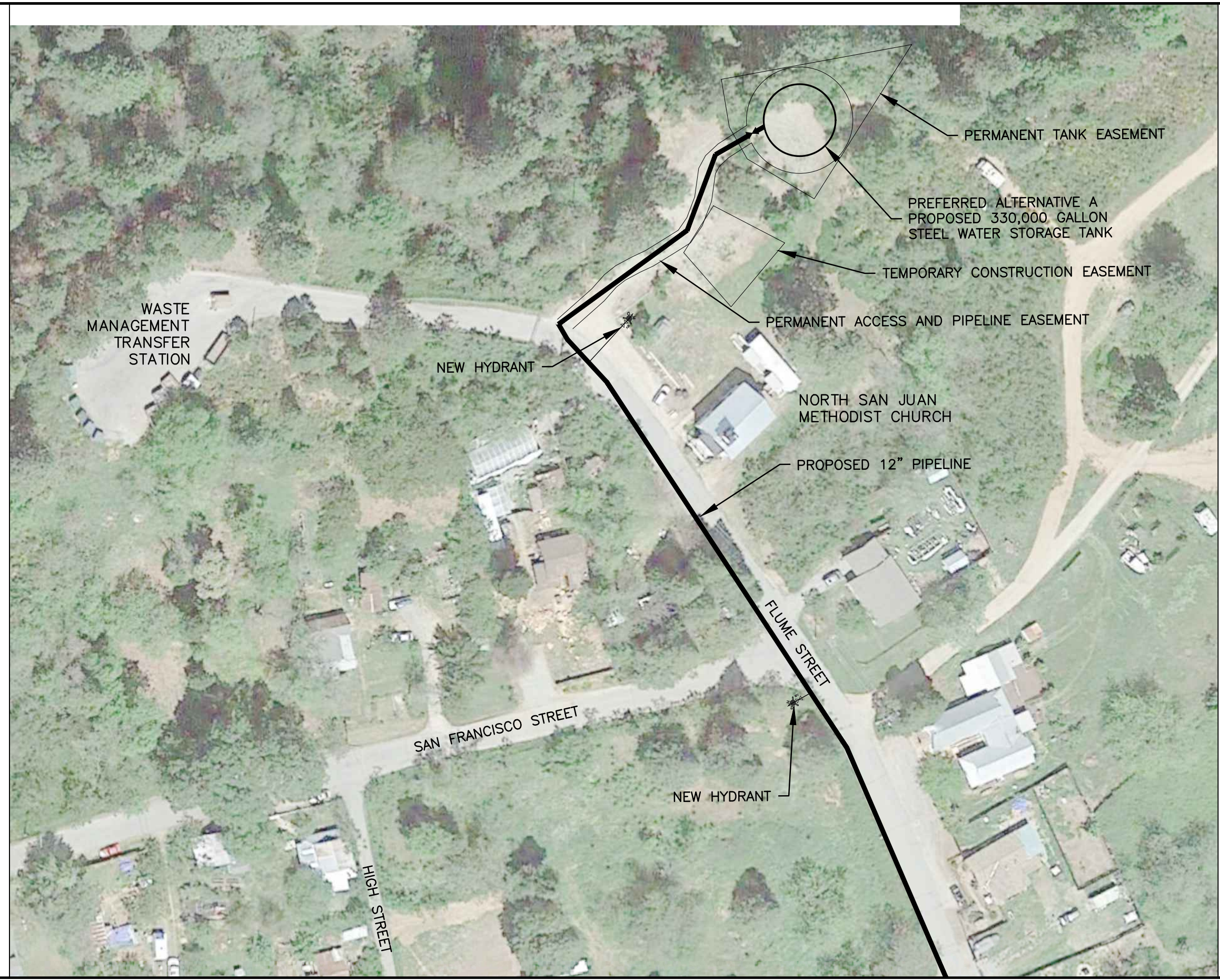
Because of the intended use of the tank as emergency response infrastructure, it should be considered an essential facility. The AWWA D103 standard for bolted steel tanks includes requirements for the tank manufacturer to provide detailed structural design including seismic design based on, among other things, the Importance Factor, which in this case will be the highest. The standard also requires the Owner (the County in this case) to furnish information for use in the design including a Geotechnical Report.

The proposed location for the water storage tank is at the end of Flume Street located on the north side of the North San Juan Rural Center area. There are two sites that were evaluated as the potential tank sites. The first site is adjacent to the North San Juan Methodist Church on church owned property near the top of Flume Street. The second site, which is owned by the Bureau of Land Management (BLM), is adjacent to the refuse transfer station currently being operated by Waste Management under contract with Nevada County. Although the BLM parcel is large, there is a limited area near the transfer station that would be suitable as a tank site. The site is constrained by an irregular property line to the south, and a ravine to the west and north, as well as the transfer station facilities. The church property, on the other hand, has no significant constraints, is easily accessible from Flume Street, and will not disrupt operations at the transfer station during tank construction. Of the two sites, the church site has been determined to be the preferred alternative. Figure 2 shows the preferred tank site on the church property.

#### Pipeline and Hydrants

The 2016 Feasibility Study focused on providing fire hydrants along the Highway 49 corridor. Following the initial project kick-off meeting, which included discussion of various concerns with respect to pipeline construction along Highway 49, a revised pipeline alignment is proposed which, although longer, would minimize construction in Caltrans right-of-way as well as minimize the number of easements the County would be required to acquire. Figure 3 shows the proposed new alignment. As shown, this alignment relies primarily on County roads with a single transverse crossing of Highway 49 at Flume Street, and acquisition of five easements in order to cross private properties.

As originally proposed, the design would have included three fire hydrants along the Highway 49 corridor; one near the intersection with Sweetland Road to the west, one across from the intersection with Flume Street, and one near the intersection of Oak Tree Road to the east. With the proposed new pipeline alignment, there is opportunity to place additional fire hydrants that would both increase the number of access points to the system and reduce the spacing between hydrants. As a point of reference, the California Fire Code standard for a fire flow requirement of 2,750 gpm is a minimum of 3 hydrants with an average spacing between hydrants of 450 feet. In order to achieve the spacing requirements, seven more hydrants have been added to the design for a total of ten hydrants. The additional hydrants are located at the top of Flume Street and at the intersections of Flume Street and San Francisco Street, Highway 49 and High Street, Highway 49 and Sweetland Road, Highway 49 and School Street, Highway 49



REV	DATE	REVISIONS

North San Juan  
Fire Suppression System

PREFERRED TANK SITE ALTERNATIVE  
NSJ METHODIST CHURCH SITE

County of Nevada

Nevada County

California

**Sauers Engineering, Inc.**  
 Civil & Environmental Engineers  
 105 Providence Mine Road, Suite 202, Nevada City, CA 95959  
 tel (530) 265-8021 www.sauerseng.com

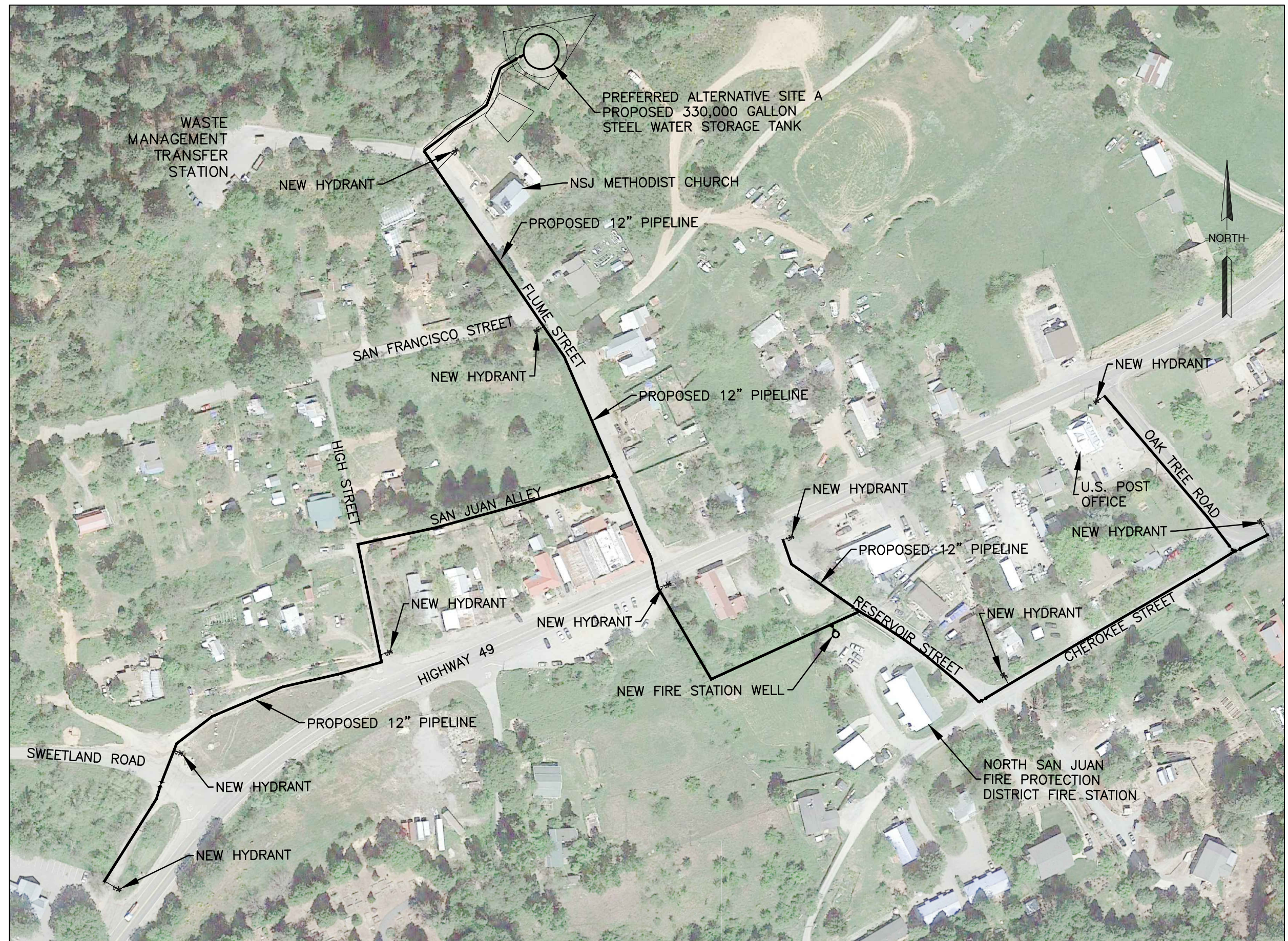
0 1  
 BAR IS ONE INCH ON ORIG. DRAWING  
 IF BAR DOES NOT MEASURE ONE INCH,  
 ADJUST SCALES ACCORDINGLY

PROJECT NUMBER:  
 SURVEY BY:  
 SURVEY DATE:  
 DESIGN BY:  
 DRAFTING BY:  
 CHECKED BY:

FILE PATH:  
 DATE:  
 SCALES:  
 HORIZONTAL  
 VERTICAL

**FIGURE**

SHEET: of X



REV	DATE	REVISIONS

North San Juan  
Fire Suppression System

PROPOSED PIPELINE LAYOUT  
10 FIRE HYDRANTS

County of Nevada

Nevada County

California

**Sauers Engineering, Inc.**  
Civil & Environmental Engineers  
105 Providence Mine Road, Suite 202, Nevada City, CA 95959  
tel (530) 265-8021 www.sauerseng.com

<small>1" = 100'</small> BAR IS ONE INCH ON ORIG. DRAWING IF BAR DOES NOT MEASURE ONE INCH, ADJUST SCALES ACCORDINGLY	
PROJECT NUMBER:	
SURVEY DATE:	
DESIGN BY:	K.S.K.
DRAFTING BY:	
CHECKED BY:	
FILE PATH:	
DATE:	
SCALES:	
HORIZONTAL:	FIGURE
VERTICAL:	SHEET: of X

and Reservoir Street, Reservoir Street and Cherokee Street, and Cherokee Street and Oak Tree Road. A map of the proposed pipeline layout utilizing ten hydrants along with the spacing between the hydrants is shown on Figure 4.

The 12" diameter pipelines will be designed for a maximum capacity of 2,750 gpm. 12" isolation butterfly valves will be installed at locations to allow continued operation of the system when portions are taken out of service for maintenance or repair. Individual fire hydrants are generally rated at a maximum flow rate of 1,500 gpm to 1,750 gpm meaning multiple hydrants would be required for the maximum fire flow. Hydrants will be fed by 6" hydrant laterals including 6" gate valves at the main. Bollards will be installed at each hydrant to protect them from possible traffic impacts.

In order to accommodate possible future pipeline extensions, the system will be designed with fittings installed with blind flanges at intersections and end points which will allow for easy connection of new pipelines.

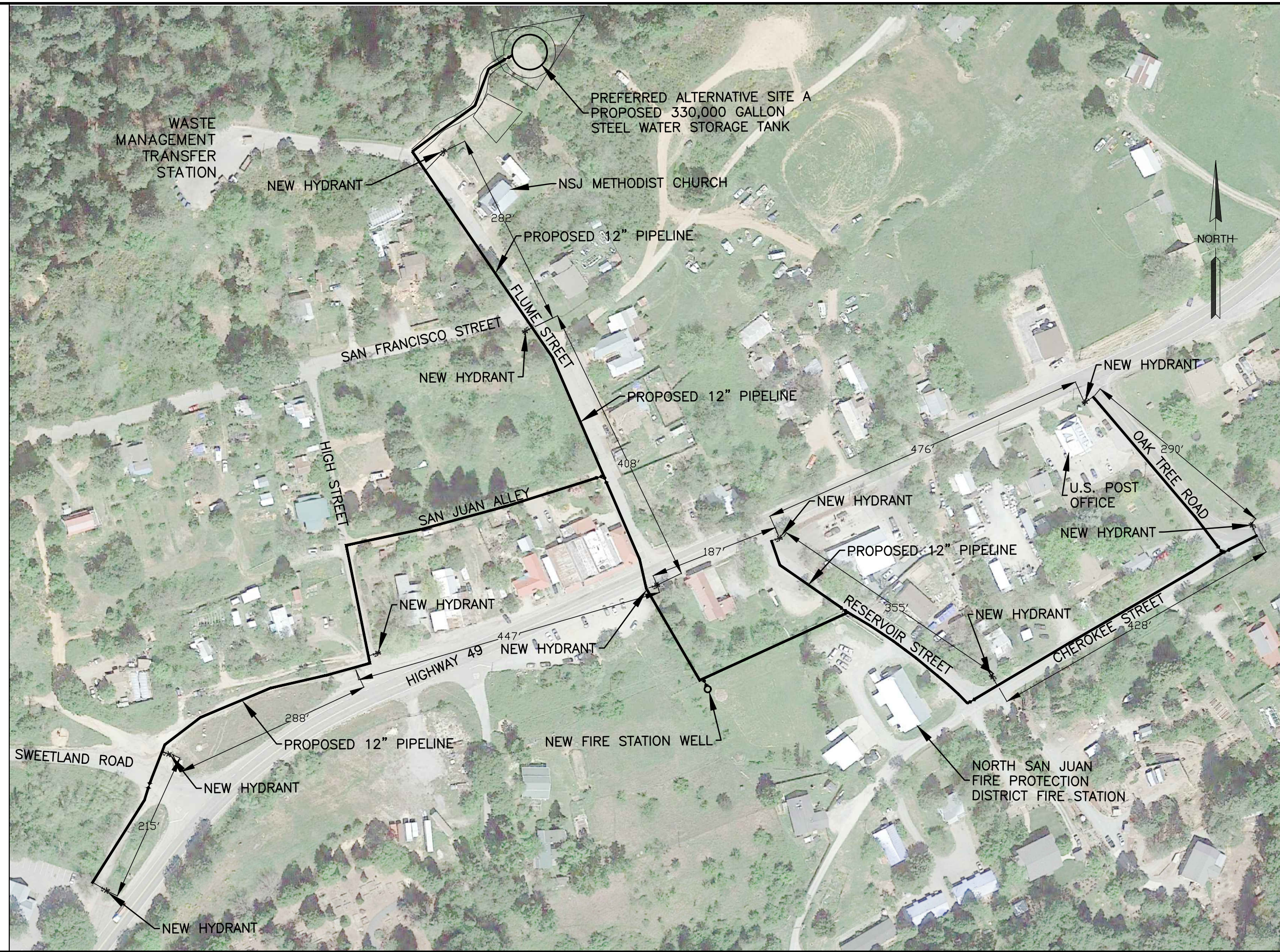
In compliance with Caltrans requirements, the section of pipeline crossing under Highway 49 will be installed by the bore and jack method. For a 12" carrier pipe, a steel casing pipe of 24" will be installed by boring and jacking, with the carrier pipe pulled through upon completion. For this section of carrier pipe, restrained joint ductile iron pipe is recommended.

#### Water Supply Well

A new well will be designed to connect to the pipeline distribution system. Pump and motor sizing will be estimated based on the expected depth and production of the well. Once the well is constructed and the capacity determined by the well driller, the pump and motor will be specified.

The well will consist of drilling a borehole and installing a casing, installing a concrete sanitary seal, installing a concrete slab and pedestal at the wellhead, installing the pump and motor, drop pipe, and motor electrical leads down the casing, installing a casing vent, installing the discharge manifold with sample tap and water meter above the wellhead, and connecting the well discharge pipe to the distribution system. Well construction will also include construction of a lockable enclosure for freeze protection and security, and to house the pump controls. A new electrical service with connection to PG&E will be required to provide power for the pump system.

The County may want to consider whether to construct the well to residential/agricultural standards or to public water well standards. The primary differences being the two are the diameter of the bore hole, type of drilling method utilized, and depth of the sanitary seal. For instance, for residential or agricultural wells, the sanitary seal needs to fill a minimum annular space of 3 inches between the bore hole and casing extending a minimum of 20 feet below ground surface whereas a public well sanitary seal needs to fill a minimum annular space of 4 inches and extend a minimum of 50 feet below ground surface. One issue is if there are good water bearing zones between 20 and 50 feet, they would essentially be sealed off with the deeper sanitary seal and the well would be



REV	DATE	REVISIONS

North San Juan  
Fire Suppression System

FIRE HYDRANT SPACING  
10 HYDRANTS

County of Nevada

Nevada County

California

**Sauers Engineering, Inc.**  
Civil & Environmental Engineers  
105 Providence Mine Road, Suite 202, Nevada City, CA 95959  
tel (530) 265-8021 www.sauerseng.com

1  
BAR IS ONE INCH ON ORIG. DRAWING  
IF BAR DOES NOT MEASURE ONE INCH,  
ADJUST SCALES ACCORDINGLY

PROJECT NUMBER:  
SURVEY DATE:  
DESIGN BY:  
DRAFTING BY:  
CHECKED BY:

FILE PATH:  
DATE:  
SCALES:  
HORIZONTAL  
VERTICAL

**FIGURE 4**  
SHEET: 4 of X

less productive. If the water bearing zones are below 50 feet and the additional costs are reasonable, the County may want to consider constructing the well to public well standards in the event the system would ever be converted in the future.

### Estimated Project Costs

Table 1 shows the estimated construction costs for the proposed North San Juan Fire Suppression System. These estimated costs are based on materials and products that comply with the requirements of the Build American, Buy American Act.

**Table 1**  
**Estimated Construction Costs**

Item	Quantity	Unit Cost	Total
Mobilization	1 Lump Sum	\$90,000	\$90,000
Traffic Control	1 Lump Sum	\$25,000	\$25,000
Erosion Control/BMPs	1 Lump Sum	\$25,000	\$25,000
Shoring/Sheeting/Bracing	1 Lump Sum	\$7,000	\$7,000
Bolted Steel Water Storage Tank	330,000 gallon	\$1.10/gallon	\$363,000
Tank Foundation	1 Lump Sum	\$100,000	\$100,000
Tank Site Piping	1 Lump Sum	\$20,000	\$20,000
12" C900 Pipe and Fittings	3,520 lineal feet	\$190/lineal foot	\$668,800
6" PVC Pipe and Fittings	215 lineal feet	\$150/lineal foot	\$32,250
12" Butterfly Valves	11	\$6,000 each	\$66,000
Bore and Jack 24" Casing with 12" Ductile Iron Carrier Pipe	1 Lump Sum	\$62,000	\$62,000
Boring/Receiving Pits, Shoring	1 Lump Sum	\$25,000	\$25,000
Fire Hydrant Assembly	10	\$10,000 each	\$100,000
Trench Surface Restoration	19,250 square feet	\$8/square foot	\$154,000
Drill/Case Well	360 feet	\$110/foot	\$39,600
Well Pump and Motor	1 Lump Sum	\$3,000	\$3,000
Well/Tank Pump Controls	1 Lump Sum	\$15,000	\$15,000
Well Head and Building	1 Lump Sum	\$30,000	\$30,000
Utility Connection	1 Lump Sum	\$15,000	\$15,000
<b>Estimated Construction Subtotal</b>			<b>\$1,840,650</b>
Construction Contingency, 15%			\$276,100
<b>Total Estimated Construction Costs</b>			<b>\$2,116,750</b>

Table 2 shows the estimated non-construction costs for the proposed North San Juan Fire Suppression System.

**Table 2**  
**Estimated Non-Construction Costs**

Item	Quantity	Unit Cost	Total
Geotechnical Reports			\$32,000
Bidding			\$6,000
Construction Engineering			\$25,000
Construction Survey			\$15,000
Inspection			\$15,000
CEQA/NEPA Review			\$75,000
LAFCo/BOE			\$10,000
Initial Tank Fill			\$83,000
Permitting Services			\$5,000
Caltrans Encroachment Permit			\$3,000
Easements			\$50,000
PG&E Service			\$15,000
<b>Estimated Non-Construction Subtotal</b>			<b>\$334,000</b>
Non-Construction Contingency, 10%			\$33,400
<b>Total Estimated Non-Construction Costs</b>			<b>\$367,400</b>

Table 3 shows the estimated total project cost for the proposed North San Juan Fire Suppression System.

**Table 3**  
**Estimated Total Project Costs**

<b>Total Estimated Construction Costs</b>	<b>\$2,116,750</b>
<b>Total Estimated Non-Construction Costs</b>	<b>\$367,400</b>
<b>Total Estimated Project Costs</b>	<b>\$2,484,150</b>



**ATTACHMENT G**  
CEQA INITIAL STUDY / MITIGATED NEGATIVE  
DECLARATION FOR CSA #39 FORMATION NORTH SAN  
JUAN FIRE SUPPRESSION SYSTEM



# RESOLUTION No. 23-614

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION IN CONNECTION WITH THE NORTH SAN JUAN FIRE SUPPRESSION SYSTEM PROJECT AND APPROVING A MANAGEMENT PLAN FOR DEVELOPMENT WITHIN 100 FEET OF WETLANDS LOCATED ON ASSESSOR'S PARCEL NUMBERS 060-110-001, 060-090-008, 060-120-023, 060-120-016, 060-120-067, 060-120-055, 060-120-054 AND PUBLIC RIGHT-OF-WAY (FILE NOS. PLN23-0121; MGT23-0026; EIS23-0004)**

WHEREAS, development of the North San Juan Fire Suppression System is proposed by the Nevada County Department of Public Works; and

WHEREAS, the Resolution of Application to apply to the Nevada County Local Area Formation Commission for formation of the County Service Area (CSA) to support the operation and maintenance of the North San Juan Fire Suppression System submitted to the Board of Supervisors by the Nevada County Department of Public Works requires adoption of a California Environmental Quality Act document; and

WHEREAS, on September 28, 2023, the Planning Department staff prepared an Initial Study and Mitigated Negative Declaration ("IS/MND") for the Project (EIS23-0004) 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 September 28, 2023, and ending October 30, 2023; and

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

WHEREAS, the Nevada County Land Use and Development Code Section L-II 4.3.17 provides protection measures for watercourses, wetlands, and riparian areas, requiring a Management Plan prepared by a qualified biologist for disturbance from development within 100-foot of annual watercourse and wetlands; and

WHEREAS, it has been identified that the proposed water pipeline is within 100-feet of wetlands and therefore qualified biologist Mr. Ted Beedy of Beedy Environmental Consulting prepared a wetlands Management Plan dated August 1, 2023, attached hereto as Exhibit B; and

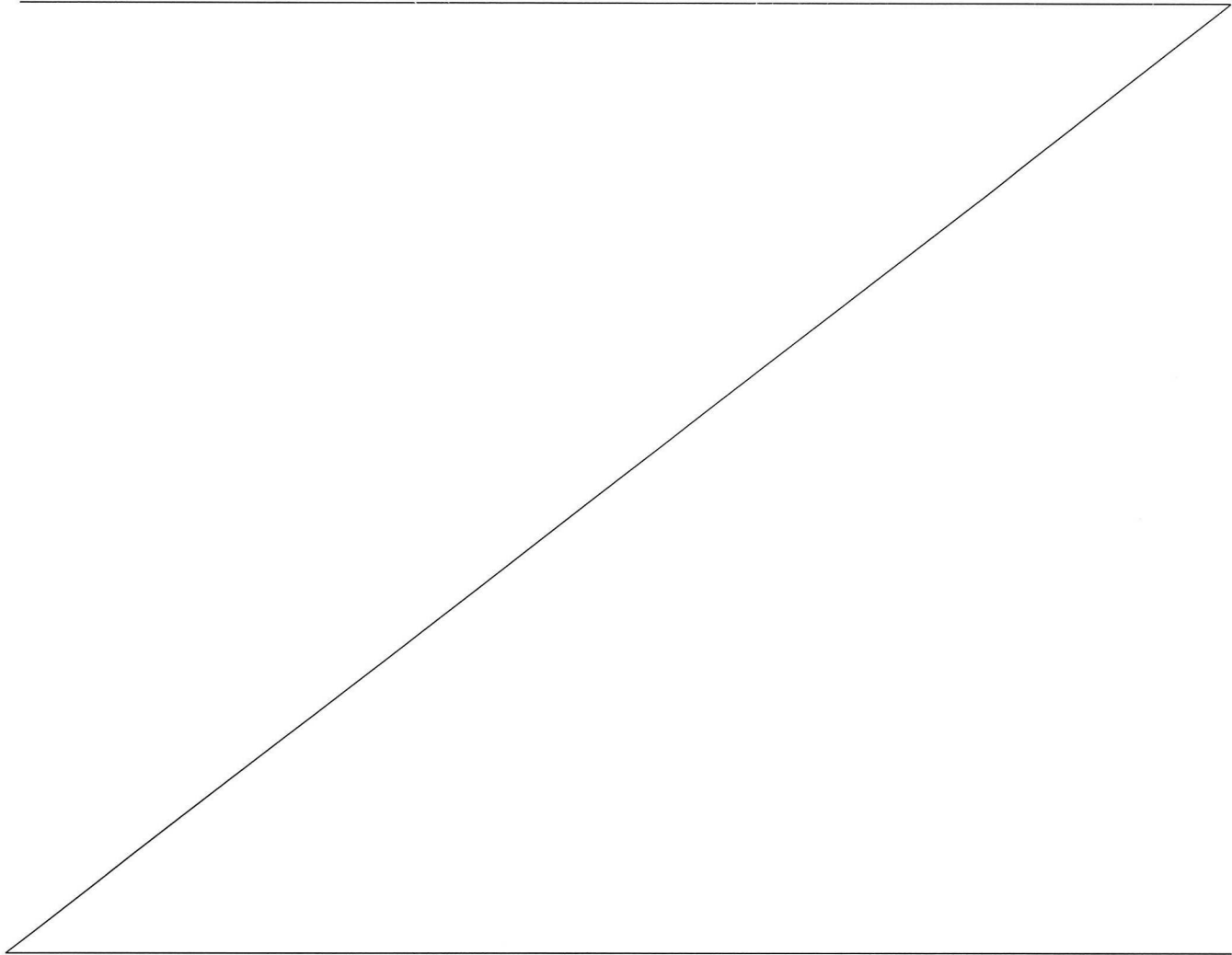
WHEREAS, potential impacts to the wetlands have been reduced to less than significant because of the recommendations of the Management Plan, which have been incorporated into project IS/MND and will be implemented through the project's Conditions of Approval/Mitigation Monitoring and Reporting Program provided for in Exhibit C; and

NOW, THEREFORE, BE IT RESOLVED that the Nevada County Board of Supervisors has reviewed the Initial Study and proposed Mitigated Negative Declaration (EIS23-0004), together with all comments received during the public review period, and pursuant to the California Environmental Quality Act Guidelines Sections 15073.5 and 15074 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 (including mitigation for potentially adverse impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire) might have any significant adverse impact on the environment;
3. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Board of supervisors; and that the mitigation measures attenuating potential impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire, 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.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby adopts the Mitigated Negative Declaration (EIS23-0004) for the North San Juan Fire Suppression System Project, and approves the Management Plan (MGT23-0026) to allow for the development of the fire suppression system within 100 feet of wetlands, and pursuant to the Nevada County Land Use and Development Code Division 4.3 Resources Standards hereby finds and determines as follows:

1. That while construction of a fire suppression system is proposed within an area designated as being within the 100-foot non-disturbance buffer of a wetland designated as a protected resource through Section L-II 4.3.17 of the Nevada County Land Use & Development Code, this sensitive resource area will be substantially protected through recommendations in the August 2023 Management Plan prepared by Edward C. Beedy, a biological consultant pre-qualified by the County, and made Conditions of Approval, and no significant loss of resource value is anticipated to occur; and
2. That there is no feasible alternative location for the fire suppression system, therefore there is no alternative for avoiding or relocating the disturbance.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 5th day of December, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: *Julie H.* Julie H., Deputy COB

*Edward C. Scofield*  
\_\_\_\_\_  
Edward C. Scofield, Chair



## NOTICE OF DETERMINATION

**To:** County Recorder, County of Nevada

**From:** Nevada County Planning Department  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959

**Contact:** Marie Maniscalco, Associate Planner

**Subject:** Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

**Project Title:** PLN23-0121; MGT23-0026; EIS23-0004

**Applicant:** Nevada County Department of Public Works  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
Telephone: (530) 470-2580

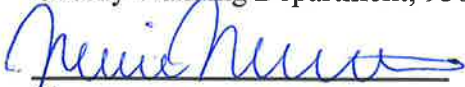
**Project Location:** Western Nevada County, within and adjacent to the North San Juan Rural Center, including State Highway 49 south of Sweetland Road to Oak Tree Drive; portions of Flume Street, Reservoir Street, Cherokee Street, and Oak Tree Road.

**Project Description:** PLN23-0121; MGT23-0026; EIS23-0004 The proposed project is to construct water system facilities for fire suppression in the North San Juan community. The system will include a 330,000-gallon steel water storage tank, a well with pump and related controls, a well building, approximately 3,850 feet of 12-inch pipeline, 500 feet of 6-inch fire hydrant lateral pipeline, 12-inch butterfly valves, 6-inch gate valves, and fire hydrants. **RECOMMENDED ENVIRONMENTAL DETERMINATION:** Approve the Mitigated Negative Declaration (EIS23-0004). **RECOMMENDED PROJECT ACTION:** Approve the Management Plan (MGT23-0026) This is to advise that the **Nevada County Board of Supervisors (Lead Agency)** approved the above described project on **December 5, 2023**, and made the following determinations regarding the above described project:

1. The project \_\_\_ will,  will not, have a significant effect on the environment.
2. \_\_\_ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures  were, \_\_\_ were not, made a condition of the approval of the project.
4. A statement of Overriding Considerations \_\_\_ was,  was not, adopted for this project.
5. Findings  were, \_\_\_ were not made pursuant to the provisions of CEQA.

The Mitigated Negative Declaration (EIS23-0004) was found to be adequate environmental review for the approval of the project (PLN23-0121; MGT23-0026; EIS23-0004) pursuant to Sections 15074 and 15097 of the California Environmental Quality Act Guidelines.

This is to certify that the original Mitigated Negative Declaration, with comments and responses if applicable, and a record of project approval is available to the General Public at the Nevada County Planning Department, 950 Maidu Avenue, Suite 170, Nevada City, California 95959.

  
Signature

12/6/23  
Date

FISH & WILDLIFE FEE: \$ 2,764.00 (or Current fee)

ADM. FEE PD.  YES  N/A

COUNTY OF NEVADA  
 DATE: 12/07/2023  
 TIME: 11:43:37

NEVADA COUNTY  
 BATCH JOURNAL ENTRY EDIT LIST

PAGE NUMBER: 1  
 BJOURN11

CONTROL RECORD	NUMBER FUND	J E NUMBER ORG CODE	DESCRIPTION ACCOUNT	PERIOD/YR PCN/TASK	STATUS ACCOUNT	ITEM DESCRIPTION	DEBIT AMOUNT	CREDIT AMOUNT
05ED02		241085	XER FUNDS - NSJ	CEQA 6/24	COMPLETE			
2260111	0101	0101207010711000	450220	07100000	450220	XER FUNDS - NSJ CEQA		50.00
2260112	5303	5303000000455092	462200	07100000	462200	XER FUNDS - NSJ CEQA		2,764.00
2260113	5303	5303	190010			XER FUNDS - NSJ CEQA	2,764.00	
2260114	0101	0101	190010			XER FUNDS - NSJ CEQA		2,764.00
2260115	0101	0101109023211000	521520	32100088	521520	XER FUNDS - NSJ CEQA	2,764.00	
2260116	0101	0101109023211000	521520	32100088	521520	XER FUNDS - NSJ CEQA	50.00	
TOTAL JOURNAL ENTRY							5,578.00	5,578.00
TOTAL CONTROL NUMBER							5,578.00	5,578.00
TOTAL REPORT							5,578.00	5,578.00

Journaling/transferring funds to  
 Records Office to pay for fees for  
 CEQA MND.

**REVIEWED**  
 By Vera De Ferrari at 11:44 am, Dec 07, 2023

**APPROVED**  
 By Brian Rhodes at 11:51 am, Dec 07, 2023

## Vera De Ferrari

---

**From:** Steven Whittlesey  
**Sent:** Wednesday, December 6, 2023 10:57 AM  
**To:** Vera De Ferrari  
**Cc:** Marie Maniscalco  
**Subject:** NSJ Fire Suppression CEQA MND Filing Fee

Hi Vera,

Marie notified me that we need to cut a check for filing of the CEQA document for this project with the County Clerk-Recorder by Friday. The amount to be paid for the filing is approximately \$2,764 + \$50 processing fee = \$2,814 total for payment. Please let me know if there are any questions, I assume that this will be paid from the Econ Development funds we have been using.

<https://www.nevadacountyca.gov/251/California-Environmental-Quality-Act-Fil>

Thanks,

Steven Whittlesey  
Senior Civil Engineer  
Department of Public Works and Sanitation  
Office: 530.470.2580



[Steven.Whittlesey@NevadaCountyCA.gov](mailto:Steven.Whittlesey@NevadaCountyCA.gov)

950 Maidu Avenue | Suite 170 | Nevada City, CA 95959 | [NevadaCountyCA.gov](http://NevadaCountyCA.gov)



		2023				
Transaction	Account Name	Fee	Revenue Code	Org Code	Account Code	PCN Code
<b>Fish &amp; Game Admin Fee</b>	Clerks General Fund	\$50.00	07100003	0101207010711000	450220	07100000
<b>Environmental Impact report</b>						
	Fish & Game	\$3,839.25	07100028	5303000000455092	462200	07100000
<b>Negative declaration</b>						
	Fish & Game	\$2,764.00	07100028	5303000000455092	462200	07100000
<b>Environmental Certified Regulatory Program</b>						
	Fish & Game	\$1,305.25	07100028	5303000000455092	462200	07100000



State of California - Department of Fish and Wildlife  
**2023 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

RECEIPT NUMBER:  
 28 — 12/07/2023 — 051  
 STATE CLEARINGHOUSE NUMBER (If applicable)

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY Nevada County Planning Dept.	LEAD AGENCY EMAIL	DATE 12/07/2023
COUNTY/STATE AGENCY OF FILING Nevada	DOCUMENT NUMBER 20230000051	

PROJECT TITLE  
  
 PLN23-0121;MGT23-0026;EIS23-0004

PROJECT APPLICANT NAME Nevada County Dept of Public Works	PROJECT APPLICANT EMAIL	PHONE NUMBER (530) 470-2580
PROJECT APPLICANT ADDRESS 950 Maidu Ave	CITY Nevada City	STATE CA
		ZIP CODE 95959

**PROJECT APPLICANT (Check appropriate box)**

Local Public Agency     School District     Other Special District     State Agency     Private Entity

**CHECK APPLICABLE FEES:**

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,839.25	\$	0.00
<input checked="" type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,764.00	\$	2,764.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,305.25	\$	0.00
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee		\$	50.00
<input type="checkbox"/> Other		\$	

**PAYMENT METHOD:**

Cash     Credit     Check     Other

**TOTAL RECEIVED \$ 2,814.00**

SIGNATURE <b>X</b> <i>Christine Peters</i>	AGENCY OF FILING PRINTED NAME AND TITLE Christine Peters Deputy
---	--

# Initial Study

## North San Juan Fire Suppression System

### Nevada County, California

**To:**

Building Department	CalTrans
Department of Public Works – Engineering	AT&T
Department of Public Works – Transit	PG&E
Environmental Health Department	CA Fish and Wildlife
Nevada County Transportation Commission	Central Valley Water Quality Control
CEO	CA Native Plant Society Redbud
North San Juan Fire District	State Clearinghouse
Fire Protection Planner	OOTI Nature Preserve
Nevada County Historical Landmarks Commission	Commissioner Mike Mastrodonato, District IV
Sierra Nevada Group/Sierra Club	Supervisor Susan Hoek, District IV
Rural Defense League of NSJ	Jeff Thorsby, Board of Supervisors
San Juan Ridge Taxpayers Association	Tyler Barrington, Principal Planner
Northern Sierra Air Quality Management District	*County Counsel
	<i>*receives full report, others receive NOA only with report available online</i>

**File Number:** PLN23-0121; MGT23-0026; EIS23-0004

**Prepared by:** Marie Maniscalco, Associate Planner  
Nevada County Planning Department  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959  
(530) 265-1345 marie.maniscalco@nevadacountyca.gov

**Zoning Districts:** Public Right-of-Way and Residential Agricultural (RA-1.5), Residential Agricultural with Rural Center Combining District (RA-1.5-RC), Public with Rural Center Combining District (P-RC), and Neighborhood Commercial with Rural Renter Combining District (C1-RC)

**General Plan Designations:** Public Right-of-Way and Residential (RES), Public (PUB), and Neighborhood Commercial (NC)

**Project Location:** Western Nevada County, within and adjacent to the North San Juan Rural Center, including State Highway 49 south of Sweetland Road to Oak Tree Drive; portions of Flume Street, Reservoir Street, Cherokee Street, and Oak Tree Road. See *Figure 1*.

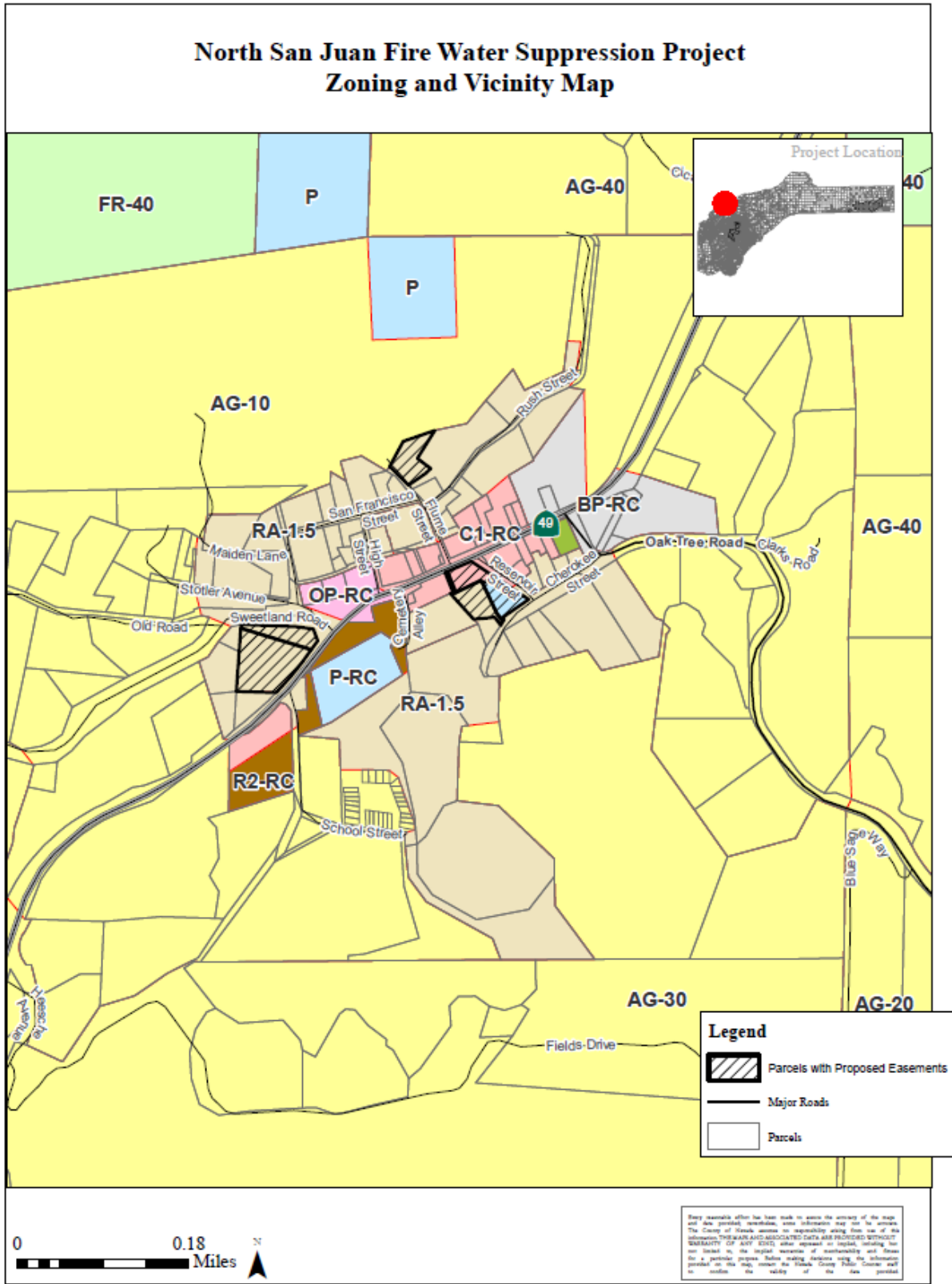


Figure 1 – Zoning and Vicinity Map

## Project Description

The proposed project is to construct water system facilities for fire suppression in the North San Juan community. The system will include a 330,000-gallon steel water storage tank, a well with pump and related controls, a well building, approximately 3,850 feet of 12-inch pipeline, 500 feet of 6-inch fire hydrant lateral pipeline, 12-inch butterfly valves, 6-inch gate valves, and fire hydrants. The locations of the water tank, well, pipeline, and hydrants is indicated in *Figure 2*. Utility and construction easements will be obtained across private property, with most of the work being installed in the public right-of-way. The purpose of the project is to increase the ability to fight fires in the commercial core of NSJ and the immediately surrounding areas, in a region where there is otherwise little or no break in the wildland/structural interface, potentially allowing fire to spread rapidly through brush, grass, and timber.

The service area is the downtown core of the community of North San Juan. North San Juan currently has no public water service and no public fire suppression service, other than that provided by the North San Juan Fire Protection District's (NSJFPD) personnel and vehicles. The proposed water storage tank and hydrant system would be an entirely new service in the community of North San Juan. The North San Juan Fire Suppression System will provide benefit to approximately 135 parcels that are within 1,000 feet of one or more new fire hydrants. Parcels include the commercially zoned areas along the Highway 49 corridor, along with single family residences, the NSJ Community Center, Gold Country Mobile Home Park, the NSJFPD fire station, and the post office building (see *Figure 2*).

The tank will initially be filled either by the proposed well or by water brought by commercial water trucks. The proposed well is expected to be able to complete the initial fill the water storage tank, adequately maintain tank levels to account for evaporation, minor pipeline leakage, and periodic fire district uses such as filling water tender trucks.

### Construction Considerations

The Contract Documents and Construction Plans would require the contractor to conduct the work to ensure the least possible obstruction to traffic and inconvenience to the public and residents in the vicinity of the construction activities, and to ensure the protection of public safety and property. The contractor would restore all existing landscaping and hardscape (concrete or AC walkways, paths, or other surface features) disturbed by the work activities to the preconstruction conditions acceptable to the Nevada County Department of Public Works and the appropriate local jurisdiction or landowner. If necessary, landscape restoration would be performed under direction of a licensed landscaping subcontractor.

### Protected Resources

No oak (*Quercus* species) trees with a diameter breast height (dbh) of thirty-six (36) inches or greater, or hardwood tree groves with thirty-three percent or greater canopy closure would be permitted to be removed for the construction of the pipeline. Though not anticipated, the removal of any trees and vegetation would be replanted with California-native and/or drought-tolerant plant species in compliance with the Nevada County Land Use and Development Code and other appropriate local and state regulations. Special precautions would be taken if the limited excavation activities encounter roots of mature trees in the work area.

There are wetland areas within 100 feet of the proposed project, thus requiring a Management Plan to be obtained pursuant to the Nevada County Land Use and Development Code. The Management Plan includes mitigation measures to ensure there is no significant impact to the wetlands. The Management Plan mitigation measures are also included here.

#### Temporary Construction Easements

Where deemed necessary, the project will obtain a right of entry permit and temporary construction easements for construction activities. The right of entry permit and the temporary construction easements would be for the portion of a property owner's land that is shown on the construction plans. Temporary construction easements would be located outside of sensitive resource and riparian areas.

#### Staging Areas, Parking, and Storage

Staging areas, parking, and storage would be located outside of sensitive resource and riparian areas. All stockpiled materials, parking areas, and equipment storage areas must be approved by the Planning Department and any other appropriate agencies, and would be located to avoid interference with private property and to prevent hazards to the public.

#### Cleanup and Restoration

The contractor would, at all times, keep property on which work is in progress and the adjacent property free from the accumulation of waste material or rubbish caused by employees or by the work. All surplus material would be removed from the site daily. Upon completion of the construction, the contractor would remove all temporary structures, rubbish, and waste materials resulting from their operation.

Roadway pavement, vegetation, or other hardscape areas that are damaged or removed because of contractor's operations would be restored or replaced to as nearly the original condition and location as is reasonably possible and encroachment permits of the appropriate local jurisdiction.



Figure 2 - Site Plan

Surrounding Land Uses:

Most of the project area is within the 23+-acre North San Juan Rural Center, shown in Figure 3 below. Land uses along the State Highway 49 portion of the project corridor consist of low-density commercial development, including a gas station/mini-market, restaurants and a bar, small retail stores, as well as low-density residential uses, a post office, and vacant lots. Uses along the roads that access the highway consist of low-density residential, a community center, church, a fire station, and vacant lots. Within the North San Juan Rural Center boundaries, several parcels are vacant, undeveloped with structures and or/unimproved with utilities.



Figure 3 - North San Juan Rural Center

A portion of the proposed pipeline and water storage tank site would be located outside of the North San Juan Rural Center on a parcel zoned Residential-Agricultural (RA-1.5). Surrounding zoning districts include: Residential (RA) (1.5-acre minimum parcel size), Medium Density Residential (R2), Neighborhood Commercial (C1), Public (P), Business Park (BP), Office & Professional (OP), and Agricultural (AG-10 and AG-30) as shown in *Figure 1*.

**Other Permits that May be Necessary:**

1. Road Encroachment Permits – Nevada County Department of Public Works and California Department of Transportation (CalTrans)
2. Grading and/or Building Permits – Nevada County Building Department
3. Northern Sierra Air Quality Management District
4. Well Permit – Nevada County Department of Environmental Health
5. Construction Stormwater General Permit – California State Water Resources Control Board

**Relationship to Other Projects:**

There are no directly related development projects known to this project. However, this project was identified in the North San Juan Rural Center Area Plan (NSJRCAP), adopted in April 2010. The NSJRCAP discusses the limited availability of groundwater wells and storage tanks within the unincorporated town of North San Juan, and identifies the need for a pressurized fireflow system within the low- and medium-density Rural Center, necessary to serve future residential, commercial and industrial land uses. The proposed project aligns with NSJRCAP Goal 4.3, Goal 4.4, and Policy 4.8, which encourages fire suppression capabilities for the Rural Center by seeking and prioritizing grant opportunities to fund a community emergency water system.



**Consultation with Native American Tribes:**

Native American tribes traditionally and culturally affiliated with the project area were notified of the project and invited to consultation. No consultation was requested.

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

## Recommended Mitigation Measures

The following measures shall be implemented, and where appropriate, included as a note on construction plans as outlined in each.

- AESTHETICS:** To preserve the existing aesthetic quality and character of the project area, the following mitigation measures have been included:

**Mitigation Measure 1A: Landmark and Heritage Trees and Groves.** To minimize removal of existing trees and protect existing trees during construction, no landmark trees, landmark groves, or heritage trees or groves, as defined in Land Use and Development Code Section L-II 4.3.15, will be removed with this project. All trees near the construction zone, or affected by construction, shall be protected throughout all phases of construction, including orange protective fencing around the driplines of the trees and no construction materials or equipment may be stored or staged within the driplines. Details of tree

protection measures shall be shown on the construction plans and installed and maintained during all phases of construction.

**Timing:** *Prior to building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 1B: Water Storage Tank Painted.** Any portion of the water storage tank and related equipment visible from public and/or private roads shall be painted and finished in non-glare materials and colors that complement the natural setting, which shall be shown on the construction drawings. A line-of-site diagram from all public and/or private roads within the project corridor is required at the time of construction drawing submittal, and all visible portions of the tank and equipment shall be identified on the drawings. Prior to permit finalization, the Planning Department will complete a site inspection to ensure the tank is appropriately concealed.

**Timing:** *Prior to building permit issuance*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

3. **AIR QUALITY:** To offset potentially adverse air quality impacts associated with the construction activities and operation of the project, the following mitigation measures shall be required:

**Mitigation Measure 3A: Implement dust control measures.** Prior to the approval of any Grading or Building Permits, to reduce short-term construction impacts, all future development permits shall comply with the following standards to the satisfaction of the Northern Sierra Air Quality Management District, which shall be noted on all grading plans and shall be included in project bidding documents:

1. The applicant shall implement all dust control measures in a timely manner during all phases of project development and construction.
2. All material excavated, stockpiled or graded shall be sufficiently watered, treated or converted to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
3. All areas (including unpaved roads) with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
4. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour.
5. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.

6. All inactive disturbed portions of the development site shall be covered, seeded or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying non-toxic soil stabilizers to all inactive construction areas.
7. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance. There must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle.
8. Paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to remove excessive accumulation of silt and/or mud which may have resulted from activities at the project site.

**Timing:** Prior to issuance of Grading Permits, Building Permits or Improvement Plans

**Reporting:** Approval of the grading permit and improvement plans

**Responsible Agency:** Northern Sierra Air Quality Management District

**Mitigation Measure 3B: Minimize Construction Equipment Idling.** In order to reduce emissions from construction equipment, the applicant shall include the following standard note on all Grading Plans, Site Plans or Improvement Plans: "During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel-powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes. Idling of construction-related equipment and construction related vehicles is not recommended within 1,000 feet of any sensitive receptor."

**Timing:** Prior to issuance of Grading Permits, Building Permits or Improvement Plans

**Reporting:** Planning Department approval of Grading Permits or Building Permits / Complaint driven

**Responsible Agencies:** Planning and Building Department, Code Compliance Division

**Mitigation Measure 3C: Use Alternative Methods to Open Burning for Vegetation Disposal.** The following note shall be included on all grading or improvement plans: "Open burning of site-cleared vegetation is prohibited. Among suitable alternatives are chipping, grinding, hauling to an approved disposal site, cutting for firewood, and conversion to biomass fuel."

**Timing:** Prior to issuance of Grading Permits, Building Permits or Improvement Plans and during construction

**Reporting:** Approval of the grading permit and improvement plans

**Responsible Agency:** Northern Sierra Air Quality Management District

**Mitigation Measure 3D: Comply with the Asbestos Airborne Toxic Control Measure (ACTM) for construction.** If serpentine, ultramafic rock, or naturally occurring asbestos is discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified no later than the following business day and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations shall be strictly complied with. This measure shall be included as a note on all grading and improvement plans.

**Timing:** Prior to issuance of the grading permits and improvement plans and during grading activity

**Reporting:** Approval of the grading permit and improvement plans

**Responsible Agency:** Northern Sierra Air Quality Management District

4. **BIOLOGICAL RESOURCES:** To reduce potential impacts to sensitive biological resources, the following mitigation shall be noted on the project construction plans for implementation during project construction:

**Mitigation Measure 4A: Vegetation Restoration.** The construction plans shall identify any and all vegetation proposed for removal, and shall include the plant or tree species and tree diameter at breast height (dbh). Removed vegetation shall be replaced with like-for-like vegetation except invasive species shall be replaced with native vegetation where feasible, in order to restore habitat diversity, and shall be shown on the construction plans. Pursuant to Mitigation Measure 1A, no landmark or heritage trees or groves are to be removed. Prior to permit finalization, the Planning Department will complete a site inspection to ensure any disturbed native vegetation is restored, subject to review and approval by the Zoning Administrator.

**Timing:** Prior to grading/building permit issuance and during construction

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Planning Department

**Mitigation Measure 4B: Wetlands Management Plan Best Management Practices.** The following Best Management Practices (BMPs) will appear on all site plans prior to building/grading permit issuance in order to protect waters of the U.S., including wetlands, water quality and aquatic life, and to avoid introduction of invasive weeds. The following Best Management Practices (BMPs) shall be implemented during and after construction:

1. For all areas of work:
  - a. Prior to construction adjacent to the wetlands, install weed-free fiber rolls (wattles) to prevent erosion and deposition of surface soils into the wetlands. Wattles are available for sale at most of the local hardware stores in Grass Valley and Nevada City. More information on wattles can be found at the following website: <https://www.acfenvironmental.com/products/perimeter-and-sediment-control/perimeter-control-tubes/wattles/>
  - b. Avoid doing any excavation or grading within 3 days of a significant rainfall event greater than 1-inch total daily rainfall.
  - c. The contractor shall exercise every reasonable precaution to protect the wetland at the project site from pollution with sediments, fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and washwater shall be prevented from discharging into the wetland and shall instead be collected and removed from the site.

- d. Spread weed-free straw on all disturbed soils near all construction sites to prevent the erosion of surface soils. No invasive, non-native grasses such as orchard grass, canary reed grass, or velvet grass shall be used for erosion control, as these species are known to invade wetlands.
  - e. Provide Copies of Mitigation Measures to Contractors. To ensure the proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and any other permit requirements to the contractors prior to grading and construction.
2. Specific BMPs for Wetland Features
- a. NSJ Fire Meadow
    - i. Install wattles adjacent to the existing fence line between the meadow and trench.
    - ii. Scatter weed-free straw at a depth of 2-4 inches over the ditch site after soil is replaced in all areas within 50 feet of the wetland.
  - b. Oak Tree Road Ditch
    - i. No trenching shall occur on the south side of Oak Tree Road (i.e., the same side of the road as the ditch) to minimize potential impacts to the roadside ditch.
    - ii. Install wattles along the roadside ditch.
  - c. Highway 49 Swale
    - i. Install orange construction fencing between disturbance areas and the wetland.
    - ii. Scatter weed-free straw at a depth of 2-4-inches over the ditch site after soil is replaced on all bare soil within 50 feet of the wetland.
  - d. Community Center Ephemeral Drainage
    - i. Install wattles between the ditch and the downslope willow-filled drainage adjacent to the NSJ Community center.
    - ii. Scatter weed-free straw at a depth of 2-4 inches over the ditch site after soil is replaced for the entire length along Highway 49 from the new hydrant to the Sweetland Road intersection.

**Timing:** *Prior to building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 4C: Conduct a Nesting Bird Survey.** If project construction, including tree removal, occurs during the nesting season (February 1 to September 30), a nesting bird study, conducted by a qualified biologist, shall be completed no more than 10-days prior to construction to determine if any native birds are nesting on or near the site (including a 250-foot buffer for raptors). If any active nests are observed during surveys, a suitable avoidance buffer will be determined and flagged by the qualified biologist based on species, location and planned construction activity. The avoidance buffer would be in

place until the chicks have fledged and the nests are no longer active. If removal does not occur within 10-days of the survey, an additional survey is required prior to tree removal.

**Timing:** *Prior to building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 4D: Avoid disorienting foraging bats or other nocturnal species.** Construction hours are limited to between 7:00 am and 7:00 pm (daylight hours) to avoid disorienting foraging bats or nocturnal species such as owls that forage at night. This measure shall be noted on all construction plans.

**Timing:** *Prior to building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**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:

**Mitigation Measure 5A. Cultural awareness training.** A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribe values.

**Timing:** *Prior to the issuance of building/grading permits and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 5B. Halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction.** All equipment operators and employees involved in any form of ground disturbance at any phase of project improvements shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the Nevada County Planning Department, United Auburn Indian Community of the Auburn Rancheria, and any other interested and affected tribe shall be

contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. A note to this effect shall be included on the grading and construction plans for each phase of this project.

**Timing:** *Prior to the issuance of building/grading permits and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 5C. Preservation of historic buildings.** A licensed professional, such as a civil engineer, will submit with the grading and/or building permit submittal a plan showing the location of the proposed pipeline trenching to be no closer to historical structures and resources as required to preserve the integrity of historical structures.

**Timing:** *Prior to the issuance of building/grading permits and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

7. **GEOLOGY AND SOILS:** To mitigate potentially adverse soils impacts from project grading and construction, both on-and off-site, the following mitigation measures, in addition to **Mitigation Measures 5A and 5B**, shall be required:

**Mitigation Measure 7A: No Construction within Steep Slopes.** The construction plans shall identify any areas within the project corridor with a steep equal to or greater than thirty (30) percent, and shall show no construction work within steep slope areas.

**Timing:** *Prior to grading/building permit issuance*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 7B: Erosion Control Measures.** To ensure adequate protection of water quality during and after project activities, the project manager shall provide labor, materials, and equipment to maintain and protect exposed soil from wind and water erosion in the following manner:

1. Grading plans shall include the time of year for construction activities. Project activities planned between October 15 and May 15 requires that the Building Official or his/her authorized agent to determine whether project soil conditions are adequate to accommodate proposed activities. Soils must not be oversaturated and the contractor must implement erosion control measures at the end of each construction day.
2. If a storm is forecast in the area, exposed fill shall be sloped to drain and compacted to facilitate runoff.
3. Existing surface drainage facilities shall be kept free of soil and debris during project activities.



4. Temporary or constructed water conveyance channels shall be kept free of sediment or debris at all times.
5. Temporary erosion control shall be applied within and adjacent to the boundary of the project activity zone if ground disturbance will occur.
6. Siltation control shall be provided during project activities if ground disturbance will occur.
7. Disturbed slopes shall be stabilized and seeded (with native species wherever practicable) as soon as possible following grading to allow vegetation to become established prior to the rainy season.
8. Surface water drainage shall not be directed over cut and/or fill slope faces.
9. All runoff shall be intercepted and directed into energy dissipaters or vegetated swales constructed at discharge points to reduce velocity and prevent erosion and shall be discharged into natural drainage courses that are capable of receiving the expected storm water flows.

**Timing:** Prior to issuance of grading or improvement permits.

**Reporting:** Approval of permits or plans

**Responsible Agency:** Building / Planning Departments

**Mitigation Measure 7C: Geotechnical Engineering Report.** To ensure that the proposed water storage tank does not pose a geologic threat due to its proximity to historic hydraulic mining areas, all of the recommendations described in the Geotechnical Engineering Report dated June 29, 2023 or newer by NV5 shall be incorporated into all grading/building permit documents. The recommendations apply to grading, clearing and grubbing, soil preparation for fill placement, fill placement, fill slope grading, erosion controls, underground utility trenches, construction dewatering, surface water drainage, grading plan review and construction monitoring, seismic design criteria, and pier design criteria.

**Timing:** Prior to grading/building permit issuance

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Building / Planning Department

**Mitigation Measure 7D: Stockpiling of Organic Topsoil.** To ensure that there is no substantial loss of topsoil, all organic topsoil removed as part of clearing and grubbing, excavation, or grading shall be stockpiled onsite, covered appropriately to avoid erosion and dust, and used in areas to revegetated upon complete of utility installation. This note shall appear on all building/grading plans.

**Timing:** Prior to grading/building permit issuance

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Building / Planning Department

**Mitigation Measure 7E: Potentially Expansive Soil.** The following note must appear on all grading and building permits related to this project: If fine grained, potentially expansive soil, as determined by a qualified geotechnical engineer, is encountered during grading, it shall be mixed with granular soil, or overexcavated and stockpiled for removal from the project site or for later use in landscape areas. A typical mixing ratio is about 4 parts

granular soil to 1-part expansive soil. The actual mixed ratio shall be evaluated by a qualified geotechnical engineer at the time of construction.

**Timing:** Prior to grading/building permit issuance

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Building / Planning Department

9. **HAZARDS AND HAZARDOUS MATERIALS:** Potential impacts to the implementation of emergency response plans will be mitigated by **Mitigation Measure 17A**.
10. **HYDROLOGY AND WATER QUALITY:** The proposed project would result in construction activities and may require the preparation of a Stormwater Pollution Prevention Plan (SWPPP). In addition to **Mitigation Measures 4A and 4B**, the following water quality mitigation measures or best management practices (BMPs) are also identified:

**Mitigation Measure 10A: Obtain Appropriate Stormwater Permit and Implement an Erosion and Sediment Control Plan.** Project road improvements and future land disturbance must obtain an appropriate stormwater permit and implement an erosion and sediment control plan for projects including land disturbance of one acre or more. The following note must be included on grading/building permits: Prior to issuance of grading permits or improvement plans for all projects that could result in disturbance of an acre or more of land, the construction and grading permits shall comply with the applicable General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) regulations. Grading plans shall include verification that a Construction General Permit, issued by the State Water Resources Board, has been issued for this project. Said permits or plans shall incorporate, at a minimum, the following erosion and sediment control measures:

1. Best Management Practices (BMPs) for temporary erosion control shall be implemented during construction to control any pollutants that could potentially affect the quality of storm water discharges from the site. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in accordance with California State Water Resources Control Board (SWRCB) requirements. This SWPPP includes the implementation of BMPs for Erosion Control, Sediment Control, Tracking Control, Wind Erosion Control, Waste Management and Materials Pollution Control.
2. All portions of the project, including on-site grading and excavation for the access road, shall be included in the State-mandated Storm Water Pollution Prevention Plan (SWPPP) and are subject to the required monitored and reporting.

**Timing:** Prior to building/grading permit issuance

**Reporting:** Approval of permits or plans recordation

**Responsible Agency:** Planning Department and Building Department

**Mitigation Measure 10B:** Implement the following BMPs to minimize construction related impacts to water quality. The following BMPs shall be incorporated into all Contract Documents and Construction Plans for the project and implemented by the contractor to protect water quality:

1. Construction crews shall be instructed in preventing and minimizing water pollution on the job.
2. Interim erosion control measures may be needed and shall be installed during construction to assure adequate erosion control facilities are in place at all times.
3. Straw or rice mulch may be used if needed with a tackifier.
4. All earth moving or excavation activities shall cease when winds exceed 20 mph.
5. Haul trucks shall be covered with tarpaulins or other effective covers at all times.
6. Use broom and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
7. Designate a concrete washout area, as needed; to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
8. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
9. Dust control measures shall conform to **Mitigation Measure 3C**: Control dust during project construction.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 10C:** The following BMPs shall be implemented to ensure that SWPPP measures are maintained and prevent water pollution.

1. At no time shall heavy equipment operate in flowing water or saturated soils.
2. Be prepared for rain and have the necessary materials onsite before the rainy season.
3. Insure all SWPPP measures are in place prior to a 30% chance of rain. Install silt-fencing, straw bales, sediment catch basins, straw or coir logs or rolls, or other sediment barriers to keep erodible soils and other pollutants from entering the storm drain system and adjacent drainages
4. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away for disposal.
5. During long periods of rain and high intensity rainfall, SWPPP measures may become clogged. Extreme care should be taken to clean SWPPP measures to reduce fugitive discharge and potential flooding.
6. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
7. Inspect sediment control devices after each storm and remove sediment.
8. Inspect all BMPs before and after each storm event. Maintain BMPs on regular basis and replace as necessary, through the entire course of construction.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 10D:** Additional Best Management Practices (BMPs). To protect water quality in watercourses adjacent to the project corridor, the contractor shall implement standard Best Management Practices during and after construction. These measures include, but are not limited to:

1. Disruption of soils and/or vegetation near the unnamed watercourses that bisect the project alignment shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and revegetated. Seeded areas shall be covered with broadcast straw or mulch. If straw is used for mulch or for erosion control, utilize only certified weed-free straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle.
2. The contractor shall exercise every reasonable precaution to protect the unnamed watercourses and tributary drainages from pollution with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected and removed from construction areas. No slash or other natural debris shall be placed in or adjacent to the unnamed watercourses and adjacent drainages. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 10E:** Provide copies of BMPs. Copies of the project's Mitigation Monitoring and Reporting Program and all BMPs shall be supplied to the Contractor(s) and their workers to assure compliance with mitigation measures during construction.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 10F:** Groundwater Monitoring. The following mitigation measures shall be included in the project operations plan and submitted for review by the Planning Department prior to building or well permit issuance:

1. Establishing Baseline Water Depth & Quality
  - a. At least one year prior to commencing fill of the water storage tank from the well, landowners of parcels within the estimated zone of influence (345-foot radius from the well location) will be notified that their property may be affected by the use of the well to fill the water storage tank. They will be invited to participate in well monitoring for both water depth and water quality. At minimum, the three nearest wells responding to the invitation to participate in monitoring will be selected. Failure to obtain permission to monitor three or more private domestic wells will result in termination of

using the well to initially fill the tank. Copies of the notification letters and a list of the selected monitoring wells will be submitted to the Planning Department prior to issuance of building permits.

- b. The Department of Public Works will provide continuous monitoring data from November to April of the year prior to fill operations to estimate the monthly low groundwater levels for the three or more wells in the estimated zone of influence selected to participate in the monitoring program.
- c. Water quality samples will be assessed for all participating wells per degradation of beneficial uses designated by the Sacramento River Basin Plan, Section 2.2 prior to initial well operations. Results will be submitted to the Planning Department prior to building permit issuance.
- d. Use of the well during any months for which there is no baseline data shall not be allowed.

## 2. Groundwater Monitoring During Initial Fill

- a. Monitored domestic wells will be sampled for water quality after the tank has been filled approximately 165,000 gallons, and 247,500 gallons. If the water quality in the monitored wells was of beneficial use prior to commencing tank filling operations and falls below the beneficial uses at any point, the use of the well for filling the tank will be terminated and a commercial water supplier will be used for the remaining fill of the tank.
- b. If the monthly low groundwater levels are decreased by more than one foot in any monitoring well then well fill operations will be paused until the groundwater recovers to above the monthly lower range, or the well fill operations will be terminated and a contract with a commercial water supplier will be required for the remaining fill. Prior to issuance of building permits, an executed contract with a water supplier to fill the water storage tank in the case the well operation is terminated shall be provided to the Planning Department.
- c. Prior to final building permit inspection, final groundwater level and water quality evaluation will take place to verify groundwater supplies have not been reduced and water quality has not been degraded beyond beneficial uses. If the well operation was terminated, then truck tags from the commercial water supplier that filled the water storage tank will also be provided to the Planning Department.

## 3. Well Use Limitations

- a. If the well is used for the initial fill of the water tank, the use of the well will be limited to 8 hours per day during the aquifer recharge season which is November through April and only for months which have an established baseline water level from the prior year's monitoring efforts.
- b. If the groundwater monitoring performed during initial tank fill resulted in termination of the operation at any point because of significant impacts to groundwater resources, the tank will be refilled by a commercial water supplier following fire suppression events. If the tank was successfully filled without causing significant impacts to groundwater, then the well may be

used to refill the tank following fire suppression events under the following conditions:

- i. During the aquifer recharge period of November through April
- ii. Filling the tank no more than 8 hours per day, and
- iii. Tank filling operations must cease if the operator receives notice from any property owner within the zone of influence that their well is being impacted by the refilling of the tank.

Sustainable operation practices will be finalized following the initial tank fill and will be included in the system's Operations Plan provided to the Planning Department prior to final building permit inspection.

**Timing:** *Prior to issuance of building permits, during initial tank fill, and prior to final building permit inspection*

**Reporting:** *Agency approval of permits*

**Responsible Agency:** *Planning Department*

- 11. LAND USE AND PLANNING:** To ensure compliance with applicable land use plans, policies, and regulations, the following mitigation measure, in addition to **Mitigation Measures 4B and 17A**, shall be included:

**Mitigation Measure 11A: Secure and Record Easements.** Copies of recorded easements allowing development and maintenance of pipeline and associated improvements on private parcels shall be submitted to the Planning Department prior to issuance of grading/building permits.

**Timing:** *Prior to grading/building permit issuance*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

- 13. NOISE:** Because the proposed project would result in activities that would generate temporary construction noise, the following Mitigation Measures are recommended:

**Mitigation Measure 13A: Construction Noise Minimization Measures.** These measures will be part of all Contract Documents and Construction Plans, implemented by the contractor and monitored by the County, as appropriate.

- a. Construction activities will be limited to the working hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday or as otherwise stipulated by local encroachment permits.
- b. All internal combustion engine driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment, as per the manufacturer.
- c. Stationary noise-generating equipment will be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

- d. Quiet air compressors and other stationary noise generating equipment will be utilized as applicable to project construction activities and when feasible.
- e. Avoid the use of loud sound signals in favor of light warnings except those required by safety laws for the protection of personnel.
- f. If noise complaints are received, identify the source, evaluate and implement available abatement measures, and notify the complainant(s) of the results. Complaints shall be provided to the County.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

15. **PUBLIC SERVICES:** Potential impacts to Public Services will be mitigated by **Mitigation Measure 17A**.
16. **RECREATION:** To ensure there is no significant impact to access to recreation amenities in the vicinity of the project, **Mitigation Measure 17A** is required.
17. **TRANSPORTATION:** To offset potentially adverse traffic and circulation impacts associated with project construction, the following mitigation measures shall be required:

**Mitigation Measure 17A: Traffic Control Plan.** To help minimize potential traffic effects within the project corridor, a traffic control plan shall be developed and implemented during construction and installation of the water supply and hydrant system. These measures shall be included on all Contract Documents and Construction Plans and enforced by the contractor and Nevada County Public Works Department as appropriate. Prior to building permit issuance, submit in writing a complete Traffic Control Plan (TCP) to the County. The TCP shall include all streets and locations where work is to be performed and shall indicate each stage of work, closure dates for streets and section of closure (if necessary and allowed by local jurisdiction), signage, flaggers, and any other pertinent information. The TCP shall be reviewed and approved by the County Department of Public Works before the construction commences. Specific components of the TCP include the following:

1. Prior to construction, the contractor shall submit for approval the proposed route(s) for all construction traffic along the project corridor. This shall include designated routes, if any, shown on the Contract Drawings. Upon approval, the contractor shall strictly adhere to that route(s) only, unless written permission is obtained to change the route(s).
2. At least one (1) lane of traffic will be kept open at all times unless prior approval is provided by the County and any affected agency. No roads will be blocked or made inaccessible, due to the contractor's work, without prior written approval of the County and affected agencies. Fire lanes will not be blocked or obstructed at any time.
3. Work shall be accomplished to provide access to all side streets and properties whenever possible. If access to adjacent property cannot be provided, all property owners with restricted access shall be notified at least 24 hours in advance and

adequate nearby parking shall be provided and maintained until direct access can be resolved. The contractor shall provide for pedestrian traffic through work areas at all times.

4. Traffic control, signs, and barricades shall conform to current standards. Lighted barricades shall be used when required. Special attention shall be provided to excavation and open trenching.
5. Three (3) flaggers shall be used for any one-way traffic flow situation (two (2) working and one (1) as standby), and shall be furnished by the contractor. The flaggers shall be properly equipped and trained.
6. Where flaggers are not visible to each other, additional flaggers shall be added as required by the County, or the contractor shall use radios.
7. All holes, trenches, etc., in pavement areas will be covered with 1-inch (minimum thickness) steel plates, shimmed with temporary asphalt on edges, by 5:00 p.m. or at the end of each work day. As an option to the contractor, the holes, trenches, etc., can be backfilled and all areas within pavement areas have temporary asphalt toppings. The temporary asphalt will be regularly maintained. All areas will be completely restored within ten (10) working days after the work has been completed at the location.
8. Contractor shall display "No Parking" signs in areas of work at least 72 hours in advance. The signs shall state the day(s), date(s), and time of construction work. "No Parking" signs shall be placed in full view along the side of the road and no more than 100 feet apart.
9. Contractor shall furnish, erect, maintain, and remove all necessary construction signs and barricades for the full term of the construction activities.
10. Closure of streets can only occur between 8:00 a.m. and 5:00 p.m. if allowed by the County. At least 48 hours before a street closure, the contractor must receive permission from the County and appropriate signage that meets their specifications. Approval to close a street is valid for one (1) day only.
11. In the event a street is closed, the contractor will notify the Police/Sherriff and Fire Protection District and provide appropriate signage that meets County specifications the day of the closure.
12. Lane closures may be made for work periods only. At the end of each work period, all components of the traffic control system shall be removed from the traveled way, shoulder, and auxiliary lanes.
13. If emergency access is required during a temporary lane closure, workers will be present and available to take appropriate steps to immediately alter operations to provide access.
14. The contractor will replace all striping and pavement marking disturbed by construction to preconstruction configuration.
15. The contractor will restore all existing hardscape (pavement concrete or walkways, driveways, or other surface features disturbed by the contractor's work) to the preconstruction conditions acceptable to the County.



16. Prior to commencement of work, notify all affected agencies, including the Planning Department, Public Works Department, Police Department/Sheriff's Office, Fire Protection District, Caltrans, U.S Postal Service, Disposal Services, and local ambulance/emergency response services.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Department of Public Works*

18. **TRIBAL CULTURAL RESOURCES:** Potential impacts to tribal cultural resources will be mitigated with **Mitigation Measures 5A and 5B.**

19. **UTILITIES AND SERVICE SYSTEMS:** To offset potentially adverse impacts related to construction waste, this mitigation measure, in addition to **Mitigation Measure 10F**, shall be required:

**Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste.** Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the North San Juan Sanitation Transfer Station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities.

**Timing:** *Prior to building/grading permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Nevada County Planning Department*

21. **MANDATORY FINDINGS OF SIGNIFICANCE:** To offset potentially adverse impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, recreation, transportation, tribal cultural resources, and utilities and service systems, see **Mitigation Measures 1A, 1B, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5A, 5B, 5C, 7A, 7B, 7C, 7D, 7E, 10A, 10B, 10C, 10D, 10E, 10F, 11A, 13A, 17A, and 19A.**

## Mitigation and Monitoring Matrix

MEASURE #	MONITORING AUTHORITY	IMPLEMENTATION TIMING
1A	Planning Department	Prior to building permit issuance and during construction
1B	Planning Department	Prior to building permit issuance
3A	Northern Sierra Air Quality Management District	Prior to issuance of Grading Permits, Building Permits or Improvement Plans
3B	Planning and Building Department, Code Compliance Division	Prior to issuance of Grading Permits, Building Permits or Improvement Plans
3C	Northern Sierra Air Quality Management District	Prior to issuance of Grading Permits, Building Permits or Improvement Plans and during construction

3D	Northern Sierra Air Quality Management District	Prior to issuance of the grading permits and improvement plans and during grading activity
4A	Planning Department	Prior to grading/building permit issuance and during construction
4B	Planning Department	Prior to building permit issuance and during construction
4C	Planning Department	Prior to building permit issuance and during construction
4D	Planning Department	Prior to building permit issuance and during construction
5A	Planning Department	Prior to the issuance of building/grading permits and during construction
5B	Planning Department	Prior to the issuance of building/grading permits and during construction
5C	Planning Department	Prior to the issuance of building/grading permits and during construction
7A	Planning Department	Prior to grading/building permit issuance
7B	Building / Planning Departments	Prior to issuance of grading or improvement permits
7C	Building / Planning Departments	Prior to grading/building permit issuance
7D	Building / Planning Departments	Prior to grading/building permit issuance
7E	Building / Planning Departments	Prior to grading/building permit issuance
10A	Planning Department and Building Department	Prior to building/grading permit issuance
10B	Planning Department	Prior to grading/building permit issuance and during construction
10C	Planning Department	Prior to grading/building permit issuance and during construction
10D	Planning Department	Prior to grading/building permit issuance and during construction
10E	Planning Department	Prior to grading/building permit issuance and during construction
10F	Planning Department	Prior to issuance of building permits, during initial tank fill, and prior to final building permit inspection

11A	Planning Department	Prior to grading/building permit issuance
13A	Planning Department	Prior to grading/building permit issuance and during construction
17A	Department of Public Works	Prior to grading/building permit issuance and during construction
19A	Planning Department	Prior to building/grading permit issuance and during construction

# 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). CEQA requires a brief explanation for answers to the Appendix G: Environmental Checklist except “No Impact” responses that are adequately supported by noted information sources. Answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. 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 topography in the area is primarily flat with gentle slopes within the larger context of the Sierra Nevada foothills. The project corridor is largely developed with commercial, residential, and agricultural land uses with forested areas at the perimeter. There are historic commercial and institutional buildings in the vicinity along with residential and agricultural uses in a rural setting. Highway 49 is an eligible but not officially designated state scenic highway. While there are historic buildings in the project vicinity, there are no designated historic districts.

Would the 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
b. Substantially damage scenic resources, including but not limited to, trees, rock		✓			A, 25

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
outcroppings, and historic buildings within a state scenic highway?					
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 points.) 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

**Impact Discussion:**

- 1a The proposed fire suppression system, including the water pipeline and fire hydrants would be installed within existing roadways, shoulders, rights-of-way and/or along abutting private property within the unincorporated North San Juan Rural Center and residential community. Implementation of the project would not eliminate access to scenic views or alter the landscapes surrounding the project site. The proposed water pipeline would be constructed underground primarily within or abutting existing roadways that are disturbed and used for vehicular traffic and parking. The water storage tank is located on private property on Flume Street. Therefore, public and/or private views would not be adversely affected by the installation of the pipeline. Immediately adjacent to Highway 49 is dense commercial development and beyond the commercial land uses, the land is dense with vegetation, including trees and shrubs, which greatly obstruct views to the proposed storage tank location. Therefore, project impact to visual character of the site are considered ***less than significant***.
- 1b The proposed project would not obstruct views, as the pipeline is below grade and the water storage tank facilities would be located approximately 700 feet from State Highway 49, which is developed with commercial and residential development. State Highway 49 is “eligible” but not officially designated as a State Scenic Highway. No scenic views would be obstructed as a result of the project. Along the project corridor, there are few trees within the proposed construction areas. However, to ensure any landmark oak trees or groves that may be within the project corridor are protected, **Mitigation Measure 1A** has been included which requires orange protective fencing around trees and prohibits staging or storing of construction materials and equipment within the driplines of the trees. Therefore, the impact is ***less than significant with mitigation***.

- 1c The project proposes a large water storage tank about 30 feet tall by 51 feet in diameter. During construction activities, residents would have views of construction equipment and vehicles, pipe storage area, temporary barriers and excavated dirt. However, upon completion, the underground project alignment will be unnoticeable because it will be located underground within or abutting an existing disturbed roadway used for automobile traffic. The hydrants will also be visible from public view and must remain so for safety reasons. However, they are a typical piece of utility infrastructure commonly found in public rights-of-way. Though there will be some tree coverage for the tank, it is likely that a portion of the water storage tank could be visible from public view since it will be approximately 30 feet tall and adjacent to a church. **Mitigation Measure 1B** has been included to ensure any visible portion of the storage tank would be painted to match the natural setting and be camouflaged as much as possible. Therefore, this impact would be ***less than significant with mitigation***.
- 1d There are no light sources or reflective surfaces proposed with the installation of the water pipeline or hydrant system. However, light fixtures may be proposed at the location of the water storage tank site. Nevada County Land Use and Development Code Section L-II 4.2.8 ensures any proposed light fixtures would comply with Nevada County lighting standards, such as being fully shielded and downcast to prevent light trespass onto neighboring parcels. These lighting standards are required and typically included as conditions or approval for all projects involving lighting. Therefore, the impact would be ***less than significant***.

**Mitigation Measures:** To preserve the existing aesthetic quality and character of the project area, the following mitigation measures have been included:

**Mitigation Measure 1A: Landmark and Heritage Trees and Groves.** To minimize removal of existing trees and protect existing trees during construction, no landmark trees, landmark groves, or heritage trees or groves, as defined in Land Use and Development Code Section L-II 4.3.15, will be removed with this project. All trees near the construction zone, or affected by construction, shall be protected throughout all phases of construction, including orange protective fencing around the driplines of the trees and no construction materials or equipment may be stored or staged within the driplines. Details of tree protection measures shall be shown on the construction plans and installed and maintained during all phases of construction.

**Timing:** *Prior to building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 1B: Water Storage Tank Painted.** Any portion of the water storage tank and related equipment visible from public and/or private roads shall be painted and finished in non-glare materials and colors that complement the natural setting, which shall be shown on the construction drawings. A line-of-site diagram from all public and/or private roads within the project corridor is required at the time of construction drawing submittal, and all visible portions of the tank and equipment shall be identified on the

drawings. Prior to permit finalization, the Planning Department will complete a site inspection to ensure the tank is appropriately concealed.

**Timing:** Prior to building permit issuance

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Planning Department

## 2. Agricultural and Forestry Resources

**Existing Setting:** The proposed project corridor and surrounding parcels are within the Urban and Built-Up Land with pockets within the Grazing Land. The parcels in the project corridor are primarily developed with residential and commercial uses with some small-scale agricultural uses. No Prime, Unique, or Statewide Important Farmlands or Farmlands of Local Importance, exist in this area, nor is the project area a part of a Williamson Act Contract. The nearest Forest zoning designated parcels are about 0.3 miles from the proposed project area, and the nearest Timber Production Zone designated parcels are about three (3) miles from the proposed project area.

Would the 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 Resources Agency, to non-agricultural use?				✓	A,L,7
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓	A
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓	A,18
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓	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

### Impact Discussion:

2a-e The proposed fire suppression system, including the water pipeline and fire hydrants, would be installed within the existing roadways, shoulders, rights-of-way and/or along abutting private property within the unincorporated North San Juan Rural Center and residential

community. The project corridor extends approximately 0.4 miles along State Highway 49 and other county-maintained and private roads.

The proposed project corridor and surrounding parcels are within the Urban and Built-Up Land with pockets within the Grazing Land. These designations are not considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor does the project corridor interfere with Williamson Act lands. Similarly, the project site and surrounding parcels are not forestland and therefore no conversion from forestland to non-forest use is anticipated.

The proposed fire suppression water pipeline and fire hydrant distribution system, water storage tank, and groundwater well are within the developed North San Juan Rural Center, as well as other adjacent developed parcels, and would not directly or indirectly impact agricultural uses on or off-site. Therefore, the project is anticipated to have **no impact** to Farmland, Forest, or Williamson Act lands.

**Mitigation Measures:** None required.

### 3. Air Quality

**Existing Setting:** 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<sub>2.5</sub>, and ozone) and the fire station in downtown Truckee (PM<sub>2.5</sub> 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 PM<sub>10</sub> and PM<sub>2.5</sub>. California has standards for average PM<sub>10</sub> concentrations over 24-hour periods and over the course of an entire year, which are 50 and 20 µg/m<sup>3</sup>, respectively. (The notation “µg/m<sup>3</sup>” means micrograms of pollutant per cubic meter of ambient air.) For PM<sub>2.5</sub>, California only has a standard for average PM<sub>2.5</sub> concentrations over a year, set at 12 µg/m<sup>3</sup>, 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 PM<sub>10</sub> standards. Particulate-matter is identified by the maximum particle size in microns as either PM<sub>2.5</sub> or PM<sub>10</sub>. PM<sub>2.5</sub>, 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<sub>2</sub>, SO<sub>2</sub>, Pb, H<sub>2</sub>S, visibility reducing particles, sulfates, and vinyl chloride standards.

<u>Pollutant</u>	<u>State Designation</u>	<u>Federal Designation</u>
Ozone (O <sub>3</sub> )	Nevada County: Non-attainment (due to overwhelming transport)	<u>2008 O<sub>3</sub> Standard (75 ppb)</u> Western Nevada County: Serious Non-attainment;
		<u>2015 O<sub>3</sub> Standard (70 ppb)</u> Western Nevada County: Serious Non-attainment;
PM <sub>10</sub>	Nevada County: Non-attainment	Unclassified
PM <sub>2.5</sub>		<u>2012 Annual Standard (12µg/m<sup>3</sup>)</u>

	Nevada County: Unclassified	Nevada County: Unclassifiable/Attainment <u>2012 24-hour Standard (35µg/m<sup>3</sup>)</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. The area of the project site is not mapped as an area that is likely to contain ultramafic rock (California Department of Conservation, 2000). Natural occurrences of asbestos are more likely to be encountered in, and immediately adjacent to areas of ultramafic rock.

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

Sensitive receptors are facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. Noise-sensitive receptors in the project area include residential dwellings that are adjacent to the project corridor.

Would the 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?		✓			F
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		✓			F
c. Expose sensitive receptors to substantial pollutant concentrations?			✓		A,F
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✓		A,F

**Impact Discussion:**

3a Nevada County’s General Plan, Chapter 14 Air Quality Element, contains numerous policies to protect air quality in Nevada County. With the exception of General Plan Air Quality Element Policy 14.7A, which requires compliance with Northern Sierra Air Quality Management District Rule 226, the Nevada County General Plan Air Quality Element policies are intended to apply to development that generates new residents or new employees. By assessing air pollution and emissions associated with the proposed project

and recommending mitigation measures based on Thresholds of Significance established by the Northern Sierra Air Quality Management District (NSAQMD), the project as proposed would comply with Northern Sierra Air Quality Management District regulations. In addition, the project has been mitigated, as discussed below, to be compliant with the NSAQMD construction guidelines and in compliance with Rule 226, which is related to the control of dust emissions as required by **Mitigation Measure 3A**. In addition, based on the County’s review of the NSAQMD Rules and Guidelines for Assessing and Mitigating Air Quality Impacts of Land Use Projects, it appears several of the objectives of the NSAQMD regulations are achieved through the application of mitigation measures provided below.

Therefore, given the above discussion, the project itself will not violate any established policies or standards for the protection of air quality nor would it conflict with or obstruct implementation of any quality plan, therefore air quality impacts would be **less than significant with mitigation**.

- 3b The California Emissions Estimation Model (CalEEMod) provides a means to estimate potential emissions associated with both construction and operation of land use projects. Using the parameters specific to this proposed infrastructure project, the CalEEMod model identified potential increases in the pollutants of concern during various stages of the construction phase of the project. Construction was assumed to occur over a period of 6 months and across 1 mile of pipeline with 0.1 acres of land coverage to provide a conservative analysis. The average amount of construction-related emissions in any given year was used along with the default variables for a road widening project which was the default linear use most similar to the proposed project. The road widening default was selected because it includes grubbing and land clearing, grading and excavation, work on utilities, and paving, all of which are anticipated to be included in the proposed project scope. Although this estimate does not include the installation of the water storage tank, well, or hydrants, even if the impacts were twice those shown in Table 1, they would still be under the NSAQMD thresholds.

**Table 1. Project Construction Air Quality Impacts**

Pollutant	NSAQMD Threshold*	Average Unmitigated Project Impact
<b>NOx</b>	24-136 lbs/day	8 lbs/day
<b>ROG</b>	24-136 lbs/day	0.9 lbs/day
<b>PM10</b>	79-136 lbs/day	1 lbs/day
<b>CO</b>	N/A	9 lbs/day

\*These thresholds are “Level B” in NSAQMD’s *Guidelines*. All projects require basic mitigations under Level A, which is under 24 pounds per day of any pollutant shown above.

As shown above on Table 1, although all pollutant levels would increase slightly with the project, none would exceed thresholds established by NSAQMD. Although PM10 is not anticipated to exceed the per diem threshold adopted by NSAQMD, this constituent has been identified in Nevada County as exceeding ambient air quality standards and should be mitigated to the extent possible through dust control measures such as watering and

stabilizing of excavated materials, slow vehicle speeds on-site, and halting work during windy periods as required in **Mitigation Measure 3A**.

Short-term project construction activities have the potential of generating dust and impacting the local ambient air quality with demolition, grading and excavation, vegetation removal, and construction activities from site preparation, and the installation of underground pipeline, hydrants, well, and water storage tank. If improperly managed or controlled, and depending upon the time of year and meteorological conditions, the construction activities associated with this project may have the potential to produce off-site dust impacts. The Northern Sierra Air Quality Management District (NSAQMD) therefore recommends mitigation during the construction phase of this project including **Mitigation Measure 3B** requiring that diesel construction equipment not be idled for more than 5 minutes to prevent smoke and ozone precursors and a requirement for alternatives to open burning of cleared vegetation, as outlined in **Mitigation Measure 3C**.

It is anticipated that long-term operation of the project would have less than significant impact on ambient air quality. Activities associated with the long-term operation of the project include operation of the pump for the groundwater well and standard maintenance on the water storage tank, hydrants, and other components.

*Ultramafic Rock:* Serpentine soils and ultramafic rock are not mapped on the project site, pursuant to the General Location Guide for Ultra Mafic Rocks in California prepared by the Department of Conservation Division of Mines and Geology. Additionally, NV5 prepared a geotechnical report and did not encounter ultramafic rock, serpentinite, or naturally occurring asbestos minerals during the site visit for the preparation of the geotechnical report. Although unlikely, there is always the potential to encounter these soil types during grading activities. According to the NSAQMD, ultramafic rock typically contains asbestos, a cancer-causing agent. Disturbance of this rock and nearby soil during project construction can result in the release of microscopic cancer-causing asbestos fibers into the air, resulting in potential health and safety hazards. Health risks related to project grading would be reduced by the incorporation of **Mitigation Measure 3D**, which would require compliance with the Asbestos Airborne Toxic Control Measure (ACTM) for construction.

The mitigation measures recommended above will minimize the potential adverse impacts associated with construction and operational emissions to a level that is **less than significant with mitigation**.

- 3c,d The nearest potential sensitive receptors to the water storage tank site are a church (approximately 150 feet away) and residences (approximately 250 feet away). No components of the project, including the pipeline, hydrants, well, or storage tank, are expected to create substantial air pollutant concentrations as discussed above in Tables 1 and 2. No other emissions, such as those leading to odors, are anticipated from construction or operation of the fire suppression system beyond the initial coat of paint for

the water tower which is approximately 150 feet from any other structures so the odor is unlikely to be noxious to people. Therefore, this impact is ***less than significant***.

**Mitigation Measures:** To offset potentially adverse air quality impacts associated with the construction activities and operation of the project, the following mitigation measures shall be required:

**Mitigation Measure 3A: Implement dust control measures.** Prior to the approval of any Grading or Building Permits, to reduce short-term construction impacts, all future development permits shall comply with the following standards to the satisfaction of the Northern Sierra Air Quality Management District, which shall be noted on all grading plans and shall be included in project bidding documents:

1. The applicant shall implement all dust control measures in a timely manner during all phases of project development and construction.
2. All material excavated, stockpiled or graded shall be sufficiently watered, treated or converted to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
3. All areas (including unpaved roads) with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
4. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour.
5. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
6. All inactive disturbed portions of the development site shall be covered, seeded or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying non-toxic soil stabilizers to all inactive construction areas.
7. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance. There must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle.
8. Paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to remove excessive accumulation of silt and/or mud which may have resulted from activities at the project site.

**Timing:** Prior to issuance of Grading Permits, Building Permits or Improvement Plans

**Reporting:** Approval of the grading permit and improvement plans

**Responsible Agency:** Northern Sierra Air Quality Management District

**Mitigation Measure 3B: Minimize Construction Equipment Idling.** In order to reduce emissions from construction equipment, the applicant shall include the following standard note on all Grading Plans, Site Plans or Improvement Plans: “During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel-powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes. Idling of construction-related equipment and construction related vehicles is not recommended within 1,000 feet of any sensitive receptor.”

**Timing:** *Prior to issuance of Grading Permits, Building Permits or Improvement Plans*

**Reporting:** *Planning Department approval of Grading Permits or Building Permits / Complaint driven*

**Responsible Agencies:** *Planning and Building Department, Code Compliance Division*

**Mitigation Measure 3C: Use Alternative Methods to Open Burning for Vegetation Disposal.** The following note shall be included on all grading or improvement plans: “Open burning of site-cleared vegetation is prohibited. Among suitable alternatives are chipping, grinding, hauling to an approved disposal site, cutting for firewood, and conversion to biomass fuel.”

**Timing:** *Prior to issuance of Grading Permits, Building Permits or Improvement Plans and during construction*

**Reporting:** *Approval of the grading permit and improvement plans*

**Responsible Agency:** *Northern Sierra Air Quality Management District*

**Mitigation Measure 3D: Comply with the Asbestos Airborne Toxic Control Measure (ACTM) for construction.** If serpentine, ultramafic rock, or naturally occurring asbestos is discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified no later than the following business day and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations shall be strictly complied with. This measure shall be included as a note on all grading and improvement plans.

**Timing:** *Prior to issuance of the grading permits and improvement plans and during grading activity*

**Reporting:** *Approval of the grading permit and improvement plans*

**Responsible Agency:** *Northern Sierra Air Quality Management District*

## 4. Biological Resources

**Existing Setting:** The proposed project corridor would be located along the State Highway 49 right-of-way, as well as other roadway rights-of-way, or within an easement along the various parcels abutting the highway and roads. As such, the majority of the corridor is composed of asphalt and gravel roadways, paved and/or gravel road shoulders, and in some portions, a small corridor of vegetation. Remnant plant communities documented within the proposed project areas, including the water tank site and the well site, and road alignments include: black oak woodland; mixed conifer-hardwood forest; ponderosa pine forest; non-native annual grassland, and disturbed-ruderal areas. Four potential Waters of the United States/Wetlands exist in the project area. No

state- or federally-listed or other special-status plants or animals were observed or are expected to occur in the project area, and no suitable habitat for other special-status species was observed during the field survey. The native vegetation along the project corridor is minimal, though there are a number of trees. Within the trees present in the project corridor, there is potential for migratory bird species to nest and forage. Foraging bats and other nocturnal species may also be present in the project area. There are two large landmark black oak trees adjacent to the westernmost project boundary. There are no adopted Habitat Conservation Plans for this area.

Would the 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, 27
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, 27
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,18
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?		✓			9,10
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓			2,3,16
f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓	A,18

**Impact Discussion:**

4a According to the 2023 Biological Inventory prepared by Beedy Environmental Consulting, no state- or federally-listed or other special-status plants or animals were observed or are

expected to occur in the project area, and no suitable habitat for other special-status species was observed during the field survey. However, to ensure that all possible habitat is restored in the project area, **Mitigation Measure 4A** requires the identification and restoration of all vegetation that is removed as part of the project.

- 4b,c There are four potential wetland areas in the project vicinity that would be considered riparian habitat. Project construction is expected within the 100-foot non-disturbance area of potential wetlands as established by the Nevada County Land Use and Development Code. These areas have not been formally designated as federally protected, but may be eligible. Accidental introduction of washwater, solvents, oil, chemical wastes, cement, or other pollutants during maintenance and parking of heavy equipment could potentially adversely affect local water quality including in the four wetland areas within the project area. Disturbed soils such as those that occur with the proposed excavation may also increase erosion and run off into riparian habitat which could impair the ecosystem. Construction can also be associated with introduction of invasive weeds that could damage the riparian habitat. In order to reduce these impacts to ***less than significant with mitigation***, **Mitigation Measure 4B** requires best management practices to install wattles and weed-free straw for erosion control, avoid excavation or draining in wet weather, protect the site from construction chemicals, and educate contractors on mitigation measure to ensure the wetlands are protected.
- 4d Migratory birds and raptors in the orders of Falconiformes (hawks, eagles, and falcons) and Strigiforms (owls) are protected in varying degrees under the California Fish and Wildlife Code, the Migratory Bird Treaty Act (MBTA), and CEQA. Several species of migratory birds and raptors have the potential to occur and/or nest within the forested and riparian vegetation adjacent to the project corridor. These species would potentially be disturbed as a result of ground disturbing construction activities and installation of the water storage tank and groundwater well. Therefore, **Mitigation Measures 4C and 4D** have been identified to reduce potential impacts to migratory birds and raptors to ***less than significant with mitigation*** by conducting a nesting bird survey, prohibiting construction if bird nesting is identified, and limiting construction to daylight hours to avoid disoriented nocturnal species with lights used for construction.
- 4e With the preparation and approval of a Management Plan, the proposed project would mitigate any conflicts with any local policies or ordinances protecting sensitive resources, found in Nevada County LUDC Section L-II 4.3, such as tree preservation and watercourses, wetlands, and riparian area protection policies or ordinances. These measures are included in **Mitigation Measure 4B** which requires best management practices to install wattles and weed-free straw for erosion control, avoid excavation or draining in wet weather, protect the site from construction chemicals, and educate contractors on mitigation measure to ensure the wetlands are protected. Therefore, the impacts to local ordinances protecting biological resources are ***less than significant with mitigation***.



4f The project area is not part of a Habitat Conservation Plan or any other adopted conservation plans. Therefore, the project would have **no impacts** or conflicts with adopted conservation plans.

**Mitigation Measures:** To reduce potential impacts to sensitive biological resources, the following mitigation shall be noted on the project construction plans for implementation during project construction:

**Mitigation Measure 4A: Vegetation Restoration.** The construction plans shall identify any and all vegetation proposed for removal, and shall include the plant or tree species and tree diameter at breast height (dbh). Removed vegetation shall be replaced with like-for-like vegetation except invasive species shall be replaced with native vegetation where feasible, in order to restore habitat diversity, and shall be shown on the construction plans. Pursuant to Mitigation Measure 1A, no landmark or heritage trees or groves are to be removed. Prior to permit finalization, the Planning Department will complete a site inspection to ensure any disturbed native vegetation is restored, subject to review and approval by the Zoning Administrator.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 4B: Wetlands Management Plan Best Management Practices.** The following Best Management Practices (BMPs) will appear on all site plans prior to building/grading permit issuance in order to protect waters of the U.S., including wetlands, water quality and aquatic life, and to avoid introduction of invasive weeds. The following Best Management Practices (BMPs) shall be implemented during and after construction:

1. For all areas of work:
  - a. Prior to construction adjacent to the wetlands, install weed-free fiber roles (wattles) to prevent erosion and deposition of surface soils into the wetlands. Wattles are available for sale at most of the local hardware stores in Grass Valley and Nevada City. More information on wattles can be found at the following website: <https://www.acfenvironmental.com/products/perimeter-and-sediment-control/perimeter-control-tubes/wattles/>
  - b. Avoid doing any excavation or grading within 3 days of a significant rainfall event greater than 1-inch total daily rainfall.
  - c. The contractor shall exercise every reasonable precaution to protect the wetland at the project site from pollution with sediments, fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and washwater shall be prevented from discharging into the wetland and shall instead be collected and removed from the site.

- d. Spread weed-free straw on all disturbed soils near all construction sites to prevent the erosion of surface soils. No invasive, non-native grasses such as orchard grass, canary reed grass, or velvet grass shall be used for erosion control, as these species are known to invade wetlands.
  - e. Provide Copies of Mitigation Measures to Contractors. To ensure the proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and any other permit requirements to the contractors prior to grading and construction.
2. Specific BMPs for Wetland Features
- a. NSJ Fire Meadow
    - i. Install wattles adjacent to the existing fence line between the meadow and trench.
    - ii. Scatter weed-free straw at a depth of 2-4 inches over the ditch site after soil is replaced in all areas within 50 feet of the wetland.
  - b. Oak Tree Road Ditch
    - i. No trenching shall occur on the south side of Oak Tree Road (i.e., the same side of the road as the ditch) to minimize potential impacts to the roadside ditch.
    - ii. Install wattles along the roadside ditch.
  - c. Highway 49 Swale
    - i. Install orange construction fencing between disturbance areas and the wetland.
    - ii. Scatter weed-free straw at a depth of 2-4-inches over the ditch site after soil is replaced on all bare soil within 50 feet of the wetland.
  - d. Community Center Ephemeral Drainage
    - i. Install wattles between the ditch and the downslope willow-filled drainage adjacent to the NSJ Community center.
    - ii. Scatter weed-free straw at a depth of 2-4 inches over the ditch site after soil is replaced for the entire length along Highway 49 from the new hydrant to the Sweetland Road intersection.

**Timing:** Prior to building permit issuance and during construction

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Planning Department

**Mitigation Measure 4C: Conduct a Nesting Bird Survey.** If project construction, including tree removal, occurs during the nesting season (February 1 to September 30), a nesting bird study, conducted by a qualified biologist, shall be completed no more than 10-days prior to construction to determine if any native birds are nesting on or near the site (including a 250-foot buffer for raptors). If any active nests are observed during surveys, a suitable avoidance buffer will be determined and flagged by the qualified biologist based on species, location and planned construction activity. The avoidance buffer would be in

place until the chicks have fledged and the nests are no longer active. If removal does not occur within 10-days of the survey, an additional survey is required prior to tree removal.

**Timing:** Prior to building permit issuance and during construction

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Planning Department

**Mitigation Measure 4D: Avoid disorienting foraging bats or other nocturnal species.**

Construction hours are limited to between 7:00 am and 7:00 pm (daylight hours) to avoid disorienting foraging bats or nocturnal species such as owls that forage at night. This measure shall be noted on all construction plans.

**Timing:** Prior to building permit issuance and during construction

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Planning Department

## 5. Cultural Resources

**Existing Setting:** This region of the County is known as the ethnographic-period territory of the Nisenan, also called the Southern Maidu and Valley Maidu. The Nisenan maintained permanent settlements along major rivers in the Sacramento Valley and the foothills; they also periodically traveled to higher elevations to hunt or gather plants. In this part of Nevada County, archaeologists locate prehistoric-period habitation sites adjacent to streams or on ridges or knolls, especially those with southern exposure; there is potential for these resources to be located within the project corridor. No prehistoric sites were found during the cultural resources survey.

The Rural Center is within a small historic town, North San Juan, located along the Gold Rush Trail. There is a history of hydraulic mining beginning in the 1850s. The visual character of the town reflects the traditional structures and buildings associated with the area history, including working ranches, barns, corrals, and other significant commercial businesses and cultural structures centered around the historic townsite. There are two California Points of Historic Interest near the project area, but outside of the area of effect.

Would the 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?		✓			A,J, 28
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		✓			A,J, 28
c. Disturb any human remains, including those interred outside of formal cemeteries?		✓			A,J, 28

**Impact Discussion:**

5a-d The proposed project corridor is located within the existing roadways, shoulders, rights-of-way, and/or abutting rights-of-way in a disturbed setting, therefore it is not anticipated that historical, archaeological, or paleontological resources would be located. The location of the water tank site and well were also evaluated. No resources were located on the parcel of the water tank site. A potential historical resource that appears to be a brick septic tank was located on the parcel where the well is proposed, but the well is outside of the area of the potential historic resource and no impact is anticipated. Nonetheless, the project is located within a historic townsite that includes a high potential for historic resources and low potential for indigenous-period/ethnographic-period cultural resources. Based on this, there is potential for unanticipated discovery of cultural resources, including historic, pre-historic, and paleontological resources during project construction. This impact would be **less than significant** with the implementation of **Mitigation Measures 5A, 5B, and 5C** by requiring cultural awareness training for all workers on site, halting working and notifying applicable agencies if human remains or cultural materials are found, and preparing a final plan that shows that no historic buildings will be impacted by the projects.

**Mitigation Measures:** To offset potentially adverse cultural or historical resources impacts associated with the construction activities, the following mitigation measure shall be required:

**Mitigation Measure 5A. Cultural awareness training.** A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribe values.

**Timing:** *Prior to the issuance of building/grading permits and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 5B. Halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction.** All equipment operators and employees involved in any form of ground disturbance at any phase of project improvements shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the Nevada County Planning Department, United Auburn Indian

Community of the Auburn Rancheria, and any other interested and affected tribe shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. A note to this effect shall be included on the grading and construction plans for each phase of this project.

**Timing:** Prior to the issuance of building/grading permits and during construction

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Planning Department

**Mitigation Measure 5C. Preservation of historic buildings.** A licensed professional, such as a civil engineer, will submit with the grading and/or building permit submittal a plan showing the location of the proposed pipeline trenching to be no closer to historical structures and resources as required to preserve the integrity of historical structures.

**Timing:** Prior to the issuance of building/grading permits and during construction

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Planning Department

## 6. Energy

**Existing Setting:** The project area currently has electrical service from PG&E and independent propane tanks for domestic and commercial fuel.

Would the 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, inefficient, or unnecessary consumption of energy resources, during construction or operation?			✓		A
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			✓		A,D

**Impact Discussion:**

6a,b Construction techniques and contractors likely to construct the project will be consistent with area and state practices. Typical construction activities require the use of energy (e.g., electricity and fuel) for various purposes such as the operation of construction equipment and tools, as well as excavation, grading and construction travel. The size and scope of the project is not likely to require extraordinary, or non-typical construction equipment, or techniques resulting in a wasteful, or inefficient construction operation. If used for the initial 330,000 fill, the well pump is expected to require approximately 330 kWh. For comparison, one household in California uses approximately 542 kWh every month. Since

operation energy needs will be primarily limited to the well pump, there is a **less than significant impact** due to excessive energy consumption or conflict with renewable energy or energy efficiency plans is anticipated.

**Mitigation:** None required.

## 7. Geology and Soils

**Existing Setting:** In general, the project corridor has gentle slopes. Along State Highway 49, within the North San Juan Rural Center, the elevation is approximately 2,094 feet above sea level, with gentle slopes up to approximately 5% that extend easterly and westerly from the town center. The proposed water storage tank site is adjacent to historic hydraulic mining areas. A Geotechnical Engineering Report for the site of the water storage tank was prepared by NV5 because this site's northern property boundary is adjacent to an approximately 80-foot-tall bluff from previous hydraulic mining operations. The report finds that the risk of seismically induced hazards such as liquefaction and surface rupture are remote at the project site.

The Natural Resources Conservation Service (NRCS) has mapped six soil complexes within the project site: Horseshoe gravelly loam 9 to 15 percent slopes (HrC), Placer Diggings (Pr), Chaix-Hotaw complex 15 to 30 slopes eroded (ChD2), Chaix-Hotaw complex 30 to 50 percent slopes eroded (ChE2), Alluvial land loamy (Am), and Musick sandy loam 15 to 50 percent slopes (MrE). The Soil Survey of Nevada County Area describes the complexes as follows: HrC soil is moderately permeable, with medium runoff and moderate erosion; Pr soil is a miscellaneous land type consisting of remnants of tertiary river deposits, as a result of hydraulic mining, and is a mixture of stones, cobblestones, gravel, and enough soil material to support vegetation, though is generally unsuitable for agriculture; ChD2 soil has medium to rapid runoff and erosion hazard is high; ChE2 has rapid runoff and erosion hazard is very high; Am has slow runoff with moderate permeability; and, MrE has medium runoff and erosion hazard is high.

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 there are no known faults that cross through the project site. Generally, western Nevada County is located in the low intensity zone for earthquake severity. The area has not been evaluated by the California Geologic Survey for liquefaction hazards or seismic landslide hazards.

There are no known unique paleontological resources or sites or unique geologic features in the project area.

Would the 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, 12, 29, 31
b. Result in substantial soil erosion or the loss of topsoil?		✓			A, D, 31
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 offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?		✓			D, 12, 16, 31
d. Be located on expansive soil creating substantial direct or indirect risks to life or property?		✓			A, 31
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, 11, 31
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓			A, 9, 11, 31

**Impact Discussion:**

- 7a The project site is not within an Alquist-Priolo Earthquake Fault Zone, and there are no known faults that cross through the project site. Generally, western Nevada County is located in the low intensity zone for earthquake severity. The Geotechnical Engineering Report by NV5 finds that the risk of seismically induced hazards such as liquefaction and surface rupture are remote at the project site. Therefore, there is **less than significant impact** for impacts to rupture of known earthquake faults, seismic ground shaking, seismic-related ground failure and landslides.
- 7b This project includes clearing and grubbing, grading, and excavation in order to install water pipeline, storage tank, hydrants, and a well in the public right-of-way and on privately owned parcels. Soil may be exposed or stockpiled at certain times during the construction.

Though most of this land is already disturbed and does not contain topsoil, some areas will be subject to potential minor erosion or loss of topsoil. **Mitigation Measure 7B** will ensure soil erosion is kept to a minimum by limiting grading in wet conditions, implementing siltation and erosion prevention measures, and managing drainages during construction. **Mitigation Measure 7D** requires organic topsoil removed during site preparation to be stockpiled and re-used when restoring the project area. **Mitigation Measure 7A** also prohibits construction on steep slopes of 30% or greater which have a higher potential for problematic erosion. With these mitigation measures, impacts to soil erosion and loss of topsoil will be ***less than significant with mitigation***.

7c A Geotechnical Engineering Report for the site of the water storage tank was prepared by NV5 because the site's northern property boundary is adjacent to an approximately 80-foot-tall bluff from previous hydraulic mining operations. This geologic feature presented concerns over slope stability. While the report finds that the risk of seismically induced hazards such as liquefaction and surface rupture are remote at the project site, many recommendations were made regarding construction measures and foundation design to ensure geotechnical stability. With the recommendations and design criteria presented in the report, the site is suitable for the proposed improvements. Therefore, **Mitigation Measure 7C** requires that all recommendations in the Geotechnical Engineering Report be incorporated on all grading and building permit plans so that the impact to potentially unstable soils would be ***less than significant with mitigation***.

7d While no expansive soils were identified in the Geotechnical Engineering Report, it is possible that they may be encountered during excavation, especially at the site of the water storage tank. To ensure that there are no substantial direct or indirect risks to life or property **Mitigation Measure 7E** requires that the contractor mix or over excavate and stockpile any potentially expansive soil to be used in landscape areas instead of leaving it beneath structures where it could potentially lead to structural issues. With this mitigation measure, impacts to life or property caused by expansive soils would be ***less than significant with mitigation***.

7e The project area is served by municipal sewer and does not propose any septic tanks or alternative wastewater disposal systems. Therefore, there is **no impact** related to soils needed to serve septic systems.

7f The proposed pipeline and hydrant system is located within a disturbed corridor that is developed with roadways and utilized for vehicular traffic. There is no evidence of paleontological resources in the project area. However, **Mitigation Measures 5A and 5B**, described in Section 5 above, would require construction to be halted in the unlikely event that there is a discovery of cultural resources, including historic, prehistoric, tribal, and paleontological resources so that any paleontological resources can be evaluated and protected. There are no unique geological features in the project area. Therefore, impacts to paleontological resources and unique geological features is ***less than significant with mitigation***.



**Mitigation Measures:** To mitigate potentially adverse soils impacts from project grading and construction, both on-and off-site, the following mitigation measures, in addition to **Mitigation Measures 5A and 5B**, shall be required:

**Mitigation Measure 7A: No Construction within Steep Slopes.** The construction plans shall identify any areas within the project corridor with a steep equal to or greater than thirty (30) percent, and shall show no construction work within steep slope areas.

**Timing:** *Prior to grading/building permit issuance*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 7B: Erosion Control Measures.** To ensure adequate protection of water quality during and after project activities, the project manager shall provide labor, materials, and equipment to maintain and protect exposed soil from wind and water erosion in the following manner:

1. Grading plans shall include the time of year for construction activities. Project activities planned between October 15 and May 15 requires that the Building Official or his/her authorized agent to determine whether project soil conditions are adequate to accommodate proposed activities. Soils must not be oversaturated and the contractor must implement erosion control measures at the end of each construction day.
2. If a storm is forecast in the area, exposed fill shall be sloped to drain and compacted to facilitate runoff.
3. Existing surface drainage facilities shall be kept free of soil and debris during project activities.
4. Temporary or constructed water conveyance channels shall be kept free of sediment or debris at all times.
5. Temporary erosion control shall be applied within and adjacent to the boundary of the project activity zone if ground disturbance will occur.
6. Siltation control shall be provided during project activities if ground disturbance will occur.
7. Disturbed slopes shall be stabilized and seeded (with native species wherever practicable) as soon as possible following grading to allow vegetation to become established prior to the rainy season.
8. Surface water drainage shall not be directed over cut and/or fill slope faces.
9. All runoff shall be intercepted and directed into energy dissipaters or vegetated swales constructed at discharge points to reduce velocity and prevent erosion and shall be discharged into natural drainage courses that are capable of receiving the expected storm water flows.

**Timing:** *Prior to issuance of grading or improvement permits.*

**Reporting:** *Approval of permits or plans*

**Responsible Agency:** *Building / Planning Departments*

**Mitigation Measure 7C: Geotechnical Engineering Report.** To ensure that the proposed water storage tank does not pose a geologic threat due to its proximity to historic hydraulic

mining areas, all of the recommendations described in the Geotechnical Engineering Report dated June 29, 2023 or newer by NV5 shall be incorporated into all grading/building permit documents. The recommendations apply to grading, clearing and grubbing, soil preparation for fill placement, fill placement, fill slope grading, erosion controls, underground utility trenches, construction dewatering, surface water drainage, grading plan review and construction monitoring, seismic design criteria, and pier design criteria.

**Timing:** Prior to grading/building permit issuance

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Building / Planning Department

**Mitigation Measure 7D: Stockpiling of Organic Topsoil.** To ensure that there is no substantial loss of topsoil, all organic topsoil removed as part of clearing and grubbing, excavation, or grading shall be stockpiled onsite, covered appropriately to avoid erosion and dust, and used in areas to revegetated upon complete of utility installation. This note shall appear on all building/grading plans.

**Timing:** Prior to grading/building permit issuance

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Building / Planning Department

**Mitigation Measure 7E: Potentially Expansive Soil.** The following note must appear on all grading and building permits related to this project: If fine grained, potentially expansive soil, as determined by a qualified geotechnical engineer, is encountered during grading, it shall be mixed with granular soil, or overexcavated and stockpiled for removal from the project site or for later use in landscape areas. A typical mixing ratio is about 4 parts granular soil to 1-part expansive soil. The actual mixed ratio shall be evaluated by a qualified geotechnical engineer at the time of construction.

**Timing:** Prior to grading/building permit issuance

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Building / Planning Department

## 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 (CO<sub>2</sub>), methane (CH<sub>4</sub>), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>) and nitrous oxide (NO<sub>2</sub>). 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 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,F,36
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			✓		A,F,36

**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 a passive infrastructure project with use only during fire events, 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 (MT CO<sub>2</sub>e/yr). 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 CO<sub>2</sub>e/yr 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 CO<sub>2</sub>e/yr represents an emissions level which can be considered as less than cumulatively considerable and be excluded from the further GHG impact analysis.

The California Emissions Estimator Model (CalEEMod) was used to model the greenhouse gas emissions from the construction and operation of the project. A conservative estimate determined 276 metric tons of carbon dioxide equivalent would be emitted a year during the construction phase. During the operational phase, the unmitigated greenhouse gas emissions would be negligible due to the passive nature of the infrastructure project. Due to the greenhouse gas emissions from the project being substantially below both of the greenhouse gas significance thresholds, the overall GHG impact is expected to remain at a level that is ***less than significant***.

**Mitigation Measures:** None required.

## 9. Hazards and Hazardous Materials

**Existing Setting:** Health and safety issues apply to construction works and members of the public who would be exposed to hazardous materials and physical conditions associated with the presence of construction equipment and excavation in area of sensitive land uses. There are a variety of state and federal regulations that apply to construction projects for the protection of health and safety. No existing or proposed schools are located within one-quarter mile of the project area. The project area is not within an airport land use plan of within two miles of a public airport or public use airport or in the vicinity of a private airstrip.

**Cortese List:** The Hazardous Waste and Substances Site List (Cortese List) is a planning database used by the State and local agencies to comply with the CEQA requirements in providing information about the location of hazardous materials release site. Government Code Section requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. The Department of Toxic Substances Control (DTSC) is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List.

DTSC’s Brownfields and Environmental Restoration Progra (Cleanup Program) EnviroStor database provides DTSC’s component of the Cortese List by identifying State Response and/or Federal Superfund sites and Backlog sites listed under Health and Safety Code Section 25356, In addition, DTSC’s Cortese List includes Certified with Operation and Maintenance sites.

The project is not within or adjacent to any hazardous materials sites compiled, nor is it located on an abandoned solid waste disposal site known to the County.

The project area is located within the boundaries of the North San Juan Fire District and is within areas designated as Very High (Cal Fire, Fire Hazard Severity Zones, November 2007).

<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>	<b>Reference Source (Appendix A)</b>
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?			✓		C,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, 30
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 for people residing or working in the project area?				✓	A,L,M

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		✓			G,H
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			✓		G,H,4

**Impact Discussion:**

- 9a The proposed project would not result in routine transport, use, or disposal of hazardous materials. Once operational, water will be the only routine material involved in the operation of the project. Project components may require infrequent minimal maintenance using small amounts paints, oils, or solvents. Therefore, there would be **less than significant impact** related to routine transport, use, or disposal of hazardous materials.
- 9b Small quantities of hazardous materials would be used and handled during construction of the project. The hazardous materials anticipated for use are small volumes of petroleum hydrocarbons and their derivatives (e.g. gasoline, oils, lubricants, and solvents) used to operate the construction equipment. These relatively small quantities would be below reporting requirements for hazardous materials business plans and would not pose substantial public health and safety hazardous 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, this impact is considered **less than significant**.
- 9c There are no existing or proposed schools within one-quarter mile of the proposed project. Therefore, there would be **no impact** related to hazardous emissions or substances near a school.
- 9d No portion of the project area is included on the Cortese List of hazardous materials sites. Therefore, the project would not create significant hazard to the public or the environment, and **no impact** would occur.
- 9e The proposed project is not located within an airport land use plan or within two miles of an airport. Therefore, there would be **no impact**.
- 9f Operation of the water pipeline and hydrant system could potentially impair implementation of or physically interfere with adopted emergency response plans or evacuation plans. Temporary traffic delays may occur during construction activities on State Highway 49, Flume Street, Oak Tree Road, Reservoir Street, and Cherokee Street. **Mitigation Measure 17A**, which requires the preparation of a Traffic Control Plan as discussed in section 16 of this Initial Study. This mitigation measure would minimize

interference with emergency response or evacuation to **less than significant with mitigation.**

- 9g Although the project is located within a Very High fire hazard severity zone, the project area is within a disturbed area with commercial and residential development, and would be located below ground with the exception of the water storage tank and hydrants. The implementation of the project would increase access to water flow for fire suppression, therefore the potential to expose people or structures to wildland fire hazards would be decreased. As such, the proposed project would result in **less than significant impacts** related to this issue.

**Mitigation Measures:** Potential impacts to the implementation of emergency response plans will be mitigated by **Mitigation Measure 17A.**

## 10. Hydrology and Water Quality

**Existing Setting:** The project area is located within the unincorporated town of North San Juan, which is a small portion of the Grizzly Creek Middle Yuba River watershed, as well as the Moonshine Creek sub-watershed. Generally, from the intersection of State Highway 49 and Flume Street, the project site drains easterly and westerly along State Highway 49. There are four potential wetland areas in the project vicinity. There are no streams or rivers in the project area.

The project corridor is not located within or near a 100-year flood hazard zone according to the Federal Emergency Management Agency's (FEMA) Flood Information. The Federal Emergency Management Agency identifies the area as Zone X, which is an area determined to be outside of the 500-year flood or protected by levee from 100-year floods. The project is not in a tsunami or seiche zones.

The California State Water Resources Control Board (State Water Board) regulates stormwater discharges from construction sites because of its potential to mobilize pollutants and discharge into waterbodies or watersheds. By regulating these discharges, the State Water Board is preserving, enhancing, and restoring California's waterbodies and its resources.

Construction activity subject to this permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities.

Sustainable management of groundwater basins is overseen by the Department of Water Resources (DWR) and State Water Resources Control Board (SWRCB) via the Sustainable Groundwater Management Act (SGMA). This project is not located within any groundwater basins or priority basins identified by the DWR Bulletin 118, or the SGMA Basin Prioritization Dashboard.

The nearest DWR Bulletin 118 basins are the North and South Yuba Subbasins of the Sacramento Valley Basin (5-21.60 and 5-021.61, respectively) which are more than 15 miles southwest of the project site. No Groundwater Sustainability Agency, no Groundwater Sustainability Plan, and no sustainability criteria or goals have been established for the underlying aquifer of this project.

Regional hydrogeologic studies have not been prepared in detail for this area, however nearby well completion reports indicate typical well completion depths range from 100 to 360 ft below ground surface. A red clay layer typically overlies the decomposed granite in 5 to 8 ft deep layers upon the surface. Boring logs indicate decomposed granite is encountered to depths of approximately 40 to 60 ft below ground surface and overlies weathered granite to a depth of approximately 360 ft. Aquifers in this region appear to include a mixture of confined and unconfined fractured bedrock wells, with no detailed mapping of the interconnection of any zones. Geology of the near surface bedrock includes igneous Mesozoic rocks, typically granite, granodiorite, quartz, monzonite and quartz diorite.


Would the 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,C,I
b. Substantially decrease groundwater supplies or interfere with groundwater recharge such that the project may impede sustainable groundwater management of the basin?		✓			C, 42, 43
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 which 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 off-site; 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 runoff; or iv) impede or redirect flood flows?		✓			A,B,9,32
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓	A,D,9



Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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?					A,L,32
g. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?					A,L,32

**Impact Discussion:**

10a,e Proposed improvements include the installation of a water pipeline and hydrant system, groundwater well, and water storage tank within existing roadways, rights-of-way, and/or along abutting parcels. This could result in impacts to adjacent waterways due to run off of exposed soils from excavation and equipment related pollutants like oil and gas. In order to protect water quality, **Mitigation Measures 10B-E** require specific construction timing, materials and techniques to be followed in order to ensure storm water would not be contaminated through erosion or equipment related pollutants. This includes halting work in wet weather, installing erosion control measures like straw, and covering loose soil. **Mitigation Measure 4B** requires additional erosion and sediment control measures in several project areas adjacent to potential wetlands. Furthermore, State Water Board permits are required for projects of this size to ensure that watersheds and water bodies are protected from discharge and pollution related to the proposed construction and ground disturbance; this is mandated by **Mitigation Measure 10A**. Therefore, project related impacts to water quality standards and waste discharge requirements would be **less than significant with mitigation**.

10b,e The proposed project includes a groundwater well between 100 feet and 360 feet in depth to supply the 330,000 gallon water storage tank used for the water pipeline for fire suppression purposes. The proposed groundwater well would be required to obtain a permit from the Nevada County Department of Environmental Health in compliance with County standards to protect groundwater supplies. 

As described in the existing setting, the project is not located within an area regulated by the Department of Water Resources (DWR) and State Water Resources Control Board (SWRCB) via the Sustainable Groundwater Management Act (SGMA). This fireflow system is also not defined as a project under the California Clean Water Act §10912(a) and is therefore not required to complete a water supply assessment. There are no prioritized basins or sustainable groundwater management plans for this area.

The tank may initially be filled by either water brought by commercial water trucks or from water provided by the well. Based on the North San Juan Fireflow Feasibility Study prepared in 2016 by Sauers Engineering, Inc., various parcels within the North San Juan community indicate that well production ranges between 8 gallons per minute (gpm) and 25 gpm. The typical household uses approximately 300 gallons of water per day according to the US Environmental Protection Agency (EPA). Therefore, three households typically use 330,000 gallons (the capacity of the water storage tank) every year. If the well produces between 8 and 25 gallons per minute and is operated for 8 hours per day, the tank will take 27 to 85 days to fill and can be filled in one aquifer recharge season.

Drawing this amount of water from the well in this timeframe may potentially impact groundwater supplies and groundwater recharge in the area. Aquifers in this region appear to include a mixture of confined and unconfined fractured bedrock wells, and no detailed mapping of the interconnection of any zones has been completed. To estimate the area of potential impact (estimated zone of influence), the Theis equation was used. The Theis equation models the well in a phreatic confined aquifer with little drawdown relative to the aquifer depth. It is a conservative estimate of the well's effects on the aquifer because it does not include effects from recharge sources and limits groundwater movement to the well to only be as deep as the well is drilled (i.e. no contribution from any deeper recharge zones). The estimated area of potential impact is a radius of 345 feet as shown in Figure 4 below. Calculations of the estimated zone of influence (the area beyond which the drop in hydraulic height due to pumping likely becomes negligible) were completed using the Theis equation assuming the drawdown in the well is much less than the saturated aquifer thickness. This assumption is highly likely because the County's Environmental Health Department requires a 10-day constant rate pumping test to confirm the well's pumping capacity is sustainable, and the allowable pump flow rate is sized approximately half that pumping capacity. The radius of influence is estimated to be approximately 103.81 meters, or 340.5 feet if the well is constructed with a saturated aquifer thickness of 200 feet and sealed using cement grout to a depth of 50 feet below ground surface. These construction requirements result in a total well depth of at least 250 feet, which is consistent with other wells in the area reaching up to 360 feet deep. Below are the calculations based on the well's assumed construction features.

$$R = 1.499 \sqrt{\frac{tKD}{S}}$$

Where

t	Time, (days)	=129 during fill
K	Hydraulic Conductivity, (m/d)	=0.03
D	Aquifer Thickness, (m)	=60.98
S	Specific Yield, (unitless)	=0.05

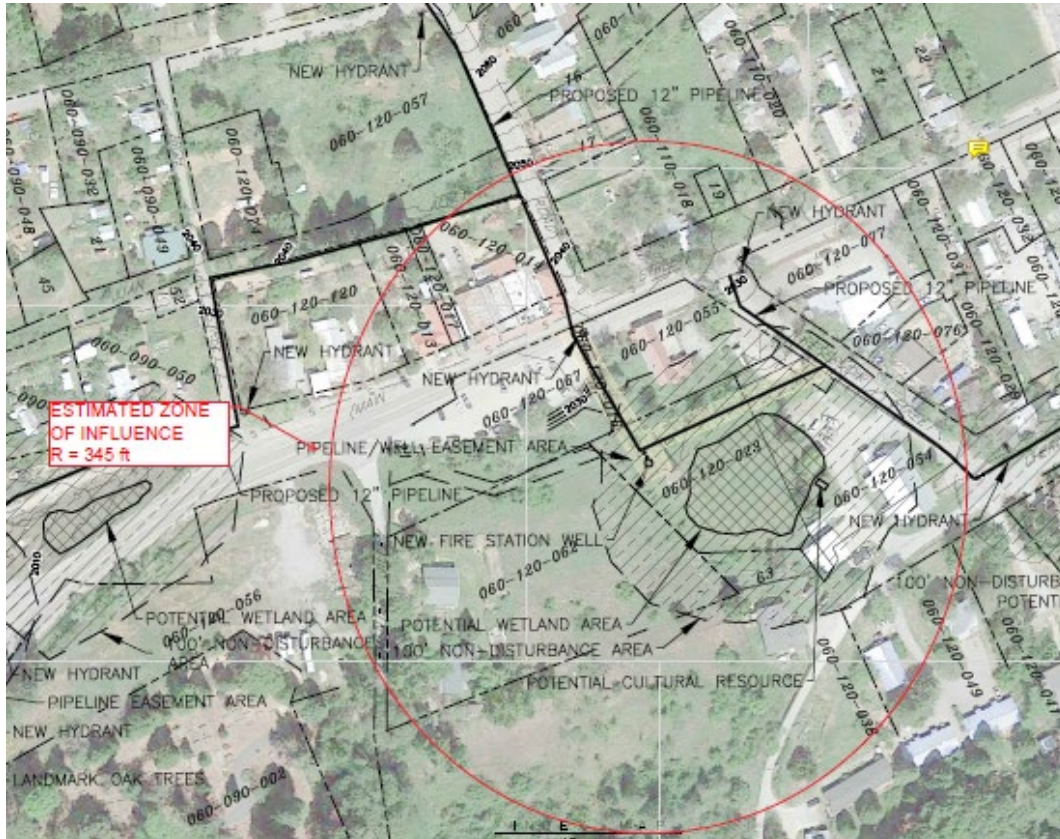


Figure 4 - Estimated Zone of Influence

After the initial fill, the well will only be used to top off the tank for regular water loss due to evaporation or filling of water tender trucks (typically 1,000 to 4,000 gallons). Filling of the tank following major fire suppression events would be completed by a commercial water supplier or from the well with the groundwater monitoring measures as described in **Mitigation Measure 10F**.

In order to mitigate for potential impacts to the quantity and quality of water available to nearby wells, **Mitigation Measure 10F** establishes baseline water depth and quality by monitoring during the year prior to well operations, continues monitoring during the initial fill of the tank, establishes benchmarks that would require the cessation of pumping of the well for the initial fill, limits the use of the well for the initial fill to 8 hours per day during the aquifer recharge season (November through April), and requires refilling of the tank by a commercial water supplier following a fire suppression event.

Because the proposed groundwater use is most intensive during the initial fill, is not included in a regulated water basin or groundwater management plan, and will be subject to monitoring prior to, during and after initial fill operations pursuant to **Mitigation Measure 10F**, the impact to groundwater supplies would be *less than significant with mitigation*.

- 10c The proposed project will not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river. There are no streams or rivers in

the project area. The proposed impervious surfaces include approximately 3,000 square feet for the proposed water storage tank site and foundation, well cover, and small pads for the fire hydrants. This amount is well within the impervious surface coverage limits established in the Nevada County Land Use and Development Code, and is not anticipated to create any substantial impacts to the amount of surface run off and associated impacts. All other disturbed areas will be restored to their pre-project condition per **Mitigation Measure 4A**. The area is not in a flood zone so will not impede or redirect flood flows. Therefore, **less than significant with mitigation** as they relate to alteration of existing drainage patterns.

- 10d The proposed project is not located within a 100-year flood hazard zone. Rather, the project corridor is identified by the as within Zone "X", which is defined as "areas determined to be outside the 0.2% annual chance floodplain" in the Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA). The project is the installation of the water pipeline and hydrant system, water storage tank and groundwater well; therefore, there would be **no impact** associated with risks of releasing pollutants due to project inundation in flood hazard, tsunami, or seiche zones.
- 10f No housing is proposed as part of this project, and the project is not within a 100-year flood hazard area. Therefore, there will be **no impacts** related to placing housing within a flood zone.
- 10g The project is not within a 100-year flood hazard area, so there are **no impacts** related to structures impeding or redirecting flood flows.

**Mitigation Measures:** The proposed project would result in construction activities and may require the preparation of a Stormwater Pollution Prevention Plan (SWPPP). In addition to **Mitigation Measures 4A and 4B**, the following water quality mitigation measures or best management practices (BMPs) are also identified:

**Mitigation Measure 10A: Obtain Appropriate Stormwater Permit and Implement an Erosion and Sediment Control Plan.** Project road improvements and future land disturbance must obtain an appropriate stormwater permit and implement an erosion and sediment control plan for projects including land disturbance of one acre or more. The following note must be included on grading/building permits: Prior to issuance of grading permits or improvement plans for all projects that could result in disturbance of an acre or more of land, the construction and grading permits shall comply with the applicable General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) regulations. Grading plans shall include verification that a Construction General Permit, issued by the State Water Resources Board, has been issued for this project. Said permits or plans shall incorporate, at a minimum, the following erosion and sediment control measures:

1. Best Management Practices (BMPs) for temporary erosion control shall be implemented during construction to control any pollutants that could potentially affect the quality of storm water discharges from the site. A Storm Water Pollution

Prevention Plan (SWPPP) shall be prepared in accordance with California State Water Resources Control Board (SWRCB) requirements. This SWPPP includes the implementation of BMPs for Erosion Control, Sediment Control, Tracking Control, Wind Erosion Control, Waste Management and Materials Pollution Control.

2. All portions of the project, including on-site grading and excavation for the access road, shall be included in the State-mandated Storm Water Pollution Prevention Plan (SWPPP) and are subject to the required monitored and reporting.

**Timing:** *Prior to building/grading permit issuance*

**Reporting:** *Approval of permits or plans recordation*

**Responsible Agency:** *Planning Department and Building Department*

**Mitigation Measure 10B:** Implement the following BMPs to minimize construction related impacts to water quality. The following BMPs shall be incorporated into all Contract Documents and Construction Plans for the project and implemented by the contractor to protect water quality:

1. Construction crews shall be instructed in preventing and minimizing water pollution on the job.
2. Interim erosion control measures may be needed and shall be installed during construction to assure adequate erosion control facilities are in place at all times.
3. Straw or rice mulch may be used if needed with a tackifier.
4. All earth moving or excavation activities shall cease when winds exceed 20 mph.
5. Haul trucks shall be covered with tarpaulins or other effective covers at all times.
6. Use broom and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
7. Designate a concrete washout area, as needed; to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
8. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
9. Dust control measures shall conform to **Mitigation Measure 3C:** Control dust during project construction.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 10C:** The following BMPs shall be implemented to ensure that SWPPP measures are maintained and prevent water pollution.

1. At no time shall heavy equipment operate in flowing water or saturated soils.
2. Be prepared for rain and have the necessary materials onsite before the rainy season.
3. Insure all SWPPP measures are in place prior to a 30% chance of rain. Install silt-fencing, straw bales, sediment catch basins, straw or coir logs or rolls, or other

sediment barriers to keep erodible soils and other pollutants from entering the storm drain system and adjacent drainages

4. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away for disposal.
5. During long periods of rain and high intensity rainfall, SWPPP measures may become clogged. Extreme care should be taken to clean SWPPP measures to reduce fugitive discharge and potential flooding.
6. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
7. Inspect sediment control devices after each storm and remove sediment.
8. Inspect all BMPs before and after each storm event. Maintain BMPs on regular basis and replace as necessary, through the entire course of construction.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 10D:** Additional Best Management Practices (BMPs). To protect water quality in watercourses adjacent to the project corridor, the contractor shall implement standard Best Management Practices during and after construction. These measures include, but are not limited to:

1. Disruption of soils and/or vegetation near the unnamed watercourses that bisect the project alignment shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and revegetated. Seeded areas shall be covered with broadcast straw or mulch. If straw is used for mulch or for erosion control, utilize only certified weed-free straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle.
2. The contractor shall exercise every reasonable precaution to protect the unnamed watercourses and tributary drainages from pollution with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected and removed from construction areas. No slash or other natural debris shall be placed in or adjacent to the unnamed watercourses and adjacent drainages. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**Mitigation Measure 10E:** Provide copies of BMPs. Copies of the project's Mitigation Monitoring and Reporting Program and all BMPs shall be supplied to the Contractor(s) and their workers to assure compliance with mitigation measures during construction.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** Agency approval of permits or plans

**Responsible Agency:** Planning Department

**Mitigation Measure 10F:** Groundwater Monitoring. The following mitigation measures shall be included in the project operations plan and submitted for review by the Planning Department prior to building or well permit issuance:

1. Establishing Baseline Water Depth & Quality
  - a. At least one year prior to commencing fill of the water storage tank from the well, landowners of parcels within the estimated zone of influence (345-foot radius from the well location) will be notified that their property may be affected by the use of the well to fill the water storage tank. They will be invited to participate in well monitoring for both water depth and water quality. At minimum, the three nearest wells responding to the invitation to participate in monitoring will be selected. Failure to obtain permission to monitor three or more private domestic wells will result in termination of using the well to initially fill the tank. Copies of the notification letters and a list of the selected monitoring wells will be submitted to the Planning Department prior to issuance of building permits.
  - b. The Department of Public Works will provide continuous monitoring data from November to April of the year prior to fill operations to estimate the monthly low groundwater levels for the three or more wells in the estimated zone of influence selected to participate in the monitoring program.
  - c. Water quality samples will be assessed for all participating wells per degradation of beneficial uses designated by the Sacramento River Basin Plan, Section 2.2 prior to initial well operations. Results will be submitted to the Planning Department prior to building permit issuance.
  - d. Use of the well during any months for which there is no baseline data shall not be allowed.
2. Groundwater Monitoring During Initial Fill
  - a. Monitored domestic wells will be sampled for water quality after the tank has been filled approximately 165,000 gallons, and 247,500 gallons. If the water quality in the monitored wells was of beneficial use prior to commencing tank filling operations and falls below the beneficial uses at any point, the use of the well for filling the tank will be terminated and a commercial water supplier will be used for the remaining fill of the tank.
  - b. If the monthly low groundwater levels are decreased by more than one foot in any monitoring well then well fill operations will be paused until the groundwater recovers to above the monthly lower range, or the well fill operations will be terminated and a contract with a commercial water supplier will be required for the remaining fill. Prior to issuance of building permits, an executed contract with a water supplier to fill the water storage tank in the case the well operation is terminated shall be provided to the Planning Department.

- c. Prior to final building permit inspection, final groundwater level and water quality evaluation will take place to verify groundwater supplies have not been reduced and water quality has not been degraded beyond beneficial uses. If the well operation was terminated, then truck tags from the commercial water supplier that filled the water storage tank will also be provided to the Planning Department.
3. Well Use Limitations
- a. If the well is used for the initial fill of the water tank, the use of the well will be limited to 8 hours per day during the aquifer recharge season which is November through April and only for months which have an established baseline water level from the prior year's monitoring efforts.
  - b. If the groundwater monitoring performed during initial tank fill resulted in termination of the operation at any point because of significant impacts to groundwater resources, the tank will be refilled by a commercial water supplier following fire suppression events. If the tank was successfully filled without causing significant impacts to groundwater, then the well may be used to refill the tank following fire suppression events under the following conditions:
    - i. During the aquifer recharge period of November through April
    - ii. Filling the tank no more than 8 hours per day, and
    - iii. Tank filling operations must cease if the operator receives notice from any property owner within the zone of influence that their well is being impacted by the refilling of the tank.

Sustainable operation practices will be finalized following the initial tank fill and will be included in the system's Operations Plan provided to the Planning Department prior to final building permit inspection.

**Timing:** *Prior to issuance of building permits, during initial tank fill, and prior to final building permit inspection*

**Reporting:** *Agency approval of permits*

**Responsible Agency:** *Planning Department*

## 11. Land Use and Planning

**Existing Setting:** The proposed project corridor is located in the unincorporated area of Nevada County in the North San Juan community. The project corridor extends approximately 0.2 miles easterly, to the Sweetland Road intersection, and westerly, to the Oak Tree Road intersection along State Highway 49 at the intersection of State Highway 49 and Flume Street, and approximately 0.2 miles from Flume Street to State Highway 49 to the proposed water storage tank site, and approximately 0.2 miles from the Cherokee Street and Reservoir Street to State Highway 49.

The project area is mostly within the 23+-acre North San Juan Rural Center, a multi-purpose center whose function is to provide goods and services to surrounding rural areas and low- to medium-density residential development. Land uses within this area are primarily designated



Neighborhood Commercial, Business Park, Office & Professional, Residential Agricultural, Medium Density Residential, Public, and Open Space. The project corridor is largely developed with these land uses.

The County-adopted North San Juan Rural Center Area Plan (2010) addresses the need for a pressurized fireflow system to serve future commercial, multi-family, and industrial land uses, as prepared in the 2009 Fire Protection Plan prepared by the Fire District. The North San Juan Rural Center Area Plan Goal 4.3, Goal 4.4, and Policy 4.8 encourages adequate, reliable, and safe water supply and fire flow within the Rural Center. The affected zoning districts allow for public utilities and infrastructure.

Land uses along the State Highway 49 portion of the project corridor consist of low-density commercial development, including a gas station/mini-market, restaurants and a bar, small retail stores, as well as low-density residential uses, a post office, and vacant lots. Uses along the roads that access the highway consist of low-density residential, a community center, church, a fire station, and vacant lots. Within the North San Juan Rural Center boundaries, a significant portion of parcels are vacant and or/undeveloped with structures. The project is within a low-income community.

Section L-II 4.3.17 of the Nevada County Land Use and Development Code requires a 100-foot non-disturbance buffer to protect perennial watercourses.

Would the 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,17
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,17,18

**Impact Discussion:**

11a The proposed project may temporarily disrupt or divide the physical arrangement of an established community, including low-income community, as the construction has the potential to necessitate temporary closure of roads for installation of the pipeline and associated developments. **Mitigation Measure 17A** requires a traffic control plan that would ease any disruption to the physical arrangement of the established community by requiring notification of property owners, alternate routes, retaining at least one lane of traffic open, flaggers, and other measures. No new roads or physical barriers be constructed in conjunction with the project and therefore, the proposed project would not disrupt or divide the physical arrangement of the community. Though most of the improvements will be made within the public right-of-way, there are portions that will be installed on private property. In order to legally pursue work on private property and verify that the proposed project will not disrupt or divide existing land uses, **Mitigation Measure**

**11A** requires recorded easement agreements between the County and the property owners be submitted for all parcels on which improvements are proposed prior to issuance of building permits. Therefore, the proposed project would have **less than significant impact with mitigation** related to division of an existing community.

- 11b The project proposes work within 100 feet of potential wetland areas which requires a Management Plan pursuant to Land Use and Development Code Section L-II 4.3.17. The Management Plan mitigates possible impacts to the protected resource with **Mitigation Measure 4B** which requires best management practices to install wattles and weed-free straw for erosion control, avoid excavation or draining in wet weather, protect the site from construction chemicals, and educate contractors on mitigation measure to ensure the wetlands are protected. The Nevada County Land Use and Development Code Section L-II 2.2.1 ensures that site improvements for the 330,000 gallon water storage tank, including accessories, complies with the Residential Agricultural zoning district site development standards such as structure height and setbacks, and impervious surface coverage maximums as detailed in LUDC Table L-II 2.2.1.C. Impervious surface coverage maximums help to avoid environmental effects related to surface run off and are limited to 30% for the parcel with the proposed water storage tank. With the incorporation the mitigation measure requiring erosion control best management practices, the project would have a **less than significant impact with mitigation** regarding 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.

**Mitigation Measures:** To ensure compliance with applicable land use plans, policies, and regulations, the following mitigation measure, in addition to **Mitigation Measures 4B and 17A**, shall be included:

**Mitigation Measure 11A: Secure and Record Easements.** Copies of recorded easements allowing development and maintenance of pipeline and associated improvements on private parcels shall be submitted to the Planning Department prior to issuance of grading/building permits.

**Timing:** *Prior to grading/building permit issuance*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

## 12. Mineral Resources

**Existing Setting:** The northern portion of the proposed project corridor is located within an area mapped on the State Division of Mines and Geology's Nevada County Mineral Classification Report Maps, referred to as Mineral Resource Zones - 2 (MRZ-2) including the location of the water storage tank, shown in *Figure 5* below, with the yellow shading indicating the MRZ-2 area. The proposed project area within the MRZ-2 zone is disturbed, developed with roadways, the sanitation transfer station, and adjacent uses, including residences and a church. The zoning of these project parcels in this area is Residential Agricultural, which is considered incompatible for and does not

allow surface mining pursuant to Nevada County Land Use and Development Code Section L-II 4.3.11.



Figure 5 - Mineral Resource Area (MRZ-2) shown in shaded yellow

Would the 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,L,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,L,1

**Impact Discussion:**

12a,b A portion of the proposed project area, located at the northerly end of Flume Street, is mapped within the MRZ-2. The proposed project area mapped within the MRZ-2 is disturbed, as it is developed with the sanitation transfer station and the existing paved roadway and gravel shoulders, and not readily available for extraction of mineral resources. The installation of the water storage tank and water pipeline would occur within these developed areas that are not readily available for extraction of mineral resources and are zoned Residential Agricultura, which is incompatible with mining activities. Therefore the loss of known mineral resources is not anticipated and the impact to mineral resources is **less than significant**.

**Mitigation Measures:** None required.

## 13. Noise

**Existing Setting:** The project alignment is located adjacent to neighborhood commercial uses, residential parcels, and public services (fire station and post office) parcels. The ambient noise in the project area is generated primarily by traffic on the existing roadways.

Noise sources occur in two forms: (1) point sources, such as stationary equipment, loudspeakers, or individual motor vehicles; and (2) line sources, such as a roadway with a large number of point sources (motor vehicles). Sound generated by a point source typically diminishes (attenuates) at a rate of 6.0 dB(A) for each doubling of distance from the source to the receptor at acoustically "hard" sites and 7.0 dB(A) at acoustically "soft" sites. For example, a 60-dB(A) noise level measured at 50 feet from a point source at an acoustically hard site would be 54 dB(A) at 100 feet from the source and 48 dB(A) at 200 feet from the source. Sound generated by a line source typically attenuates at a rate of 3.0 dB(A) and 4.5 dB(A) per doubling of distance from the source to the receptor for hard and soft sites, respectively. Sound levels can also be attenuated by man-made or natural barriers.

Sensitive receptors are facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. Noise-sensitive receptors in the project area include residential dwellings that are adjacent to the project corridor.

There is no airport land use plan in the project area, nor is there a public airport or public use airport within two miles of the project. There are no private airstrips in the vicinity of the project.

Would the project:	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
b. Generation of excessive ground borne vibration or ground borne noise levels?		✓			A,18

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
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 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?				✓	A,L

**Impact Discussion:**

13a During the construction phases of the project, noise from construction activities will be present in the immediate area of construction. Construction noise is regulated by state and county regulations, which include California Building Code (CBC) standards for construction-generated noise attenuation. Noise levels generated during construction must comply with applicable local, state, and federal regulations. Adherence to existing noise attenuation standards and measures, in addition to the measures described in **Mitigation Measure 13A**, would ensure construction-generated noise impacts that are **less than significant with mitigation** by limiting work hours, using quieter equipment, favoring signal lights over sounds, and establishing a complaint evaluation procedure.

Section L-II 4.1.7 of the Nevada County Land Use and Development Code establishes exterior noise limits, and this project is not anticipated to violate these standards. The permanent equipment does not include loud noise-producing equipment, and maintenance noise would likely be limited to vehicles visiting the site. Any long-term operational and/or maintenance noise impact associated with the water storage tank would be minimal because the tank equipment is located approximately 150 feet from the nearest structure, a church, and approximately 250 feet from the nearest residence. The project may indirectly lead to increased commercial activity in the corridor because the availability of firewater service increases the feasibility of commercial development. While commercial development may lead to increased noise, these future developments will require Use Permits and also be subject to CEQA review; noise impacts will be mitigated at that time.

13b There will be some vibration and noise associated with the construction of the foundation for the water storage tank, trenching for the pipeline, and drilling of the well. These noise and vibration sources would be limited to the construction phase and subject to the **Mitigation Measure 13A** to minimize construction noise including limiting the hours of construction and placing noise-generating equipment as far as possible from sensitive receptors. The project will not result in exposure of people to excessive ground borne vibration or ground borne noise levels, nor is the installation of the water pipeline and hydrant system, groundwater well, and water storage tank likely to generate such vibration or noise. Therefore, impacts would be **less than significant with mitigation** in terms of ground borne noise and vibration.

13c The proposed project is not located in the vicinity of any public or private airport. Therefore, there would be **no impact** related to this issue.

**Mitigation Measures:** Because the proposed project would result in activities that would generate temporary construction noise, the following Mitigation Measures are recommended:

**Mitigation Measure 13A: Construction Noise Minimization Measures.** These measures will be part of all Contract Documents and Construction Plans, implemented by the contractor and monitored by the County, as appropriate.

1. Construction activities will be limited to the working hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday or as otherwise stipulated by local encroachment permits.
2. All internal combustion engine driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment, as per the manufacturer.
3. Stationary noise-generating equipment will be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
4. Quiet air compressors and other stationary noise generating equipment will be utilized as applicable to project construction activities and when feasible.
5. Avoid the use of loud sound signals in favor of light warnings except those required by safety laws for the protection of personnel.
6. If noise complaints are received, identify the source, evaluate and implement available abatement measures, and notify the complainant(s) of the results. Complaints shall be provided to the County.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

## 14. Population and Housing

**Existing Setting:** The General Plan land use designations for the project corridor are as follows: Residential, Office & Professional, Neighborhood Commercial, Business Park, Urban Medium Density (Residential), Public, and Rural. The zoning designations within the project corridor are as follows: Neighborhood Commercial, Medium Density Residential, Office & Professional, Business Park, and Residential Agricultural. The project corridor is located within the North San Juan Rural center, a 23+-acre multi-purpose center whose function is to provide goods and services to surrounding rural areas and low- to medium-density residential development.

Would the 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,17,18
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓	A,17,18

**Impact Discussion:**

- 14a If installed, the proposed water pipeline and hydrant system, including the groundwater well and water storage tank, would meet the current and allowed land uses within the North San Juan Rural Center boundaries and adjacent properties. The pipeline would satisfy the water fire flow suppression needs for commercial structures, which would increase the feasibility of future commercial development, but would not directly increase density or permit any residential, commercial, or industrial development or changes to the zoning code or General Plan. The area is currently zoned and planned for more development than currently exists. If future population inducing projects are proposed, a separate application would be required with an environmental review and a public hearing to determine impacts. Therefore the impact to induction of unplanned population growth is **less than significant**.
- 14b The proposed project does not conflict with the location of existing housing; therefore, no housing would be removed, nor would the construction of replacement housing be necessary. Therefore, the proposed project would have **no impact** related to the induction or displacement of housing and people.

**Mitigation Measures:** None required.

## 15. Public Services

**Existing Setting:** The following services are provided within the project corridor:

- Fire: The North San Juan Fire District provides fire protection services to this site.
- Police: The Nevada County Sheriff Department provides law enforcement services.
- Schools: The project site is within the Twin Ridges Elementary School and Nevada Joint Union High School Districts.
- Parks: The project is within the Oak Tree Community Park District.
- Water: The project site is not served by a public water conveyer. Rather, all potable water supplies within the project area are provided by groundwater wells tapped into local groundwater sources.
- Sewer: Sewer service is provided to the site by the Nevada County Sanitation District No. 1 or private septic systems.

Would the 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:					
i) Fire protection?		✓			H
ii) Police protection?		✓			A
iii) Schools?		✓			A,L
iv) Parks?		✓			A,L
v) Other public services or facilities?		✓			B

**Impact Discussion:**

15a Temporary delays to roadway traffic may occur during project construction activities. However, as required by local and state regulations, emergency vehicles will be given the right of way in the event of their presence within the project vicinity as required by **Mitigation Measure 17A** for required traffic control plan details). The proposed project would be beneficial to the North San Juan Fire District once completed, as the proposed water pipeline and hydrant system would improve emergency water access for fire suppression. The well is proposed on the site of the North San Juan Fire Station but will not interfere with their operations. No changes in police protection services are proposed as part of this project, as the water pipeline and hydrant and water tank storage would be unmanned facilities and would not require an increase in police presence. The proposed project would not add to the area's population or increase demands on school or park services, as no residential, commercial, or industrial buildings that would increase population or employment are currently proposed. Though increased access to firewater does increase the feasibility of future commercial development, this project would not result in a new substantial need for additional schools, parks, transit services or police protection because the facility would not create a significant increase in population or human presence in the area. Future development would be evaluated for impacts in an independent permitting and CEQA process. Therefore, impact of this project on public services is considered **less than significant with mitigation**.

**Mitigation Measures:** Potential impacts to Public Services will be mitigated by **Mitigation Measure 17A**.



## 16. Recreation

**Existing Setting:** The improvements are proposed within the North San Juan Rural Center which lies within the Twin Ridges Recreation Benefit Zone. The nearest park, Oak Tree Community Park, is located approximately 1.2 miles from the proposed project site. No established biking, equestrian, nor hiking trails exist within the proposed project site area.

Would the 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
c. Conflict with established recreation uses of the area, including biking, equestrian and/or hiking trails?		✓			A

### Impact Discussion:

- 16a The proposed project would not cause increased use to local parks as no additional housing units are proposed, and no direct increase to population is expected. Though increased access to firewater does increase the feasibility of future commercial development and associated impacts, these potential future projects would be evaluated in an independent permitting and CEQA process. Therefore, the impact to increased use of recreational facilities related to this project is **less than significant**.
- 16b No recreational facilities are included or required as part of this project so there is **no impact**.
- 16c The nearest park, Oak Tree Community Park, is accessed via Highway 49 through the project corridor. **Mitigation Measure 17A** requires a traffic control plan to limit the impact of the project on through traffic, and would ensure continued access to the nearest park. Therefore, the proposed project would have **less than significant impact with mitigation** on established recreation uses of the area.

**Mitigation Measures:** To ensure there is no significant impact to access to recreation amenities in the vicinity of the project, **Mitigation Measure 17A** is required.

## 17. Transportation

**Existing Setting:** The road system that serves the North San Juan Rural Center in the project vicinity reflects the community’s past, consisting of a two-lane highway, and local roads. State Highway 49, identified as Main Street on an historic townsite map, bisects NSJ, providing access to all lands within and adjacent to the Rural Center. Short feeder streets connect the local roads in a grid pattern, running generally in north-south and east-west directions. Roadways are generally adequate to serve the vehicle needs of planned development within the Rural Center, however, no pedestrian improvements occur along the local roads or the highway. There is a public bus operated by Nevada County that services North San Juan in the project area. Pedestrians and bicyclists are present in the North San Juan Rural Center, though there is not infrastructure to support them.

Caltrans maintains Highway 49 and other roads in the project area are primarily maintained by Nevada County’s Department of Public Works alongside some private roads. Parking in the area is mostly in private driveways, along with gravel parking areas on private property on Highway 49 for commercial customers and some parking on the shoulders within public rights-of-way.

The Nevada County Regional Transportation Plan was adopted in 2015. It identifies North San Juan as a population center along a major transportation corridor (State Highway 49) and proposes to provide limited fixed-route service to North San Juan, which is currently in place. The plan also calls for consideration of a Class III bike route with multi-use shoulders in the project vicinity. This project has not been implemented.

The Nevada County Active Transportation Plan, adopted in 2018, does not identify any key destinations in North San Juan. The plan does not identify any existing bicycle infrastructure, but does show a planned Class III multi-use shoulder and a planned sidewalk and crossing improvements in the Highway 49 corridor in the project area. The Plan estimates that 0%-5% of households in the project area are without automobiles.

Would the 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,37,38, 39
b. Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			✓		A,40
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
d. Result in inadequate emergency access?		✓			A

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact	Reference Source (Appendix A)
e. Result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians, including short-term construction and long-term operational traffic?		✓			A

**Impact Discussion**

17a Future sidewalks, crosswalks, bike lanes, and multi-use shoulders are identified in the Nevada County Active Transportation Plan in the project area along a portion of the Highway 49 corridor. The proposed fire suppression infrastructure project is designed to have minimal encroachment into the Highway 49 right-of-way, and will not hinder future installation of pedestrian and bicycle infrastructure due to above ground conflicts between fire hydrants and sidewalks or below grade conflicts between pipelines and grading needed to install sidewalks or make shoulder improvements.

The project would not result in inconsistency with adopted policies supporting the provision of transit alternatives to automobile transportation on an equitable basis with roadway improvements because the project involves the installation of a water pipeline and hydrant system, groundwater well and water storage tank in existing roadways, rights-of-way, shoulders and/or abutting parcels. All affected rights-of-way will be restored to their original condition except for the addition of fire hydrants.

Therefore, the project will have a **less than significant impact** on program plan, ordinance, or policy addressing the circulation system.

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" (VMT) 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 NCTC Senate Bill 743 Vehicle Miles Traveled Implementation document include:

- Projects in western Nevada County consistent with an RTP [regional transportation plan] or General Plan that generate less than 630 VMT per day. This value is based on the CEQA exemptions allowed for projects up to 10,000 square feet as described in CEQA Guidelines Sections 15303. The specific VMT estimate relies on the vehicle trip generation rate contained in the OPR Technical Advisory for small project screening and average vehicle trip lengths for western Nevada County using the travel forecasting model.

While there will be a slight increase in traffic during construction due to construction vehicles and a slight increase in traffic for occasional maintenance once operated, the vehicle miles traveled would be far below 630 VMT per day. Further, the project is consistent with the General Plan and Zoning intensities for the project site and surrounding area. Thus, given the above discussions, the proposed project is anticipated to have **less than a significant impact** on CEQA Guidelines Section 15064.3, subdivision (b).

- 17c The proposed project would not include any design features that would result in traffic hazards. The installation of the water pipeline and hydrant system would not include a change in existing roadway or intersection configurations in the project area. There would be temporary roadway obstructions during the construction phase of the project (construction barriers, etc.) However, these obstructions would be for a limited period of time and would be necessary to improve public safety in the areas where streets are undergoing excavation and the pipeline and hydrant system is being installed. The proposed project would not substantially increase hazards due to a design feature (e.g., a sharp curve or dangerous intersection) or incompatible uses (e.g., farm equipment). Fire hydrants within a right-of-way are standard and will be placed in a way that they are not damaged by or create hazards for vehicles. Therefore, impacts are considered **less than significant**.
- 17d,e Project construction will likely cause temporary disruptions to the local circulation system for vehicles, public transit, bicycles, and pedestrians in the area. The project proposes installation of pipelines and fire hydrants in the public rights-of-way throughout the North San Juan Rural Center, including State Highway 49 and roads maintained by Nevada County. Because of this, traffic will need to be controlled to minimize the impacts to the circulation system. **Mitigation Measure 17A** reduces the impacts to traffic and circulation and limits traffic hazards during construction to **less than significant with mitigation** by requiring a Traffic Control Plan to be approved by the Nevada County Department of Public Works. The Traffic Control Plan will include provisions to keep at least one lane of traffic open at all times, maintain pedestrian access at all times, limit road closure to hours of work, requiring flaggers, and notification of anticipated road closures. This traffic plan also

makes accommodations that will ensure continued emergency access during construction.

**Mitigation Measures:** To offset potentially adverse traffic and circulation impacts associated with project construction, the following mitigation measures shall be required:

**Mitigation Measure 17A: Traffic Control Plan.** To help minimize potential traffic effects within the project corridor, a traffic control plan shall be developed and implemented during construction and installation of the water supply and hydrant system. These measures shall be included on all Contract Documents and Construction Plans and enforced by the contractor and Nevada County Public Works Department as appropriate. Prior to building permit issuance, submit in writing a complete Traffic Control Plan (TCP) to the County. The TCP shall include all streets and locations where work is to be performed and shall indicate each stage of work, closure dates for streets and section of closure (if necessary and allowed by local jurisdiction), signage, flaggers, and any other pertinent information. The TCP shall be reviewed and approved by the County Department of Public Works before the construction commences. Specific components of the TCP include the following:

1. Prior to construction, the contractor shall submit for approval the proposed route(s) for all construction traffic along the project corridor. This shall include designated routes, if any, shown on the Contract Drawings. Upon approval, the contractor shall strictly adhere to that route(s) only, unless written permission is obtained to change the route(s).
2. At least one (1) lane of traffic will be kept open at all times unless prior approval is provided by the County and any affected agency. No roads will be blocked or made inaccessible, due to the contractor's work, without prior written approval of the County and affected agencies. Fire lanes will not be blocked or obstructed at any time.
3. Work shall be accomplished to provide access to all side streets and properties whenever possible. If access to adjacent property cannot be provided, all property owners with restricted access shall be notified at least 24 hours in advance and adequate nearby parking shall be provided and maintained until direct access can be resolved. The contractor shall provide for pedestrian traffic through work areas at all times.
4. Traffic control, signs, and barricades shall conform to current standards. Lighted barricades shall be used when required. Special attention shall be provided to excavation and open trenching.
5. Three (3) flaggers shall be used for any one-way traffic flow situation (two (2) working and one (1) as standby), and shall be furnished by the contractor. The flaggers shall be properly equipped and trained.
6. Where flaggers are not visible to each other, additional flaggers shall be added as required by the County, or the contractor shall use radios.
7. All holes, trenches, etc., in pavement areas will be covered with 1-inch (minimum thickness) steel plates, shimmed with temporary asphalt on edges, by 5:00 p.m. or at the end of each work day. As an option to the contractor, the holes, trenches, etc.,

can be backfilled and all areas within pavement areas have temporary asphalt toppings. The temporary asphalt will be regularly maintained. All areas will be completely restored within ten (10) working days after the work has been completed at the location.

8. Contractor shall display "No Parking" signs in areas of work at least 72 hours in advance. The signs shall state the day(s), date(s), and time of construction work. "No Parking" signs shall be placed in full view along the side of the road and no more than 100 feet apart.
9. Contractor shall furnish, erect, maintain, and remove all necessary construction signs and barricades for the full term of the construction activities.
10. Closure of streets can only occur between 8:00 a.m. and 5:00 p.m. if allowed by the County. At least 48 hours before a street closure, the contractor must receive permission from the County and appropriate signage that meets their specifications. Approval to close a street is valid for one (1) day only.
11. In the event a street is closed, the contractor will notify the Police/Sheriff and Fire Protection District and provide appropriate signage that meets County specifications the day of the closure.
12. Lane closures may be made for work periods only. At the end of each work period, all components of the traffic control system shall be removed from the traveled way, shoulder, and auxiliary lanes.
13. If emergency access is required during a temporary lane closure, workers will be present and available to take appropriate steps to immediately alter operations to provide access.
14. The contractor will replace all striping and pavement marking disturbed by construction to preconstruction configuration.
15. The contractor will restore all existing hardscape (pavement concrete or walkways, driveways, or other surface features disturbed by the contractor's work) to the preconstruction conditions acceptable to the County.
16. Prior to commencement of work, notify all affected agencies, including the Planning Department, Public Works Department, Police Department/Sheriff's Office, Fire Protection District, Caltrans, U.S Postal Service, Disposal Services, and local ambulance/emergency response services.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Department of Public Works*

## 18. Tribal Cultural Resources

**Existing Setting:** 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. See Section 5 for additional information regarding tribal resources.

Would the 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> <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>		✓			J, 28

**Impact Discussion:**

18a The proposed pipeline and hydrant system is located within a disturbed corridor that is developed with roadways and utilized for vehicular traffic. The site was surveyed for tribal cultural resources by Peak and Associates. The survey concludes that no resources were found in the area. Therefore, there is potential that a significant tribal cultural resource such as a site, feature, place or cultural landscape with cultural value to a California Native American tribe, significant resource to a California Native American tribe, or a site listed or eligible for listing as a Historical Resource may be present within the project corridor. **Mitigation Measures 5A and 5B**, described in Section 5 above, are proposed that would require on-site training of cultural resources, and construction to be halted in the unlikely event that there is a discovery of cultural resources, including historic, prehistoric, tribal, and paleontological resources. Because discovery of cultural resources could result in a determination of cultural value, proposed Mitigation Measure 5A as outlined in Section 5 – Cultural Resources, which would halt work and require tribal involvement in the event of a discovery, impacts to these Tribal Cultural Resources will be *less than significant with mitigation*.

**Mitigation Measures:** Potential impacts to tribal cultural resources will be mitigated with **Mitigation Measures 5A and 5B.**

## 19. Utilities and Service Systems

**Existing Setting:** The project corridor is located primarily within the North San Juan Rural Center, as well as along adjacent residential parcels. The unincorporated community of North San Juan is served by Pacific Gas & Electric for electricity needs and telephone service is provided by AT&T. Solid waste needs of the community are disposed of at the North San Juan Sanitation Transfer Site. Sewage disposal needs are served by the Nevada County Sanitation District No. 1 and individual septic systems. Water is provided through private wells. Currently, a water pipeline does not exist within the project area. The proposed project would create a water pipeline and hydrant system that could be accessed for fire suppression.

Would the 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,B
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?		✓			A,B,C
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓	
d. 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?		✓			
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?		✓			

### Impact Discussion:

19a The project is a new water system designed to provide water for fire suppression purposes. The proposed water storage tank and well may require electrical power as well as phone



communications for remote monitoring and facility alarms. These utilities are located within the project area and no other utilities will be constructed or relocated. This document evaluates all potential significant environmental effects related to the construction of a new water system. All impacts are **less than significant with mitigation** as described throughout this Initial Study.

- 19b The proposed project would require new entitlements from the Nevada County Environmental Health Department for a well and would be regularly monitored to ensure compliance with water quality and quantity requirements. If monitoring showed an issue with either of these standards in the future, the Department of Public Works would be required to work with the Environmental Health Department to provide an alternate water source. **Mitigation Measure 10F** requires a contract with a commercial water provider for the initial fill and fills following a fire suppression event of the water storage tank so that the well is not overdrawn. Therefore, the project would have **less than significant impact with mitigation** relating to the availability of water supply for the reasonably foreseeable future.
- 19c The proposed project neither requires a new wastewater treatment facility or connection to a new wastewater treatment facility. As such, **no impacts** are anticipated to wastewater treatments facilities.
- 19d,e The development and operation of the water pipeline and hydrant system, groundwater well, and water storage tank is not anticipated to result in significant amounts of solid waste; however, any waste generated would be required to comply with federal, state and local statutes and regulations related to solid waste. Construction activities typically produce solid waste in the form of construction materials, including vegetation chippings and industrial toxic wastes like glues, paint, and petroleum products, resulting in potentially adverse landfill and solid waste disposal impacts. Impacts would be **less than significant with mitigation** as identified in **Mitigation Measure 19A** below which requires proper disposal of any waste not accepted by the regional landfill.

**Mitigation Measures:** To offset potentially adverse impacts related to construction waste, this mitigation measure, in addition to **Mitigation Measure 10F**, shall be required:

**Mitigation Measure 19A: Appropriately Dispose of Vegetative and Toxic Waste.** Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the North San Juan Sanitation Transfer Station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities.

**Timing:** *Prior to building/grading permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Nevada County Planning Department*

## 20. Wildfire

**Existing Setting:** The project parcel is within the North San Juan Fire Protection District and is in a Very High Fire Hazard Severity Zone as designated by CalFire. The project site is in and adjacent to the North San Juan Rural Center in Western Nevada County in an area that is developed with residential, commercial, and agricultural uses. The highest elevation, at the water storage tank site, is about 2,170 feet, and slopes gently to the south. The Safety Element of the Nevada County General Plan addresses wildfire hazards in Nevada County and has several policies to improve fire safety. Nevada County has also adopted a Local Hazard Mitigation Plan (LHMP) that was updated in May 2018. Additionally, there is a Community Wildfire Protection Plan for Nevada County that was updated in April 2016. The Nevada County Office of Emergency Services published a Wildfire Evacuation Preparedness Action Plan in 2020.

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,N,35, 41
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,N,4, 18
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,N
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,L,N,33, 34

### Impact Discussion

- 20a The Wildfire Evacuation Preparedness Action Plan, created by the Nevada County Office of Emergency Services highlights five initiatives to reduce wildfire risk in Nevada County:
1. Create safer evacuation routes countywide to save lives.
  2. Improve early warning systems and emergency communications to reach everyone.
  3. Establish defensible space around our homes and neighborhoods by reducing hazardous vegetation and encouraging voluntary compliance with defensible space standards.

4. Provide a coordinated approach to wildfire response preparedness through planning, community engagement, and project implementation.
5. Enhance critical infrastructure needed to respond to wildfires such as evacuation route improvements, water storage, fire hydrants, communication systems, and green waste facilities.

The proposed project would qualify as critical infrastructure needed to respond to wildfires including water storage and fire hydrants. The project does not propose work that would hinder creation of safer evacuation routes or early warning/communication systems. Defensible space will be required around the proposed water storage tank, enhancing wildfire safety for that site. Community outreach on this project will engage residents in the service area because they will need to vote on levying a maintenance fee for the fire suppression system. This outreach may increase community awareness of fire safety issues. This project is expected to have a positive impact by decreasing wildfire hazard risk with the installation of critical fire suppression infrastructure, therefore there is **no impact** to an adopted emergency response plan or emergency evacuation plan.

- 20b Though this project is located in a very high fire hazard severity zone, the purpose of the project is to increase capacity to suppress structure fires and wildfires in the immediate vicinity by providing water storage and fire hydrants. The project area is gently slope and serviced by paved roadways. Because is project is anticipated to reduce fire danger in the area, there is **no impact** related to exposing people to pollutant concentrations from wildfire.
- 20c The scope of this project is to install and maintain critical fire suppression infrastructure including a water storage tank, pipelines, fire hydrants, and a well. No additional roads, fuel breaks, or powerlines will be installed as part of this project, therefore there is **no impact** related to exacerbation of fire risk or environmental damage due to installation of associated infrastructure.
- 20d No changes to drainage patterns or flooding impacts are anticipated as part of this project. There are structures and residents downslope of the water storage tank. Vegetation removal as a result of wildfire may trigger slope instability. The water storage tank is adjacent to a past hydraulic mining site, which is also prone to landslides. Because of this, **Mitigation Measure 7C** requires a full geotechnical engineering report and implementation to ensure that the water storage tank is fully engineered and structurally sound given its proximity to potentially unstable slopes that would be exacerbated by wildfire should it occur in that area. Therefore, there are **less than significant impacts with mitigation** related to exposure of people or structures to risks due to runoff, post-fire slope instability, or drainage changes.

**Mitigation: See Mitigation Measure 7C.**

## 21. Mandatory Findings of Significance

	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?		✓			A
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.)			✓		A
c. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?		✓			A

### Impact Discussion:

21a This draft Initial Study / Mitigated Negative Declaration evaluates the potential impact the proposed North San Juan water pipeline and hydrant system, groundwater well, and water storage tank project could have on the environment. Compliance with existing federal, state, and local regulations and mitigation measures identified in this Initial Study would reduce all potential impacts of the proposed project to a less than significant level. As discussed in the Biological Resources section, the project will have less than significant impacts with mitigation on the habitat and populations of protected plant and animal species. The Cultural Resources, Geology and Soils, and Tribal Cultural Resources sections find that impacts to important examples of major periods of California's history or prehistory will also be less than significant with mitigation. With the proposed mitigation measures, this project will have a **less than significant impact with mitigation** 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.

- 21b The objective of the project is to provide a water pipeline and hydrant system for adequate fireflow supply to satisfy the fire suppression needs of the existing and planned land uses within the North San Juan Rural Center. This project does not increase allowed density, change allowed uses, or concurrently permit any other scope of work. It is conceivable that this project will enable further commercial development because of the increased fire water service, though again, not beyond what is currently allowed. Should future commercial development be proposed, it will be subject to its own permitting process pursuant to local, state, and federal regulation, and environmental review pursuant to CEQA. Therefore the project's cumulatively considerable impacts are ***less than significant***.
- 21c The water pipeline project would not result in any substantial adverse effects to human beings, directly or indirectly, since each potentially significant impact can be reduced to a less than significant level with adherence to the mitigation measures outlined in this report and compliance with existing federal, state, and local regulations. This includes potential impacts to noise, recreation, transportation, public services, population and housing, and utilities and service systems. Therefore there would be no substantial adverse effects to human beings as a result of the project, resulting in impacts that would be ***less than significant with mitigation***.

**Mitigation Measures:** To offset potentially adverse impacts to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, recreation, transportation, tribal cultural resources, and utilities and service systems, see **Mitigation Measures 1A, 1B, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5A, 5B, 5C, 7A, 7B, 7C, 7D, 7E, 10A, 10B, 10C, 10D, 10E, 10F, 11A, 13A, 17A, 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.

---

Marie Maniscalco, Associate Planner

Date:

## Appendix A – Reference Sources

- A. Planning Department
  - B. Department of Public Works
  - C. Environmental Health Department
  - D. Building Department
  - E. Natural Resource Conservation Service/Resource Conservation District
  - F. Northern Sierra Air Quality Management District
  - G. Caltrans
  - H. CalFire / Nevada County Consolidated Fire District
  - I. Regional Water Quality Control Board (*Central Valley Region*)
  - J. North Central Information Center, California Historical Resources Information System
  - K. California Department of Fish & Wildlife
  - L. Nevada County Geographic Information Systems
  - M. Nevada County Airport Land Use Commission
  - N. North San Juan Fire District
- 
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. *Fire Hazard Severity Zone Viewer*, California Department of Forestry and Fire Protection , <https://egis.fire.ca.gov/FHSZ/>.
  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, Division of Land Resource Protection. 2016. *Nevada County Important Farmland Data*. Available at: <http://www.conservation.ca.gov/dlrp/fmmp>.
  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*. <http://websoilsurvey.nrcs.usda.gov/app/>
  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 Zoning Regulations*, adopted July 2000, and as amended.
19. California Attorney General's Office. "Addressing Climate Change at the Project Level." January 6, 2010.
20. US Environmental Protection Agency. *Current Nonattainment Counties for All Criteria Pollutants*. January 31, 2015. [www.epa.gov/oaqps001/greenbk/ancl.html](http://www.epa.gov/oaqps001/greenbk/ancl.html).
21. California Department of Toxic Substances Control. Reviewed 8/21/2018: <http://www.envirostor.dtsc.ca.gov/public/>
22. USDA Soil Conservation Service. "Soil Survey of Nevada County Area, California." Soil Survey, Reissued 1993.
23. 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.
24. California Department of Conservation, California Geological Survey. "Fault Activity Map of California. 2010. Reviewed 8, 2018: <http://maps.conservation.ca.gov/cgs/fam/>.
25. Caltrans California State Scenic Highway System Map. Reviewed July 2023. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>
26. California State Parks Office of Historic Preservation: Certified Districts. Reviewed July 2023. [https://ohp.parks.ca.gov/?page\\_id=27283](https://ohp.parks.ca.gov/?page_id=27283)
27. Beedy Environmental Consulting. Final Biological Inventory: North San Juan Fire Suppression Project. July 2023.
28. Peak & Associates, Inc. Cultural Resources Report – Determination of Eligibility and Effect for the North San Juan Fire Suppression System Project. June 2023.
29. California Department of Conservation. EQ Zapp: California Earthquake Hazards Zone Application. Reviewed July 2023. <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>
30. California Department of Toxic Substance Control EnviroStor. Hazardous Waste and Substances Site List (Cortese). Accessed July 2023. [https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site\\_type=CSITES,FUDS&status=ACT,BKLG.COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29](https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT,BKLG.COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29)
31. NV5. Geotechnical Engineering Report – North San Juan Fire Suppression System. June 2023.
32. Flood Maps. Federal Emergency Management Agency, <https://www.fema.gov/flood-maps>.
33. Wills, C.J., et al. *Susceptibility to Deep-Seated Landslides in California*. California Geological Survey, [https://www.conservation.ca.gov/cgs/Documents/Publications/Map-Sheets/MS\\_058.pdf](https://www.conservation.ca.gov/cgs/Documents/Publications/Map-Sheets/MS_058.pdf).
34. "Site Check ✓." Site Check ✓, Office of Planning and Research, <https://sitecheck.opr.ca.gov/>.



35. Nevada County. Local Hazard Mitigation Plan Update. August 2017.  
<https://www.mynevadacounty.com/DocumentCenter/View/19365/Nevada-County-LHMP-Update-Complete-PDF?bidId=>
36. California Environmental Quality Act Thresholds of Significance, Placer County Air Pollution Control District,  
<https://www.placer.ca.gov/DocumentCenter/View/2061/Threshold-Justification-Report-PDF>
37. Nevada County Transportation Commission. *Nevada County Regional Transportation Plan 2015-2035*.  
[https://www.nctc.ca.gov/documents/RTP/Final%20Nevada%20Co%20RTP%2017\\_18.pdf](https://www.nctc.ca.gov/documents/RTP/Final%20Nevada%20Co%20RTP%2017_18.pdf)
38. Nevada County Transportation Commission. *Nevada County Active Transportation Plan*. July 2018.  
[https://www.nctc.ca.gov/documents/Projects/ATP/NevadaCountyATP\\_Final\\_190703\\_full\\_red.pdf](https://www.nctc.ca.gov/documents/Projects/ATP/NevadaCountyATP_Final_190703_full_red.pdf)
39. Nevada County. *North San Juan Rural Center Area Plan*. April 2010.  
<https://www.nevadacountyca.gov/DocumentCenter/View/14842/North-San-Juan-Area-Plan-PDF>
40. Senate Bill 743 Vehicle Miles Traveled Implementation, Nevada County Transportation Commission, July 6, 2020.  
[https://www.nctc.ca.gov/documents/Projects/NCTC\\_SB743\\_Methodologies\\_Thresholds\\_FINAL.pdf](https://www.nctc.ca.gov/documents/Projects/NCTC_SB743_Methodologies_Thresholds_FINAL.pdf)
41. Nevada County Office of Emergency Services. *Wildfire Evacuation Preparedness Action Plan*. May 2020. <https://www.nevadacountyca.gov/DocumentCenter/View/34324/2020-Wildfire-Evacuation-Preparedness-Action-Plan?bidId=>
42. California Department of Water Resources, SGMA Basin Prioritization Dashboard, September 14, 2023: <https://gis.water.ca.gov/app/bp-dashboard/final/>
43. CA Department of Conservation Geological Survey, September 2023:  
<https://maps.conservation.ca.gov/cgs/gmc/>

# **EXHIBIT B. WETLANDS MANAGEMENT PLAN**

## **NORTH SAN JUAN FIRE SUPPRESSION PROJECT**



*Prepared for:*

### **NEVADA COUNTY PLANNING DEPARTMENT**

ATTN: Marie Maniscalco  
Assistant Planner  
950 Maidu Ave. Suite 170  
Nevada City, CA 95959

*Prepared by:*

### **BEEDY ENVIRONMENTAL CONSULTING**

12213 Half Moon Way  
Nevada City, CA 95959

**AUGUST 1, 2023**

**WETLANDS MANAGEMENT PLAN**

**NORTH SAN JUAN  
FIRE SUPPRESSION PROJECT**

*Prepared for:*

**NEVADA COUNTY PLANNING DEPARTMENT**  
ATTN: Ms. Marie Maniscalco  
Assistant Planner  
950 Maidu Avenue, Suite 170  
Nevada City, CA 95959

*Prepared by:*

**BEEDY ENVIRONMENTAL CONSULTING**  
ATTN: Edward C. Beedy, Ph.D., Owner  
12213 Half Moon Way  
Nevada City, CA 95959

**August 1, 2023**

# SUMMARY

## **Project Location and Description**

The County of Nevada is proposing to construct water system facilities for fire suppression in the North San Juan (NSJ) community located on San Juan Ridge in western Nevada County. The system will include a 330,000-gallon steel water storage tank, a well with pump and related controls, a well building, approximately 3,850 feet of 12-inch pipeline, 500 feet of 6-inch fire hydrant lateral pipeline, eleven 12-inch butterfly valves, ten 6-inch gate valves, and ten fire hydrants. This project would revolutionize the ability to fight fires in the commercial core of NSJ and the immediately surrounding areas, in a region where there is otherwise little or no break in the wildland/structural interface, potentially allowing fire to spread rapidly through brush, grass, and timber. Additionally, it would open the door to commercial development in the NSJ community that is currently curtailed due to water supply requirements on new development. As part of this effort, Nevada County is preparing CEQA and NEPA environmental documents that require a Biological Inventory report and this Wetlands Management Plan.

## **Plant Communities**

The proposed project follows existing roads in the NSJ community, and most of the new infrastructure would be placed in previously-disturbed, roadside areas. However, remnant plant communities documented within the proposed project areas and road alignments include: black oak woodland; mixed conifer-hardwood forest; ponderosa pine forest; non-native annual grassland, disturbed-ruderal areas, and four potential wetland areas.

## **Landmark Trees and Groves**

Two Landmark Trees exist in the proposed project area. These will both be avoided by the new project design so there will be no adverse impacts to the Landmark Oaks.

## **Waters of the United States/Wetlands**

Four potential Waters of the United States/Wetlands exist in the project area, but impacts can be avoided by following the Best Management Practices described in the Mitigation Measures section below.

# INTRODUCTION

## Project Location

The proposed project is located in the community of North San Juan (NSJ) on San Juan Ridge in western Nevada County (Figure 1). NSJ is primarily situated in the southern ½ of Section 5 T18N R8E Nevada City USGS 7.5' quadrangle, and it is within the Moonshine Creek Watershed, a tributary of the South Yuba River (Beedy and Brussard 2002).

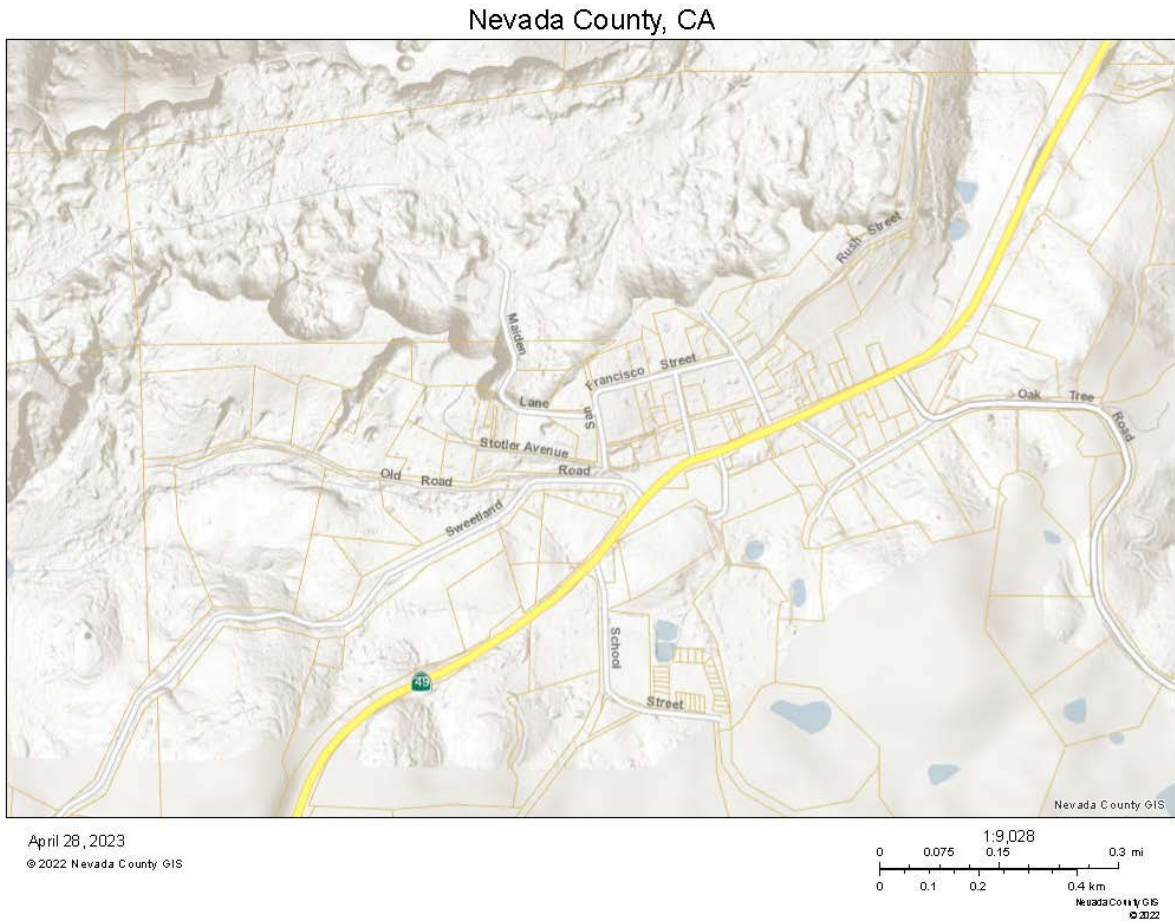
## Project Description

The County of Nevada is proposing to construct water system facilities for fire suppression in the NSJ community. The system will include a 330,000-gallon steel water storage tank, a well with pump and related controls, a well building, approximately 3,850 feet of 12-inch pipeline, 500 feet of 6-inch fire hydrant lateral pipeline, eleven 12-inch butterfly valves, ten 6-inch gate valves, and ten fire hydrants (Figure 2). The pipelines would be buried in 4-5 foot-deep trenches that would be filled and restored to the original grade after construction.

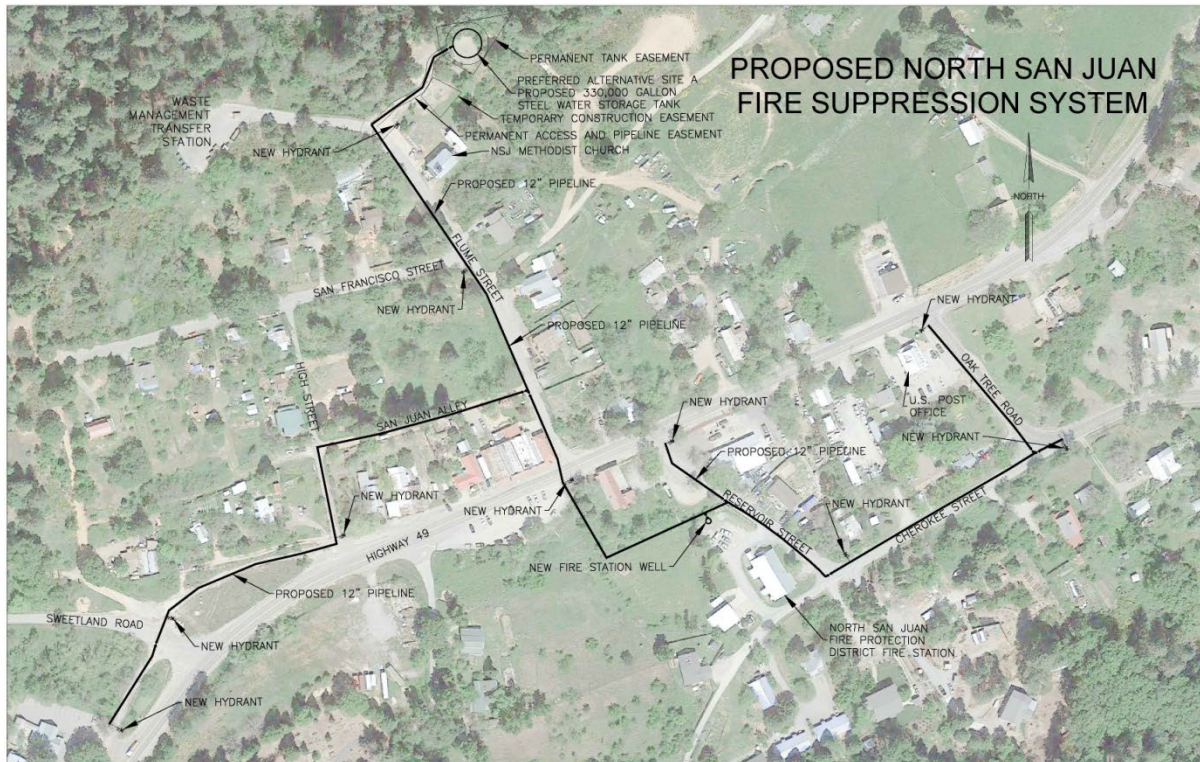
This project would revolutionize the ability to fight fires in the commercial core of NSJ and the immediately surrounding areas, in a region where there is otherwise little or no break in the wildland/structural interface, potentially allowing fire to spread rapidly through brush, grass, and timber. Additionally, it would open the door to commercial development that is currently curtailed due to water supply requirements on new development.

As part of this effort, Nevada County is preparing CEQA and NEPA environmental documents that require a Biological Inventory report and this Wetlands Management Plan. Nevada County zoning ordinances (Section L-II 4.3.17.C) require that a Management Plan be submitted for projects in non-disturbance buffers, including the area within 100 feet of a perennial stream or within 50 feet of an ephemeral stream (Nevada County 2000. Land Use and Development Code, Chapter II: Zoning Regulations. Effective July 27, 2000). Sec. L-II 4.3.3 General Provisions also include that the proposed project is the preferred alternative since it meets all of the project requirements and it will minimize any potential impacts to wetlands and other sensitive natural resources in the project area.

**Figure 1. Project Vicinity Map.**



**Figure 2. Site Plan for the North San Juan Fire Suppression Project which was revised to show the new well location in a previously-disturbed area in the fire station parking lot.**



## METHODS

### Pre-field Investigations

The purpose of the pre-field investigation was to review existing information and to prepare a list of special-status species with potential to occur in the vicinity of the study area. Sources of information included a records search of the California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB 2023), U.S. Fish and Wildlife Service (USFWS 2023), and the California Native Plant Society Electronic Inventory (CNPS 2023) for the USGS Nevada City 7.5-minute quadrangle, and surrounding quadrangles. The Nevada County Natural Resources Report (Beedy and Brussard 2002) was also consulted for information on the distribution and extent of habitats, and the relationships between habitats and special-status species in a local and regional context.

### Field Surveys

The description of wetland resources is based on a field surveys conducted by wildlife biologist Edward C. (Ted) Beedy, Ph.D. on April 13 and July 18, 2023. Dr. Beedy was accompanied on

the first survey by Ms. Marie Maniscalco, Assistant Planner for the County of Nevada, and Mr. Daniel Nicholson, a botanist and wetland specialist, who also participated in the July 18 field survey. During these surveys they walked and inspected the four wetland sites in the project area.

## **Definitions**

### ***Waters of the United States, Including Wetlands***

“Waters of the United States” is an encompassing term for areas that qualify for federal regulation under Section 404 of the Clean Water Act. Waters of the United States include “wetlands” and “other waters of the United States.” For regulatory purposes, wetlands are defined as:

*“...areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (CFR 328.3, CFR 230.3).”*

“Other waters of the United States” refer to unvegetated waterways and other water bodies with a defined bed and bank, such as drainages, creeks, rivers, and lakes, including ephemeral streams.

### ***Landmark Oak Trees and Groves***

The Nevada County Land Use and Development Code (Section L-II 4.3.15C.2 [page 202]) defines “Landmark Trees” as any hardwood species, including oaks (*Quercus* species), 36 inches DBH, or any tree whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the county, state, or federal government. “Landmark Groves” are defined as hardwood tree groves with 33 percent or greater canopy closure, or groves whose size, visual impact, or association with a historically significant structure or event has caused it to be marked for preservation by the county, state, or federal government.

## **EXISTING CONDITIONS**

### **Environmental Setting**

The proposed NSJ fire suppression project infrastructure would be primarily located on previously-disturbed roadside areas within the NSJ community that are dominated by non-native herbaceous vegetation along with ornamental trees and shrubs near existing homes and buildings. However, there are some native trees near this alignment including black oaks (*Quercus kelloggii*) and ponderosa pines (*Pinus ponderosa*). Two Landmark Oaks were observed growing together across the road from the North San Juan Community Center but these will be avoided with the new project design (Figure 2). Four potential wetland areas were identified in



the project area by Mr. Nicholson and these are shown in Figure 3, but the new well location is now in a previously-disturbed area in the fire station parking lot. Representative views of wetlands in the project area are provided in Figure 4.

### ***Waters of the United States, including Wetlands***

An initial visit to the site by Mr. Nicholson indicated four potential wetland areas due to both hydrologic features and vegetation observed to be known facultative wetland species (estimated probability of 67-99% occurrence in wetlands by the US Army Corps of Engineers standards). Our team determined the need to investigate the potential wetland sites further to determine the scope of the wetland features and their probability of being considered wetlands, but not completing a US Army Corps of Engineers wetland survey protocol. So at this time we are only indicating potential wetland areas and not making a formal wetland delineation.

The four potential wetlands in project area which will herein be called: 1. NSJ Fire Meadow; 2. Oak Tree Road Ditch; 3. Highway 49 Swale; and 4. Community Center Ephemeral Drainage.

NSJ Fire Meadow comprises the largest potential wetland in the project. Dominant plant species in the area mapped include *Juncus balticus*, *Carex praegracilis*, *Festuca arundinacea*, and *Poa bulbosa*. These graminoids make up a combination of facultative wetland and facultative species, so the perimeter was made by marking the dominant facultative wetland species including the low point towards the parking lot dominated by *Montia fontana*; another facultative wetland species. The meadow also shows standing water towards the parking lot and iron oxides are present in the soil, an indication of wetland soils. A list of all plant species observed in the NSJ Fire Meadow is provided as Appendix 1.

Oak Tree Road Ditch had 10-12 inches of standing water during the April 13 survey. It is dominated by *Phalaris aquatic*, a facultative species (equally likely to occur in wetlands or non-wetlands), and some *Carex* spp. all of which are of the facultative species group. This area may not qualify as a wetland but avoidance is recommended, see Mitigation Measures below.

Highway 49 Swale is a wet area in a low point between the pipeline and State Highway 49. It is dominated by *Juncus balticus*, *Carex praegracilis*, and *Carex barbarae*. So a combination of facultative wetland species and facultative species (*Carex barbarae*). This is a clearly defined wet area with distinct vegetation.

Community Center Ephemeral Drainage is located along the abandoned road near the Community Center where the current site plan shows as a location of the pipeline. The drainage is adjacent to this road and is a dense riparian habitat with native willows (*Salix* spp.), as well as introduced plants such as Himalayan blackberries (*Rubus armeniacus*) and tree of heaven (*Ailanthus altissima*).

**Figure 3. Four Potential Wetland Areas in the North San Juan Fire Suppression Project Area shown in red. Note: the large wetland area near the fire station will not be affected by this project since the new well location will be in a previously-disturbed area in the fire station parking lot. This map was created by Mr. Daniel Nicholson.**



**Figure 4. Representative views of wetlands at the North San Juan Fire Suppression Project Area taken by Ted Beedy on April 13 and July 18, 2023.**



**4A. View of the NSJ Fire Meadow. Note: the new well location will be in the adjacent parking lot and will not disturb this wetland feature.**



**4B. View of the northern edge of the NSJ Fire Meadow. Note: the proposed pipeline will be adjacent to the fence shown in this photo. See Mitigation Measures**



**4C. View of the Oak Tree Roads Ditch showing ruderal and wetland vegetation.**



**4D. View of the Highway 49 Swale showing ruderal and wetland vegetation.**



**4E. Riparian habitat at the Community Center Ephemeral Drainage showing willows, Himalayan blackberries, and tree-of-heaven.**



**4F. View of the abandoned road near the Community Center where the new pipeline will be installed adjacent to the riparian vegetation.**

## IMPACTS

This analysis of impacts is based on the project description that is described in the introduction. Potential direct and indirect impacts to biological resources are evaluated in terms of mandatory findings of significance of Section 15065 of the California Environmental Quality Act (CEQA) and Appendix G of the State CEQA Guidelines. The evaluation also considered current local plan policies and guidelines (Nevada County 1995, 2000). In accordance with CEQA Guidelines, impacts to biological resources were considered potentially significant if the project would:

- Have a substantial adverse effect, either directly through habitat modifications, on any species identified as candidate, sensitive, or special-status-species in local or regional plans, policies, or regulations, or by the CDFW, USFWS, or NMFS.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW, USFWS, or NMFS.
- Have a substantial adverse effect on federally protected wetlands as defined above (including, but not limited to, marshes, vernal pools, coastal wetlands) through direct removal, filling, hydrological interruption, or other means.
- 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.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife species to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species.

### Impacts to Landmark Oak Trees

Two Landmark Oak Trees exist near the North San Juan Community Center but the new project design avoids both of these trees.

### Impacts to Wetlands and Waters of the US

Four potential Waters of the U.S., including Wetlands, are present in the project area that could be adversely affected by implementation of this project. However, all potential impacts could be avoided by following the Mitigation Measures described below.

### Impacts to Water Quality

Accidental introduction of washwater, solvents, oil, chemical wastes, cement, or other pollutants during maintenance and parking of heavy equipment could potentially adversely affect local water quality including in the four wetland areas within the project area.

## MITIGATION

The CEQA definition of mitigation includes all of the following:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impact by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and
5. Compensating for the impact by replacing or providing substitute resources or environments.

In addition, the mitigation measures contained below were also designed to ensure consistency with local zoning ordinances contained in Nevada County Land Use and Development Code Section L-II 4.3.17.C (Nevada County 1995; 2000), and with other local, state, and federal laws.

The following wetland mitigation measures should be implemented to minimize any potential impacts resulting from impacts of implementing the North San Juan Fire Suppression Project infrastructure including trenching, laying pipes, and installing project features such as the well and fire hydrants.

### **Implement Best Management Practices**

To protect Waters of the U.S., including wetlands, water quality and aquatic life, and to avoid introduction of invasive weeds, the following Best Management Practices (BMPs) should be implemented during and after construction. These measures include, but are not limited to:

- a. Prior to construction adjacent to the wetlands, install weed-free fiber roles (wattles) to prevent erosion and deposition of surface soils into the wetlands. Wattles are available for sale at most of the local hardware stores in Grass Valley and Nevada City. More information on wattles can be found at the following website:  
<https://www.acfenvironmental.com/products/perimeter-and-sediment-control/perimeter-control-tubes/wattles/>
- b. Avoid doing any excavation or grading within 3 days of a significant rainfall event greater than 1-inch total daily rainfall.
- c. The contractor shall exercise every reasonable precaution to protect the wetland at the project site from pollution with sediments, fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and washwater

shall be prevented from discharging into the wetland and shall instead be collected and removed from the site.

d. Spread weed-free straw on all disturbed soils near all construction sites to prevent the erosion of surface soils. No invasive, non-native grasses such as orchard grass, canary reed grass, or velvet grass shall be used for erosion control, as these species are known to invade wetlands.

e. Provide Copies of Mitigation Measures to Contractors. To ensure the proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and any other permit requirements to the contractors prior to grading and construction.

### **Specific BMPs for Wetland Features**

#### **NSJ Fire Meadow**

1. Install wattles adjacent to the existing fenceline between the meadow and trench.
2. Scatter weed-free straw at a depth of 2-4 inches over the ditch site after soil is replaced in all areas within 50 feet of the wetland.

#### **Oak Tree Road Ditch**

1. The trench will be moved to the north side of Oak Tree Road (i.e., the opposite side of the road from the ditch) to minimize potential impacts to the roadside ditch.
2. Install wattles along the roadside ditch.

#### **Highway 49 Swale**

1. Install orange construction fencing between ditch and wetland.
2. Scatter weed-free straw at a depth of 2-4 over the ditch site after soil is replaced on all bare soil within 50 feet of the wetland.

#### **Community Center Ephemeral Drainage**

1. Install wattles between the ditch and the downslope willow-filled drainage adjacent to the NSJ Community center.
2. Scatter weed-free straw at a depth of 2-4 over the ditch site after soil is replaced for the entire length along Highway 49 from the new hydrant to the Sweetland Road intersection.



## REFERENCES

- Beedy, E. C. and P. Brussard. 2002. *Nevada County Natural Resources Report: A Scientific Assessment of Watersheds and Ecosystems*. Prepared for the Nevada County Planning Department. 162 pp. + appendices.
- Brittan, L. 1975. *Soil Survey of Nevada County Area, California*. United States Department of Agriculture, Soil Conservation Service and Forest Service, in cooperation with University of California Agricultural Experiment Station.
- California Native Plant Society (CNPS). 2023. *Electronic Inventory of Rare and Endangered Vascular Plants of California*. Database search for the Nevada City and surrounding USGS quadrangles. Rare Plant Scientific Advisory Committee, David P. Tibor, Convening Editor. California Native Plant Society. Sacramento, CA.
- California Natural Diversity Data Base. 2023. California Natural Diversity Data Base Report for Nevada City and surrounding USGS quadrangles. California Department of Fish and Wildlife, Sacramento, CA.
- Nevada County. 1995. *Nevada County General Plan*. Volume 1: Goals, Objectives, Policies, and Implementation Measures. Nevada County Planning Department. Grass Valley, CA. December 1995.
- Nevada County. 2000. *Land Use and Development Code*. Chapter II: Zoning Regulations [Ordinance No. 2033]. Nevada County Planning Department. Grass Valley, CA. Effective July 27, 2000.
- U.S. Fish and Wildlife Service (USFWS). 2023. *Species List for Nevada County, California*. U.S. Fish and Wildlife Service (USFWS), Sacramento Endangered Species Office. Sacramento, California.

**Appendix 1. Plant Species Observed in the NSJ Fire Meadow. Compiled by Daniel Nicholson.**

<u>Genus/Species</u>	<u>Common Name</u>
<i>Agrostis stolonifera</i>	bentgrass
<i>Brassica nigra</i>	black mustard
<i>Cardamine hirsuta</i>	bitter cress
<i>Carex barbarae</i>	valley sedge
<i>Carex bolanderi</i>	bolanders sedge
<i>Carex feta</i>	green sheathed sedge
<i>Carex praegracilis</i>	field sedge
<i>Cerastium fontanum ssp. Vulgare</i>	mouse-eared chick weed
<i>Claytonia perfoliata</i>	miners lettuce
<i>Chicorium intybus</i>	chicory
<i>Cirsium vulgare</i>	bull thistle
<i>Daucus carota</i>	Queen Anne's lace
<i>Dactylis glomerata</i>	orchardgrass
<i>Epilobium ciliatum</i>	willow herb
<i>Erodium cicutarium</i>	filaree
<i>Festuca arundinacea</i>	reed fescue
<i>Festuca myuros</i>	rat tail grass
<i>Festuca perennis(Lolium)</i>	annual rye
<i>Geranium dissectum</i>	bird foot geranium
<i>Hypericum perforatum</i>	Saint Johns wort
<i>Hypochaeris radicata</i>	hairy cats ear
<i>Juglans hindsii</i>	Northern CA black walnut
<i>Juncus balticus</i>	wire rush
<i>Juncus confusus</i>	rush
<i>Lamium amplexicaule</i>	hens bit
<i>Montia fontana</i>	water montia
<i>Phalaris aquatica</i>	harding grass
<i>Plantago lanceolata</i>	English plantain
<i>Poa annua</i>	annual bluegrass
<i>Poa bulbosa</i>	bulbous blue grass
<i>Poa pratensis</i>	Kentucky bluegrass
<i>Populus fremontii</i>	Fremont cottonwood
<i>Rosa canina</i>	English dog rose
<i>Rubus armeniacus</i>	Armenian blackberry
<i>Rumex acetocella</i>	sheep sorrel
<i>Rumex crispus</i>	curly dock
<i>Salix lasiolepis</i>	arroyo willow
<i>Sanguisorba minor</i>	garden burnett
<i>Sonchus asper</i>	prickly sow thistle

<i>Stellaria media</i>	chickweed
<i>Taraxacum officinale</i>	dandelion
<i>Trifolium dubium</i>	shamrock
<i>Trifolium pratense</i>	red clover
<i>Trifolium repens</i>	white clover
<i>Trifolium subterraneum</i>	sub clover
<i>Veronica persica</i>	Persian speedwell

**Exhibit C:**  
**Conditions of Approval (COAs) and**  
**Mitigation Monitoring and Reporting Plan (MMRP)**  
North San Juan Fire Suppression System Project  
(PLN23-0121; MGT23-0026; EIS23-0004)

**A. PLANNING DEPARTMENT**

1. **Project Description.** The proposed project is to construct water system facilities for fire suppression in the North San Juan community. The system will include a 330,000-gallon steel water storage tank, a well with pump and related controls, a well building, approximately 3,850 feet of 12-inch pipeline, 500 feet of 6-inch fire hydrant lateral pipeline, 12-inch butterfly valves, 6-inch gate valves, and fire hydrants.
2. **Appeal Period.** Pursuant to the requirements of the Land Use and Development Code, you are hereby notified that this project is not valid until the expiration of the ten (10) day appeal period from the date of the Board of Supervisor's final action on the project.
3. **Defense and Indemnity Agreement.** Within 15 days after project approval the applicant shall sign and file with the Nevada County Planning Department the attached Defense and Indemnity Agreement. No further permits or approvals shall be issued for the project, unless and until the applicant has fully complied with this condition.
4. **Expiration Date.** Construction pursuant to this permit approval must be completed and the use commenced thereon within three (3) years from the effective date of the approval of the Management Plan (MGT23-0026), unless an extension of time for reasonable cause is requested prior to the expiration date and granted by the Board of Supervisors pursuant to Section 5.10 of the Nevada County Land Use and Development Code. If no extension is granted, the permit shall become null and void, as to the portion of the approved use not completed.
5. **Landmark and Heritage Trees and Groves. (Mitigation Measure 1A)** To minimize removal of existing trees and protect existing trees during construction, no landmark trees, landmark groves, or heritage trees or groves, as defined in Land Use and Development Code Section L-II 4.3.15, will be removed with this project. All trees near the construction zone, or affected by construction, shall be protected throughout all phases of construction, including orange protective fencing around the driplines of the trees and no construction materials or equipment may be stored or staged within the driplines. Details of tree protection measures shall be shown on the construction plans and installed and maintained during all phases of construction.  
*Timing: Prior to building permit issuance and during construction*  
*Reporting: Agency approval of permits or plans*  
*Responsible Agency: Planning Department*
6. **Water Storage Tank Painted. (Mitigation Measure 1B)** Any portion of the water storage tank and related equipment visible from public and/or private roads shall be painted and

finished in non-glare materials and colors that complement the natural setting, which shall be shown on the construction drawings. A line-of-site diagram from all public and/or private roads within the project corridor is required at the time of construction drawing submittal, and all visible portions of the tank and equipment shall be identified on the drawings. Prior to permit finalization, the Planning Department will complete a site inspection to ensure the tank is appropriately concealed.

**Timing:** *Prior to building permit issuance*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

7. **Implement dust control measures. (Mitigation Measure 3A)** Prior to the approval of any Grading or Building Permits, to reduce short-term construction impacts, all future development permits shall comply with the following standards to the satisfaction of the Northern Sierra Air Quality Management District, which shall be noted on all grading plans and shall be included in project bidding documents:
- a. The applicant shall implement all dust control measures in a timely manner during all phases of project development and construction.
  - b. All material excavated, stockpiled or graded shall be sufficiently watered, treated or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
  - c. All areas (including unpaved roads) with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
  - d. All land clearing, grading, earth moving, or excavation activities on the project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour.
  - e. All on-site vehicle traffic shall be limited to a speed of 15 mph on unpaved roads.
  - f. All inactive disturbed portions of the development site shall be covered, seeded or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying non-toxic soil stabilizers to all inactive construction areas.
  - g. All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance. There must be a minimum of six (6) inches of freeboard in the bed of the transport vehicle.
  - h. Paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to remove excessive accumulation of silt and/or mud which may have resulted from activities at the project site.

**Timing:** Prior to issuance of Grading Permits, Building Permits or Improvement Plans  
**Reporting:** Approval of the grading permit and improvement plans  
**Responsible Agency:** Northern Sierra Air Quality Management District

8. **Minimize Construction Equipment Idling. (Mitigation Measure 3B)** In order to reduce emissions from construction equipment, the applicant shall include the following standard note on all Grading Plans, Site Plans or Improvement Plans: “During construction, the contractor shall minimize idling time to a maximum of 5 minutes for all diesel-powered equipment. Signs shall be posted in the designated queuing areas of the construction site to remind off-road equipment operators that idling is limited to a maximum of 5 minutes. Idling of construction-related equipment and construction related vehicles is not recommended within 1,000 feet of any sensitive receptor.”

**Timing:** Prior to issuance of Grading Permits, Building Permits or Improvement Plans

**Reporting:** Planning Department approval of Grading Permits or Building Permits / Complaint driven

**Responsible Agencies:** Planning and Building Department, Code Compliance Division

9. **Use Alternative Methods to Open Burning for Vegetation Disposal. (Mitigation Measure 3C)** The following note shall be included on all grading or improvement plans: “Open burning of site-cleared vegetation is prohibited. Among suitable alternatives are chipping, grinding, hauling to an approved disposal site, cutting for firewood, and conversion to biomass fuel.”

**Timing:** Prior to issuance of Grading Permits, Building Permits or Improvement Plans and during construction

**Reporting:** Approval of the grading permit and improvement plans

**Responsible Agency:** Northern Sierra Air Quality Management District

10. **Comply with the Asbestos Airborne Toxic Control Measure (ACTM) for construction. (Mitigation Measure 3D)** If serpentine, ultramafic rock, or naturally occurring asbestos is discovered during construction or grading, the Northern Sierra Air Quality Management District shall be notified no later than the following business day and specific requirements contained in Section 93105 of Title 17 of the California Code of Regulations shall be strictly complied with. This measure shall be included as a note on all grading and improvement plans.

**Timing:** Prior to issuance of the grading permits and improvement plans and during grading activity

**Reporting:** Approval of the grading permit and improvement plans

**Responsible Agency:** Northern Sierra Air Quality Management District

11. **Vegetation Restoration. (Mitigation Measure 4A)** The construction plans shall identify any and all vegetation proposed for removal, and shall include the plant or tree species and tree diameter at breast height (dbh). Removed vegetation shall be replaced with like-for-like vegetation except invasive species shall be replaced with native vegetation where feasible, in order to restore habitat diversity, and shall be shown on the construction plans. Pursuant to Mitigation Measure 1A, no landmark or heritage trees or groves are to be

removed. Prior to permit finalization, the Planning Department will complete a site inspection to ensure any disturbed native vegetation is restored, subject to review and approval by the Zoning Administrator.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**12. Wetlands Management Plan Best Management Practices. (Mitigation Measure 4B)**

The following Best Management Practices (BMPs) will appear on all site plans prior to building/grading permit issuance in order to protect waters of the U.S., including wetlands, water quality and aquatic life, and to avoid introduction of invasive weeds. The following Best Management Practices (BMPs) shall be implemented during and after construction:

- a. For all areas of work:
  - i. Prior to construction adjacent to the wetlands, install weed-free fiber rolls (wattles) to prevent erosion and deposition of surface soils into the wetlands. Wattles are available for sale at most of the local hardware stores in Grass Valley and Nevada City. More information on wattles can be found at the following website: <https://www.acfenvironmental.com/products/perimeter-and-sediment-control/perimeter-control-tubes/wattles/>
  - ii. Avoid doing any excavation or grading within 3 days of a significant rainfall event greater than 1-inch total daily rainfall.
  - iii. The contractor shall exercise every reasonable precaution to protect the wetland at the project site from pollution with sediments, fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and washwater shall be prevented from discharging into the wetland and shall instead be collected and removed from the site.
  - iv. Spread weed-free straw on all disturbed soils near all construction sites to prevent the erosion of surface soils. No invasive, non-native grasses such as orchard grass, canary reed grass, or velvet grass shall be used for erosion control, as these species are known to invade wetlands.
  - v. Provide Copies of Mitigation Measures to Contractors. To ensure the proper and timely implementation of all mitigation measures contained in this report, as well as the terms and conditions of any other required permits, the applicant shall distribute copies of these mitigation measures and any other permit requirements to the contractors prior to grading and construction.
- b. Specific BMPs for Wetland Features
  - i. NSJ Fire Meadow
    - 1. Install wattles adjacent to the existing fence line between the meadow and trench.
    - 2. Scatter weed-free straw at a depth of 2-4 inches over the ditch site after soil is replaced in all areas within 50 feet of the wetland.
  - ii. Oak Tree Road Ditch

1. No trenching shall occur on the south side of Oak Tree Road (i.e., the same side of the road as the ditch) to minimize potential impacts to the roadside ditch.
  2. Install wattles along the roadside ditch.
- iii. Highway 49 Swale
1. Install orange construction fencing between disturbance areas and the wetland.
  2. Scatter weed-free straw at a depth of 2-4-inches over the ditch site after soil is replaced on all bare soil within 50 feet of the wetland.
- iv. Community Center Ephemeral Drainage
1. Install wattles between the ditch and the downslope willow-filled drainage adjacent to the NSJ Community center.
  2. Scatter weed-free straw at a depth of 2-4 inches over the ditch site after soil is replaced for the entire length along Highway 49 from the new hydrant to the Sweetland Road intersection.

*Timing: Prior to building permit issuance and during construction*

*Reporting: Agency approval of permits or plans*

*Responsible Agency: Planning Department*

13. **Conduct a Nesting Bird Survey. (Mitigation Measure 4C)** If project construction, including tree removal, occurs during the nesting season (February 1 to September 30), a nesting bird study, conducted by a qualified biologist, shall be completed no more than 10-days prior to construction to determine if any native birds are nesting on or near the site (including a 250-foot buffer for raptors). If any active nests are observed during surveys, a suitable avoidance buffer will be determined and flagged by the qualified biologist based on species, location and planned construction activity. The avoidance buffer would be in place until the chicks have fledged and the nests are no longer active. If removal does not occur within 10-days of the survey, an additional survey is required prior to tree removal.

*Timing: Prior to building permit issuance and during construction*

*Reporting: Agency approval of permits or plans*

*Responsible Agency: Planning Department*

14. **Avoid disorienting foraging bats or other nocturnal species. (Mitigation Measure 4D)** Construction hours are limited to between 7:00 am and 7:00 pm (daylight hours) to avoid disorienting foraging bats or nocturnal species such as owls that forage at night. This measure shall be noted on all construction plans.

*Timing: Prior to building permit issuance and during construction*

*Reporting: Agency approval of permits or plans*

*Responsible Agency: Planning Department*

15. **Cultural awareness training. (Mitigation Measure 5A)** A consultant and construction worker tribal cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes



before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribe values.

**Timing:** *Prior to the issuance of building/grading permits and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

16. **Halt work and contact the appropriate agencies if human remains or cultural materials are discovered during project construction. (Mitigation Measure 5B)** All equipment operators and employees involved in any form of ground disturbance at any phase of project improvements shall be advised of the remote possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately and the Nevada County Planning Department, United Auburn Indian Community of the Auburn Rancheria, and any other interested and affected tribe shall be contacted. A professional archaeologist shall be retained by the developer and consulted to access any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. A note to this effect shall be included on the grading and construction plans for each phase of this project.

**Timing:** *Prior to the issuance of building/grading permits and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

17. **Preservation of historic buildings. (Mitigation Measure 5C)** A licensed professional, such as a civil engineer, will submit with the grading and/or building permit submittal a plan showing the location of the proposed pipeline trenching to be no closer to historical structures and resources as required to preserve the integrity of historical structures.

**Timing:** *Prior to the issuance of building/grading permits and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

18. **No Construction within Steep Slopes. (Mitigation Measure 7A)** The construction plans shall identify any areas within the project corridor with a steep equal to or greater than thirty (30) percent, and shall show no construction work within steep slope areas.

**Timing:** *Prior to grading/building permit issuance*

**Reporting:** *Agency approval of permits or plans*

*Responsible Agency: Planning Department*

19. **Erosion Control Measures. (Mitigation Measure 7B)** To ensure adequate protection of water quality during and after project activities, the project manager shall provide labor, materials, and equipment to maintain and protect exposed soil from wind and water erosion in the following manner:

- a. Grading plans shall include the time of year for construction activities. Project activities planned between October 15 and May 15 requires that the Building Official or his/her authorized agent to determine whether project soil conditions are adequate to accommodate proposed activities. Soils must not be oversaturated and the contractor must implement erosion control measures at the end of each construction day.
- b. If a storm is forecast in the area, exposed fill shall be sloped to drain and compacted to facilitate runoff.
- c. Existing surface drainage facilities shall be kept free of soil and debris during project activities.
- d. Temporary or constructed water conveyance channels shall be kept free of sediment or debris at all times.
- e. Temporary erosion control shall be applied within and adjacent to the boundary of the project activity zone if ground disturbance will occur.
- f. Siltation control shall be provided during project activities if ground disturbance will occur.
- g. Disturbed slopes shall be stabilized and seeded (with native species wherever practicable) as soon as possible following grading to allow vegetation to become established prior to the rainy season.
- h. Surface water drainage shall not be directed over cut and/or fill slope faces.
- i. All runoff shall be intercepted and directed into energy dissipaters or vegetated swales constructed at discharge points to reduce velocity and prevent erosion and shall be discharged into natural drainage courses that are capable of receiving the expected storm water flows.

*Timing: Prior to issuance of grading or improvement permits.*

*Reporting: Approval of permits or plans*

*Responsible Agency: Building / Planning Departments*

20. **Geotechnical Engineering Report. (Mitigation Measure 7C)** To ensure that the proposed water storage tank does not pose a geologic threat due to its proximity to historic hydraulic mining areas, all of the recommendations described in the Geotechnical Engineering Report dated June 29, 2023 or newer by NV5 shall be incorporated into all grading/building permit documents. The recommendations apply to grading, clearing and grubbing, soil preparation for fill placement, fill placement, fill slope grading, erosion controls, underground utility trenches, construction dewatering, surface water drainage, grading plan review and construction monitoring, seismic design criteria, and pier design criteria.

*Timing: Prior to grading/building permit issuance*

*Reporting: Agency approval of permits or plans*

*Responsible Agency: Building / Planning Department*

21. **Stockpiling of Organic Topsoil. (Mitigation Measure 7D)** To ensure that there is no substantial loss of topsoil, all organic topsoil removed as part of clearing and grubbing, excavation, or grading shall be stockpiled onsite, covered appropriately to avoid erosion and dust, and used in areas to revegetated upon complete of utility installation. This note shall appear on all building/grading plans.

**Timing:** *Prior to grading/building permit issuance*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Building / Planning Department*

22. **Potentially Expansive Soil. (Mitigation Measure 7E)** The following note must appear on all grading and building permits related to this project: If fine grained, potentially expansive soil, as determined by a qualified geotechnical engineer, is encountered during grading, it shall be mixed with granular soil, or overexcavated and stockpiled for removal from the project site or for later use in landscape areas. A typical mixing ratio is about 4 parts granular soil to 1-part expansive soil. The actual mixed ratio shall be evaluated by a qualified geotechnical engineer at the time of construction.

**Timing:** *Prior to grading/building permit issuance*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Building / Planning Department*

23. **Obtain Appropriate Stormwater Permit and Implement an Erosion and Sediment Control Plan. (Mitigation Measure 10A)** Project road improvements and future land disturbance must obtain an appropriate stormwater permit and implement an erosion and sediment control plan for projects including land disturbance of one acre or more. The following note must be included on grading/building permits: Prior to issuance of grading permits or improvement plans for all projects that could result in disturbance of an acre or more of land, the construction and grading permits shall comply with the applicable General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) regulations. Grading plans shall include verification that a Construction General Permit, issued by the State Water Resources Board, has been issued for this project. Said permits or plans shall incorporate, at a minimum, the following erosion and sediment control measures:

a. Best Management Practices (BMPs) for temporary erosion control shall be implemented during construction to control any pollutants that could potentially affect the quality of storm water discharges from the site. A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared in accordance with California State Water Resources Control Board (SWRCB) requirements. This SWPPP includes the implementation of BMPs for Erosion Control, Sediment Control, Tracking Control, Wind Erosion Control, Waste Management and Materials Pollution Control.

b. All portions of the project, including on-site grading and excavation for the access road, shall be included in the State-mandated Storm Water Pollution Prevention Plan (SWPPP) and are subject to the required monitored and reporting.

**Timing:** *Prior to building/grading permit issuance*

**Reporting:** *Approval of permits or plans recordation*

**Responsible Agency:** *Planning Department and Building Department*

24. **Water Quality Best Management Practices. (Mitigation Measure 10B)** Implement the following BMPs to minimize construction related impacts to water quality. The following BMPs shall be incorporated into all Contract Documents and Construction Plans for the project and implemented by the contractor to protect water quality:
- a. Construction crews shall be instructed in preventing and minimizing water pollution on the job.
  - b. Interim erosion control measures may be needed and shall be installed during construction to assure adequate erosion control facilities are in place at all times.
  - c. Straw or rice mulch may be used if needed with a tackifier.
  - d. All earth moving or excavation activities shall cease when winds exceed 20 mph.
  - e. Haul trucks shall be covered with tarpaulins or other effective covers at all times.
  - f. Use broom and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
  - g. Designate a concrete washout area, as needed; to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
  - h. Establish a vehicle storage, maintenance, and refueling area, as needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
  - i. Dust control measures shall conform to **Mitigation Measure 3C**: Control dust during project construction.

*Timing: Prior to grading/building permit issuance and during construction*

*Reporting: Agency approval of permits or plans*

*Responsible Agency: Planning Department*

25. **Stormwater Pollution Prevention Program. (Mitigation Measure 10C)** The following BMPs shall be implemented to ensure that SWPPP measures are maintained and prevent water pollution.
- a. At no time shall heavy equipment operate in flowing water or saturated soils.
  - b. Be prepared for rain and have the necessary materials onsite before the rainy season.
  - c. Insure all SWPPP measures are in place prior to a 30% chance of rain. Install silt-fencing, straw bales, sediment catch basins, straw or coir logs or rolls, or other sediment barriers to keep erodible soils and other pollutants from entering the storm drain system and adjacent drainages
  - d. Before the first heavy rains and prior to removing the barriers, soil or other sediments or debris that accumulates behind the barriers shall be removed and transported away for disposal.
  - e. During long periods of rain and high intensity rainfall, SWPPP measures may become clogged. Extreme care should be taken to clean SWPPP measures to reduce fugitive discharge and potential flooding.
  - f. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
  - g. Inspect sediment control devices after each storm and remove sediment.

- h. Inspect all BMPs before and after each storm event. Maintain BMPs on regular basis and replace as necessary, through the entire course of construction.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**26. Watercourse Protection Best Management Practices. (Mitigation Measure 10D)**

Additional Best Management Practices (BMPs). To protect water quality in watercourses adjacent to the project corridor, the contractor shall implement standard Best Management Practices during and after construction. These measures include, but are not limited to:

1. Disruption of soils and/or vegetation near the unnamed watercourses that bisect the project alignment shall be minimized to limit potential erosion and sedimentation; disturbed areas shall be graded to minimize surface erosion and siltation; bare soils shall be immediately stabilized and revegetated. Seeded areas shall be covered with broadcast straw or mulch. If straw is used for mulch or for erosion control, utilize only certified weed-free straw to minimize the risk of introduction of noxious weeds, such as yellow star thistle.
2. The contractor shall exercise every reasonable precaution to protect the unnamed watercourses and tributary drainages from pollution with fuels, oils, bitumen, calcium chloride, and other harmful materials. Construction byproducts and pollutants such as oil, cement, and wash water shall be prevented from discharging into or near these resources and shall be collected and removed from construction areas. No slash or other natural debris shall be placed in or adjacent to the unnamed watercourses and adjacent drainages. All construction debris and associated materials and litter shall be removed from the work site immediately upon completion.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**27. Provide copies of Best Management Practices. (Mitigation Measure 10E)** Copies of the project's Mitigation Monitoring and Reporting Program and all BMPs shall be supplied to the Contractor(s) and their workers to assure compliance with mitigation measures during construction.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

**28. Groundwater Monitoring. (Mitigation Measure 10F)** The following mitigation measures shall be included in the project operations plan and submitted for review by the Planning Department prior to building or well permit issuance:

- a. Establishing Baseline Water Depth & Quality
  - i. At least one year prior to commencing fill of the water storage tank from the well, landowners of parcels within the estimated zone of influence (345-foot radius from the well location) will be notified that their property may be affected by the use of the well to fill the water storage tank. They will

- be invited to participate in well monitoring for both water depth and water quality. At minimum, the three nearest wells responding to the invitation to participate in monitoring will be selected. Failure to obtain permission to monitor three or more private domestic wells will result in termination of using the well to initially fill the tank. Copies of the notification letters and a list of the selected monitoring wells will be submitted to the Planning Department prior to issuance of building permits.
- ii. The Department of Public Works will provide continuous monitoring data from November to April of the year prior to fill operations to estimate the monthly low groundwater levels for the three or more wells in the estimated zone of influence selected to participate in the monitoring program.
  - iii. Water quality samples will be assessed for all participating wells per degradation of beneficial uses designated by the Sacramento River Basin Plan, Section 2.2 prior to initial well operations. Results will be submitted to the Planning Department prior to building permit issuance.
  - iv. Use of the well during any months for which there is no baseline data shall not be allowed.
- b. Groundwater Monitoring During Initial Fill
- i. Monitored domestic wells will be sampled for water quality after the tank has been filled approximately 165,000 gallons, and 247,500 gallons. If the water quality in the monitored wells was of beneficial use prior to commencing tank filling operations and falls below the beneficial uses at any point, the use of the well for filling the tank will be terminated and a commercial water supplier will be used for the remaining fill of the tank.
  - ii. If the monthly low groundwater levels are decreased by more than one foot in any monitoring well then well fill operations will be paused until the groundwater recovers to above the monthly lower range, or the well fill operations will be terminated and a contract with a commercial water supplier will be required for the remaining fill. Prior to issuance of building permits, an executed contract with a water supplier to fill the water storage tank in the case the well operation is terminated shall be provided to the Planning Department.
  - iii. Prior to final building permit inspection, final groundwater level and water quality evaluation will take place to verify groundwater supplies have not been reduced and water quality has not been degraded beyond beneficial uses. If the well operation was terminated, then truck tags from the commercial water supplier that filled the water storage tank will also be provided to the Planning Department.
- c. Well Use Limitations
- i. If the well is used for the initial fill of the water tank, the use of the well will be limited to 8 hours per day during the aquifer recharge season which is November through April and only for months which have an established baseline water level from the prior year's monitoring efforts.
  - ii. If the groundwater monitoring performed during initial tank fill resulted in termination of the operation at any point because of significant impacts to groundwater resources, the tank will be refilled by a commercial water

supplier following fire suppression events. If the tank was successfully filled without causing significant impacts to groundwater, then the well may be used to refill the tank following fire suppression events under the following conditions:

1. During the aquifer recharge period of November through April
2. Filling the tank no more than 8 hours per day, and
3. Tank filling operations must cease if the operator receives notice from any property owner within the zone of influence that their well is being impacted by the refilling of the tank.

Sustainable operation practices will be finalized following the initial tank fill and will be included in the system's Operations Plan provided to the Planning Department prior to final building permit inspection.

**Timing:** *Prior to issuance of building permits, during initial tank fill, and prior to final building permit inspection*

**Reporting:** *Agency approval of permits*

**Responsible Agency:** *Planning Department*

29. **Secure and Record Easements. (Mitigation Measure 11A)** Copies of recorded easements allowing development and maintenance of pipeline and associated improvements on private parcels shall be submitted to the Planning Department prior to issuance of grading/building permits.

**Timing:** *Prior to grading/building permit issuance*

**Reporting:** *Agency approval of permits or plans*

**Responsible Agency:** *Planning Department*

30. **Construction Noise Minimization Measures. (Mitigation Measure 13A)** These measures will be part of all Contract Documents and Construction Plans, implemented by the contractor and monitored by the County, as appropriate.

- a. Construction activities will be limited to the working hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday or as otherwise stipulated by local encroachment permits.
- b. All internal combustion engine driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment, as per the manufacturer.
- c. Stationary noise-generating equipment will be located as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- d. Quiet air compressors and other stationary noise generating equipment will be utilized as applicable to project construction activities and when feasible.
- e. Avoid the use of loud sound signals in favor of light warnings except those required by safety laws for the protection of personnel.
- f. If noise complaints are received, identify the source, evaluate and implement available abatement measures, and notify the complainant(s) of the results. Complaints shall be provided to the County.

**Timing:** *Prior to grading/building permit issuance and during construction*

**Reporting:** *Agency approval of permits or plans*

*Responsible Agency: Planning Department*

31. **Traffic Control Plan. (Mitigation Measure 17A)** To help minimize potential traffic effects within the project corridor, a traffic control plan shall be developed and implemented during construction and installation of the water supply and hydrant system. These measures shall be included on all Contract Documents and Construction Plans and enforced by the contractor and Nevada County Public Works Department as appropriate. Prior to building permit issuance, submit in writing a complete Traffic Control Plan (TCP) to the County. The TCP shall include all streets and locations where work is to be performed and shall indicate each stage of work, closure dates for streets and section of closure (if necessary and allowed by local jurisdiction), signage, flaggers, and any other pertinent information. The TCP shall be reviewed and approved by the County Department of Public Works before the construction commences. Specific components of the TCP include the following:

- a. Prior to construction, the contractor shall submit for approval the proposed route(s) for all construction traffic along the project corridor. This shall include designated routes, if any, shown on the Contract Drawings. Upon approval, the contractor shall strictly adhere to that route(s) only, unless written permission is obtained to change the route(s).
- b. At least one (1) lane of traffic will be kept open at all times unless prior approval is provided by the County and any affected agency. No roads will be blocked or made inaccessible, due to the contractor's work, without prior written approval of the County and affected agencies. Fire lanes will not be blocked or obstructed at any time.
- c. Work shall be accomplished to provide access to all side streets and properties whenever possible. If access to adjacent property cannot be provided, all property owners with restricted access shall be notified at least 24 hours in advance and adequate nearby parking shall be provided and maintained until direct access can be resolved. The contractor shall provide for pedestrian traffic through work areas at all times.
- d. Traffic control, signs, and barricades shall conform to current standards. Lighted barricades shall be used when required. Special attention shall be provided to excavation and open trenching.
- e. Three (3) flaggers shall be used for any one-way traffic flow situation (two (2) working and one (1) as standby), and shall be furnished by the contractor. The flaggers shall be properly equipped and trained.
- f. Where flaggers are not visible to each other, additional flaggers shall be added as required by the County, or the contractor shall use radios.
- g. All holes, trenches, etc., in pavement areas will be covered with 1-inch (minimum thickness) steel plates, shimmed with temporary asphalt on edges, by 5:00 p.m. or at the end of each work day. As an option to the contractor, the holes, trenches, etc., can be backfilled and all areas within pavement areas have temporary asphalt toppings. The temporary asphalt will be regularly maintained. All areas will be completely restored within ten (10) working days after the work has been completed at the location.



- h. Contractor shall display “No Parking” signs in areas of work at least 72 hours in advance. The signs shall state the day(s), date(s), and time of construction work. “No Parking” signs shall be placed in full view along the side of the road and no more than 100 feet apart.
- i. Contractor shall furnish, erect, maintain, and remove all necessary construction signs and barricades for the full term of the construction activities.
- j. Closure of streets can only occur between 8:00 a.m. and 5:00 p.m. if allowed by the County. At least 48 hours before a street closure, the contractor must receive permission from the County and appropriate signage that meets their specifications. Approval to close a street is valid for one (1) day only.
- k. In the event a street is closed, the contractor will notify the Police/Sherriff and Fire Protection District and provide appropriate signage that meets County specifications the day of the closure.
- l. Lane closures may be made for work periods only. At the end of each work period, all components of the traffic control system shall be removed from the traveled way, shoulder, and auxiliary lanes.
- m. If emergency access is required during a temporary lane closure, workers will be present and available to take appropriate steps to immediately alter operations to provide access.
- n. The contractor will replace all striping and pavement marking disturbed by construction to preconstruction configuration.
- o. The contractor will restore all existing hardscape (pavement concrete or walkways, driveways, or other surface features disturbed by the contractor’s work) to the preconstruction conditions acceptable to the County.
- p. Prior to commencement of work, notify all affected agencies, including the Planning Department, Public Works Department, Police Department/Sheriff’s Office, Fire Protection District, Caltrans, U.S Postal Service, Disposal Services, and local ambulance/emergency response services.

*Timing: Prior to grading/building permit issuance and during construction*

*Reporting: Agency approval of permits or plans*

*Responsible Agency: Department of Public Works*

**32. Appropriately Dispose of Vegetative and Toxic Waste. (Mitigation Measure 19A)**

Neither stumps nor industrial toxic waste (petroleum and other chemical products) are accepted at the North San Juan Sanitation Transfer Station and if encountered, shall be properly disposed of in compliance with existing regulations and facilities.

*Timing: Prior to building/grading permit issuance and during construction*

*Reporting: Agency approval of permits or plans*

*Responsible Agency: Nevada County Planning Department*

**B. CALIFORNIA DEPARTMENT OF FISH & WILDLIFE**

- 1. Pursuant to Section 21089 of the California Public Resource Code and Section 711.4 et. seq. of the California Fish & Wildlife Code, a fee based on the latest California Department of Fish and Wildlife fee schedule must be paid as a condition of filing the Notice of

Determination for this project. This fee must be submitted to the Planning Department within 5 days of the permit approval with the check made payable to the County Clerk, County of Nevada. Without payment of this fee, the 30-day Statute of Limitations on court challenges to this project's approved environmental document will remain open, which could affect the permit validity. This fee is required to be collected on behalf of the State Department of Fish & Wildlife, and is subject to change.

**ATTACHMENT H**  
**PROJECTED 3-YEAR OPERATING BUDGET FOR CSA #39**  
**FORMATION NORTH SAN JUAN FIRE SUPPRESSION**  
**SYSTEM**

**CSA #39: North San Juan Fire Suppression System**  
 Capital Improvement Budget

Project Phasing				
Fiscal Yr	Pre-Design	Design	Construction	Total
FY 21/22	\$ 40,724			\$ 40,724
FY 22/23	\$ 32,332			\$ 32,332
FY 23/24	\$ 146,579	\$ 246,236		\$ 392,815
FY 24/25			\$ 1,568,950	\$ 1,568,950
FY 25/26			\$ 1,045,967	\$ 1,045,967
<b>Total</b>	<b>\$ 219,635</b>	<b>\$ 246,236</b>	<b>\$ 2,614,917</b>	<b>\$ 3,080,788</b>

Project Funding Sources				
CDBG	USDA	ARPA	GF/Econ Dev	Total
			\$ 40,724	\$ 40,724
			\$ 32,332	\$ 32,332
\$ 75,301		\$ 50,000	\$ 267,514	\$ 392,815
\$ 931,150	\$ 630,000		\$ 7,800	\$ 1,568,950
\$ 620,767	\$ 420,000		\$ 5,200	\$ 1,045,967
\$ 1,627,218	\$ 1,050,000	\$ 50,000	\$ 353,570	\$ 3,080,788

**CSA #39: North San Juan Fire Suppression System**  
**Projected CSA Operating Cash Flow / Budget**

<b>FISCAL YEAR</b>	<b>FY23/24</b>	<b>FY24/25</b>	<b>FY25/26</b>	<b>FY26/27</b>	<b>FY27/28</b>	<b>FY28/29</b>	<b>FY29/30</b>
BEGINNING CASH BALANCE	\$ -	\$ -	\$ -	\$ 16,535.00	\$ 33,566.05	\$ 51,108.03	\$ 69,176.27
OPERATING INCOME							
Annual Assessment	\$ -	\$ -	\$ 18,172.00	\$ 18,717.16	\$ 19,278.67	\$ 19,857.04	\$ 20,452.75
Total Operating Income	\$ -	\$ -	\$ 18,172.00	\$ 35,252.16	\$ 52,844.72	\$ 70,965.07	\$ 89,629.02
OPERATING EXPENSES							
Electrical Utility	\$ -	\$ -	\$ 540.00	\$ 556.20	\$ 572.89	\$ 590.07	\$ 607.77
Short-lived Asset Reserves	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Long-lived Asset Reserves	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Emergency Reserves	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61,902.98
County Administrative Costs	\$ -	\$ -	\$ 372.00	\$ 383.16	\$ 394.65	\$ 406.49	\$ 418.69
NSJFPD Agreement	\$ -	\$ -	\$ 725.00	\$ 746.75	\$ 769.15	\$ 792.23	\$ 792.23
Total Operating Expense	\$ -	\$ -	\$ 1,637.00	\$ 1,686.11	\$ 1,736.69	\$ 1,788.79	\$ 63,721.68
NET OPERATING INCOME	\$ -	\$ -	\$ 16,535.00	\$ 33,566.05	\$ 51,108.03	\$ 69,176.27	\$ 25,907.34
OTHER INCOME SOURCES							
USDA Grants	\$ -	\$ 630,000.00	\$ 420,000.00	\$ -	\$ -	\$ -	\$ -
CDBG Grant Funds	\$ -	\$ 931,149.98	\$ 620,766.65	\$ -	\$ -	\$ -	\$ -
County General Fund / Econ Development	\$ -	\$ 7,800.00	\$ 5,200.00	\$ -	\$ -	\$ -	\$ -
OTHER EXPENSES							
Capital Items & Construction	\$ -	\$ 1,568,949.98	\$ 1,045,966.65	\$ -	\$ -	\$ -	\$ -
ENDING CASH BALANCES							
Construction Account	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Reserve Account	\$ -	\$ -	\$ 16,535.00	\$ 33,566.05	\$ 51,108.03	\$ 69,176.27	\$ 25,907.34
TOTAL ENDING CASH BALANCE	\$ -	\$ -	\$ 16,535.00	\$ 33,566.05	\$ 51,108.03	\$ 69,176.27	\$ 25,907.34

1st Yr in operation

**ATTACHMENT I**  
**DRAFT OPERATION AND MAINTENANCE AGREEMENT**  
**FOR CSA #39 FORMATION NORTH SAN JUAN FIRE**  
**SUPPRESSION SYSTEM**

**Administering Agency:** Nevada County Department of Public Works

**Agreement / Contract No.** \_\_\_\_\_

**Agreement Description:** CSA 39 - North San Juan Fire Suppression System

### OPERATION AND MAINTENANCE AGREEMENT

**THIS OPERATION AND MAINTENANCE AGREEMENT** ("Agreement") is made at Nevada City, California, as of January 31, 2024 by and between the County of Nevada, ("County"), and North San Juan Fire Protection District ("District") (together, "Parties", individual "Party"), who agree as follows:

1. **Services** Subject to the terms and conditions set forth in this Agreement, District shall provide the services described in Exhibit A. District shall provide said services at the time, place, and in the manner specified in Exhibit A.
2. **Payment** County shall pay District for services rendered pursuant to this Agreement at the time and in the amount set forth in Exhibit B. The payments specified in Exhibit B shall be the only payment made to District for services rendered pursuant to this Agreement. District shall submit all billings for said services to County in the manner specified in Exhibit B; or, if no manner be specified in Exhibit B, then according to the usual and customary procedures which District uses for billing clients similar to County. **The total (multi-year) amount of the Agreement shall not exceed sixty-eight thousand Dollars (\$68,000).**
3. **Term** This Agreement shall commence on October 31, 2025 or immediately upon Notice of Acceptance of the construction of the North San Juan Fire Suppression System as approved by the Nevada County Board of Supervisors. All services required to be provided by this Agreement shall be completed and ready for acceptance no later than the **Agreement Termination Date** of: December 31, 2030.
4. **Facilities, Equipment and Other Materials** District shall, on a time and materials basis, furnish all facilities, equipment, and other materials which may be required for furnishing services pursuant to this Agreement.
5. **Exhibits** All exhibits referred to herein and attached hereto are incorporated herein by this reference.
6. **Electronic Signatures** The Parties acknowledge and agree that this Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature. Without limitation, "electronic signature" shall include faxed or emailed versions of an original signature or electronically scanned and transmitted versions (e.g., via pdf) of an original signature.
7. **Time for Performance** Time is of the essence. Failure of District to perform any services within the time limits set forth in Exhibit A, or elsewhere in this Agreement, shall constitute material breach of this Agreement. District shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary for the satisfactory performance of District 's obligations pursuant to this Agreement. Neither Party shall be considered in default of this Agreement to the extent performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the Party.

8. **Liquidated Damages**

Liquidated Damages are presented as an estimate of an intangible loss to the County. It is a provision that allows for the payment of a specified sum should District be in breach of contract. Liquidated Damages shall apply shall not apply to this Agreement. Liquidated Damages applicable to this Agreement are incorporated in Exhibit E, attached hereto.

9. **Relationship of Parties**

9.1. **Independent Contractor**

In providing services herein, District, and the agents and employees thereof, shall work in an independent capacity and as an independent contractor and not as agents or employees of County. District acknowledges that it customarily engages independently in the trade, occupation, or business as that involved in the work required herein. Further, the Parties agree that District shall perform the work required herein. In performing the work required herein, District shall not be entitled to any employment benefits, Workers' Compensation, or other programs afforded to County employees. District shall hold County harmless and indemnify County against such claim by its agents or employees. County makes no representation as to the effect of this independent contractor relationship on District's previously earned California Public Employees Retirement System ("CalPERS") retirement benefits, if any, and District specifically assumes the responsibility for making such determination. District shall be responsible for all reports and obligations including but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, workers' compensation and other applicable federal and state taxes.

9.2. **No Agent Authority** District shall have no power to incur any debt, obligation, or liability on behalf of County or otherwise to act on behalf of County as an agent. Neither County nor any of its agents shall have control over the conduct of District or any of District's employees, except as set forth in this Agreement. District shall not represent that it is, or that any of its agents or employees are, in any manner employees of County.

9.3. **Indemnification of CalPERS Determination** In the event that District or any employee, agent, or subcontractor of District providing service under this Agreement is determined by a court of competent jurisdiction or CalPERS to be eligible for enrollment in CalPERS as an employee of County, District shall indemnify, defend, and hold harmless County for all payments on behalf of District or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of County.

10. **Assignment and Subcontracting** Except as specifically provided herein, the rights, responsibilities, duties and services to be performed under this Agreement are personal to District and may not be transferred, subcontracted, or assigned without the prior written consent of County. District shall not substitute or replace any personnel for those specifically named herein or in its proposal without the prior written consent of County.

District shall cause and require each transferee, subcontractor, and assignee to comply with the insurance provisions set forth herein, to the extent such insurance provisions are required of District under this Agreement. Failure of District to so cause and require such compliance by each transferee, subcontractor, and assignee shall constitute a material breach of this Agreement, and, in



addition to any other remedy available at law or otherwise, shall serve as a basis upon which County may elect to suspend payments hereunder, or terminate this Agreement, or both. Global Mountain Solutions USA, Inc. has been listed as a subconsultant on the proposal.

11. **Licenses, Permits, Etc.** District represents and warrants to County that District shall, at its sole cost and expense, obtain or keep in effect at all times during the term of this Agreement, any licenses, permits, and approvals which are legally required for District to practice its profession at the time the services are performed.
12. **Hold Harmless and Indemnification Agreement** To the fullest extent permitted by law, each Party (the "Indemnifying Party") hereby agrees to protect, defend, indemnify, and hold the other Party (the "Indemnified Party"), its officers, agents, employees, and volunteers, free and harmless from any and all losses, claims, liens, demands, and causes of action of every kind and character resulting from the Indemnifying Party's negligent act, willful misconduct, or error or omission, including, but not limited to, the amounts of judgments, penalties, interest, court costs, legal fees, and all other expenses incurred by the Indemnified Party arising in favor of any party, including claims, liens, debts, personal injuries, death, or damages to property (including employees or property of the Indemnified Party) and without limitation, all other claims or demands of every character occurring or in any way incident to, in connection with or arising directly or indirectly out of, the Agreement. The Indemnifying Party agrees to investigate, handle, respond to, provide defense for, and defend any such claims, demand, or suit at the sole expense of the Indemnifying Party, using legal counsel approved in writing by Indemnified Party. Indemnifying Party also agrees to bear all other costs and expenses related thereto, even if the claim or claims alleged are groundless, false, or fraudulent. This provision is not intended to create any cause of action in favor of any third party against either Party or to enlarge in any way either Party's liability but is intended solely to provide for indemnification of the Indemnified Party from liability for damages, or injuries to third persons or property, arising from or in connection with Indemnifying Party's performance pursuant to this Agreement. This obligation is independent of, and shall not in any way be limited by, the minimum insurance obligations contained in this Agreement.
13. **Standard of Performance** District shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which District is engaged in the geographical area in which District practices its profession. All products of whatsoever nature which District delivers to County pursuant to this Agreement shall be prepared in a substantial first class and workmanlike manner and conform to the standards or quality normally observed by a person practicing in District 's profession.
14. **Contractor without additional compensation** District's personnel, when on County's premises and when accessing County network remotely, shall comply with County's regulations regarding security, remote access, safety and professional conduct, including but not limited to Nevada County Security Policy NCSP-102 Nevada County External User Policy and Account Application regarding data and access security. District personnel will solely utilize County's privileged access management platform for all remote access support functions, unless other methods are granted in writing by County's Chief Information Officer or his/her designee.
15. **Prevailing Wage and Apprentices** Work provided by the NSJFPD under this Agreement are determined to be routine maintenance and operation of the system to maintain functionality and are not construction or repair work pursuant to California Labor Code Section 1720(a)(1) related to a Public Works Construction Project. Activities requiring prevailing wage determination pursuant to the California Labor Code may include but are not limited to the following non-routine maintenance that would not be provided by NSJFPD under this Agreement:

- Emergency construction work to repair the system per Exhibit A Scope of Work Item No. 4,
- Extension or improvement to the system requiring construction of new above ground or underground infrastructure, and
- Repair work requiring a Public Works Construction Contract or Major Capital Expenditure per Exhibit A Scope of Work Item No. 5.

For the items requiring Public Works Construction (not anticipated to be provided under this Agreement), the County to the extent made applicable by law shall conform with the provisions of California Labor Code, Division 2, Part 7, Chapter 1, commencing with section 1720 relating to prevailing wages which must be paid to workers employed on a public work as defined in Labor Code section 1720, et seq., and shall be in conformity with Title 8 of the California Code of Regulations section 200 et seq., relating to apprenticeship.

16. **16. Accessibility** All facilities will be made accessible to the District and any facilities secured from the public will have keys provided to the District upon completion of construction.
17. **Nondiscriminatory Employment** District shall not discriminate in its employment practices because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or sexual orientation, or any other legally protected category, in contravention of the California Fair Employment and Housing Act, Government Code section 12900 et seq.
18. **Drug-Free Workplace** Senate Bill 1120, (Chapter 1170, Statutes of 1990), requires recipients of State grants to maintain a "drug-free workplace". Every person or organization awarded a contract for the procurement of any property or services shall certify as required under Government Code Section 8355-8357 that it will provide a drug-free workplace.
19. **Political Activities** District shall in no instance expend funds or use resources derived from this Agreement on any political activities.
20. **Financial, Statistical and Agreement-Related Records:**
  - 20.1. **Books and Records** District shall maintain statistical records and submit reports as required by County. District shall also maintain accounting and administrative books and records, program procedures and documentation relating to licensure and accreditation as they pertain to this Agreement. All such financial, statistical and Agreement -related records shall be retained for five (5) years or until program review findings and/or audit findings are resolved, whichever is later. Such records shall include but not be limited to bids and all supporting documents, original entry books, canceled checks, receipts, invoices, payroll records, including subsistence, travel and field expenses, together with a general ledger itemizing all debits and credits.
  - 20.2. **Inspection** Upon reasonable advance notice and during normal business hours or at such other times as may be agreed upon, District shall make all of its books and records, including general business records, available for inspection, examination or copying, to County, or to the State Department of Health Care Services, the Federal Department of Health and Human Services, the Controller General of the United States and to all other authorized federal and state agencies, or their duly authorized representatives.

20.3. **Audit** District shall permit the aforesaid agencies or their duly authorized representatives to audit all books, accounts or records relating to this Agreement, and all books, accounts or records of any business entities controlled by District who participated in this Agreement in any way. All such records shall be available for inspection by auditors designated by County or State, at reasonable times during normal business hours. Any audit may be conducted on District's premises or, at County's option, District shall provide all books and records within fifteen (15) days upon delivery of written notice from County. District shall promptly refund any moneys erroneously charged and shall be liable for the costs of audit if the audit establishes an over-charge of five percent (5%) or more of the correct amount owed during the audit period.

21. **Termination**

- A. A material breach, as defined pursuant to the terms of this Agreement or otherwise, in addition to any other remedy available at law or otherwise, shall serve as a basis upon which County may elect to immediately suspend payments hereunder, or terminate this Agreement, or both, without notice.
- B. If District fails to timely provide in any manner the services materials and products required under this Agreement, or otherwise fails to promptly comply with the terms of this Agreement, or violates any ordinance, regulation or other law which applies to its performance herein, County may terminate this Agreement by giving **five (5) calendar days written notice to District**.
- C. Either Party may terminate this Agreement for any reason, or without cause, by giving **thirty (30) calendar days written notice** to the other, which notice shall be sent by registered mail in conformity with the notice provisions, below. In the event of termination not the fault of District, District shall be paid for services performed to the date of termination in accordance with the terms of this Agreement. District shall be excused for failure to perform services herein if such performance is prevented by acts of God, strikes, labor disputes or other forces over which District has no control.
- D. County, upon giving **thirty (30) calendar days written notice** to District, shall have the right to terminate its obligations under this Agreement at the end of any fiscal year if County or the State of California, as the case may be, does not appropriate funds sufficient to discharge County's obligations coming due under this Agreement.

In the event this Agreement is terminated:

- 1) District shall deliver copies of all writings prepared by it pursuant to this Agreement. The term "writings" shall be construed to mean and include: handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof.
- 2) County shall have full ownership and control of all such writings delivered by District pursuant to this Agreement.
- 3) County shall pay District the reasonable value of services rendered by District to the date of termination pursuant to this Agreement not to exceed the amount documented by District and approved by County as work accomplished to date; provided, however, that in no event shall any payment hereunder exceed the amount of the Agreement specified in Exhibit B, and further provided, however, County shall not in any manner be liable for lost profits which might have been made by District had District completed the services required by this Agreement. In this regard, District shall furnish to County such financial information as in the judgment of County is necessary to determine the reasonable value of the services

rendered by District. The foregoing is cumulative and does not affect any right or remedy, which County may have in law or equity.

**Intellectual Property** District will not publish or transfer any materials produced or resulting from activities supported by this Agreement without the express written consent of County. All reports, original drawings, graphics, plans, studies and other data and documents, in whatever form or format, assembled or prepared by Contactor or District's sub Agreement ors, consultants, and other agents in connection with this Agreement are "works made for hire" (as defined in the Copyright Act, 17 U.S.C. Section 101 et seq., as amended) for County, and District unconditionally and irrevocably transfers and assigns to County all right, title, and interest, including all copyrights and other intellectual property rights, in or to the "works made for hire." Unless required by law, District shall not publish, transfer, discuss, or disclose any of the above-described works made for hire or any information gathered, discovered, or generated in any way through this Agreement, without County's prior express written consent. To the extent County provides any of its own original photographs, diagrams, plans, documents, information, reports, computer code and all recordable media together with all copyright interests thereto, to District during this Agreement, such information shall remain the property of County, and upon fifteen (15) days demand therefor, shall be promptly delivered to County without exception.

22. **Waiver** One or more waivers by one Party of any major or minor breach or default of any provision, term, condition, or covenant of this Agreement shall not operate as a waiver of any subsequent breach or default by the other Party.
23. **Conflict of Interest** District certifies that no official or employee of County, nor any business entity in which an official of County has an interest, has been employed or retained to solicit or aid in the procuring of this Agreement. In addition, District agrees that no such person will be employed in the performance of this Agreement unless first agreed to in writing by County. This includes prior Nevada County employment in accordance with County's Personnel Code.
24. **Entirety of Agreement** This Agreement contains the entire Agreement of County and District with respect to the subject matter hereof, and no other contract, statement, or promise made by any Party, or to any employee, officer or agent of any Party, which is not contained in this Agreement, shall be binding or valid.
25. **Alteration** No waiver, alteration, modification, or termination of this Agreement shall be valid unless made in writing and signed by all Parties, except as expressly provided in Section 20, Termination.
26. **Governing Law and Venue** This Agreement is executed and intended to be performed in the State of California, and the laws of that State shall govern its interpretation and effect. The venue for any legal proceedings regarding this Agreement shall be the County of Nevada, State of California. Each Party waives any federal court removal and/or original jurisdiction rights it may have.
27. **Compliance with Applicable Laws** District and any subcontractors shall comply with any and all federal, state and local laws, codes, ordinances, rules and regulations which relate to, concern or affect the services or type of services to be provided by this Agreement.
28. **Confidentiality** District, its employees, agents and or subcontractors may come in contact with documents that contain information regarding matters that must be kept confidential by County, including personally identifiable patient or client information. Even information that might not be considered confidential for the usual reasons of protecting non-public records should be considered by District to be confidential.

District agrees to maintain confidentiality of information and records as required by applicable federal, state, and local laws, regulations and rules and recognized standards of professional practice.

Notwithstanding any other provision of this Agreement, District agrees to protect the confidentiality of any confidential information with which District may come into contact in the process of performing its contracted services. This information includes but is not limited to all written, oral, visual and printed patient or client information, including but not limited to: names, addresses, social security numbers, date of birth, driver's license number, case numbers, services provided, social and economic conditions or circumstances, agency evaluation of personal information, and medical data.

District shall not retain, copy, use, or disclose this information in any manner for any purpose that is not specifically permitted by this Agreement. Violation of the confidentiality of patient or client information may, at the option of County, be considered a material breach of this Agreement.

29. **Notification** Any notice or demand desired or required to be given hereunder shall be in writing and deemed given when personally delivered or deposited in the mail, postage prepaid, and addressed to the Parties as follows:

**COUNTY OF NEVADA:**

Nevada County  
Public Works Department  
Address: 950 Maidu Ave  
City, St, Zip Nevada City, Ca 95959  
Attn: DPW Engineering  
Email: Public.Works@nevadacountyca.gov  
Phone: 530.265.1411

**DISTRICT:**

North San Juan Fire Protection District  
Address P.O. Box 299  
City, St, Zip North San Juan, CA 95960  
Attn: District Secretary  
Email: DistrictSecretary@NSJFire.org  
Phone: 530.292.9159

Any notice so delivered personally shall be deemed to be received on the date of delivery, and any notice mailed shall be deemed to be received five (5) days after the date on which it was mailed.

**Authority:** All individuals executing this Agreement on behalf of District represent and warrant that they are authorized to execute and deliver this Agreement on behalf of District.

**IN WITNESS WHEREOF,** the Parties have executed this Agreement to begin on the Effective Date.

**COUNTY OF NEVADA:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name/Title: Heba El-Guindy, Director of Public Works

Approved as to Form – County Counsel:

By: \_\_\_\_\_ Date: \_\_\_\_\_

**DISTRICT: North San Juan Fire Protection District**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

\* Title: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

\* Title: \_\_\_\_\_ Secretary \_\_\_\_\_

***\*This Agreement must be signed by two officers; one of which must be the secretary of the District, and the other the Chair of the District's Board, unless an authenticated resolution is attached delegating authority to a single officer to bind the District.***

**Exhibits**

- A. [Schedule of Services](#)
- B. [Schedule of Charges and Payments](#)
- C. [Insurance Requirements](#)

## EXHIBIT A

### SCHEDULE OF SERVICES

The following is North San Juan Fire Protection District (NSJFPD) itemized scope of work with specific requirements for the work

#### Item No. 1 – Routine Maintenance

- Unless otherwise requested by the County, the NSJFPD shall maintain a 330,000 gallon fire water supply in the system on a 24-hour, 365-day basis for the Agreement's Term.
- Provide the labor, equipment, materials and supplies necessary to perform the maintenance and repair of fire hydrants, bollards, signs, and minor accessories as needed.
- Provide water supply from the water supply well, and provide imported water supplies for refilling the tank as necessary for fire suppression events.
- Provide documentation of location, photos, methods and means of maintenance implemented, and all labor and materials utilized.

#### Item No. 2 – Administration

- Provide regular labor and administration for NSJFPD Fire Fighters and Administrative Staff not related to the testing, maintenance, or investigation of the system. Such tasks may include but are not limited to public inquiries, coordination with County Staff, etc.
- Refer to the Pricing Schedule below for rates.

#### Item No. 3 – Testing, Monitoring, Investigation, and Recommendation

The intent of this item is for the County to maintain awareness of any deficiencies or vandalism of the system. Reports submitted by NSJFPD shall be in either Microsoft Excel or Word format at the convenience of NSJFPD and contain limited to no narrative or complex data analysis.

##### **Monthly Monitoring and Reporting**

- NSJFPD will routinely monitor and document monthly water production from the water supply well and consumption at their fire engines or water tenders. A difference between the production and consumption will also be calculated. NSJFPD will compile a monthly report of the water consumption/use that will be reported to the County on a monthly basis (within 20 days of the end of the monthly reporting period).
- When NSJFPD suspects illicit water consumption is occurring either due to physical evidence such as an increasing difference between the water production and NSJFPD's consumption, then the NSJFPD shall notify the County as soon as possible and within the monthly report for that period.

- NSJFPD shall report any observed vandalism of the system to the County as soon as possible.
- NSJFPD shall provide recommendations for improvements or County actions necessary to allow the NSJFPD to continue to provide system maintenance.

### **Annual Monitoring and Reporting**

- On an annual basis, the NSJFPD shall test at minimum three fire hydrants from the system, consisting of one fire hydrant per branch of the system as follows:
  - The branch extending along San Juan Alley, southward along High Street, and westward along State Route 49 towards and beyond Sweetland Road,
  - The branch extending from the water supply well and encircling Reservoir Street, Cherokee Street, and Oak Tree Road, and
  - The branch extending from the water supply well across State Route 49, along Flume Street up to the water storage tank.
- Testing shall be performed per appropriate National Fire Protection Association standards.
- Annual test results for hydrant testing shall be compiled and submitted to the County by January 20<sup>th</sup> of each year.

### **Item No. 4 – Emergency Fire Suppression**

- The NSJFPD shall use reasonable endeavors to meet all legal requirements and obligations of the operation and maintenance of the system. In the event any extenuating circumstances such as emergencies or force majeure occur requiring extra costs or duties from the NSJFPD to maintain or operate the system, the NSJFPD shall notify the County of the circumstances as soon as possible and proceed with proper action to the situation only after receiving direction from the County authorizing extra costs or duties.
- The County shall reimburse the NSJFPD and bear all extra costs until adjustment of the Parcel Charges can be completed to rectify the extra costs incurred or until additional financing/funding from alternative sources are secured by the County.
  - Alternative funding sources may include but are not limited to loans, bonds, or State or Federal Aid reimbursement following a Local Emergency Proclamation and California Disaster Assistance Act Funding.

### **Item No. 5 – Major Capital Expenditure**

- In the event that, in the opinion of the NSJFPD, from time to time Major Capital Expenditure (being capital expenditure in excess of or much sooner than anticipated by the most recent Rate or Fee Study for the Facilities) needs to be undertaken the County and the NSJFPD shall agree between them how to adjust the Charges to allow for such expenditure, or the County may apply for eligible grant funding sources which would provide for the costs of the Major Capital Expenditure.
- The County may request the assistance of the NSJFPD to identify cost-effective sources of financing for Major Capital Expenditure. The NSJFPD will submit to the County any proposals for financing arrangements or sources known to the



NSJFPD that might satisfy the County's requirements. The decision in relation to the method of financing Capital Expenditure shall remain solely with the County and the County shall be solely responsible for obtaining funding for Capital Expenditure.

- If the NSJFPD undertakes, under a separate written agreement with the County, to finance part of the Major Capital Expenditure, the County shall use its best endeavors to provide all securities, warranties and authorizations to the NSJFPD, and the NSJFPD shall acknowledge any security as required provided that in each case the security provided by the County should not in any manner hinder or hamper the provision of the NSJFPD's duties or performance of any of its obligations under the Agreement.

DRAFT

**EXHIBIT B**

**SCHEDULE OF CHARGES AND PAYMENTS**

Administrative costs (for Exhibit A Scope of Work Item 2) shall be reimbursed up to the below amounts on an annual basis (subject to increase per inflation or updated rate studies if agreed upon with the County) as follows:

NSJFPD Fire Fighter, 10 hours/year x \$35/hour	=	\$350/year
NSJFPD Admin, 15 hours/year x \$25/hour	=	\$375/year
<b>Annual NSJFPD Administrative Costs</b>	=	<b>\$725/year</b>

Labor and materials for maintenance shall be paid at-cost and, cumulative with the Administrative Costs above, shall be paid up to the maximum Agreement amount.

- Invoicing for repairs and maintenance shall be itemized on a time and materials basis.
- Format for invoices shall be in equal or greater detail to the below example, including positions, rates, hours, quantities, materials, product information and cut sheets, purchase orders, etc.:

<b>Labor Items</b>				
<b>Task/Item</b>	<b>Description</b>	<b>Hrs/Qty</b>	<b>Rate/Cost</b>	<b>Current Amt Due</b>
Item 1 – Routine Maintenance	Fire Fighter	10	35	350
	Administration	1	25	25
<b>TOTAL ITEM 1 – Routine Maintenance</b>		<b>11</b>	<b>--</b>	<b>375</b>
Item 2 - Administration	Fire Fighter	2	35	70
	Administration	1	25	25
<b>TOTAL ITEM 2 – Administration</b>		<b>3</b>	<b>--</b>	<b>95</b>
Item 3 – Testing, Monitoring, Investigation and Recommendation	Fire Fighter	5	35	175
	Administration	10	25	250
<b>TOTAL ITEM 3 – Testing, Monitoring, Investigation and Recommendation</b>		<b>15</b>	<b>--</b>	<b>425</b>
Item 4 – Emergency Fire Suppression	Fire Fighter	0	35	0
	Administration	0	25	0
<b>TOTAL ITEM 4 – Emergency Fire Suppression</b>		<b>0</b>	<b>--</b>	<b>0</b>
Item 5 – Major Capital Expenditure	Fire Fighter	0	35	0
	Administration	0	25	0
<b>TOTAL ITEM 5 – Major Capital Expenditure</b>		<b>0</b>	<b>--</b>	<b>0</b>
<b>TOTAL LABOR ALL ITEMS</b>		<b>29</b>	<b>--</b>	<b>895</b>

<b>Material Items</b>				
<b>Task/Item</b>	<b>Description</b>	<b>Hrs/Qty</b>	<b>Rate/Cost</b>	<b>Current Amt Due</b>
Item 1 – Routine Maintenance	Fire Hydrant	1	15,000	15,000
	Bolts and Hardware	1	500	500
<b>TOTAL ITEM 1 – Routine Maintenance</b>		<b>2</b>	<b>--</b>	<b>15,500</b>
Item 3 – Testing, Monitoring, Investigation and Recommendation	Testing gauges	5	25	125
	Hydrant Wrench	3	55	165
<b>TOTAL ITEM 3 – Testing, Monitoring, Investigation and Recommendation</b>		<b>8</b>	<b>--</b>	<b>290</b>
<b>TAXES</b>		<b>--</b>	<b>8.25%</b>	<b>1,302.68</b>
<b>TOTAL MATERIALS ALL ITEMS</b>		<b>10</b>	<b>--</b>	<b>17,092.68</b>

- Payroll information, if requested by the County, shall be provided for all staff and subcontractors utilized.
- Maintenance costs shall not exceed either the total Agreement amount or the amount kept in reserve funds by the County for the CSA 39 North San Juan Fire Suppression System unless prior written authorization by the County is provided. The balances and details of such reserves shall be provided to the NSJFPD upon written request.

**Schedule**

***NSJFPD’s work is to be performed on a mutually agreed to schedule of continuous operations without interference by others.***

The NSJFPD shall submit to the County a monthly invoice. The first invoice shall be submitted by the NSJFPD by the 20<sup>th</sup> of the month following the first working day for all work through the preceding month. Subsequent invoices shall also be submitted monthly on the 20<sup>th</sup>.

## EXHIBIT C

### INSURANCE REQUIREMENTS

**Insurance.** District shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by District, its agents, representatives, or employees. Coverage shall be at least as broad as:

1. **Commercial General Liability CGL:** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$2,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if District has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than **\$1,000,000** per accident for bodily injury and property damage. The Automobile Liability policy shall be endorsed to include Transportation Pollution Liability insurance MCS-90, covering materials to be transported by District pursuant to the Agreement
3. **Workers' Compensation:** Insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease. DISTRICT AFFIRMS UNDER PENALTY OF PERJURY THEY ARE INDEPENDENT AND WITHOUT EMPLOYEES. DISTRICT AFFIRMS THEY CARRY HEALTH INSURANCE POLICY, HEALTHCARE SERVICE PLAN, OR DISABILITY INSURANCE COVERING DISTRICT FOR BODILY INJURY OR DISEASE. DISTRICT FURTHER AGREES TO WAIVE ALL RIGHTS TO WORKERS' COMPENSATION BENEFITS FOR ANY ACCIDENT FOR BODILY INJURY OR DISEASE. DISTRICT HEREBY GRANTS TO COUNTY A WAIVER OF ANY RIGHT TO SUBROGATION WHICH ANY INSURER OF SAID DISTRICT MAY ACQUIRE AGAINST THE COUNTY BY VIRTUE OF THE PAYMENT OF ANY LOSS UNDER SUCH INSURANCE.

If District maintains broader coverage and/or higher limits than the minimums shown above, County requires and shall be entitled to the broader coverage and/or the higher limits maintained by District. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to County.

#### **Other Insurance Provisions:**

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. **Additional Insured Status: County, its officers, employees, agents, and volunteers are to be covered as additional insureds** on the CGL policy with respect to liability arising out of the work or operations performed by or on behalf of District including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to District's

- insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 25, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used.)
2. **Primary Coverage** For any claims related to this Agreement, **District's insurance shall be primary** insurance primary coverage at least as broad as ISO CG 20 01 04 13 as respects County, its officers, employees, agents, and volunteers. Any insurance or self-insurance maintained by County, its officers, employees, agents, and volunteers shall be excess of District's insurance and shall not contribute with it.
  3. **Notice of Cancellation** This policy shall not be changed without first giving thirty (30) days prior written notice and ten (10) days prior written notice of cancellation for non-payment of premium to County.
  4. **Waiver of Subrogation** District hereby grants to County a waiver of any right to subrogation which any insurer or said District may acquire against County by virtue of the payment of any loss under such insurance. District agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not County has received a waiver of subrogation endorsement from the insurer.
  5. **Sole Proprietors** If District is a Sole Proprietor and has no employees, they are not required to have Workers Compensation coverage. District shall sign a statement attesting to this condition, and shall agree they have no rights, entitlements or claim against County for any type of employment benefits or workers' compensation or other programs afforded to County employees.
  6. **Deductible and Self-Insured Retentions** Deductible and Self-insured retentions must be declared to and approved by County. County may require District to provide proof of ability to pay losses and related investigations, claims administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or County.
  7. **Acceptability of Insurers:** Insurance is to be placed with insurers authorized to conduct business in the State with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to County.
    - a. **Claims Made Policies** if any of the required policies provide coverage on a claims-made basis: The Retroactive Date must be shown and must be before the date of the Agreement or the beginning of Agreement work.
    - b. Insurance must be maintained, and evidence of insurance must be provided for at least five (5) years after completion of the Agreement of work.
    - c. If the coverage is canceled or non-renewed, and not replaced with another **claims-made policy form with a Retroactive Date**, prior to the Agreement effective date, District must purchase "extended reporting" coverage for a minimum of **five (5)** years after completion of Agreement work.
  8. **Verification of Coverage** District shall furnish County with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to County before work begins. However, failure to obtain and provide verification of the required documents prior to the work beginning shall not waive District's obligation to provide them. County reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.
  9. **Subcontractors** District shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and District shall ensure that County is an additional insured on insurance required from subcontractors. For CGL

coverage subcontractors shall provide coverage with a format at least as broad as CG 20 38 04 13.

10. **Special Risks or Circumstances** County reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.
11. **Conformity of Coverages** If more than one policy is used to meet the required coverages, such as an umbrella policy or excess policy, such policies shall be following form with all other applicable policies used to meet these minimum requirements. For example, all policies shall be Occurrence Liability policies, or all shall be Claims Made Liability policies, if approved by County as noted above. In no cases shall the types of policies be different.
12. **Premium Payments** The insurance companies shall have no recourse against County and funding agencies, its officers, and employees or any of them for payment of any premiums or assessments under any policy issued by a mutual insurance company.
13. **Material Breach** Failure of District to maintain the insurance required by this Agreement, or to comply with any of the requirements of this section, shall constitute a material breach of the entire Agreement.
14. **Certificate Holder** the Certificate Holder on insurance certificates and related documents should read as follows:

County of Nevada  
950 Maidu Ave.  
Nevada City, CA 95959

Upon initial award of the Agreement, the NSJFPD will be instructed to send the actual documents to a County contact person for preliminary compliance review.

Certificates which amend or alter the coverage during the term of the Agreement, including updated certificates due to policy renewal, should be sent directly to Agreement Administrator.

**SUMMARY OF AGREEMENT**

**Name:** North San Juan Fire Protection District

**Description of Services:** North San Juan Fire Suppression System Operation and Maintenance Agreement

**SUMMARY OF MATERIAL TERMS**

**Max Annual Price:** n/a

**Max Multi-Year Price:** \$68,000

**Agreement Start Date:** 10/31/2025

**Agreement End Date:** 12/31/2030

**Liquidated Damages:** n/a

**INSURANCE POLICIES**

**FUNDING:**

Commercial General Liability (\$2,000,000)	Click or tap here to enter text.
Automobile Liability (\$1,000,000)	Click or tap here to enter text.
Worker's Compensation (\$1,000,000)	

**LICENSES AND PREVAILING WAGES**

Designate all required licenses: N/A

**NOTICE & IDENTIFICATION**

**COUNTY OF NEVADA:**

Nevada County  
Public Works Department

Address: 950 Maidu Ave  
City, St, Zip Nevada City, CA 95959  
Attn: DPW Engineering  
Email: Public.Works@nevadacountyca.gov  
Phone: 530.265.1411

**DISTRICT:**

North San Juan Fire Protection District

Address P.O. box 299  
City, St, Zip North San Juan, CA 95960  
Attn: District Secretary  
Email: DistrictSecretary@nsjfire.org  
Phone: 530.292.9159

**District is a:** (check all that apply)

- Corporation:  Calif.,  Other,  LLC,
- Non-Profit  Corp
- Partnership:  Calif.,  Other,  LLP,  Limited
- Person:  Indiv.,  DbA,  Ass'n  Other
- Public Agency

**EDD Worksheet Required**

Yes  No

**ATTACHMENTS**

- Exhibit A:** Schedule of Services
- Exhibit B:** Schedule of Charges and Payments
- Exhibit C:** Insurance Requirements